

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

MARY DOE GS, individually)
and as personal representative of)
the estate of JOHN DOE GS,)
)
Plaintiff,)
vs.)
)
FATHER ROMANO FERRARO,)
ROMAN CATHOLIC ARCHDIOCESE)
OF ST. LOUIS, an unincorporated)
association, ARCHBISHOP RAYMOND)
BURKE, of the Archdiocese of St. Louis,)
MO,)
)
Defendants.)

Cause No. 052-01702

Division 1

AMENDED PETITION

JURY TRIAL DEMANDED

Plaintiff for her Petition against the Defendants named herein, alleges as follows:

NATURE OF PETITION

1. Plaintiff Mary Doe GS was the wife of John Doe GS, now deceased, and the mother of the two minor children born of the marriage. Plaintiff also is the personal representative of the estate of her late husband John Doe GS, having been appointed by the Probate Court of St. Louis County, Missouri.

2. When he was a young child of 10 or 11, John Doe GS was sexually abused by Defendant Father Romano Ferraro, while Ferraro was under the supervision and control of Defendant Archdiocese of St. Louis. As a direct result of the abuse and after discovery of the injuries it caused, John Doe GS became severely depressed, attempted suicide on multiple occasions, and finally succeeded in taking his own life. Plaintiff brings this lawsuit in order to hold the

Defendants responsible for the injuries they have caused, including the injuries resulting from the death of John Doe GS, and to protect others from the pain of childhood sexual abuse.

3. Defendants have knowingly covered up and concealed the sexual abuse of their minor parishioners by their employee Defendant Father Romano Ferraro. This cover up has allowed Defendant Ferraro to have access to and sexually abuse numerous children, including Plaintiff's decedent, John Doe GS.

JURISDICTION AND VENUE

4. This Court has jurisdiction over the causes of action asserted herein and over the parties to this action. Plaintiff asserts claims under Missouri law. This Court has jurisdiction because Defendants Archdiocese and Archbishop, including but not limited to, owned and operated St. Joan of Arc Parish, Defendant Archdiocese is licensed to do business or transact business in Missouri and has obtained the benefits of the laws of the State of Missouri and the benefits of the Missouri location for St. Joan of Arc Parish. Finally, all of the sexual molestation described herein, and the death of John Doe GS, occurred as a result of his attendance at St. Joan of Arc Parish, which is located in the State of Missouri.

5. Venue is proper in St. Louis City, inasmuch as this is the location of Defendant Archdiocese's principal place of business, and the location of many of the wrongful acts alleged herein.

PARTIES

6. Plaintiff Mary Doe GS is an individual residing in St. Louis County, Missouri, and at all times material was the wife of John Doe GS, now deceased, and the mother of the two minor children born of the marriage.

7. John Doe GS (“Decedent”) was an adult man and a resident of the State of Missouri. Decedent was a minor at the time of the sexual abuse alleged herein.

8. At all times material, Defendant Archdiocese of St. Louis (hereinafter “Archdiocese”) was and continues to be an unincorporated association doing business in Missouri with its principal place of business located at 4445 Lindell Blvd., St. Louis, Missouri 63108-2333.

9. Defendant Archbishop Raymond Burke (hereinafter “Archbishop”) is a citizen of the State of Missouri and is the Archbishop of the Roman Catholic Archdiocese of St. Louis, in Missouri. The principal place of business of the Archdiocese is located at 4445 Lindell Boulevard, St. Louis, Missouri. Defendant Archbishop Burke is sued herein solely in his capacity as Archbishop of the Archdiocese.

10. Upon information and belief, Defendant Archdiocese was formed in 1847 out of the Diocese of St. Louis, Defendant Archdiocese has approximately 700 priests working for it, and Defendant Archdiocese has approximately 550,000 catholic members.

11. Defendant Ferraro was a Roman Catholic Priest at St. Joan of Arc in St. Louis, MO during the abuse alleged herein. Upon information and belief, Defendant Ferraro is currently serving a live sentence in the Massachusetts Correctional Facility in Concord, Massachusetts.

