

IN THE MISSOURI COURT OF APPEALS
EASTERN DISTRICT

ARCHDIOCESE OF ST. LOUIS, <i>et al.</i> ,)	
)	
Relators,)	
)	Case No.
vs.)	
)	
HONORABLE ROBERT H. DIERKER,)	
JUDGE, CIRCUIT COURT FOR THE CITY)	
OF ST. LOUIS,)	
)	<u>FILED UNDER SEAL</u>
Respondent.)	

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Respectfully submitted,

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

JANE DOE 92,

Plaintiff,

vs.

ARCHDIOCESE OF ST. LOUIS, a Non-
Profit Corporation, ARCHBISHOP
ROBERT J. CARLSON of the Archdiocese
of St. Louis, and FATHER JOSEPH ROSS

Defendants.

Cause No. 1122-CC10165

Division 1

PETITION

JURY TRIAL DEMANDED

SERVE:

Archdiocese of St. Louis
Reverend Monsignor Jerome Billing
Registered Agent
20 Archbishop May Drive
St. Louis, MO 63119

Archbishop Robert J. Carlson
of the Archdiocese of St. Louis
4445 Lindell Blvd.
St. Louis, MO 63108-2333

Father Joseph Ross

PETITION

Plaintiff Jane Doe 92, for her Petition against the defendants named herein, alleges as follows:

1. Plaintiff brings this lawsuit in order to hold defendants responsible for the injuries she suffered due to the sexual abuse perpetrated upon her by one of defendants' priests, Joseph Ross, and to protect other children from the pain of childhood sexual abuse.

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JURISDICTION AND VENUE

2. This Court has jurisdiction over the causes of action asserted herein and over the parties to this action. Plaintiff asserts claims under Missouri common law. This Court has jurisdiction because Defendants Archdiocese and Archbishop owned and operated St. Cronan's Parish, are licensed to do business or transact business in Missouri and have obtained the benefits of the laws of the State of Missouri and the benefits of the Missouri location for St. Cronan's Parish. Finally, the sexual molestation described herein occurred at St. Cronan's Parish which is located in the City of St. Louis, within the State of Missouri.

3. Venue is proper in this Court under R.S.Mo. § 508.010 (4), because Plaintiff Jane Doe 92 was first injured at St. Cronan's Parish which is located in St. Louis, Missouri.

PARTIES

4. Plaintiff Jane Doe 92 is nineteen years old and is a resident of the State of Missouri. Plaintiff Jane Doe 92 was sexually, physically and emotionally abused by Father Joseph Ross at St. Cronan's Parish in the City of St. Louis, Missouri, when she was a minor.

5. Defendant Archdiocese of St. Louis (hereinafter "Archdiocese"), which runs St. Cronan's Parish, was an unincorporated association doing business in Missouri at the time the injuries to Plaintiff occurred. Defendant Archdiocese incorporated in 2004 and is now a domestic non-profit corporation, incorporated and doing business in Missouri. Defendant Archdiocese has obtained the benefits of the laws of the State of Missouri and the benefits of the Missouri location.

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

7. Defendant Archbishop Carlson (hereinafter "Archbishop") is a citizen of the State of Missouri and is the current Archbishop in charge of the Archdiocese of St. Louis, Missouri. He is currently responsible for overseeing the day to day operations of the Archdiocese of St. Louis. Defendant Archbishop Carlson is sued herein solely in his capacity as Archbishop of the Archdiocese.

8. Defendant Father Joseph Ross was an ordained priest working at St. Cronan's Church, within the Archdiocese of St. Louis during all times material here. Defendant Ross viciously and repeatedly abused Plaintiff while he was functioning in his role as a priest and authority figure.

9. At all relevant times herein, Defendant Ross was under the direct supervision, employ and control of the Archdiocese of St. Louis and its representative the Archbishop. Defendant Archdiocese and its representative the Archbishop provided training to Defendant Ross on how to perform the specific positions of a priest and a pastor. Defendant Archdiocese and its representative the Archbishop hired, supervised and paid assistants to Defendant Ross. At all times, Defendant Ross acted upon the authority of and at the request and/or permission of the Defendant Archdiocese and Defendant Archbishop.

10. Defendant Ross resided on the premises owned by Defendant Archdiocese at all times relevant in this matter. He also performed his work on premises owned by the Archdiocese and Archbishop.

11. Defendant Ross' conduct was undertaken while in the course and scope of his employment with, and on property owned by, Defendants Archdiocese and Archbishop.

