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12 MONTANA FIRST JUDICIAL DISTRICT COURT
13 LEWIS AND CLARK COUNTY

14 JOHN DOES 1-16 and JOHN DOES 17 -
15 100; and JANE DOES 1-29 and JANE DOES
16 30-100,

17 Plaintiffs,

18 v.

19 URSULINE SISTERS OF THE WESTERN
20 PROVINCE, a non-profit corporation, aka
21 URSULINE WESTERN PROVINCE; THE
22 ROMAN CATHOLIC, DIOCESE OF
23 HELENA, a non-profit corporation, aka
24 HELENA DIOCESE OF THE ROMAN
25 CATHOLIC CHURCH; ABC Corporation 1-
26 10, Defendants John Doe A-M, and
27 Defendants Jane Doe N-Z,

28 Defendants.

29 **CAUSE NO. ADV-2011-936**
30 **DEPT. Judge Dorothy McCarter**
31 **COMPLAINT FOR DAMAGES**

32 COME NOW the plaintiffs, by and through their counsel of record, Julio K. Morales,
Esq., MORALES LAW OFFICE and TAMAKI LAW OFFICES (*Pro Hac Vice Pending*),
and allege as follows:



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I. INTRODUCTION

1.1 Plaintiffs suffered physical, sexual, and emotional abuse by nuns and sisters employed at the Ursuline Academy in St. Ignatius, Montana and/or by priests employed by the Roman Catholic Diocese of Helena, aka, the Diocese of Montana. Plaintiffs were minors in the care, custody and control of the Ursuline Sisters who operated the Ursuline Academy in St. Ignatius, as well as, in the care, custody, and control of priests hired by the Roman Catholic Diocese of Helena to staff the St. Ignatius Mission School. Because of its affiliation and connection with the St. Ignatius Parish Mission, the Ursuline Academy was colloquially referred to as the St. Ignatius Mission School. Except where specifically noted, the Ursuline Academy and the St. Ignatius Mission School will be referred to interchangeably.

1.2 Defendant, the Ursuline Sisters of the Western Province, maintained authority, control, and supervision over the nuns and sisters entrusted with the care of Plaintiffs at the Ursuline Academy during the time of the abuse. The Ursuline Sisters of the Western Province were incorporated in the State of California in 1901. The Ursuline Sisters remain a California non-profit corporation.

1.3 Defendant, the Roman Catholic Diocese of Helena, consists of numerous parishes including St. Ignatius Parish Mission and/or St. Ignatius Mission Church, St. Xavier Mission Parish and/or St. Xavier Mission Church, St. Mary's Catholic School, and the Ursuline Academy. The Diocese has existed and operated in Montana since 1884 and, at one time, encompassed the entire state. In 1904, the Diocese was split and the Helena Diocese was relegated authority over the northwest central part of Montana. Presently, its territory encompasses in excess of 51,000 square miles and 21 counties and parts of two others. Ten men have served as bishop of the Helena Diocese, beginning with Jean-Baptiste Lamy, who

1 served from 1884-1903. John Patrick Carroll served as bishop from 1904-1925. George
2 Joseph Finnigan served as bishop from 1927-1932. Ralph Leo Hayes was Helena's bishop
3 from 1933-1935. Joseph Michael Gilmore was bishop from 1935-1962. Raymond Gerhardt
4 Hunthausen was bishop from 1962-1975. Elden Francis Curtiss was Helena's bishop from
5 1976-1993. Alex J. Burnett served as Helena's bishop from 1994-1997. Robert C. Morlino
6 was bishop from 1999-2003. Since 2004, George Leo Thomas has served as bishop of the
7 Helena Diocese.

11 II. PARTIES

12 2.1 Plaintiffs incorporate by reference all other paragraphs of this Complaint as if
13 fully set forth herein.

14 2.2 Plaintiffs are adult citizens and residents of the State of Montana except where
15 noted. The identities of Plaintiffs in this Complaint are represented by the designation of John
16 Doe and Jane Doe in order to protect their privacy because they were victims of sex crimes as
17 minors. The identities of all Plaintiffs will be made known to the Defendants by separate
18 communication. Plaintiffs will file a motion seeking permission to proceed anonymously after
19 the Defendants have been served.

20 2.3 At all relevant times and except where specifically identified otherwise,
21 Plaintiffs were minors, students, and parishioners at the Ursuline Academy located in St.
22 Ignatius, the St. Ignatius Church, and the St. Ignatius Mission School. John Doe 15 was a
23 parishioner at the St. Francis Xavier Parish Mission in Missoula, Montana which was owned,
24 administered and under the authority of the Helena Diocese. Jane Doe 28 and Jane 29 were
25 female students at the St. Mary's Catholic School in Helen, Montana which was owned,
26 administered and under the authority of the Helena Diocese. All Plaintiffs at all relevant times

1 to this Complaint remained under the care, custody, protection and/or responsibility of the
2 Helena Diocese.

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4 2.4 Defendant, the Ursuline Sisters of the Western Province was and continues to
5 be a Roman Catholic religious order doing business in the State of Montana. The Ursuline
6 Sisters of Western Province encompass a six state area comprised of Montana, Alaska, Oregon,
7 Washington, California, and Idaho, and staff many Indian and Eskimo schools, missions, and
8 parishes, including the Ursuline Academy in St. Ignatius, Montana. The Ursuline Sisters of
9 Western Province are currently headquartered in Santa Rosa, California.
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12 2.5 Defendant, the Roman Catholic Diocese of Helena is a non-profit corporation
13 doing business in the State of Montana as a provider of religious, spiritual, and educational
14 services.
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16 2.6 At all relevant times, Mother Superior Loyola, Mother Cecelia, Sister John,
17 Sister Marion and other unknown Ursuline nuns and sisters were assigned by the Ursuline
18 Sisters of Western Province to the Ursuline Academy in St. Ignatius, Montana during the time
19 of the abuse alleged herein. These sisters and nuns worked with priests from the Helena
20 Diocese during relevant time periods, in particular at the Ursuline Academy in St. Ignatius,
21 Montana.
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24 2.7 At all relevant times, Father Bernard Harris, aka, Father Harry, Father William
25 Burke, aka, Father Burke, Father A.J. Ferretti, aka, Father Freddy, Father Joseph Balfe, aka,
26 Father Balfe, Brother Rene Gallant, aka, Brother Charlie, Father Delaney, and Father Sullivan
27 were priests assigned by the Roman Catholic Diocese of Helena to serve at the St. Ignatius
28 Mission Parish and the Ursuline Academy/St. Ignatius Mission School in St. Ignatius,
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1 Montana, at the St. Francis Xavier Mission Parish in Missoula, Montana, and the St. Mary's
2 Catholic School in Helena Montana.
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4 2.8 Defendant ABC Corporation 1-10, Defendants John Doe A-M, and Defendants
5 Jane Doe N-Z are entities and persons whose identity is as yet undetermined, but who may
6 have liability for Plaintiffs' claims.
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8 **III. JURISDICTION AND VENUE**

9 3.1 This Honorable Court has jurisdiction and venue over the parties and subject
10 matter of this lawsuit pursuant to M.C.A. 25-2-118(1), M.C.A. 25-2-122(2), and M.R.Civ.P
11 4B.
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13 **IV. FACTS**