12. At all times material hereto, Defendant Ferraro was under the direct supervision, employ and control of the Archdiocese and its representative the Archbishop. All acts of sexual abuse alleged herein took place during functions in which Defendant Ferraro had custody or control of Decedent in his role as a priest and authority figure. Decedent was a parishioner at the St. Joan of Arc Parish at all times relevant.

13. Defendant Archdiocese and its representative the Archbishop provided training to Defendant Ferraro on how to perform the specific positions of a priest and a pastor. Defendant Archdiocese and its representative the Archbishop hired, supervised and paid assistants to Defendant Ferraro. At all times, Defendant Ferraro acted upon the authority of and at the request and / or permission of the Defendant Archdiocese and Defendant Archbishop.

14. Defendant Ferraro performed much of his work on the premises owned by Defendant Archdiocese. Further, when Defendant Ferraro traveled in the presence of children, Defendant Archdiocese paid for those trips and travel expenses incurred by Defendant Ferraro.

15. Defendant Archdiocese furnished tools and materials to aid and abet Defendant's conduct as alleged hereinafter.

16. At all times relevant, St. Joan of Arc Parish was under the direct supervision, employ and control of Defendants Archdiocese and Archbishop.

17. Defendant Ferraro's conduct as alleged herein was undertaken while in the course and scope of his employment with Defendants Archdiocese and Archbishop.

BACKGROUND FACTS APPLICABLE TO ALL COUNTS

18. Decedent was raised in a devoutly Roman Catholic family, was baptized, regularly celebrated weekly mass and received the sacraments through the Roman Catholic Church. Decedent, therefore, developed great admiration, trust, reverence and respect for the Roman Catholic Church and its agents.

19. As a result of representations made by Defendants Archdiocese, Archbishop, and Ferraro (collectively "Defendants") and by virtue of the fact that Defendants held themselves out as the counselors and instructors on matters that were spiritual, moral and ethical, Defendants had

domination and influence over Decedent. Defendants, by maintaining and encouraging such a relationship with Decedent, entered into a fiduciary relationship with Decedent. In addition, by accepting the care, custody and control of the minor Decedent, Defendants stood in the position of an *in loco parentis* relationship with the minor Decedent. As a result of these special relationships between Decedent and Defendants, Decedent trusted and relied upon Defendants to nurture and protect him while he was in Defendants care and custody. The power imbalance between Defendants and Decedent increased the young boy's vulnerability to Defendant Ferraro.

20. While Decedent was attending St. Joan of Arc Parish, Defendant Ferraro worked with, mentored and counseled Decedent. As such, Defendant Ferraro held a position of trust and confidence in the care and supervision of Decedent constituting a fiduciary relationship.

21. From approximately 1980 to 1983, Defendant Ferraro sexually abused and exploited the then minor Decedent.

22. The sexual abuse described herein occurred in the State of Missouri.

23. At the time that Defendant Ferraro had unlawful sexual contact with Decedent, Defendant Ferraro falsely represented to Decedent that Defendant Ferraro was providing spiritual counseling, comfort, mentor and advice to Decedent.

24. The actions of Defendant Ferraro were outrageous and utterly repugnant to a civilized society.

25. Defendants knew or should have known that their allowing Defendant Ferraro access to young children as part of his official duties after reports of impropriety involved an unreasonable risk of causing emotional distress to Decedent and other similarly situated individuals.

26. The Defendants' actions in allowing Defendant Father Ferraro to continue holding himself out as a priest and father figure to his parishioners and young children with whom he came into contact, were outrageous and utterly repugnant to a civilized society. Defendants acted with depraved hearts knowing harm would occur, including the damages to Decedent described herein and other similarly situated children. Defendants knew or should have known this outrageous behavior would cause emotional distress to the families of the victims and the victims, including Decedent.