BACKGROUND FACTS APPLICABLE TO ALL COUNTS

12. In approximately 1988 Ross pleaded guilty in St. Louis County, Missouri, to actions involving sexually assaulting a minor. Following the conviction the Defendant Archdiocese and/or its agents sent Ross to the St. Luke Institute - a mental health treatment facility located in Silver Springs, Maryland, that primarily treats Catholic priests for, among other things, sexual disorders.

13. Following his time at the St. Luke Institute, the Defendant Archdiocese assigned Defendant Ross to St. Cronan's Parish.

14. Another priest who lived and worked for the Defendant Archdiocese at the St. Cronan Parish Center at the time Defendant Ross was sent there, learned that Ross had just come from treatment at the St. Luke Institute. This priest was aware that priests typically went to the St. Luke's Institute for problems that sometimes include, among other things, sexual abuse of children. Out of concern for the parishioners, this priest asked two officials at the Defendant Archdiocese to advise him about whether Ross was fit to return as a pastor. Both officials informed this priest that the Archbishop had assured them that Defendant Ross was not a danger to others.

15. Plaintiff Jane Doe 92 attended St. Cronan's Church in the late 1990's and became acquainted with Defendant Ross who was the Pastor of the church. Plaintiff, who was approximately five or six years old when her abuse began, developed great admiration, trust, reverence and respect for Defendant Ross and other Archdiocesan priests.

16. Plaintiff saw Defendant Ross on most Sundays when she attended church with her family. Plaintiff and her siblings attended services and generally spent time at the church. Often, their mother was performing duties in the church choir or in other church functions while Plaintiff Jane Doe 92 was in the church.

17. Defendants assumed responsibility for supervising and caring for Plaintiff while her mother was in the church choir or performing other church functions.

18. Supervising and directing minors within the Church during church time, including Plaintiff Jane Doe 92, were tasks within the course and scope of Defendants' responsibilities.

19. During all times relevant to this matter, Defendants were responsible for the care and well-being of Plaintiff Jane Doe 92 while she attended Church.

20. During her time attending Church Defendant Ross repeatedly abused Plaintiff Jane Doe 92 sexually, physically, and emotionally. This happened in or between approximately 1997 and 2001.

21. Defendant Ross committed repeated hand to genital contact, penis to genital contact, and penetration of Plaintiff's genitals with his fingers, his penis, and with objects.

22. Ross began the abuse when Plaintiff was approximately five or six years old. Among his many statements to Plaintiff about the abuse, he told her that her parents did not "discipline" her properly, and that by complying with the abuse, she was doing what God intended for her. He further told her that he "liked boys more than girls," and that she was helping him to overcome that issue.

23. Over the course of approximately three years, while Plaintiff was approximately age five or six to age nine, Defendant Ross sexually abused Plaintiff on numerous occasions in

various rooms of the church and other locations at the Parish, all of which was on Archdiocese property.

24. Defendant Ross was an Archdiocesan priest during the time of the abuse alleged herein. At all times material hereto, Defendant Ross was under the direct supervision, employ and control of the Defendants Archdiocese and Archbishop. Defendants authorized and selected Defendant Ross to be a priest, and to educate and minister to individuals in the Archdiocese.

25. All acts of sexual abuse alleged herein took place when Defendant Ross served in his role as a priest and authority figure.

26. Defendants Archdiocese and Archbishop provided training to Defendant Ross on how to perform the position of priest. At all times relevant, Defendant Ross acted upon the authority of and at the request and/or permission of the defendants Archdiocese and Archbishop.

27. Defendant Ross resided and the abuse alleged herein occurred at St. Cronan's Parish, St. Louis, Missouri, a premises owned and controlled by Defendants Archdiocese and Archbishop.

28. Defendants furnished tools and materials to aid and abet Defendant Ross' conduct.

29. Defendants empowered Defendant Ross to perform all duties of a priest, including counseling, spiritual and moral guidance, and religious instruction. Defendants knew that in fulfilling his duties as a priest, Defendant Ross would be in a position of trust and confidence with parishioners, including plaintiff. They further knew that empowering Defendant Ross to perform the duties of a priest would make parishioners, like Plaintiff's parents, feel safe in allowing him to spend time with their children.

