

Supreme Court of Pennsylvania

Court of Common Pleas Civil Cover Sheet

DAUPHIN COUNTY County

For Prothonotary Use Only:

Docket No:

2018 CW 4347 CV

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

SECTION A

Commencement of Action:

- Complaint
 Writ of Summons
 Petition
 Transfer from Another Jurisdiction
 Declaration of Taking

Lead Plaintiff's Name: Patricia Julius, Lara McKeever

Lead Defendant's Name: Roman Catholic Diocese of Harrisburg

Are money damages requested? Yes No

Dollar Amount Requested: within arbitration limits
 outside arbitration limits
 (check one)

Is this a Class Action Suit? Yes No

Is this an MDJ Appeal? Yes No

Name of Plaintiff/Appellant's Attorney: Andreozzi & Associates, P.C., Benjamin D. Andreozzi, Esq. and Nathaniel Foote, Esq.

Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)

Nature of the Case: Place an "X" to the left of the **ONE** case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

SECTION B

TORT (do not include Mass Tort)

- Intentional
 Malicious Prosecution
 Motor Vehicle
 Nuisance
 Premises Liability
 Product Liability (does not include mass tort)
 Slander/Libel/ Defamation
 Other: _____

CONTRACT (do not include Judgments)

- Buyer Plaintiff
 Debt Collection: Credit Card
 Debt Collection: Other _____
 Employment Dispute: Discrimination
 Employment Dispute: Other _____
 Other: _____

CIVIL APPEALS

- Administrative Agencies
 Board of Assessment
 Board of Elections
 Dept. of Transportation
 Statutory Appeal: Other _____
 Zoning Board
 Other: _____

MASS TORT

- Asbestos
 Tobacco
 Toxic Tort - DES
 Toxic Tort - Implant
 Toxic Waste
 Other: _____

REAL PROPERTY

- Ejectment
 Eminent Domain/Condemnation
 Ground Rent
 Landlord/Tenant Dispute
 Mortgage Foreclosure: Residential
 Mortgage Foreclosure: Commercial
 Partition
 Quiet Title
 Other: _____

MISCELLANEOUS

- Common Law/Statutory Arbitration
 Declaratory Judgment
 Mandamus
 Non-Domestic Relations Restraining Order
 Quo Warranto
 Replevin
 Other: _____

PROFESSIONAL LIABILITY

- Dental
 Legal
 Medical
 Other Professional: _____

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 Nathaniel L. Foote, Esq. (ID #318998)
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 111 North Front Street, Harrisburg, PA 17101
 Ph: 717.525.9124 | Fax: 717.525.9143
Attorneys for Plaintiffs

PATRICIA JULIUS, LARA McKEEVER

Plaintiffs,

vs.

ROMAN CATHOLIC DIOCESE OF
 HARRISBURG

Defendants,

IN THE COURT OF COMMON PLEAS
 OF DAUPHIN COUNTY

No. **2018 W 4347**

ACTION FOR DECLARATORY
 JUDGMENT

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NOTICE

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

DAUPHIN COUNTY LAWYER REFERRAL SERVICE
 213 North Front Street
 Harrisburg, PA 17101
 (717) 232-7536

NOTICE

**CONCERNING MEDIATION OF ACTIONS PENDING BEFORE THE COURT OF
COMMON PLEAS OF DAUPHIN COUNTY**

The Judges of the Court of Common Pleas of Dauphin County believe that mediation of lawsuits is a very important component of dispute resolution. Virtually all lawsuits can benefit in some manner from mediation.

The Court has adopted Dauphin County Local Rule 1001 to encourage the use of mediation. This early alert enables litigants to determine the best time during the life of their lawsuit for a mediation session. The intent of this early alert is to help the parties act upon the requirement to consider good faith mediation at the optimal time.

The Dauphin County Bar Association provides mediation services and can be reached at 717-232-7536. Free mediation sessions for pro bono cases referred by MidPenn Legal Services are available through the DCBA.