27. The sexual abuse of Decedent, and the circumstances under which the abuse occurred, caused Decedent to develop various psychological coping mechanisms and symptoms of psychological distress, including great shame, guilt, self-blame and depression. As a result, Decedent was unable to know or have reason to know that he was a victim of sexual abuse committed upon him by Defendant Ferraro. The sexual abuse and exploitation of Decedent and the circumstances under which it occurred caused Decedent to develop various psychological coping mechanisms which made him incapable of ascertaining the resulting damages from that conduct. Decedent was unable to ascertain and / or discover that he was sexually abused and that his injuries were connected to the sexual abuse perpetrated upon him until the latter half of 2004.

28. Furthermore, upon information and belief, after learning of Defendant Ferraro and other agents' wrongful conduct, Defendants, by and through its agents, ratified the wrongful conduct described herein by failing to report it to law enforcement authorities, prospective parishioners, current parishioners, their families, victims, and the public. Further, Defendants' conduct communicated to Decedent and other victims that their conduct was proper and that legal action was not necessary. Therefore, Defendants knew or should have known, that their actions would silence

Decedent and other victims, prevent them from discovering their injuries, their complaints or possible other complaints or victims, and ultimately exacerbate their emotional distress and trauma. Defendants' should therefore be estopped from asserting any defense that Decedent's action is not timely because Defendants individually and in concert with each other, fraudulently concealed the wrongfulness of Defendant Ferraro's, and other priests' conduct and the causal relationship of the harm suffered by Decedent.

29. As a direct result of Defendants' wrongful conduct, Decedent suffered 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 from performing his daily activities and obtaining the full enjoyment of life; sustained loss of earnings and earning capacity; and incurred expenses for medical and psychological treatment, therapy, and counseling. After discovery of the abuse and the injuries it caused, Decedent became more severely depressed, attempting suicide and succeeding on the last attempt. Decedent died on July 14, 2005, as a direct result of the psychological, spiritual and emotional toll his childhood abuse took on him.

**COUNT I
CHILD SEXUAL ABUSE AND/OR BATTERY -
ALL DEFENDANTS**

30. Plaintiff incorporates all paragraphs of this Petition as if fully set forth herein.

31. From approximately 1980 to 1983, Defendant Ferraro engaged in unpermitted, harmful and offensive sexual conduct and contact upon the person of the Decedent, a minor. Said acts were committed while Defendant Ferraro was acting within the course and scope of employment with the Archdiocese and/or Archbishop, were committed while Defendant Ferraro was a managing

agent of the Archdiocese and/or Archbishop and/or were ratified by the Archdiocese and/or Archbishop.

32. Defendants Archdiocese and Archbishop aided and abetted the wrongful actions of Defendant Ferraro.

33. Defendants' actions were willful, wanton or reckless for which punitive damages and/or an award for aggravating circumstances are appropriate.

34. As a direct result of Defendants' wrongful conduct, Decedent suffered 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 from performing his daily activities and obtaining the full enjoyment of life; sustained loss of earnings and earning capacity; and incurred expenses for medical and psychological treatment, therapy, and counseling. After discovery of the abuse and the injuries it caused, Decedent became more severely depressed, attempting suicide and succeeding on the last attempt. Decedent died on July 14, 2005, as a direct result of the psychological, spiritual and emotional toll his childhood abuse took on him.

**COUNT II
BREACH OF FIDUCIARY DUTY -
ALL DEFENDANTS**

35. Plaintiff incorporates all paragraphs of this Petition as if fully set forth herein.

36. As a result of Decedent being a minor, and by Defendants undertaking the care and guidance of the then vulnerable minor Decedent, Defendants held a position of empowerment over Decedent.

37. Further, Defendants, by holding St. Joan of Arc Parish out as a safe and secure institution and holding themselves out as shepherds and leaders of the Roman Catholic Church, solicited and/or accepted this position of empowerment. This empowerment prevented the then minor Decedent from effectively protecting himself and Defendants thus entered into fiduciary relationships with Decedent.

38. Decedent reposed trust and confidence in Defendants as his spiritual guides, authority figures, teachers, mentors and confidantes.