14 4.1 Plaintiffs incorporate by reference all other paragraphs of this Complaint as if
15 forth set herein.
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17 4.2 Plaintiffs suffered physical, sexual, and emotional abuse by the nuns and
18 sisters at the Ursuline Academy/St. Ignatius Mission School in St. Ignatius, Montana and/or the
19 priests of the Helena Diocese, St. Ignatius Parish Mission and St. Xavier Mission.
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21 4.3 Plaintiff John Doe 1 was a boarding student at the Ursuline Academy/St.
22 Ignatius Mission School between 1959 through 1961. Plaintiff John Doe 1 frequently and
23 regularly suffered acts of physical, sexual, and emotional abuse by Mother Superior Loyola
24 and Sister John and others under the supervision and control of the Defendant, Ursuline Sisters.
25 At all relevant times herein Plaintiff John Doe 1 was physically, sexually and emotionally
26 abused on the Ursuline Academy/St. Ignatius Mission School property and at the St. Ignatius
27 Mission Parish. On a regular basis, Mother Superior Loyola would take Plaintiff John Doe 1 in
28 to her bedroom and expose herself to him. Mother Superior Loyola would force Plaintiff John
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1 Doe 1 to perform oral sex on her among other sexual acts. Plaintiff John Doe 1 served as an
2 altar boy at St. Ignatius and would assist several priests with mass, including Father Balfe. On
3 several occasions between 1959 and 1960 either before or after celebrating mass, Father Balfe
4 subjected Plaintiff John Doe 1 to sexual abuse including but not limited to Father Balfe's
5 fondling of Plaintiff's genitalia and digital penetration of Plaintiff's anus.
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8 4.4 Plaintiff John Doe 2 was a boarding student at the Ursuline Academy/St.
9 Ignatius Mission School between 1942 through 1946. Plaintiff John Doe 2 suffered acts of
10 physical, sexual, and emotional abuse by Mother Superior Loyola and Brother Rene Gallant,
11 aka, Brother Charlie in the locker room in the basement of the Mission School and on property
12 owned by the Ursuline Academy and/or the Diocese of Helena. After each incident of sexual
13 abuse, Plaintiff John Doe 2 ran away from the Mission School. Between 1942 and 1946,
14 Plaintiff John Doe 2 was sodomized by Brother Charlie on at least four occasions. In
15 approximately 1946, Plaintiff John Doe 2 ran away from the St. Ignatius Mission School for
16 the sixth time. His grandfather told Mr. Bronson, the truant officer for the Ursulines and St.
17 Ignatius "[John Doe 2] is not going back. They must be doing something to him, which is why
18 he keeps running away."
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23 4.5 Plaintiff John Doe 3 was a boarding student at the Ursuline Academy/St.
24 Ignatius Mission School between 1958 through 1960. Plaintiff John Doe 3 suffered acts of
25 physical, sexual, and emotional abuse by Mother Superior Loyola and Brother Rene Gallant,
26 aka, Brother Charlie on numerous occasions. Mother Superior Loyola abused Plaintiff John
27 Doe 3 in the boys' dormitory, in the basement of the boy's dormitory, the boys' bathroom, the
28 church confessional, and other places on the property owned by the Ursuline Sisters and/or the
29 Diocese of Helena. Brother Charlie abused Plaintiff John Doe 3 in the basement of the boys'
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1 dormitory. Brother Charlie initially fondled Plaintiff's penis but eventually the abuse
2 progressed to forcible acts of oral copulation and repeated acts of anal penetration.
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4 4.6 Plaintiff John Doe 4 was a boarding student at the Ursuline Academy/St.
5 Ignatius Mission School between 1950 through 1956. Plaintiff John Doe 4 was first sent to the
6 Ursuline Academy/St. Ignatius School when he was a mere six years old and in the first grade.
7 He remained there until he turned twelve years of age and was in the sixth grade. Plaintiff John
8 Doe 4 suffered acts of physical, sexual, and emotional abuse by Mother Superior Loyola in the
9 boys' dormitory and in Mother Superior Loyola's bedroom. Specifically, Mother Loyola
10 fondled and masturbated Plaintiff John Doe 4 Eventually the sexual abuse progressed and
11 included acts of intercourse.
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15 4.7 Plaintiff John Doe 5 was a boarding student at the Ursuline Academy/St.
16 Ignatius Mission School between 1955 through 1960. Plaintiff John Doe 5 suffered and
17 witnessed acts of physical, sexual, and emotional abuse by Mother Superior Loyola, Sister
18 John, and other members of the Ursuline Sisters of the Western Province under the supervision
19 and control of Defendants. The abuse occurred in Mother Superior's bedroom, in the boys'
20 dormitory, and in other buildings and areas of the Ursuline Academy.
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23 4.8 Plaintiff John Doe 6 was a boarding student at the Ursuline Academy/St.
24 Ignatius Mission School and an altar boy at St. Ignatius Parish Mission between 1959 through
25 1961. Plaintiff John Doe 6 suffered acts of physical, sexual, and emotional abuse by Mother
26 Superior Loyola at the Ursuline Academy. Plaintiff also suffered acts of sexual and emotional
27 abuse by Father Balfe and Brother Charlie. Because Plaintiff John Doe 6 was an altar boy at St.
28 Ignatius, he assisted Father Balfe and Brother Charlie with the celebration of mass. During the
29 time that Plaintiff John Doe 6 was at the Ursuline Academy/St. Ignatius Mission School,
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1 Father Balfe and Brother Charlie coerced and/or induced Plaintiff John Doe 6 into performing
2 sexual acts.
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4 4.9 Plaintiff Jane Doe 1 was a female boarding student at the Ursuline Academy/St.
5 Ignatius Mission School between 1960 and 1961. Plaintiff Jane Doe 1 suffered acts of physical,
6 sexual, and emotional abuse by Mother Superior Loyola. The abuse occurred on numerous
7 occasions in the church choir area, the school rooms, and the girls' dormitory of St. Ignatius
8 Mission School. After Plaintiff Jane Doe 1 told her mother what Mother Superior Loyola was
9 doing to her, her mother went to St. Ignatius Mission School and confronted Mother Superior
10 Loyola about the abuse. Plaintiff Jane Doe 1 was sexually abused by Brother Rene Gallant,
11 aka, Brother Charlie. Brother Charlie pushed Jane Doe 1 to the ground and tried to rape her.
12 Jane Doe 1 fought Brother Charlie and ran to her dormitory and told two Ursuline nuns what
13 had occurred. The two Ursuline nuns may have reported Brother Charlie's attempted rape of
14 Jane Doe 1. Jane Doe 1 was also subjected to sexual abuse by Father Balfe who fondled
15 and/or tried to fondle Jane Doe 1's breasts and vagina.
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20 4.10 Plaintiff John Doe 7 was a boarding student at the Ursuline Academy/St.
21 Ignatius Mission School between 1943 through 1945. He was first sent to Ursuline Academy
22 when he was approximately six years old and in the first grade. Plaintiff John Doe 7 suffered
23 acts of physical, sexual, and emotional abuse by Mother Superior Loyola in the boys'
24 dormitory of the St. Ignatius Mission School. Mother Superior Loyola fondled Plaintiff John
25 Doe 7's penis and testicles on several occasions during the time when Plaintiff John Doe 7 was
26 a boarding student at the Ursuline Academy. Plaintiff John Doe 7 and another student ran away
27 from the Ursuline Academy/St. Ignatius Mission School because of the sexual and physical
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1 abuse by Mother Superior Loyola. They made it home to Elmo, Montana but were soon
2 caught by Mr. Bronson, the Ursuline's truant officer, and returned to the mission.
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4 4.11 Plaintiff John Doe 8 was a boarding student at the Ursuline Academy/St.
5 Ignatius Mission School between 1957 through 1960. Plaintiff John Doe 8 suffered and
6 witnessed acts of physical, sexual, and emotional abuse by Mother Superior Loyola, Sister
7 John and other members of the Ursuline Sisters of the Western Province under the supervision
8 and control of Defendants. Plaintiff John Doe 8 was subjected to acts of sexual abuse by
9 Brother Rene Gallant, aka, Brother Charlie, and Father Balfe. The sexual abuse perpetrated by
10 Mother Superior Loyola occurred in her bedroom and consisted of forcing Plaintiff to perform
11 oral sex on Mother Superior Loyola and being fondled by her. Brother Rene Gallant, aka,
12 Brother Charlie sodomized Plaintiff on at least five occasions during the relevant time period.
13 Mother Loyola would send Plaintiff to do chores at Father Balfe's residence, the Jesuit Priest's
14 house behind St. Ignatius Church. On several occasions when performing these chores, Father
15 Balfe would trap Plaintiff John Doe 8 and rape and sodomize him.
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20 4.12 Plaintiff John Doe 9 was a day student at the Ursuline Academy/St. Ignatius
21 Mission School between 1958 through 1964/65. Plaintiff John Doe 9 suffered and witnessed
22 acts of physical, sexual, and emotional abuse by Mother Superior Loyola, Mother Marion, and
23 other members of the Ursuline Sisters of the Western Province under the supervision and
24 control of Defendants. The abuse occurred in Mother Superior's bedroom, in the boys'
25 dormitory, and in other buildings and areas of the Ursuline Academy/St. Ignatius Mission
26 School and the St. Ignatius Parish Mission.
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30 4.13 Plaintiff John Doe 10 was a boarding student at the Ursuline Academy/St.
31 Ignatius Mission School between 1946 through 1950/51. Plaintiff suffered and witnessed acts
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1 of physical, sexual, and emotional abuse by Mother Superior Loyola and other members of the
2 Ursuline Sisters of the Western Province under the supervision and control of Defendants. The
3 abuse occurred in Mother Superior's bedroom, in the boys' dormitory of the St. Ignatius
4 Mission School and Ursuline Academy.
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7 4.14 Plaintiff Jane Doe 2 was six years old when she was first sent to St. Ignatius
8 Mission School and the Ursuline Academy in 1960. She remained there until 1963. Brother