AVISO

USTED HA SIDO DEMANDADO/A EN CORTE. Si usted desea defenderse de las demandas que se presentan mas adelante en las siguientes paginas, debe tomar accion dentro de los proximos veinte (20) dias despues de la notificacion de esta Demanda y Aviso radicando personalmente o por medio de un abogado una comparecencia escrita y radicando en la Corte por escrito sus defensas de, y objeciones a, las demandas presentadas aqui en contra suya. Se le advierte de que si usted falla de tomar accion como se describe anteriormente, el caso puede proceder sin usted y un fallo por cualquier suma de dinero reclamada en la demanda o cualquier otra reclamacion o remedio solicitado por el demandante puede ser dictado en contra suya por la Corte sin mas aviso adicional. Usted puede perder dinero o propiedad u otros derechos importantes para usted.

USTED DEBE LLEVAR ESTE DOCUMENTO A SU ABOGADO INMEDIATAMENTE. SI USTED NO TIENE UN ABOGADO, LLAME O VAYA A LA SIGUIENTE OFICINA. ESTA OFICINA PUEDE PROVEERLE INFORMACION A CERCA DE COMO CONSEGUIR UN ABOGADO.

SI USTED NO PUEDE PAGAR POR LOS SERVICIOS DE UN ABOGADO, ES POSIBLE QUE ESTA OFICINA LE PUEDA PROVEER INFORMACION SOBRE AGENCIAS QUE OFREZCAN SERVICIOS LEGALES SIN CARGO O BAJO COSTO A PERSONAS QUE CUALIFICAN.

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AVISO

REFERENCIAS A LA MEDIACIÓN DE LAS ACCIONES PENDIENTES ANTES LA CORTE DE SOPLICAS COMUNES DEL CONDADO DE DAUPHIN

Los jueces de la corte de súplicas comunes del condado de Dauphin creen que la mediación de pleitos es un componente muy importante de la resolución del conflicto. Virtualmente todos los pleitos pueden beneficiar de cierta manera de la mediación.

La code ha adoptado la regla local de condado de Dauphin 1001 para animar el use de la mediación. Esta alarma temprana permite a litigantes determinar la mejor época durante la vida de su pleito para una sesión de la mediación. El intento de esta alarma temprana es actuar sobre la mediación de la buena fe en el tiempo óptimo.

La asociación de la barra del condado de Dauphin proporciona servicios de la mediación y se puede alcanzar en 717-232-7536. La sesión libre de la mediación para los favorables casos del bono se refinio por MidPenn que los servicios juridicos están disponibles con el DCBA.

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Attorneys for Plaintiffs

PATRICIA JULIUS, LARA McKEEVER	:	IN THE COURT OF COMMON PLEAS
	:	OF DAUPHIN COUNTY
Plaintiffs,	:	
	:	No. 2018 CV 4347 CV
vs.	:	
	:	
ROMAN CATHOLIC DIOCESE OF	:	ACTION FOR DECLARATORY
HARRISBURG	:	JUDGMENT
	:	
Defendants.	:	

COMPLAINT IN CIVIL ACTION FOR DECLARATORY JUDGMENT

AND NOW, come the Plaintiffs, Patty Julius and Lara McKeever, by counsel, Andreozzi & Associates, P.C., who hereby file the within Action for Declaratory Judgment, and who state as follows:

PARTIES

1. The Plaintiff, Patty Julius, is an adult resident of Pennsylvania.
2. The Plaintiff, Lara McKeever, is an adult resident of Pennsylvania.
3. The Defendant, the Roman Catholic Diocese of Harrisburg ("the Diocese"), is Harrisburg's Catholic Diocese, serving close to 245,000 Catholics in eighty-nine parishes and seven missions throughout fifteen counties of central Pennsylvania.

JURISDICTION AND VENUE

4. This Court has jurisdiction over this action under 42 Pa.C.S. § 7531, *et. seq.*, known as the "Declaratory Judgments Act."

5. Venue is proper in this Court as the Diocese is headquartered in Dauphin County

FACTS

History of Child Sex Abuse in Roman Catholic Dioceses

6. As is now well-known, child sex abuse by Catholic priests has been widespread, resulting in major sex abuse scandals involving large Catholic Dioceses around the world, including those in Boston, Los Angeles, Philadelphia, and many other cities.