39. As a fiduciary to Decedent, Defendants had a duty to obtain and disclose information relating to sexual misconduct and other inappropriate behavior of Defendants' agents, including Defendant Ferraro. Further, as his caretaker and fiduciary, each Defendant owed Decedent the duty of trust and loyalty, and the duty to work solely for his benefit. Moreover, Defendants had a duty to disclose to Decedent and others the wrongful nature of the abuse.

40. Defendants Archdiocese and Archbishop breached their fiduciary duties to Decedent and abused their position of trust and confidence for their own personal gain, including without limitation, the following:

a. Defendants used Decedent's dependency and innocence as a child to prevent him from recognizing that the abuse was wrongful.

b. Defendants accomplished this end by enforcing the secrecy around the acts and/or by teaching Decedent that the acts were normal or necessary to the relationship.

c. Keeping a known pedophile in the presence of children such that he would be allowed to molest Decedent.

d. Hiding the fact of the previous abuse from any individuals that might intervene including parents, state authorities, parishes, and parishioners.

e. Failing to provide a safe environment for the children who relied upon them for their care, nurturance and support.

f. Violating their duties of care imposed by their status as *in loco parentis* to the children over whom they exercised dominion and control;

g. Failing to abide by their own internal, secular policies and procedures concerning removal, sanction or discipline of their agents and employees, knowing the individuals whom they serve rely upon those rules, policies and procedures.

h. Ratifying the abuse by Defendant Ferraro by continuing to pay his travel expenses, allowing outings with children to continue, and hiding the fact of his abuse from other individuals or organizations that might intervene to protect the children under their care, custody and/or control.

41. Defendant Ferraro breached his fiduciary duties to Decedent and abused his position of trust and confidence for his own personal gain, including without limitation, the following:

a. Defendant Ferraro engaged in sexual misconduct with Decedent.

b. Defendant Ferraro represented to Decedent that his actions were appropriate and were part of his spiritual growth and counseling.

c. Defendant Ferraro made sexual contact an implicit and explicit condition to his continuing care, nurture, support and spiritual guidance.

d. Defendant Ferraro made sexual contact an implicit and explicit condition of social support and company of the other children in the parish.

e. Defendant Ferraro silenced the children he abused making them live in secret shame, fear and degradation while then ministering to them psychologically, emotionally and spiritually.

42. Defendants actions and / or inactions were willful, wanton and reckless for which punitive damages and / or damages for aggravating circumstances are appropriate.

43. As a direct result of Defendants' wrongful conduct, Decedent suffered 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 from performing his daily activities and obtaining the full enjoyment of life; sustained loss of earnings and earning capacity; and incurred expenses for medical and psychological treatment, therapy, and counseling. After discovery of the abuse and the injuries it caused, Decedent became more severely depressed, attempting suicide and succeeding on the last attempt. Decedent died on July 14, 2005, as a direct result of the psychological, spiritual and emotional toll his childhood abuse took on him.

**COUNT III
FIDUCIARY FRAUD AND CONSPIRACY TO COMMIT FIDUCIARY FRAUD -
ALL DEFENDANTS**

44. Plaintiff incorporates all paragraphs of this Petition as if fully set forth herein.

45. As a result of Decedent being a minor, and by Defendants undertaking the care and guidance of the then vulnerable minor Decedent, Defendants held a position of empowerment over Decedent.

46. Further, Defendants by holding St. Joan of Arc Parish out as a safe and secure institution and holding themselves out as shepherds and leaders of the Roman Catholic Church,

solicited and/or accepted this position of empowerment. This empowerment prevented the then minor Decedent from effectively protecting himself and Defendants thus entered into fiduciary relationships with Decedent.

47. As fiduciaries to Decedent, Defendants had a duty to obtain and disclose information relating to sexual misconduct and other inappropriate behavior of Defendants' agents.