9 Rene Gallant, aka, Brother Charlie, sexually abused Plaintiff Jane Doe 2 on several occasions,
10 Brother Charlie fondled Plaintiff's vagina causing pain and discomfort. Brother Charlie's
11 abuse caused Plaintiff Jane Doe 2 to develop a bed wetting problem. When Plaintiff would wet
12 her bed, Ursuline Sister Marion would take Plaintiff and her soiled bedding and make her sit in
13 a bathtub. Sister Marion would rub, fondle and digitally penetrate Plaintiff Jane Doe 2's vagina
14 while ostensibly praying for Plaintiff.
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18 4.15 Plaintiff Jane Doe 3 was five years old when in 1954 she encountered Brother
19 Rene Gallant, aka, Brother Charlie, at the St. Ignatius Mission. Brother Charlie digitally
20 penetrated Jane Doe 3 on several occasions and made her perform oral sex on him a number of
21 other times.
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23 4.16 Plaintiff Jane Doe 4 was twelve years old when in 1964 she first encountered
24 Father Augustine Ferretti, aka, Father Freddy at the Ursuline Academy/St. Ignatius Mission
25 School and, more particularly, at the priests' residence behind the St. Ignatius Mission Parish.
26 Father Freddy sexually abused Plaintiff Jane Doe 4, multiple times when she was between the
27 ages of twelve and fifteen. He would place Plaintiff on his lap, hold her tightly, fondle her
28 breasts and vagina, and use her body to masturbate until he ejaculated. On more than one
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1 occasion, Father Freddy digitally penetrated Plaintiff Jane Doe 4, while ostensibly praying in
2 Latin. On those occasions, Father Freddy told Plaintiff that he was “praying inside her.”
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4 4.17 Plaintiff Jane Doe 5 was a female boarding student at the Ursuline Academy/St.
5 Ignatius Mission School between 1954 and 1962. Brother Rene Gallant, aka, Brother Charlie
6 sexually abused Plaintiff Jane Doe 5 during the time that N.L. was a boarding student at the
7 Ursuline Academy/St. Ignatius Mission School. Brother Charlie digitally penetrated Plaintiff
8 and forced her into perform oral sex on him. There were numerous occasions when Brother
9 Charlie would have the Ursuline nun teaching Plaintiff’s class to send her to him. Brother
10 Charlie would then sexually abuse Plaintiff Jane Doe 5 before sending her back to class.
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13 4.18 Plaintiff Jane Doe 6 was a female boarding student at the Ursuline Academy/St.
14 Ignatius Mission School between 1934 and 1940 when she was sexually abused by Father
15 Balfe on several occasions. Father Balfe digitally penetrated Plaintiff Jane Doe 6 and fondled
16 her between the legs.
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19 4.19 Plaintiff Jane Doe 7 was a female boarding student at the Ursuline Academy/St.
20 Ignatius Mission School between 1943 and 1946. Plaintiff Jane Doe 7 was originally sent to
21 the Ursuline Academy when she was ten years old. Her mother had passed away and her
22 father entrusted Plaintiff to the nuns, sisters, and priests of the Ursuline Academy and St.
23 Ignatius School and Church. Brother Rene Gallant, aka, Brother Charlie, sexually abused
24 Plaintiff Jane Doe 7 in the belfry of the St. Ignatius Mission Parish and other places on
25 Ursuline Academy/St. Ignatius Mission School property. Plaintiff Jane Doe 7 was sexually
26 abused on several occasions during the period when she was a boarding school student at the
27 Ursuline Academy/St. Ignatius Mission School.
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1 4.20 Plaintiff Estate of John Doe 11 is the estate of a deceased adult man under the
2 laws of Montana. Plaintiff John Doe 11 was a boarding student at the Ursuline Academy/St.
3 Ignatius Mission School between 1949 and 1952. Plaintiff John Doe 11 was between the ages
4 of 6 and 9 when he was at the Ursuline Academy and suffered sexual abuse by the following
5 perpetrators: Mother Superior Loyola, Sister Cecilia, Father Augustine Ferretti, aka, Father
6 Freddy, and Brother Rene Gallant, aka, Brother Charlie. All of the abuse occurred on
7 Defendants' property and grounds at the Ursuline Academy/St. Ignatius Mission School.
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11 4.21 Plaintiff Estate of John Doe 12 is the estate of a deceased adult man under the
12 laws of Montana. Plaintiff John Doe 12 was a boarding student at the Ursuline Academy/St.
13 Ignatius Mission School between 1946 and 1949. While a boarding student at the Defendants'
14 school, Plaintiff John Doe 12 was sexually abused by Ursuline nuns, Mother Superior Loyola
15 and Sister Cecilia, and Brother Rene Gallant, aka, Brother Charlie. All of the abuse occurred
16 on Defendants' property and on grounds at the Ursuline Academy/St. Ignatius Mission School.
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19 4.22 Plaintiff John Doe 13 was a male day student at the Ursuline Academy/St.
20 Ignatius Mission School beginning in 1956. Brother Rene Gallant, aka, Brother Charlie,
21 fondled and simulated sexual intercourse Plaintiff John Doe 13 after Brother Charlie induced
22 Plaintiff into the bell tower of the St. Ignatius Church. Plaintiff John Doe 13 ran from Brother
23 Charlie but was caught.
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26 4.23 Plaintiff John Doe 14 was a male boarding student at the Ursuline Academy/St.
27 Ignatius Mission School between 1950 and 1951. During the time that Plaintiff was at the
28 Ursuline Academy, Ursuline nun Mother Superior Loyola was in charge of supervising the
29 boy's dormitory. Mother Superior Loyola fondled Plaintiff's genitals when putting Plaintiff
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1 John Doe 14 to bed. The sexual abuse perpetrated by Mother Loyola occurred several times
2 during the time that Plaintiff John Doe 14 was a boarding student at the Ursuline Academy.
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4 4.24 Plaintiff Jane Doe 8 was a female boarding school at the Ursuline Academy/St.
5 Ignatius Mission School between on or about 1956 until on or about 1962. Plaintiff Jane Doe 8
6 completed the first through the sixth grade at the Ursuline Academy/St. Ignatius Mission
7 School. When Plaintiff was 11 years old, Brother Rene Gallant, aka, Brother Charlie began
8 sexually abusing her. Brother Charlie attempted on several occasions to rape Plaintiff. Brother
9 Charlie succeeded on several occasions in digitally penetrating Plaintiff Jane Doe 8. The
10 sexual abuse occurred on the grounds and property of the Ursuline Academy/St. Ignatius
11 Mission School.
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15 4.25 Plaintiff John Doe 15 was a male student at Loyola High School, a school run
16 by and affiliated with the St. Francis Xavier Parish Mission and the Helena Diocese. Father
17 Bernard Harris, aka, Father Harris, was a Jesuit priest employed by the Helena Diocese and/or
18 assigned by Defendant for a time to serve as a priest at the St. Francis Xavier Parish Mission.
19 In the basement of the St. Francis Xavier Parish Mission, Father Bernard Harris, aka, Father
20 Harry on several occasions fondled Plaintiff John Doe 15's buttocks and genital area.
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23 4.26 Plaintiff Jane Doe 9 was a female boarding student at the Ursuline Academy/St.
24 Ignatius Mission School between 1956 and 1958 when she suffered sexual abuse at the hands
25 of Father Augustine Ferretti, aka, Father Freddy. On several occasions, Father Freddy digitally
26 penetrated Plaintiff Jane Doe 9's vagina. All of the sexual abuse occurred on the grounds and
27 property of the Ursuline Academy/St. Ignatius Mission School and/or the St. Ignatius Mission
28 Parish.
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1 4.27 Plaintiff Jane Doe 10 was a day student at the Ursuline Academy/St. Ignatius
2 Mission School between 1963 and 1970 when she suffered physical and sexual abuse at the
3 hands of Brother Rene Gallant, aka, Brother Charlie. On at least five occasions, Brother
4 Charlie put Plaintiff Jane Doe 10 on his lap and held her tightly while he digitally penetrated
5 her vagina and anus. All of the sexual abuse occurred on the grounds and property of the
6 Ursuline Academy/St. Ignatius Mission School and/or the St Ignatius Mission Parish.
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9 4.28 Plaintiff Jane Doe 11 was a female boarding student at the Ursuline
10 Academy/St. Ignatius Mission School beginning in 1966 when she suffered sexual abuse at the
11 hands of perpetrators Father Augustine Ferretti, aka, Father Freddy, and Brother Rene Gallant,
12 aka, Brother Charlie. Father Freddy fondled and digitally penetrated Plaintiff Jane Doe 11 on
13 at least ten occasions. Father Freddy would use the lure of food and candy to induce Plaintiff
14 into the sexual conduct. Father Freddy would put Plaintiff on his lap so that his erect penis
15 would rub against her inner thighs and buttocks. Similarly, Brother Charlie used the lure of
16 food and candy to entice Plaintiff Jane Doe 11 into sexually inappropriate conduct. On several
17 occasions, Brother Charlie caused Plaintiff Jane Doe 11 to touch his penis. All of the sexual
18 abuse occurred on the grounds and property of the Ursuline Academy/St. Ignatius Mission
19 School and/or the St. Ignatius Mission Parish.
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22 4.29 Plaintiff Jane Doe 12 was a female day student at the Ursuline Academy/St.
23 Ignatius Mission School between 1965 and 1970. Brother Rene Gallant, aka, Brother Charlie,
24 sexually abused Plaintiff Jane Doe 12 on more than 10 occasions. Brother Charley digitally
25 penetrated Plaintiff Jane Doe 12's vagina on more than six occasions, and induced, coerced,
26 and/or influenced Plaintiff to perform oral sex on him on another six occasions. Brother
27 Charlie attempted to rape Plaintiff Jane Doe 12 on three separate occasions. Brother
28 Charlie's
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1 sexual abuse of Plaintiff usually occurred in the belfry on the grounds of the Ursuline
2 Academy/St. Ignatius Mission School and the St. Ignatius Mission Parish. On one occasion,
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4 Brother Charlie took Plaintiff's younger sister into a room and locked the door. Plaintiff heard
5 her younger sister crying but could not enter to room to help.