30. Defendants taught plaintiff and her parents to trust defendants' priests and other church officials.

31. While working for defendants, and for the purpose of furthering his duties as a priest, Defendant Ross sought and gained the trust, friendship, admiration and obedience of plaintiff and her parents. As a result of Defendant Ross' efforts and position, plaintiff and her parents were conditioned to trust Ross, to comply with Ross' directions, and to respect Ross as a person of authority in spiritual, moral and ethical matters. The above course of conduct described in this paragraph and the preceding paragraphs is hereinafter collectively referred to as establishing "the trust relationship."

32. As a result of representations made by defendants and by virtue of the fact that defendants held themselves out as the counselors and instructors on matters that were spiritual, moral and ethical, defendants had domination and influence over plaintiff and her parents. As a result of this special trust relationship between plaintiff, her parents, and defendants, plaintiff trusted and relied upon defendants to nurture and protect her. The power imbalance between defendants and plaintiff increased plaintiff's vulnerability to Ross.

33. Defendant Ross sexually abused the plaintiff while acting within the course and scope of his employment and agency, and using the authority and position of trust as a priest for defendants, through the process of establishing the trust relationship.

34. Defendant Ross used the process of establishing the trust relationship to accomplish his acts of sexual abuse of the plaintiff. Ross' process of establishing the trust relationship was (1) committed in direct connection with and for the purposes of fulfilling Ross' employment and agency with defendants; (2) committed within the time and space limits of his

agency; (3) done initially and at least in part from a desire to serve the interests of defendants; (4) done directly in the performance of his duties as priest; (5) generally actions of a kind and nature which Ross was required to perform as a priest; and (6) done at the direction of, and pursuant to, the power vested in him by the Defendants.

35. Defendants were aware of previous sexual misconduct by clergy within its boundaries, including by Defendant Ross, and that future harm was certain or substantially certain to result without proper supervision. In 1988, while Defendant Ross was an ordained priest working within the Archdiocese, Ross pleaded guilty to sexually assaulting a minor. Accordingly, defendants knew or should have known that their allowing Defendant Ross access to young children as part of his official duties after reports of impropriety involved an unreasonable risk of causing harm to Plaintiff and other similarly situated individuals.

36. In approximately 2002 Defendants Archdiocese and Archbishop removed Defendant Ross from St. Cronan's Parish but failed to inform the parishioners the extent of Ross's history involving sexual abuse of children, including the fact that he pleaded guilty to molesting a child. Had Defendants fully informed the parishioners, parents, including Plaintiff's parents, could have asked their children at that time if Ross had done anything improper to them and Plaintiff's healing process could have begun at that time.

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

behavior would cause emotional distress to the victims and the families of the victims, including Plaintiff.

38. As a direct result of defendants' wrongful conduct, plaintiff has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; and has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

**COUNT I
SEXUAL ABUSE AND/OR BATTERY
AGAINST ALL DEFENDANTS**

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

40. In approximately the late 1990s, and until approximately 2001, Defendant Ross engaged in unpermitted, harmful and offensive sexual conduct and contact upon the person of the plaintiff, a minor.

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

42. As a result of the above-described acts, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing her daily activities and obtaining the full enjoyment of life; and has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

COUNT II
NEGLIGENT SUPERVISION OF PRIEST
AGAINST DEFENDANTS ARCHDIOCESE AND ARCHBISHOP

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

44. Defendants, by and through their agents, servants and employees, knew or reasonably should have known of Defendant Ross' dangerous and exploitive propensities and/or that he was an unfit agent, and despite such knowledge, defendants negligently failed to supervise Ross' interactions with children, where he was able to commit the wrongful acts against the plaintiff.

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

46. As a result of the above-described acts, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing her daily activities and obtaining the full enjoyment of life; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

COUNT III
INTENTIONAL FAILURE TO SUPERVISE CLERGY
AGAINST DEFENDANTS ARCHDIOCESE AND ARCHBISHOP

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

48. At all times material, Defendants were the supervisors and employers of Ross.

49. Defendants were aware of previous sexual misconduct by clergy within their boundaries, including Ross, and that future harm was certain or substantially certain to result without proper supervision.

50. Defendants disregarded the known risk of sexual abuse.

51. Defendants' inaction caused injury to the plaintiff.

52. Plaintiff was sexually abused on the property owned and operated by defendants.

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

54. Despite the risk posed by Ross, defendants continued to place him in positions in which he would have contact with individuals seeking his counsel including minors.

55. By engaging in these actions, defendants disregarded the risk posed by Ross to individuals who came to him for ministering their psychological, emotional and spiritual needs and their children.