48. Moreover, Defendants had a duty to disclose to Decedent and others the wrongful nature of the abuse. Defendants, however, used Decedent's dependency and innocence as a child to prevent him from recognizing that the abuse was wrongful. Further, Defendants accomplished this end by enforcing the secrecy around the acts and/or by teaching Decedent that the acts were normal or necessary to the relationship. As a result, Defendants breached their fiduciary duties to Decedent by engaging in the negligent and wrongful conduct described herein, by failing to disclose information regarding the wrongful nature of the abuse and/or in taking acts to conceal any such information.

49. The fact that Defendants' agents, including Defendant Ferraro, had in the past and/or would in the future be likely to commit sexual misconduct with minors at St. Joan of Arc Parish was a material fact in Decedent's and his family's decisions whether or not to allow Decedent to attend and participate in activities at St. Joan of Arc Parish.

50. Upon information and belief, Defendants had actual or constructive knowledge of Defendant Ferraro's inappropriate behavior, as discussed herein.

51. Defendants misrepresented, concealed or failed to disclose information relating to sexual misconduct of Defendant Ferraro and certain of their agents as described herein.

52. Defendants knew that they misrepresented, concealed and/or failed to disclose information relating to sexual misconduct of Defendants' agents and Defendants intended Decedent to rely upon their misrepresentations and/or omissions.

53. Decedent justifiably relied upon Defendants for information relating to sexual misconduct of Defendants' agents. Decedent further relied upon Defendants to ensure his safety while he was in the Defendants' care and custody.

54. Upon information and belief, Defendants, 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's agents. By so concealing, Defendants committed at least one act in furtherance of the conspiracy.

55. Defendants actions and / or inactions were willful, wanton and reckless for which punitive damages and / or damages for aggravating circumstances are appropriate.

56. As a direct result of Defendants' wrongful conduct, Decedent suffered 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 from performing his daily activities and obtaining the full enjoyment of life; sustained loss of earnings and earning capacity; and incurred expenses for medical and psychological treatment, therapy, and counseling. After discovery of the abuse and the injuries it caused, Decedent became more severely depressed, attempting suicide and succeeding on the last attempt. Decedent died on July 14, 2005, as a direct result of the psychological, spiritual and emotional toll his childhood abuse took on him.

**COUNT IV
FRAUD AND CONSPIRACY TO COMMIT FRAUD -
ALL DEFENDANTS**

57. Plaintiff incorporates all paragraphs of this Petition as if fully set forth herein.

58. Defendants knew or should have known of the sexual misconduct and other inappropriate behavior of their agents, including Defendant Ferraro, as described herein.

59. Defendants misrepresented, concealed or failed to disclose information relating to sexual misconduct of their agents as described herein.

60. Defendants knew that it misrepresented, concealed or failed to disclose information relating to sexual misconduct of their agents.

61. The fact that Defendants' agents had in the past and/or would in the future be likely to commit sexual misconduct with another minor at Defendants' St. Joan of Arc Parish was a material fact in Decedent's and his family's decision whether or not to allow Decedent to attend and participate in activities at St. Joan of Arc Parish and with Defendants' agent - Defendant Ferraro.

62. Upon information and belief, Defendants, in concert with each other, 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 Defendants' agents. By so concealing, Defendants committed at least one act in furtherance of the conspiracy.

63. Defendants actions and / or inactions were willful, wanton and reckless for which punitive damages and / or damages for aggravating circumstances are appropriate.

64. As a direct result of Defendants' wrongful conduct, Decedent suffered 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 from performing his daily activities and obtaining the full enjoyment of life; sustained loss of earnings and earning capacity; and incurred expenses for medical and psychological treatment, therapy, and counseling. After discovery of the abuse and the injuries it caused, Decedent became more severely depressed, attempting suicide and succeeding on the last attempt. Decedent died on July 14, 2005, as a direct result of the psychological, spiritual and emotional toll his childhood abuse took on him.

COUNT V
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS -
DEFENDANTS ARCHDIOCESE AND ARCHBISHOP

65. Plaintiff incorporates all paragraphs of this Petition as if fully set forth herein.

66. Defendants intentionally failed to supervise, remove or otherwise sanction Defendant Ferraro after they had actual notice of the dangerous propensities of his to abuse children and continued to place him in positions of authority over children and adolescents, including Decedent.