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7 4.30 Plaintiff Jane Doe 13 was a female boarding student at the Ursuline
8 Academy/St. Ignatius Mission School between 1960 and 1962. Brother Rene Gallant, aka,
9 Brother Charlie, sexually abused Plaintiff on more than 15 occasions. Brother Charlie's abuse
10 of Plaintiff occurred on St. Ignatius Church grounds and usually occurred when Plaintiff was
11 assigned by the Ursuline nuns to perform chores in the church. Brother Charlie took Plaintiff
12 Jane Doe 13 to a room in the Church where the priest's vestments were located and then
13 fondled and digitally penetrated her. Brother Charlie also cornered Plaintiff in the church
14 several times while Plaintiff was completing her assigned chores and then would fondle,
15 penetrate, and violate her.

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19 4.31 Plaintiff Jane Doe 14 was a female boarding student at the Ursuline
20 Academy/St. Ignatius Mission School from between 1942 until 1950. Father Dimmick
21 fondled Plaintiff's genital area whenever he cornered her in the St. Ignatius Mission Parish. In
22 approximately 1950, Father Dimmick attempted to rape Plaintiff M.S. when Plaintiff was on
23 St. Ignatius Church property. Plaintiff escaped and ultimately convinced her parents to remove
24 her from the Ursuline Academy.