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

57. As a result of the above-described acts, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing her daily activities and obtaining the full enjoyment of life; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

**COUNT IV
NEGLIGENT FAILURE TO SUPERVISE CHILDREN
AGAINST DEFENDANTS ARCHDIOCESE AND ARCHBISHOP**

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

59. Defendants had a duty to use ordinary care to protect minors against unreasonable risks of harm while in their churches, including St. Cronan's Church.

60. It is a well-known and foreseeable risk when working with minors that some adults may attempt to have abusive contact, sexual or otherwise, with other minors.

61. Also, as explained above, prior to his contact with Plaintiff Jane Doe 92, defendants knew or should have known that Defendant Ross was dangerous to children. This is particularly true in light of the fact that Defendant Ross was convicted of actions involving the sexual abuse of a minor in 1988 (approximately ten years before coming into contact with Plaintiff). Despite such knowledge, Defendants did not take appropriate steps to protect plaintiff from the sexual abuse described herein.

62. As a well-known risk involved with working with minors and Ross, Defendants had the duty to protect its minor parishioners from damaging sexually abusive contact by implementing sufficient policies, procedures and training to prevent such contact.

63. In addition, Defendants had the duty to supervise and monitor the minor parishioners, including Plaintiff Jane Doe 92, and her interaction with Defendant Ross to avoid situations where Ross could isolate Plaintiff, making her vulnerable to sexual advances and manipulation.

64. Defendants breached their duty to Plaintiff, and were negligent, by:

- (a) Failing to have in effect and /or failing to enforce effective policies, procedures and training prohibiting sexual contact.
- (b) Failing to have in effect and /or failing to enforce effective policies, procedures and training instructing staff on the signs of sexual abuse of a minor.
- (c) Failing to have in effect and /or failing to enforce effective policies, procedures and training instructing staff about the steps to be followed if staff suspects that a minor is having sexual contact with clergy.
- (d) Failing to have in effect and /or failing to enforce effective policies, procedures and training instructing staff about the steps to be followed if a priest is behaving in a sexually inappropriate manner.
- (e) Failing to properly care for and protect Plaintiff whereby Ross was able to isolate her and have sexual contact with her.
- (f) Failing to use reasonable care in supervising minors, and /or failing to provide adequate warning to Plaintiff and her family of the dangerous propensities of Ross and their failure to adequately supervise him.
- (g) Failing to inform Plaintiff and her family that they knew or had reason to believe that Ross had sexually abused children when they removed him from St. Cronan's in approximately 2002.

65. As a result of the above-described acts, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of

enjoyment of life; was prevented and will continue to be prevented from performing her daily activities and obtaining the full enjoyment of life; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

JURY TRIAL DEMANDED

66. The plaintiff demands a trial by jury on all issues triable in this case.

WHEREFORE, the plaintiff asks that this Court award judgment against defendants as follows:

1. Award compensatory and punitive damages in favor of the plaintiff against defendants for damages sustained as a result of the wrongdoing of defendants, together with interest thereon;
2. Award the plaintiff her costs and expenses incurred in this action;
3. Grant such other and further relief as the Court deems appropriate and just.

Dated:

Respectfully submitted,

CHACKES, CARLSON & HALQUIST, LLP



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ATTORNEYS FOR PLAINTIFF

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

FILED
22ND JUDICIAL CIRCUIT
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FILE ROOM

JANE DOE 92,

Plaintiff,

vs.

ARCHDIOCESE OF ST. LOUIS, et al.

Defendant.

Case No. 1122-CC10165

Division 1

CLERK

**DEFENDANT ARCHDIOCESE OF ST. LOUIS' ANSWER
AND AFFIRMATIVE DEFENSES TO PLAINTIFF'S PETITION**

COMES NOW Defendant Archdiocese of St. Louis (the "Archdiocese"), by and through counsel, and for its Answer and Affirmative Defenses to Plaintiff's Petition, states as follows:

1. Plaintiff brings this lawsuit in order to hold defendants responsible for the injuries she suffered due to the sexual abuse perpetrated upon her by one of defendants' priests, Joseph Ross, and to protect other children from the pain of childhood sexual abuse.

RESPONSE: Paragraph 1 is a statement of Plaintiff's intent, rather than a factual allegation, to which no answer is required. To the extent Paragraph 1 attempts to assert factual allegations against the Archdiocese, those allegations are denied.

