

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

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CIRCUIT COURT OF COOK  
COUNTY, ILLINOIS  
CHANCERY DIV.  
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FILED

Victor Bender, Brian Wolff, and Diane Ruhl, )  
on behalf of themselves and all others )  
similarly situated, )

Plaintiffs, )

v. )

The Chicago Province of the Society of Jesus )  
(also known as the Jesuits), Loyola University )  
Of Chicago, Illinois and Loyola Academy, )  
Loyola Academy, )

Defendants. )

06CH20761

Case No.

**COMPLAINT**

NOW COMES the Plaintiffs, individually and on behalf of all others similarly situated, by and through their attorneys, JEFF ANDERSON & ASSOCIATES and KERNS, PITROF, FROST & PEARLMAN, to obtain injunctive relief against Defendants, states as follows:

**INTRODUCTION**

1. This Complaint seeks injunctive relief against the Chicago Province of the Society of Jesus, Loyola University of Chicago and Loyola Academy. All three Defendants have information about a number of suspected child molesting agents that it has never disclosed to law enforcement or the public at large, thereby causing people such as Plaintiffs Victor Bender, Brian Wolff, and Diane Ruhl to be harmed as children or vulnerable young adults. This injunctive action seeks to have each Defendant release the names of all agents accused of molesting children to law enforcement and to the public.

## **JURISDICTION AND VENUE**

2. This Court has jurisdiction over this action because it seeks to redress violations of the Plaintiffs' rights, it seeks to redress the Defendants' failure to report its agents' crimes to law enforcement, and to protect children in Illinois and around the United States that are in imminent danger. Venue is proper because the Defendants reside in Cook County.

## **PARTIES**

3. Plaintiff Victor Bender is an adult male who was sexually abused by a former Jesuit priest, Father Donald McGuire. Bender was a minor at the time of McGuire's abuse. At all times material, Plaintiff Victor Bender was a resident of the State of Illinois.

4. Plaintiff Brian Wolff is an adult male who was sexually abused by a Loyola Academy counselor, George Lee. Wolff was a minor at the time of Lee's abuse. At all times material, Wolff was a resident of the State of Illinois.

5. Plaintiff Diane Ruhl is an adult female. Ruhl was a college student who was sexually abused by John Powell, a Jesuit priest and Loyola University professor at the time of the abuse. At all times material, Ruhl was a resident of the State of Illinois.

6. At all times material, the Chicago Province of the Society of Jesus ("the Jesuits") was conducting business in Illinois. The Chicago Province's headquarters is located at 2050 N. Clark Street, Chicago, IL 60614.

7. At all times material, Loyola University of Chicago Illinois (hereinafter "Loyola University") was conducting business in Illinois. Loyola University's headquarters is located at 6525 Sheridan Road, Chicago, IL 60626.

8. At all times material, Loyola Academy was conducting business in Illinois. Loyola Academy's headquarters is located at 1100 Laramie Avenue, Wilmette, IL 60091.

### **Factual Allegations**

9. From approximately 1966 to 1970, Fr. Donald McGuire sexually molested Plaintiff Bender. Bender was a minor student at Loyola Academy at the time of the abuse.

10. From approximately 1980 to 1981, Fr. George Lee sexually molested Brian Wolff while Wolff was a minor student at Loyola Academy.

11. In approximately 1975 and/or 1976, Fr. John Powell sexually exploited Plaintiff Diane Ruhl. Ruhl was a student at Loyola University at the time of the exploitation. Powell was providing counseling to Diane at this time.

12. In approximately 1970, a minor male student at Loyola Academy told Fr. Schultz, a parish priest at Our Lady of Lourdes in North Chicago, that McGuire was abusing him. Almost immediately thereafter, in February 1970, the minor student and his father met with officials of the Jesuits and Loyola Academy about McGuire's conduct. On information and belief, representatives of Defendant Loyola Academy who attended this meeting included: Rev. John Reinke, President of Loyola Academy; Rev. Robert Humbert, Headmaster of Loyola Academy; Rev. John Beall, Principal of Loyola Academy.

13. Immediately after this meeting, the Jesuit and Loyola Academy officials required the minor student to transfer overnight to another Jesuit school, St. Ignatius (located in Chicago, Illinois), even though it was the middle of the school year. These Jesuit and Loyola Academy officials informed the minor student that the transfer was in his best interest. The Jesuits and Loyola Academy forced the minor student to transfer in order to hide McGuire's abuse from the

Loyola Academy community, the police and other civilian authorities and the Catholic community at large.

14. On information and belief, the Jesuits received reports about McGuire's abuse of children but again failed during the 1990s to report him to the police or warn the public about his dangerous propensities.

15. On information and belief, McGuire was criminally convicted of molesting children in 2005. At the criminal trial, McGuire had in his possession John Reinke's notes of the 1970 meeting with the minor student. On information and belief, the Defendants in the current case no longer had the notes in their possession, even though the notes were written by Reinke, one of Defendants' officials.

16. In 1983, a female wrote to the Faculty Director at Loyola University and disclosed that John Powell had sexually exploited her between approximately 1966 and 1968. In this letter, the woman not only disclosed what had happened to her but informed them that Powell had abused other girls. In her letter, she also inquired "How many others may have been similarly involved? Has any other found her way clear from his caution not to tell anyone, clear enough to bring the matter to the attention of someone who could stop him?" This letter was received by Defendant Loyola University officials and ultimately read to Powell. The woman never received a response from Defendant Loyola University officials, but did receive a letter from Powell. In his letter to the woman, Powell acknowledged that the letter had been received and kept by the Jesuit and Loyola University officials. Powell also encouraged the woman to write him directly because he believed it would be good for both of them.