67. Defendants knew or should have known that Defendant Ferraro was unsuitable for the position which he held.

68. Defendants failed to adequately review and monitor the services which were provided by Defendant Ferraro, intentionally turning a blind eye to his misconduct.

69. Defendants intentionally failed to confront, remove or sanction Defendant Ferraro about known irregularities in his employment, including taking young children on trips, to his home, spending unusual amounts of time alone with children and having received reports of impropriety from disgruntled parents.

70. Defendants failed to act upon information gained during the course of their supervision of Defendant Ferraro.

71. Defendants intentionally failed to supervise the children within their care, custody or control from coming in contact with the known risk presented by Defendant Ferraro.

72. At all times relevant, Defendants Archdiocese and Archbishop were in a fiduciary and / or confidential relationship with Decedent. Instead of acting in the best interest of Decedent, as required when one is in a fiduciary status, Defendants Archdiocese and Archbishop held out to him a priest with a known history of child sexual abuse as an appropriate individual with whom Decedent should interact.

73. At all times relevant, Defendants Archdiocese and Archbishop engaged in extreme and outrageous conduct, intended to cause or committed in reckless disregard of the probability of causing emotional distress and harm.

74. Defendants Archdiocese and Archbishop engaged in unconscionable, outrageous conduct beyond all possible bounds of decency and utterly intolerable in a civilized society. Defendants' conduct caused Decedent severe emotional distress of such a nature that no reasonable person in a civilized society could be expected to endure it.

75. Defendants actions and / or inactions were willful, wanton and reckless for which punitive damages and / or damages for aggravating circumstances are appropriate.

76. Decedent suffered medically significant and diagnosable distress as a result of Defendants' actions as set forth in the Background Facts Applicable to All Counts.

77. As a direct result of Defendants' wrongful conduct, Decedent suffered 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 from performing his daily activities and obtaining the full enjoyment of life; sustained loss

of earnings and earning capacity; and incurred expenses for medical and psychological treatment, therapy, and counseling. After discovery of the abuse and the injuries it caused, Decedent became more severely depressed, attempting suicide and succeeding on the last attempt. Decedent died on July 14, 2005, as a direct result of the psychological, spiritual and emotional toll his childhood abuse took on him.

**COUNT VI
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS -
DEFENDANT FERRARO**

78. Plaintiff incorporates all paragraphs of this Petition as if fully set forth herein.

79. Defendant Ferraro held himself out as a moral teacher, guide and religious authority, as well as a kind and caring surrogate father figure for Decedent.

80. Defendant Ferraro's kindness juxtaposed against his sexual impropriety with Decedent created a psychological and emotional conundrum for the young boy. Decedent could not process the value laden messages in these contradictory acts, causing the boy to develop psychological dysfunction that resulted in his inability to discern or discover his injury and its cause.

81. The actions of Defendant Father Ferraro, a trained pastor, priest and minister, were taken intentionally to cause such emotional distress as to prevent the Decedent from revealing the abuse and / or with reckless disregard as to the probable injuries that would result.

82. Father Ferraro had a fiduciary and / or confidential relationship with Decedent by virtue of his role as priest, mentor, father figure and authority figure to the young boy. The power imbalance between Defendant Ferraro and Decedent increased Decedent's vulnerability to Defendant Ferraro.

83. Defendant Ferraro engaged in unconscionable, outrageous conduct beyond all possible bounds of decency and utterly intolerable in a civilized society. Said actions included without limitation, engaging in inappropriate sexual contact with Decedent, using his role as a priest to require Decedent's silence either directly or indirectly, intentionally creating for Decedent a psychological and moral disconnect that would insure the silence of the little boy, and using his position of trust and confidence with Decedent for his own personal gratification.

84. Defendant Ferraro's actions and / or inactions were willful, wanton and reckless for which punitive damages and / or damages for aggravating circumstances are appropriate.