JURISDICTION AND VENUE

2. This Court has jurisdiction over the causes of action asserted herein and over the parties to this action. Plaintiff asserts claims under Missouri common law. This Court has jurisdiction because Defendants Archdiocese and Archbishop owned and operated St. Cronan Parish, are licensed to do business or transact business in Missouri and have obtained the benefits of the laws of the State of Missouri and the benefits of the Missouri location for St. Cronan Parish. Finally, the sexual molestation described herein occurred at St. Cronan Parish which is located in the City of St Louis, within the State of Missouri.

RESPONSE: Paragraph 2 is a legal conclusion regarding jurisdiction to which no answer is required. To the extent Paragraph 2 attempts to assert factual allegations against the Archdiocese, those allegations are denied.

3. Venue is proper in this Court under R.S.Mo. § 508.010 (4), because Plaintiff Jane Doe 92 was first injured at St. Cronan Parish which is located in St Louis, Missouri.

RESPONSE: Paragraph 3 is a legal conclusion regarding venue to which no answer is required. To the extent Paragraph 3 attempts to assert factual allegations against the Archdiocese, those allegations are denied.

PARTIES

4. Plaintiff Jane Doe 92 is nineteen years old and is a resident of the State of Missouri. Plaintiff Jane Doe 92 was sexually, physically and emotionally abused by Father Joseph Ross at St. Cronan Parish in the City of St. Louis, Missouri, when she was a minor.

RESPONSE: The Archdiocese is without sufficient information to form a belief as to the truth of the allegations contained in the first sentence of Paragraph 4 and, therefore, denies those allegations. The Archdiocese denies the remaining allegations contained in Paragraph 4.

5. Defendant Archdiocese of St. Louis (hereinafter "Archdiocese"), which runs St. Cronan Parish, was an unincorporated association doing business in Missouri at the time the injuries to Plaintiff occurred. Defendant Archdiocese incorporated in 2004 and is now a domestic non-profit corporation, incorporated and doing business in Missouri. Defendant Archdiocese has obtained the benefits of the laws of the State of Missouri and the benefits of the Missouri location.

RESPONSE: The Archdiocese admits that it commenced doing business as a Missouri nonprofit corporation on October 1, 2005. Prior to that time the Archdiocese conducted its business as a Missouri nonprofit unincorporated association.

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

RESPONSE: The Archdiocese denies the allegations contained in Paragraph 6. The Archdiocese states that the Archdiocese of St. Louis was established in 1847 and that before that it existed as the Diocese of St. Louis. Presently there are approximately 370 priests incardinated in the Archdiocese of St. Louis and approximately 555,000 Catholic members.

7. Defendant Archbishop Carlson (hereinafter "Archbishop") is a citizen of the State of Missouri and is the current Archbishop in charge of the Archdiocese of St. Louis, Missouri. He is currently responsible for overseeing the day to day operations of the Archdiocese of St. Louis. Defendant Archbishop Carlson is sued herein solely in his capacity as Archbishop of the Archdiocese.

RESPONSE: The Archdiocese admits that Archbishop Carlson is a citizen of the State of Missouri and is the current Archbishop of the Archdiocese of St. Louis. The Archdiocese states that the remaining allegations in Paragraph 7 constitute legal conclusions to which no answer is required.

8. Defendant Father Joseph Ross was an ordained priest working at St. Cronan Church, within the Archdiocese of St. Louis during all times material here. Defendant Ross viciously and repeatedly abused Plaintiff while he was functioning in his role as a priest and authority figure.

RESPONSE: The Archdiocese admits that Joseph Ross was assigned to St. Cronan Church as an ordained Roman Catholic priest, incardinated in the Archdiocese of St. Louis and, as such, was expected to perform priestly duties in accordance with Canon Law. The Archdiocese denies the remaining allegations in Paragraph 8. By way of further answer, the Archdiocese states that the sexual abuse of minors is never undertaken within the course and scope of employment or part of the duties of any priest serving in the Archdiocese or in the Roman Catholic Church, and is in fact forbidden.

9. At all relevant times herein, Defendant Ross was under the direct supervision, employ and control of the Archdiocese of St. Louis and its representative the Archbishop. Defendant Archdiocese and its representative the Archbishop provided training to Defendant Ross on how to perform the specific positions of a priest and a pastor. Defendant Archdiocese and its representative the Archbishop hired,

supervised and paid assistants to Defendant Ross. At all times, Defendant Ross acted upon the authority of and at the request and/or permission of the Defendant Archdiocese and Defendant Archbishop.