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27 4.32 Plaintiff Jane Doe 15 was a female boarding student at the Ursuline
28 Academy/St. Ignatius Mission School from between 1954 and 1956. On at least four occasions
29 Brother Rene Gallant, aka, Brother Charlie sodomized Plaintiff Jane Doe 15, on the grounds

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1 and property of the St. Ignatius Catholic Church. One of the occasions when Brother Charlie
2 anally raped Plaintiff occurred in an area of the Church that was known as the bell tower.
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4 4.33 Plaintiff Jane Doe 16 was a female boarding student at the Ursuline
5 Academy/St. Ignatius Mission School from between 1958 and 1960 when she was between the
6 ages of seven and eight. Brother Rene Gallant, aka, Brother Charlie, sexually abused Plaintiff
7 Jane Doe 16 in the bell tower of the St. Ignatius Church. Brother Charlie asked Plaintiff Jane
8 Doe 16 if she “wanted to ring the church bell?” Being a young impressionable girl, Plaintiff
9 thought it was an honor to ring the church bell. As they walked up the stairway leading to
10 where the bell was located, Brother Charlie walked behind Plaintiff. Brother Charlie put his
11 hands under Plaintiff’s dress and fondled Plaintiff’s genital area. Plaintiff Jane Doe 16 escaped
12 and never got near Brother Charlie again.
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16 4.34 Plaintiff Jane Doe 17 was a female boarding student at the Ursuline
17 Academy/St. Ignatius Mission School between 1949 and 1956. Father Augustine Ferretti, aka,
18 Father Freddy, sexually abused Plaintiff at the Jesuit residence located behind St. Ignatius
19 Catholic Church. Father Freddy lured and enticed Plaintiff into sexual acts by offering her
20 candy. Father Freddy’s true intent was to fondle and digitally penetrate Plaintiff, which he did
21 on several occasions. In addition, Father Freddy would sit Plaintiff Jane Doe 17 on his lap and
22 bounce her up and down against his erect penis. On several occasions, Brother Rene Gallant,
23 aka, Brother Charlie took Plaintiff into the bell tower of St. Ignatius Church and fondled her.
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27 4.35 Plaintiff Jane Doe 18 was a day student at the Ursuline Academy/St. Ignatius
28 Mission School in 1958-1959. Brother Rene Gallant, aka, Brother Charlie, lured and enticed
29 Plaintiff Jane Doe 18 into committing sexual acts by offering and giving her candy. Brother
30 Charlie digitally penetrated Plaintiff Jane Doe 18 on several occasions. In addition, several
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1 other occasions, Brother Charlie would coat his penis with candy and make Plaintiff Jane Doe
2 18 lick it off. When Plaintiff cried and complained, Brother Charlie would laugh and force
3 Plaintiff to complete the sexual act. Plaintiff's family moved away at the end of the school year
4 which spared Plaintiff further exposure to sexual abuse.
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7 4.36 Plaintiff John Doe 16 was a day student at the Ursuline Academy/ St. Ignatius
8 Mission School between 1964 through 1965. Plaintiff John Doe 16 suffered acts of physical,
9 sexual, and emotional abuse by Mother Superior Loyola on numerous occasions on Ursuline
10 Academy property. Plaintiff John Doe 16 suffered acts of sexual and emotional abuse by
11 unknown priests and brothers employed by the Helena Diocese who appeared to arrive and
12 remain at the Ursuline Academy/St. Ignatius Mission School for short periods of time and/or
13 assignments.
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16 4.37 Plaintiff Jane Doe 19 was a female boarding student at Ursuline Academy/ St.
17 Ignatius Mission School between 1966 and 1972. Plaintiff Jane Doe 19 suffered acts of
18 physical, sexual, and emotional abuse by Father Augustine Ferretti, aka, Father Freddy,
19 Brother Rene Gallant, aka, Brother Charlie, and Sister Cecilia. The abuse occurred on
20 numerous occasions at Father Freddy's house and other places on the Ursuline Academy
21 property. Father Freddy digitally penetrated Plaintiff Jane Doe 19 on numerous occasions and
22 then would provide food for her to take home to her family. Plaintiff Jane Doe 19 was also
23 sexually abused by Brother Charlie in the church and bell tower of St. Ignatius Mission on
24 numerous occasions. Brother Charlie sexually abused Plaintiff by fondling and digitally
25 penetrating her. Plaintiff Jane Doe 19 was emotionally and physically abused by Sister Cecillia
26 while attending the Ursuline Academy/St. Ignatius Mission School.
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1 4.38 Plaintiff Jane Doe 20 was a female day student at the Ursuline Academy/St.
2 Ignatius Mission School between 1962 and 1968. Plaintiff Jane Doe 20 suffered acts of
3 physical, sexual, and emotional abuse by Father Augustine Ferretti, aka, Father Freddy, on
4 numerous occasions at Father Freddy's house which was located on Academy and/or Church
5 property and at other locations on Ursuline Academy and St. Ignatius Mission Parish property.
6 Father Freddy digitally penetrated Plaintiff Jane Doe 20 on numerous occasions and then
7 would give Plaintiff candy. Plaintiff Jane Doe 20 witnessed the sexual abuse of other girls
8 while at Father Freddy's home. Plaintiff Jane Doe 20 was also sexually abused by Brother
9 Rene Gallant, aka, Brother Charley, on the Ursuline Academy/ St. Ignatius Mission School
10 property on numerous occasions.

11 4.39 Plaintiff Jane Doe 21 was a female day student at the Ursuline Academy/St.
12 Ignatius Mission School between 1963 and approximately 1970. Plaintiff Jane Doe 21 suffered
13 acts of physical, sexual, and emotional abuse by Father Augustine Ferretti, aka, Father Freddy.
14 Father Freddy sexually abused Plaintiff on numerous occasions at Father Freddy's house and
15 other places on the Ursuline Academy property. Father Freddy digitally penetrated Plaintiff
16 Jane Doe 21 on numerous occasions and attempted to rape her on at least one occasion.
17 Plaintiff Jane Doe 21 witnessed Father Freddy sexually abuse other girls. Father Freddy would
18 tell Plaintiff Jane Doe 21 that if she didn't do what he said "something bad would happen to
19 your family," or "the Lord will be mad." Plaintiff Jane Doe 21 was also sexually abused by
20 Brother Rene Gallant, aka, Brother Charley on Ursuline Academy/ St. Ignatius Mission School
21 property on numerous occasions.

22 4.40 Plaintiff Estate of Jane Doe 22 is the estate of a deceased adult woman under
23 the laws of Montana. Plaintiff Jane Doe 22 was a female boarding student at the Ursuline