85. The emotional distress experienced by Decedent as a result of Defendant Ferraro's conduct is medically diagnosable and is of sufficient severity so as to be medically significant.

86. As a direct result of Defendants' wrongful conduct, Decedent suffered 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 from performing his daily activities and obtaining the full enjoyment of life; sustained loss of earnings and earning capacity; and incurred expenses for medical and psychological treatment, therapy, and counseling. After discovery of the abuse and the injuries it caused, Decedent became more severely depressed, attempting suicide and succeeding on the last attempt. Decedent died on July 14, 2005, as a direct result of the psychological, spiritual and emotional toll his childhood abuse took on him.

**COUNT VII
NEGLIGENCE -
ALL DEFENDANTS**

87. Plaintiff incorporates all paragraphs of this Petition as if fully set forth herein.

88. Defendants had a duty to protect children served by their churches.

89. Upon information and belief, Defendants, by and through their agents, servants and employees, knew or reasonably should have known of Defendant Ferraro's dangerous and exploitive propensities and/or that he was an unfit agent, and despite such knowledge, Defendants breached their duty to protect Decedent when they failed to protect Decedent from the sexual abuse described herein.

90. Defendants actions and / or inactions were willful, wanton and reckless for which punitive damages and / or damages for aggravating circumstances are appropriate.

91. As a direct result of Defendants' wrongful conduct, Decedent suffered 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 from performing his daily activities and obtaining the full enjoyment of life; sustained loss of earnings and earning capacity; and incurred expenses for medical and psychological treatment, therapy, and counseling. After discovery of the abuse and the injuries it caused, Decedent became more severely depressed, attempting suicide and succeeding on the last attempt. Decedent died on July 14, 2005, as a direct result of the psychological, spiritual and emotional toll his childhood abuse took on him.

COUNT VIII
VICARIOUS LIABILITY (RESPONDEAT SUPERIOR) -
DEFENDANTS ARCHDIOCESE AND ARCHBISHOP

92. Plaintiff incorporates all paragraphs of this Petition as if fully set forth herein.

93. By assigning Defendant Ferraro to a church and giving him control and responsibility to interact throughout the Archdiocese, Defendant Archdiocese and Archbishop consented to or

knowingly permitted Defendant Ferraro to exercise authority on behalf of Defendant Archdiocese in that Defendant Ferraro had formal responsibility for the youth within the Archdiocese .

94. At all times material hereto, Defendant Ferraro was under the direct supervision, employ and control of Defendants. Defendant Ferraro's conduct, as alleged, was undertaken while in the course and scope of his employment with Defendants.

95. Decedent trusted Defendant Ferraro because he was a priest and because he was under the direct supervision, employ and control of Defendants. Using that trust, Defendant Ferraro sought and gained access to Decedent while he attended St. Joan of Arc Parish. Such access to Decedent would not have been gained unless Defendant Ferraro was a priest with the Defendant Archdiocese and under the supervision of Defendant Archbishop. Defendant Archdiocese and Archbishop are therefore vicariously liable for the acts and omissions of their agent, Defendant Ferraro.

96. Defendants actions and / or inactions were willful, wanton and reckless for which punitive damages and / or damages for aggravating circumstances are appropriate.

97. As a direct result of Defendants' wrongful conduct, Decedent suffered 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 from performing his daily activities and obtaining the full enjoyment of life; sustained loss of earnings and earning capacity; and incurred expenses for medical and psychological treatment, therapy, and counseling. After discovery of the abuse and the injuries it caused, Decedent became more severely depressed, attempting suicide and succeeding on the last attempt. Decedent died on July 14, 2005, as a direct result of the psychological, spiritual and emotional toll his childhood abuse took on him.