RESPONSE: The Archdiocese admits that Joseph Ross was an ordained Roman Catholic priest, incardinated in the Archdiocese of St. Louis and, as such, was expected to perform priestly duties in accordance with Canon Law. The Archdiocese further admits that Joseph Ross served as the pastor of St. Cronan Parish within the Archdiocese and, in that capacity, did work with other members of the clergy appointed by the Archbishop of St. Louis and paid by St. Cronan Church. The Archdiocese admits that, as a matter of Canon Law, priests within the Archdiocese are under the supervision of the Archbishop of St. Louis, but states that the remaining allegations in Paragraph 9 constitute legal conclusions to which no answer is required. To the extent an answer is required, the Archdiocese denies those allegations.

10. Defendant Ross resided on the premises owned by Defendant Archdiocese at all times relevant in this matter. He also performed his work on premises owned by the Archdiocese and Archbishop.

RESPONSE: The Archdiocese denies that it owned any of the premises referenced in Paragraph 10. The Archdiocese states that title to St. Cronan Church property was titled in the name of the Archbishop of St. Louis until June of 2003, when it was transferred to a charitable trust. The Archdiocese admits that Joseph Ross resided and worked at St. Cronan Church.

11. Defendant Ross' conduct was undertaken while in the course and scope of his employment with, and on property owned by, Defendants Archdiocese and Archbishop.

RESPONSE: The Archdiocese denies the allegations contained in Paragraph 11. By way of further answer, the sexual abuse of minors is never undertaken within the course and scope of employment or part of the duties of any priest serving in the Archdiocese or in the Roman Catholic Church, and is in fact forbidden.

BACKGROUND FACTS APPLICABLE TO ALL COUNTS

12. In approximately 1988 Ross pleaded guilty in St Louis County, Missouri, to actions involving sexually assaulting a minor. Following the conviction the Defendant Archdiocese and/or its

agents sent Ross to the St Luke Institute - a mental health treatment facility located in Silver Springs, Maryland, that primarily treats Catholic priests for, among other things, sexual disorders.

RESPONSE: The Archdiocese admits that Joseph Ross attended the St. Luke Institute at the cost of the Archdiocese. The Archdiocese is without sufficient information to form a belief as to the truth of the remaining allegations contained in Paragraph 12 and, therefore, denies those allegations.

13. Following his time at the St. Luke Institute, the Defendant Archdiocese assigned Defendant Ross to St. Cronan Parish.

RESPONSE: The Archdiocese denies the allegations contained in Paragraph 13. By way of further answer, the Archdiocese admits that subsequent to Joseph Ross receiving treatment at the St. Luke Institute, the Archbishop of St. Louis assigned Joseph Ross to St. Cronan Church.

14. Another priest who lived and worked for the Defendant Archdiocese at the St. Cronan Parish Center at the time Defendant Ross was sent there, learned that Ross had just come from treatment at the St. Luke Institute. This priest was aware that priests typically went to the St. Luke's Institute for problems that sometimes include, among other things, sexual abuse of children. Out of concern for the parishioners, this priest asked two officials at the Defendant Archdiocese to advise him about whether Ross was fit to return as a pastor. Both officials informed this priest that the Archbishop had assured them that Defendant Ross was not a danger to others.

RESPONSE: The Archdiocese is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 14 and, therefore, denies those allegations.

15. Plaintiff Jane Doe 92 attended St. Cronan Church in the late 1990's and became acquainted with Defendant Ross who was the Pastor of the church. Plaintiff, who was approximately five or six years old when her abuse began, developed great admiration, trust, reverence and respect for Defendant Ross and other Archdiocesan priests.

RESPONSE: The Archdiocese denies the allegations of abuse contained in Paragraph 15. The Archdiocese is without sufficient information to form a belief as to the truth of the remaining allegations contained in Paragraph 15 and, therefore, denies those allegations.

16. Plaintiff saw Defendant Ross on most Sundays when she attended church with her family. Plaintiff and her siblings attended services and generally spent time at the church. Often, their mother was performing duties in the church choir or in other church functions while Plaintiff Jane Doe 92 was in the church.

RESPONSE: The Archdiocese is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 16 and, therefore, denies those allegations.

17. Defendants assumed responsibility for supervising and caring for Plaintiff while her mother was in the church choir or performing other church functions.