17. In approximately 1989, another woman notified Defendants, through their agent Father Robert Wild, that Powell had sexually exploited her between 1966 and 1968, when she was a young student at Loyola University. In response, Defendants denied receiving any letter in 1983 and claimed to have no knowledge of Powell's wrongful conduct. This student obtained a copy of the 1983 letter and sent it to Provincial Wild again. This student, however, was never again contacted by Defendants.

18. In 1995, Defendants were notified by a third student that Powell had sexually exploited her between 1972 and 1973, when she was a student at Loyola University. In 1995, this student spoke with an agent of Defendants. The agent explained that they were aware of Powell's problem and acknowledged that he went through a difficult time, but mentioned that he was now in therapy.

19. On information and belief, after Defendants received these complaints they covered up the abuse and did not disclose this information to the public or law enforcement, putting numerous children and young vulnerable adults at risk. McGuire and Powell were both given other assignments or allowed to remain where they were and keep positions of power and prestige with unlimited access to children and vulnerable young adults.

20. On information and belief, there are a number of priests, brothers, and agents who the Jesuits, Loyola University, and Loyola Academy continued in ministry and education after the Defendants knew or suspected that those agents had molested children or vulnerable young adults.

21. On information and belief, the Jesuits, Loyola University, and Loyola Academy did not report all allegations of childhood sexual abuse by its agents and former agents to law enforcement and the public.

22. On information and belief, at all relevant times, each Defendant maintained (and maintains) files related to allegations of sexual misconduct by its agents and former agents. These personnel files and sexual abuse files also contain evidence of each Defendant's failure to report suspected child abuse.

23. On information and belief, the Defendants have never given law enforcement all of the documents of the Defendants' agents and former agents accused of sexual misconduct.

24. On information and belief, the Defendants knew that child molesters had a very high rate of recidivism, meaning that they were likely to abuse more children. As such, the Defendants knew that children who did not know what the Jesuits, Loyola University, and Loyola Academy knew about its agents and former agents and who unsuspectingly were around these agents and former agents were at a high risk to be sexually molested.

25. On information and belief, because of the high rate of recidivism, the Defendants' agents and former agents had probably already molested numerous children before molesting the Plaintiffs. As such, the Defendants knew that there were many other victims that were abused because of the Defendants' policies of secrecy, deception, and self protection.

26. Children are at risk because the public and law enforcement does not know the identity and/or the locations of these agents and former agents of the Defendants who have been accused of sexual misconduct.

27. Plaintiffs were harmed as a result of Defendants' failure to report and make public the information that they had regarding their agents' abuse of children and their agent's dangerous propensities.

28. The named Plaintiffs bring this action on behalf of themselves and all others similarly situated who were not able to bring this action but were abused or harmed because the Defendants failed to report these suspected abuses to the law enforcement and failed to inform the public of the identities of their agents that were accused of molesting children and vulnerable young adults.

29. On information and belief, the Jesuits, Loyola University and Loyola Academy came to a meeting of minds whereby they agreed to and did create a policy of secrecy and suppression of information in a conspiracy to cover up child sexual abuse and the abuse of vulnerable young adults and to ultimately avoid scandal in order to retain their power and financial influence in the nation. This conspiracy required the Defendants to not report suspected child abuse to law enforcement and the public. The Defendants committed acts in furtherance of this conspiracy.

## COUNT I

### **(Injunction - Reporting of Suspected Abuse to Law Enforcement And Document Production)**

30. Plaintiffs repeat and reallege paragraphs 1 through 29 of this Complaint as if fully set forth herein.

31. Plaintiffs bring Count I on their own behalf and on behalf of similarly situated persons described in this Complaint.

32. The practices of the Defendants have endangered numerous children in the past and these practices will continue to put children at risk in the future.

33. Plaintiffs and the class have the right to not be harmed or sexually molested by agents and former agents of the Defendants.

34. The Defendants owe a duty to warn all children and their parents that come into contact with the Defendants' agents or former agents of allegations of sexual misconduct by the agents and former agents because these children and their parents hold many of these agents and former agents in esteemed positions, which gives them virtually unlimited access to children.

35. The Defendants also owe a duty to children and their parents to release all of the names of agents and former agents against whom the Defendants have deemed to have credible allegations of sexual misconduct with children to law enforcement and to the public at large.

36. The Defendants also owe a duty to children and their parents to release all of the names of its agents and former agents that have been accused of sexual misconduct to the law enforcement and to the public at large.

37. Unless injunctive relief is granted, numerous children across the United States are at risk of being sexually molested by these agents and former agents of the Defendants.

38. In order to ensure that children are protected and free from sexual molestation by the Defendants' agents and former agents, the Plaintiffs are entitled to an injunction ordering that the Defendants do the following:

a) Release the names and current location of all of its agents and former agents that have been accused of sexual misconduct that the Defendants have learned about through any source to law enforcement and to the public.

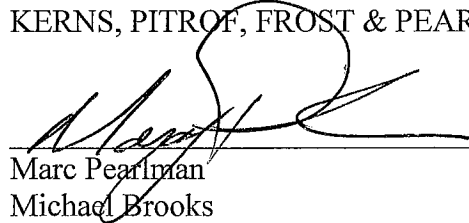


b) Turn over any documents which are evidence of a failure by the Defendants to report suspected child abuse by its agents and former agents to law enforcement and the court, including any documents which are evidence of child molestation by the Defendants' agents and former agents.

WHEREFORE, Plaintiffs respectfully request that this Court grant the relief requested within this complaint or any other relief the Court deems just in order to protect children.

Dated: October 3, 2006

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