COUNT IX
NEGLIGENT SUPERVISION, RETENTION, AND FAILURE TO WARN -
DEFENDANTS ARCHDIOCESE AND ARCHBISHOP

98. Plaintiff incorporates all paragraphs of this Petition as if fully set forth herein.

99. Upon information and belief, Defendants, by and through their agents, servants and employees, knew or reasonably should have known of Defendant Ferraro's dangerous and exploitive propensities and/or that he was an unfit agent, and despite such knowledge, Defendants negligently retained and/or failed to supervise Defendant Ferraro in the position of trust and authority as a Roman Catholic priest and spiritual counselor where he was able to commit the wrongful acts against the Decedent. Defendants failed to provide reasonable supervision of Defendant Ferraro, failed to use reasonable care in investigating Defendant Ferraro and failed to provide adequate warning to Decedent, and his family of Defendant Ferraro's dangerous propensities.

100. Defendants actions and / or inactions were willful, wanton and reckless for which punitive damages and / or damages for aggravating circumstances are appropriate.

101. As a direct result of Defendants' wrongful conduct, Decedent suffered 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 from performing his daily activities and obtaining the full enjoyment of life; sustained loss of earnings and earning capacity; and incurred expenses for medical and psychological treatment, therapy, and counseling. After discovery of the abuse and the injuries it caused, Decedent became more severely depressed, attempting suicide and succeeding on the last attempt. Decedent died on July 14, 2005, as a direct result of the psychological, spiritual and emotional toll his childhood abuse took on him.

COUNT X
INTENTIONAL FAILURE TO SUPERVISE CLERGY -
DEFENDANT ARCHDIOCESE AND ARCHBISHOP

102. Plaintiff incorporates all paragraphs of this Petition as if fully set forth herein.

103. At all times material, Defendants Archdiocese and Archbishop were the supervisors and employers of Defendant Ferraro.

104. Upon information and belief, Defendants were aware of previous sexual misconduct by clergy within its boundaries, including Defendant Ferraro, and that future harm was certain or substantially certain to result without proper supervision.

105. Defendants disregarded the known risk of sexual abuse.

106. Defendants' inaction caused injury to Decedent.

107. Decedent was sexually abused among other places, on the property owned and operated by Defendant Archdiocese.

108. Defendants knew or should have known that inappropriate touching of young children by their employees and / or designated agents would cause or was substantially certain to cause those children harm.

109. Despite the risk posed by Defendant Ferraro, Defendants continued to place Defendant Father Ferraro in positions in which he would have daily contact with children.

110. Despite the risk posed by Defendant Ferraro, Defendants ratified his actions of being alone with small children by approving and paying for his travel expenses and other expenses associated with outings with children.

111. By engaging in these actions, Defendants disregarded the risk posed by Defendant Ferraro to these children.

112. Defendants actions and / or inactions were willful, wanton and reckless for which punitive damages and / or damages for aggravating circumstances are appropriate.

113. As a direct result of Defendants' wrongful conduct, Decedent suffered 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 from performing his daily activities and obtaining the full enjoyment of life; sustained loss of earnings and earning capacity; and incurred expenses for medical and psychological treatment, therapy, and counseling. After discovery of the abuse and the injuries it caused, Decedent became more severely depressed, attempting suicide and succeeding on the last attempt. Decedent died on July 14, 2005, as a direct result of the psychological, spiritual and emotional toll his childhood abuse took on him.

JURY TRIAL DEMANDED

114. Plaintiff demands a trial by jury on all issues triable in this case.

WHEREFORE, Plaintiff asks that this Court award judgment against Defendants as follows:

1. Awarding compensatory, statutory, punitive and treble damages in favor of Plaintiff against Defendants for damages sustained by Decedent as a result of the wrongdoings of Defendants, damages for the wrongful death of Decedent, and damages for the aggravating circumstances of Decedent's death, together with interest thereon;
2. Awarding Plaintiff her costs and expenses incurred in this action, including reasonable allowance of fees for Plaintiff's attorneys, experts, and reimbursement of Plaintiff's and counsel's expenses;
3. Granting such other and further relief as the Court deems appropriate and just.

Dated: _____

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CERTIFICATE OF SERVICE

I certify that on March 13, 2006, a copy of the foregoing was mailed, first class mail, postage prepaid, to the following:

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