RESPONSE: The allegations contained in Paragraph 17 regard the existence of a legal duty and, therefore, constitute legal conclusions to which no answer is required. By way of further answer, the Archdiocese denies that it violated any legal duties owed to Plaintiff.

18. Supervising and directing minors within the Church during church time, including Plaintiff Jane Doe 92, were tasks within the course and scope of Defendants' responsibilities.

RESPONSE: The allegations contained in Paragraph 18 regard the existence of a legal duty and, therefore, constitute legal conclusions to which no answer is required. By way of further answer, the Archdiocese denies that it violated any legal duties owed to Plaintiff.

19. During all times relevant to this matter, Defendants were responsible for the care and well-being of Plaintiff Jane Doe 92 while she attended Church.

RESPONSE: The allegations contained in Paragraph 19 regard the existence of a legal duty and, therefore, constitute legal conclusions to which no answer is required. By way of further answer, the Archdiocese denies that it violated any legal duties owed to Plaintiff.

20. During her time attending Church Defendant Ross repeatedly abused Plaintiff Jane Doe 92 sexually, physically, and emotionally. This happened in or between approximately 1997 and 2001.

RESPONSE: The Archdiocese denies the allegations contained in Paragraph 20.

21. Defendant Ross committed repeated hand to genital contact, penis to genital contact, and penetration of Plaintiffs genitals with his fingers, his penis, and with objects.

RESPONSE: The Archdiocese denies the allegations contained in Paragraph 21.

22. Ross began the abuse when Plaintiff was approximately five or six years old. Among his many statements to Plaintiff about the abuse, he told her that her parents did not “discipline” her properly, and that by complying with the abuse, she was doing what God intended for her. He further told her that he “liked boys more than girls,” and that she was helping him to overcome that issue.

RESPONSE: The Archdiocese denies the allegations contained in Paragraph 22.

23. Over the course of approximately three years, while Plaintiff was approximately age five or six to age nine, Defendant Ross sexually abused Plaintiff on numerous occasions in various rooms of the church and other locations at the Parish, all of which was on Archdiocese property.

RESPONSE: The Archdiocese denies the allegations contained in Paragraph 23.

24. Defendant Ross was an Archdiocesan priest during the time of the abuse alleged herein. At all times material hereto, Defendant Ross was under the direct supervision, employ and control of the Defendants Archdiocese and Archbishop. Defendants authorized and selected Defendant Ross to be a priest, and to educate and minister to individuals in the Archdiocese.

RESPONSE: The Archdiocese denies the allegations of abuse contained in Paragraph 24. The Archdiocese admits that Joseph Ross was an ordained Roman Catholic priest, incardinated in the Archdiocese of St. Louis and, as such, was expected to

perform priestly duties in accordance with Canon Law. The Archdiocese admits that, as a matter of Canon Law, priests within the Archdiocese are under the supervision of the Archbishop of St. Louis, but states that the remaining allegations in Paragraph 24 constitute legal conclusions to which no answer is required. To the extent an answer is required, the Archdiocese denies those allegations.

25. All acts of sexual abuse alleged herein took place when Defendant Ross served in his role as a priest and authority figure.

RESPONSE: The Archdiocese denies the allegations contained in Paragraph 25. By way of further answer, the sexual abuse of minors is never undertaken within the course and scope of employment or part of the duties of any priest serving in the Archdiocese or in the Roman Catholic Church, and is in fact forbidden.

26. Defendants Archdiocese and Archbishop provided training to Defendant Ross on how to perform the position of priest. At all times relevant, Defendant Ross acted upon the authority of and at the request and/or permission of the defendants Archdiocese and Archbishop.

RESPONSE: The Archdiocese admits that Joseph Ross was an ordained Roman Catholic priest, incardinated in the Archdiocese of St. Louis and, as such, was expected to perform priestly duties in accordance with Canon Law. The Archdiocese states that the remaining allegations in Paragraph 26 are legal conclusions to which no answer is required.

27. Defendant Ross resided and the abuse alleged herein occurred at St. Cronan Parish, St. Louis, Missouri, a premises owned and controlled by Defendants Archdiocese and Archbishop.

RESPONSE: The Archdiocese admits that Joseph Ross resided at St. Cronan Parish. The Archdiocese denies that it owned any of the premises referenced in Paragraph 27. The Archdiocese states that title to St. Cronan Church property was titled in the name of the Archbishop of St. Louis until June of 2003, when it was transferred to a charitable trust. The Archdiocese denies the remaining allegations contained in Paragraph 27.