7. For many years, however, the scope of the Catholic child sex-abuse epidemic was unknown.

8. Thanks to an investigation in 2002 by the Boston Globe's "Spotlight" team, made more famous by the 2015 film *Spotlight*, the public is now aware that thousands of children have been sexually abused by Catholic priests, and that many of those predator priests were protected by Catholic officials.

9. Pennsylvania has been at the forefront of investigating Catholic priest's sex abuse of children, and the cover-ups by Catholic officials, including the following:

- a. In 2002, a Philadelphia grand jury investigation into the Philadelphia Diocese uncovered evidence that more than 120 priests in the Archdiocese of Philadelphia were accused of sexually abusing hundreds of children;

- b. In 2003, another Philadelphia grand jury investigation into the Philadelphia Diocese concluded that "in its callous, calculating manner, the Archdiocese's 'handling' of the abuse scandal was at least as immoral as the abuse itself."

- c. In 2011, a third Philadelphia grand jury investigation resulted in criminal charges for Philadelphia Diocese Monsignor William J. Lynn for protecting child abusers.

d. Furthermore, a grand jury report on the Diocese of Altoona-Johnstown that found 50 priests and other church workers molested hundreds of children, which ultimately resulted in criminal charges against three Franciscan friars in Blair County for child endangerment.

e. In 2016, the Attorney General's Office began a state wide grand jury investigation into the sexual assault of children in Dioceses across the Commonwealth of Pennsylvania.

f. It is expected that in the coming weeks another grand jury report will be released pertaining to remaining dioceses in Pennsylvania: the Dioceses of Allentown, Pittsburgh, Greensburg, Erie, Scranton, and Harrisburg.

The Dauphin County Family and Priest Augustine Giella

10. In 1982, well before it was public knowledge that Catholic priests preyed on children (and that Catholic officials covered for them), Reverend Augustin Giella ("Giella") was transferred from the Diocese of Trenton to the Harrisburg Diocese.

11. Giella was stationed in Hanover but was later moved to St. John's Parish in Enhaut, Dauphin County.

12. Giella served in that capacity until 1989, when he retired and returned to New Jersey.

13. While in Dauphin County, Giella became close with a local family, hereinafter the "Dauphin County Family."

14. The Dauphin County Family, of course, had no idea Giella was a pedophile and sexual deviant that preyed on children.

15. Tragically, over the course of many years, Giella sexually abused several members of the Dauphin County Family.

16. In 1992, C.F., a courageous 12-year-old member of the Dauphin County Family, came forward and reported Giella's abuse.

17. Giella was subsequently charged with multiple counts of child abuse, but died awaiting trial.

The Dauphin County Family's Settlement with the Diocese of Harrisburg

18. In the 1990s, after learning what happened to C.F., the parents of the Dauphin County Family hired an attorney to investigate a civil claim against the Diocese for damages to C.F. from Giella's abuse.

19. In 1994, the Diocese settled C.F.'s claim.

20. It is believed and therefore averred, that consideration in the form of settlement money was paid to C.F. and her parents.

21. In 1995, another member of the Dauphin County Family, T.F., also courageously came forward about her abuse by Giella.

22. T.F. hired an attorney to pursue a civil claim against the Diocese.

23. It is believed and therefore averred, that consideration in the form of settlement money was paid to T.F.

24. The Diocese, however, was adamant about keeping C.F. and T.F.'s claims a secret, as it had done with many other allegations of abuse.