1 Academy/St. Ignatius Mission School in 1951 and again in 1954 through 1959/60. Plaintiff
2 Jane Doe 22 suffered and witnessed acts of physical, sexual, and emotional abuse by Brother
3 Rene Gallant, aka, Brother Charley, Mother Henrietta, Mother Camellia and Sister John. The
4 physical sexual and emotion abuse occurred on the Ursuline Academy/St. Ignatius Mission
5 School property.
6
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8 4.41 Plaintiff Jane Doe 23 was a female boarding student at the Ursuline
9 Academy/St. Ignatius Mission School between 1959 through 1960. Plaintiff Jane Doe 23
10 suffered acts of physical, sexual, and emotional abuse by nuns and sisters of the Ursuline
11 Sisters of the Western Province on the property and grounds of the Ursuline Academy/St.
12 Ignatius Mission School.
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15 4.42 Plaintiff Jane Doe 24 was a parishioner of St. Ignatius Mission Parish when she
16 suffered acts of physical, sexual, and emotional abuse by Father Augustine Ferretti, aka, Father
17 Freddy in 1958/1959. While employed as a priest for the Helena Diocese and/or assigned as a
18 priest by the Helena Diocese to St. Ignatius Mission Parrish and during the course of his duties
19 as such, Father Freddy visited Plaintiff and her family. Father Freddy sexually abused Plaintiff
20 by fondling and digitally penetrating her.
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23 4.43 Plaintiff Jane Doe 25 was a female day student at the Ursuline Academy/St.
24 Ignatius Mission School between 1964 through 1971. Plaintiff Jane Doe 25 suffered acts of
25 physical, sexual, and emotional abuse by an unknown priest employed by the Helena Diocese
26 and St. Ignatius Church and/or the Ursuline Academy. The priest fondled and touched Jane
27 Doe 25 in sexually inappropriate ways which constituted physical, sexual and emotional abuse.
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30 4.44 Plaintiff Estate of Jane Doe 26 is the estate of a deceased adult woman under
31 the laws of Montana. Plaintiff Jane Doe 26 was a female boarding student at the Ursuline
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1 Academy/St. Ignatius Mission School between 1947 and 1956. Plaintiff Jane Doe 26 was
2 sexually abused and molested by Brother Seoriso on numerous occasions. Brother Seoriso
3 fondled Plaintiff numerous times when Plaintiff was performing chores in the St. Ignatius
4 Church. When Plaintiff got older and developed secondary sexual physical traits, Brother
5 Seoriso attempted to touch, pinch, and fondle her breasts.
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8 4.45 Plaintiff Jane Doe 27 was a female boarding student at the Ursuline
9 Academy/St. Ignatius Mission School between 1960 and 1962. Plaintiff Jane Doe 27 suffered
10 acts of physical, sexual and emotional abuse by an unknown priest employed by the Helena
11 Diocese and/or the Ursuline Academy and/or the St. Ignatius Mission School. The priest
12 would make Plaintiff Jane Doe 27 lie down. The priest then would take her panties off and
13 digitally penetrate her vagina.
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16 4.46 Plaintiff Jane Doe 28 was a female student at the St. Mary's Catholic School in
17 Helena, Montana between 1955 and 1959. In 1955, Plaintiff Jane Doe 28 was sexually abused
18 by a priest named Father Delaney. Father Delaney fondled Plaintiff Jane Doe 28 on several
19 occasions while Plaintiff was on the grounds and property of the St. Mary's Catholic School.
20 Father Delaney offered Plaintiff Jane Doe 28 candy to either entice or induce her into
21 permitting the sexual acts and/or to induce and/or influence her into remaining quiet about
22 them. In 1959, Father Sullivan propositioned Plaintiff Jane Doe 28 to have sex with him in
23 exchange for \$20.00. Father Sullivan's actions occurred on the grounds and property of the St.
24 Mary's Catholic School.
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29 4.47 Plaintiff Jane Doe 29 was a female student at the St. Mary's Catholic School in
30 Helena, Montana between 1955 and 1959. Plaintiff Jane Doe 29 suffered sexual abuse by an
31 unknown priest in the Rectory of St. Mary's. Plaintiff was sent to the Rectory by a priest so that
32

1 the priest could explain why she had not been permitted to make her first communion.
2 Plaintiff Jane Doe 29 sat on the couch in the living room. There was a coffee table in front of
3 her. The priest sat next to her and began to explain why Plaintiff had not been allowed to make
4 first communion. As the priest talked he moved closer to Plaintiff until his body was touching
5 hers. He then placed his hand on her leg, moved it up her skirt to her genital area, and fondled
6 Plaintiff. Plaintiff escaped and ran home.
7
8

9 4.48 Plaintiffs John Doe 17-100 and Jane Doe 30-100 are persons whose identity is
10 as yet to be determined, but who may be similarly situated as the above-listed Plaintiffs and
11 thus may be named as parties in the future.
12

13 **V. GENERAL ASSERTIONS COMMON TO ALL CAUSES OF ACTION**
14

15 5.1 Plaintiffs incorporate by reference all other paragraphs of this Complaint as if
16 fully set forth herein.
17

18 5.2 At all relevant times to this Complaint, Plaintiffs were children under the care,
19 custody, responsibility and/or protection of the Helena Diocese and the Ursuline Sisters. The
20 individual perpetrators of sexual abuse who preyed upon Plaintiffs were pedophiles and child
21 predators. Upon information and belief, the Helena Diocese and the Ursuline Sisters knew or
22 should have known that the individual perpetrators were committing acts of sexual abuse
23 against Plaintiffs.
24

25 5.3 At all relevant times, the nuns and sisters named herein were under the
26 authority, supervision, and control of Defendant, the Ursuline Sisters of the Western Province,
27 aka Ursuline Western Province, and the Roman Catholic Diocese of Helena, aka Helena
28 Diocese of the Roman Catholic Church. The above-named nuns and sisters of Defendant, the
29 Ursuline Sisters of the Western Province, used their positions as nuns/sisters and authority
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1 figures to molest, exploit, and abuse children, including Plaintiffs, at the Ursuline Academy.
2 Defendants, the Ursuline Sisters of the Western Province and the Helena Diocese including its
3 employees, agents, and assigns, had a duty to ensure the safety of all children, including
4 Plaintiffs, while they were students and residents of the Ursuline Academy and the St. Ignatius
5 Mission School and the St. Xavier Mission Parish and/or Church, and stood “in loco parentis”
6 as the caretakers for the Plaintiffs. At all relevant times hereto, the above-named nuns and
7 sisters perpetrated sexual abuse on vulnerable children under their care, custody, control and
8 protection, and/or failed to report abuse committed by priests, brothers and nuns.

12 5.4 At all relevant times, the priests named herein were under the authority,
13 supervision, and control of Defendant, the Roman Catholic Diocese of Helena, aka Helena
14 Diocese of the Roman Catholic Church. The above-named priests employed by Defendant, the
15 Helena Diocese, used their positions as priests and authority figures to molest, exploit, and
16 abuse children, including Plaintiffs, at the Ursuline Academy, St. Ignatius Mission Parish, St.
17 Xavier Mission Church, and/or St. Mary’s Catholic School. Defendant, the Helena Diocese,
18 including its employees, agents, and assigns, had a duty to ensure the safety of all children,
19 including Plaintiffs, while they were students and residents of the Ursuline Academy/St.
20 Ignatius Mission School, St. Mary’s Catholic School, and/or members of St. Ignatius Church
21 and/or St. Xavier Church and stood “in loco parentis” as the caretakers for the Plaintiffs. At all
22 relevant times hereto, the named priests perpetrated sexual abuse on vulnerable children,
23 including Plaintiffs, under their care, custody, control, and protection, and/or failed to report
24 abuse committed by priests, brothers and nuns.

30 5.5 At all relevant times to this Complaint, the perpetrators were agents and assigns
31 of the Diocese and/or the Ursuline Sisters. Upon information and belief and at all relevant
32

1 times hereto, the perpetrators acted under the shield and protection of their clerical agency with
2 the Diocese and/or the Ursuline Sisters.
3

4 5.6 Upon information and belief and all relevant times to this Complaint, the
5 Diocese and the Ursuline Sisters engaged in a pattern and practice of placing the perpetrators
6 in remote areas. The Diocese and the Ursuline Sisters thereby exposed the perpetrators to
7 children, including Plaintiffs, who were vulnerable to exploitation and abuse. Among the
8 purposes the Diocese and Ursuline Sisters expressed for placing priests, nuns, and sisters in
9 remote areas of Montana was to minister to the poor, as well as, provide educational and
10 religious guidance and teaching. Upon information and belief, the Diocese and Ursuline Sisters
11 knew or should have known that the perpetrators would use and/or used their religious,
12 educational and/or counselor office to groom and sexually exploit vulnerable children,
13 including Plaintiffs.
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18 5.7 Defendant, Ursuline Sisters, engaged in a pattern and practice of employing,
19 sheltering, and protecting nuns and sisters, who it knew or should have known were engaged in
20 sexual abuse. As part of this pattern and practice, Defendants transferred nuns into and out of
21 the Ursuline Academy, St. Ignatius Church, St. Ignatius Mission School, and other remote
22 areas of Montana and elsewhere to ensure that children did not complain of the abuse and/or
23 that parents did not discover the abuse. Upon information and belief, Defendant, the Ursuline
24 Sisters, in furtherance of the pattern and practice of employing, sheltering, and protecting nuns
25 and sisters whom it knew or should have known were engaged in child sexual abuse, failed to
26 advise parents about the abuse and the presence of nuns and sisters in the community who
27 sexually abused their children. Defendants' pattern and practice aimed to protect Defendants'