25. As part of C.F.'s settlement, the Diocese required the parents of the Dauphin County Family to sign an exceptionally broad confidentiality agreement, which states, in relevant part:

“Payment and retention of all sums hereunder (whether by cash or annuity) shall be contingent on the preservation of confidentiality by the [Dauphin County Family], their representatives, **family members** and beneficiaries, regarding this Settlement Agreement and the incidents, occurrences, allegations, events, actions, inactions **involving any member of the [Dauphin County Family]** and Rev. Augustine Giella or the Diocese...” (emphasis added).¹

26. As part of T.F.’s settlement, the Diocese required she sign a similar confidentiality agreement, which states, in relevant part:

“Payment and retention of all sums hereunder (whether by cash or annuity) shall be contingent on the preservation of confidentiality by the Claimant, their representatives, **family members** and beneficiaries, regarding this Settlement Agreement and the incidents, occurrences, allegations, events, actions, inactions **involving any member of the [Dauphin County Family]** and Rev. Augustine Giella or the Diocese...” (emphasis added).

27. The parents of the Dauphin County Family and T.F. did indeed sign such agreements to settle legal claims related to the sexual abuse of C.F. and T.F.

28. Given the language of the agreement, however, the Plaintiffs are arguably encompassed within the confidentiality provision signed by their parents and sister, even though:

- a. Plaintiffs were adults at the time the agreements were signed, so their parents were not acting as their legal guardians or representatives;
- b. Plaintiffs received no payment or other consideration from the Diocese;
- c. Plaintiffs never asserted a legal claim against the Diocese; and,
- d. Plaintiffs did not even know at that time that their parents and T.F. agreed to confidentiality on Plaintiffs’ behalf when the agreements were signed.

¹ The Settlement Agreement also required the parents of the Dauphin County Family to “apprise all persons who, to the best of their knowledge, have previously learned of the abuse of [C.F.] by Rev. Giella, of the provision of this paragraph respecting confidentiality.” The parents of the Dauphin County Family complied with this provision of the Settlement Agreement and advised the moving parties of the confidentiality agreement, which has caused them to bring the present action.

29. The Plaintiffs testified before the most recent grand jury about their sexual abuse under subpoena, and now wish to speak publicly about their suffering at the hands of Giella.

30. Due to the above-described confidentiality provision, the Plaintiffs fear imperiling their sisters' settlements if they speak publicly.

31. The Court should not enforce the Diocese draconian confidentiality provisions which seek to perpetuate a culture of silence and serve no public policy, but rather provide protection to pedophile priests by preventing them from being publicly outed.

32. As such, Plaintiffs seeks a declaration from this Court they are not bound by the confidentiality provision(s) in C.F. and T.F.'s settlement agreements.

WHEREFORE, Plaintiffs demands a declaratory judgment against the Defendant, the Diocese of Harrisburg, that Plaintiffs are not bound by C.F. and T.F.'s settlement agreements, and such other relief this Court deems appropriate.

Respectfully Submitted,

ANDREOZZI & ASSOCIATES, P.C.

Date: July 2, 2018


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ben@victimscivilattorneys.com

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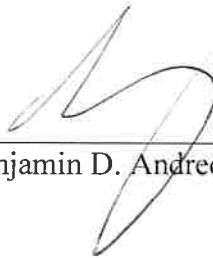
717.525.9124 (Phone) | 717.525.9143 (Fax)

Attorneys for Plaintiffs

CERTIFICATION REGARDING CONFIDENTIAL INFORMATION

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Date: July 2, 2018



Benjamin D. Andreozzi, Esq.


CERTIFICATE OF SERVICE

I, Cassie L. Gardner, hereby state that I have this day caused to be served a true and correct copy of the foregoing document on the individual listed below via Sheriff's Service.

Roman Catholic Diocese of Harrisburg
4800 Union Deposit Road
Harrisburg, PA 17111

Date: July 2, 2018

By:

A handwritten signature in cursive script, appearing to read "Cassie L. Gardner", written over a horizontal line.

Cassie L. Gardner

Legal Assistant

VERIFICATION

I, Lara McKeever, Plaintiff, verify that the statements made in the foregoing document are true and correct to the best of my knowledge and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904. relating to unsworn falsification to authorities.

Dated: 7/2/2018


Lara McKeever

VERIFICATION

I, Patricia Julius, Plaintiff, verify that the statements made in the foregoing document are true and correct to the best of my knowledge and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities.

Dated:

6/28/2018


Patricia Julius