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1 financial resources and to suppress any claims against those resources and resulted in shielding
2 of sexual abusers and sexual predators.
3

4 5.8 Defendant, the Helena Diocese, engaged in a pattern and practice of employing,
5 sheltering, and protecting priests, who it knew or should have known were engaged in sexual
6 abuse. As part of this pattern and practice, Defendants transferred priests into and out of the
7 Ursuline Academy, St. Ignatius Church, St. Ignatius Mission School, St. Xavier Church, St.
8 Mary's Catholic School and various other remote areas of Montana to ensure that children did
9 not complain of the abuse; that parents did not discover the abuse; and, that civil and criminal
10 authorities did not discover and act upon the abuse. Defendant, the Helena Diocese, also in
11 furtherance of the pattern and practice of employing, sheltering, and protecting priests whom it
12 knew or should have known were engaged in child sexual abuse, failed to advise or notify
13 parents about the abuse and the presence in the community of priests who were engaged in
14 sexual abuse of their children. Defendant's pattern and practice aimed to protect Defendant's
15 financial resources and to suppress any claims against those resources and resulted in shielding
16 of sexual abusers and sexual predators.
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22 5.9 Upon information and belief, the Helena Diocese operates under authority of the
23 Code of Cannon Law, which provides in part that each bishop must maintain secret archival
24 files of any material injurious to the Catholic Church. Upon information and belief,
25 maintenance of these secret files results in suppression of any date and evidence related to
26 child sexual abuse committed by priests and other clergy, including but not limited to the
27 names of victims, the identities of perpetrators, and actions taken by the Church to "fix"
28 problems involving allegations of child sexual abuse. Thus, the Diocese and the Ursuline
29 Sisters hid, occulted, suppressed, or destroyed evidence.
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1 5.10 At all relevant times to this Complaint, the Diocese and the Ursuline Sisters, on
2 its own and through its employees and agents, including the perpetrators named herein, acted
3 under circumstances and conditions likely to produce great bodily harm to vulnerable children,
4 including Plaintiffs; willfully caused or permitted Plaintiffs to suffer unjustifiable physical pain
5 or mental suffering; willfully caused or permitted injury to Plaintiffs' health; and willfully
6 endangered Plaintiffs and/or permitted them and their health to be endangered.
7

8
9 5.11 At all relevant times to this Complaint, the perpetrators' acts of sexual abuse
10 and molestation were the type of acts that were reasonably foreseeable for organizations, such
11 as the Helena Diocese and the Ursuline Sisters, who are entrusted with the care, custody,
12 instruction and protection of children. Defendants, the Diocese and the Ursuline Sisters,
13 occupied a special custodial relationship with the children delivered into their care and thus
14 knew or should have known that by sending perpetrators to remote areas, they created an
15 unreasonable risk that vulnerable children, including Plaintiffs, would be victimized by the
16 named priests, nuns, and sisters.
17

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19
20 5.12 At all relevant times to this Complaint, the Diocese and the Ursuline Sisters
21 engaged in a pattern and practice of protecting perpetrators from being exposed as child
22 abusers and molesters and thus enabled the perpetrators to continue to harm Plaintiffs and other
23 vulnerable children.
24

25
26 5.13 Plaintiffs' causes of action did not begin to accrue until each of them discovered
27 the acts, abuse, and/or exploitation and its causal relationship to an injury or condition suffered
28 by Plaintiffs. This Complaint is not time-barred since Plaintiffs discovered within the times
29 permitted by Montana Code Annotated (M.C.A.), Section 27-2-216, that the injuries which are
30

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1 the subject of this matter were caused by the childhood sexual abuse perpetrated on Plaintiffs
2 as set forth above.

3
4 **VI. FIRST CAUSE OF ACTION**

5 **NEGLIGENCE**

6
7 6.1 Plaintiffs incorporate by reference all other paragraphs of this Complaint as if
8 fully set forth herein.

9
10 6.2 At all relevant times hereto, the Helena Diocese and the Ursuline Sisters had
11 certain duties to protect the children entrusted to them from harm, injury, exploitation, and
12 sexual abuse and to ensure the general safety and well-being of the Plaintiffs, as alleged herein.

13
14 6.3 The Diocese and the Ursuline Sisters breached those duties by acting as alleged
15 herein.

16
17 6.4 The Diocese and the Ursuline Sisters breached the standard of care reasonably
18 to be expected from a church caring for vulnerable children under the same or similar
19 conditions as alleged herein.

20
21 6.5 The negligence of the Diocese and Ursuline Sisters directly and proximately
22 caused life-long, persistent damages to Plaintiffs as alleged herein.

23
24 6.6 The acts, omissions, negligence, and recklessness of the Diocese and the
25 Ursuline Sisters directly and proximately injured and damaged and continue to injure and
26 damage Plaintiffs as alleged herein, as will be proven at trial.

27
28 6.7 Plaintiffs suffered and continue to suffer damages for pain and suffering,
29 physical, emotional, psychological distress, and extreme anguish, loss of earnings and earning
30 capacity and other general and special damages in an amount to be proven at trial.

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1 **VII. SECOND CAUSE OF ACTION – BREACH OF FIDUCIARY DUTIES**

2 7.1 Plaintiffs incorporate by reference all other paragraphs of this Complaint as if
3
4 fully set forth herein.

5 7.2 At all relevant times hereto, the Diocese and/or the Ursuline Sisters voluntarily
6 assumed custody of children who attended the Ursuline Academy/ St. Ignatius Mission School.
7 The Diocese voluntarily assumed custody of children who attended the St. Mary’s Catholic
8 School. As such, there existed a special relationship between the Diocese of Helena and/or the
9 Ursuline Sisters, and the children, including Plaintiffs, entrusted to Defendants. This special
10 relationship created fiduciary duties for the Diocese and/or the Ursuline Sisters to act with the
11 utmost trust, caution, good faith, and honesty with respect to its obligations toward said
12 children.
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16 7.3 The Diocese and/or the Ursuline Sisters expressly undertook fiduciary duties
17 and obligations by assuming custody and control of the congregations’ children, including
18 Plaintiffs.
19

20 7.4 Plaintiffs and their families placed faith and confidence in the Diocese and/or
21 the Ursuline Sisters to keep them safe from harm, injury, exploitation, and sexual abuse.
22

23 7.5 The Diocese and/or the Ursuline Sisters failed to protect Plaintiffs, thereby,
24 breaching their fiduciary duties,
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26 7.6 The Diocese’s and/or Ursuline Sisters’ breach of their fiduciary duties to
27 Plaintiffs directly and proximately injured and damaged Plaintiffs.
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VIII. THIRD CAUSE OF ACTION—

PUNITIVE DAMAGES [M.C.A. §27-1-220, et. seq.]

8.1 Plaintiffs incorporate by reference all other paragraphs of this Complaint as if fully set forth herein.

8.2 Despite their actual and/or constructive knowledge of the perpetrators' sexual predilections, pedophilia, and sexual abuse, the Diocese of Helena and the Ursuline Sisters utterly and disgracefully failed to warn parishioners, church volunteers, licensees, invitees, and their families, including Plaintiffs.

8.3 Despite knowing that the perpetrators were sexually abusing young children, the Diocese and the Ursuline Sisters continued to grant the perpetrators unsupervised access to said children, including Plaintiffs, and failed to remove the perpetrators from serving as priests and sisters and nuns with the Diocese and Ursuline Order, respectively. The perpetrators therefore continued to harm and abuse Plaintiffs and others as yet unknown.

8.4 It was reasonably foreseeable that the acts and omissions committed by the Diocese and the Ursuline Sisters would cause serious injury to Plaintiffs, yet the Diocese and the Ursuline Sisters continued to engage in such behavior with wanton and reckless disregard of the harmful results.

8.5 The Diocese and the Ursuline Sisters are guilty of actual malice because they had knowledge of facts and/or intentionally disregarded facts and circumstances that created a high probability of harm to Plaintiffs.

8.6 Defendants have engaged in a pattern and practice to cover up and conceal incidents of sexual abuse of minors by nuns, sisters and priests, which prevented disclosure and accountability, criminal prosecution, and civil litigation. This conduct includes but is not

1 limited to Defendants denying that perpetrators in their employ engaged in sexual abuse of
2 children, Defendants' reassignment and/or transfer of perpetrators, Defendants' coercion of
3 victims and their families, and Defendants' failure to seek redress for victims and their injuries.
4 As such, this conduct constitutes fraudulent concealment and represents a further basis upon
5 which to award punitive damages.
6
7

8 **IX. FOURTH CAUSE OF ACTION – RESPONDEAT SUPERIOR**

9
10 9.1 Plaintiffs incorporate by reference all other paragraphs of this Complaint as if
11 fully set forth herein.

12 9.2 At all relevant times hereto, the perpetrators and Defendants had an
13 employment relationship and such relationship existed when the Plaintiffs were abused.
14

15 9.3 The Diocese of Helena, the Ursuline Sisters, and the perpetrators mutually
16 assented to the employment relationship between them.

17
18 9.4 At all times relevant hereto, the perpetrators were acting within the scope of
19 their employment with the Diocese and the Ursuline Sisters.

20
21 9.5 The Diocese of Helena and the Ursuline Sisters are vicariously liable for the
22 acts and omissions of the perpetrators described herein.

23 **X. DAMAGES / PRAYER FOR RELIEF**

24
25 **WHEREFORE**, Plaintiffs demand judgment against the Defendants, and each of
26 them, as follows:

- 27 1. Judgment against the Defendants, jointly and severally, in an amount that will
28 fairly compensate Plaintiffs for all damages sustained;
29
30 2. Statutory costs and attorney's fees;

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1 3. Special damages in an amount to be proven at trial, including all pre-judgment
2 interest thereon calculated at the maximum rate allowable by law:

3
4 4. Plaintiffs' general damages in an amount to be proven at trial;

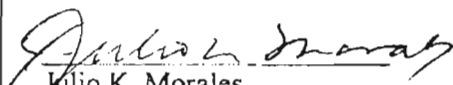
5 5. Equitable relief that will ensure that the Diocese and the Ursuline Sisters
6 publicly acknowledge the sexual abuse that Plaintiffs suffered, the pain and suffering that they
7 continue to suffer, and which will result in the formulation of policies and procedures to
8 ensure the physical, spiritual, and emotional safety of children and parishioners entrusted to
9 the Diocese and the Ursuline Sisters in Montana and elsewhere;

10
11 6. Such other and further relief as the Court deems just and equitable under the
12 circumstances.

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14 7. To the extent that Defendants engaged in a pattern and practice to cover up and
15 otherwise conceal incidents of sexual abuse of minors by priests, nuns, and sisters, which
16 prevented disclosure, and prevented prosecution and civil litigation, including but not limited
17 to Defendants' denial of abuse; Defendants' reassignment and/or transfer of abusive priests,
18 nuns, and sisters; Defendants' coercion of victims and their families; and/or Defendants'
19 failure to seek redress for victims and their injuries, this conduct should be considered
20 fraudulent concealment and should equitably estop Defendants from asserting a statute of
21 limitations defense.
22
23
24

25
26 **DATED:** September 26th, 2011.

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3. Special damages in an amount to be proven at trial, including all pre-judgment interest thereon calculated at the maximum rate allowable by law;

4. Plaintiffs' general damages in an amount to be proven at trial;

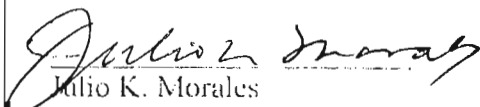
5. Equitable relief that will ensure that the Diocese and the Ursuline Sisters publicly acknowledge the sexual abuse that Plaintiffs suffered, the pain and suffering that they continue to suffer, and which will result in the formulation of policies and procedures to ensure the physical, spiritual, and emotional safety of children and parishioners entrusted to the Diocese and the Ursuline Sisters in Montana and elsewhere;

6. Such other and further relief as the Court deems just and equitable under the circumstances.


7. To the extent that Defendants engaged in a pattern and practice to cover up and otherwise conceal incidents of sexual abuse of minors by priests, nuns, and sisters, which prevented disclosure, and prevented prosecution and civil litigation, including but not limited to Defendants' denial of abuse; Defendants' reassignment and/or transfer of abusive priests, nuns, and sisters; Defendants' coercion of victims and their families; and/or Defendants' failure to seek redress for victims and their injuries, this conduct should be considered fraudulent concealment and should equitably estop Defendants from asserting a statute of limitations defense.

DATED: September 26th, 2011.

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1 3. Special damages in an amount to be proven at trial, including all pre-judgment
2 interest thereon calculated at the maximum rate allowable by law;

4 4. Plaintiffs' general damages in an amount to be proven at trial;

5 5. Equitable relief that will ensure that the Diocese and the Ursuline Sisters
6 publicly acknowledge the sexual abuse that Plaintiffs suffered, the pain and suffering that they
7 continue to suffer, and which will result in the formulation of policies and procedures to
8 ensure the physical, spiritual, and emotional safety of children and parishioners entrusted to
9 the Diocese and the Ursuline Sisters in Montana and elsewhere;

12 6. Such other and further relief as the Court deems just and equitable under the
13 circumstances.

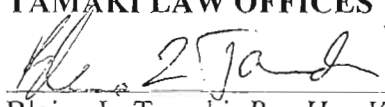
15 7. To the extent that Defendants engaged in a pattern and practice to cover up and
16 otherwise conceal incidents of sexual abuse of minors by priests, nuns, and sisters, which
17 prevented disclosure, and prevented prosecution and civil litigation, including but not limited
18 to Defendants' denial of abuse; Defendants' reassignment and/or transfer of abusive priests,
19 nuns, and sisters; Defendants' coercion of victims and their families; and/or Defendants'
20 failure to seek redress for victims and their injuries, this conduct should be considered
21 fraudulent concealment and should equitably estop Defendants from asserting a statute of
22 limitations defense.
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25
26 **DATED:** September 26th, 2011.

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28
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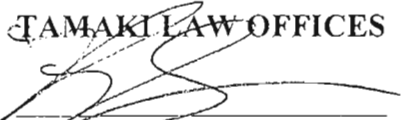
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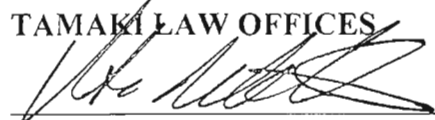
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