28. Defendants furnished tools and materials to aid and abet Defendant Ross' conduct

RESPONSE: The Archdiocese denies the allegations contained in Paragraph 28.

29. Defendants empowered Defendant Ross to perform all duties of a priest, including counseling, spiritual and moral guidance, and religious instruction. Defendants knew that in fulfilling his duties as a priest, Defendant Ross would be in a position of trust and confidence with parishioners, including plaintiff. They further knew that empowering Defendant Ross to perform the duties of a priest would make parishioners, like Plaintiff's parents, feel safe in allowing him to spend time with their children.

RESPONSE: The Archdiocese admits that Joseph Ross was an ordained Roman Catholic priest, incardinated in the Archdiocese of St. Louis and, as such, was expected to perform priestly duties in accordance with Canon Law. The Archdiocese is without sufficient information to form a belief as to the truth of the remaining allegations contained in Paragraph 29 because they pertain to the state of mind of others and, therefore, the Archdiocese denies those allegations.

30. Defendants taught plaintiff and her parents to trust defendants' priests and other church officials.

RESPONSE: The Archdiocese denies the allegations contained in Paragraph 30 as presently stated. By way of further answer, The Archdiocese states that it encourages parishioners to trust clergy and church officials.

31. While working for defendants, and for the purpose of furthering his duties as a priest, Defendant Ross sought and gained the trust, friendship, admiration and obedience of plaintiff and her parents. As a result of Defendant Ross' efforts and position, plaintiff and her parents were conditioned to trust Ross, to comply with Ross' directions, and to respect Ross as a person of authority in spiritual, moral and ethical matters. The above course of conduct described in this paragraph and the preceding paragraphs is hereinafter collectively referred to as establishing "the trust relationship."

RESPONSE: The Archdiocese is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 31 and, therefore, denies those allegations.

32. As a result of representations made by defendants and by virtue of the fact that defendants held themselves out as the counselors and instructors on matters that were spiritual, moral and ethical, defendants had domination and influence over plaintiff and her parents. As a result of this special trust relationship between plaintiff, her parents, and defendants, plaintiff trusted and relied upon defendants to nurture and protect her. The power imbalance between defendants and plaintiff increased plaintiff's vulnerability to Ross.

RESPONSE: The Archdiocese is without sufficient information to form a belief as to the truth of the allegations contained in the first two sentences of Paragraph 32 because they pertain to the state of mind of others and, therefore, the Archdiocese denies those allegations. The Archdiocese denies the remaining allegations contained in Paragraph 32.

33. Defendant Ross sexually abused the plaintiff while acting within the course and scope of his employment and agency, and using the authority and position of trust as a priest for defendants, through the process of establishing the trust relationship.

RESPONSE: The Archdiocese denies the allegations contained in Paragraph 33. By way of further answer, the sexual abuse of minors is never undertaken within the course and scope of employment or part of the duties of any priest serving in the Archdiocese or in the Roman Catholic Church, and is in fact forbidden.

34. Defendant Ross used the process of establishing the trust relationship to accomplish his acts of sexual abuse of the plaintiff. Ross' process of establishing the trust relationship was (1) committed in direct connection with and for the purposes of fulfilling Ross' employment and agency with defendants; (2) committed within the time and space limits of his agency; (3) done initially and at least in part from a desire to serve the interests of defendants; (4) done directly in the performance of his duties as priest; (5) generally actions of a kind and nature which Ross was required to perform, as a priest; and (6) done at the direction of, and pursuant to, the power vested in him by the Defendants.

RESPONSE: The Archdiocese denies the allegations contained in Paragraph 34. By way of further answer, the sexual abuse of minors is never undertaken within the course and

scope of employment or part of the duties of any priest serving in the Archdiocese or in the Roman Catholic Church, and is in fact forbidden.

35. Defendants were aware of previous sexual misconduct by clergy within its boundaries, including by Defendant Ross, and that future harm was certain or substantially certain to result without proper supervision. In 1988, while Defendant Ross was an ordained priest working within the Archdiocese, Ross pleaded guilty to sexually assaulting a minor. Accordingly, defendants knew or should have known that their allowing Defendant Ross access to young children as part of his official duties after reports of impropriety involved an unreasonable risk of causing harm to Plaintiff and other similarly situated individuals.

RESPONSE: The Archdiocese denies the allegation contained in Paragraph 35 that it was “aware . . . that future harm was certain or substantially certain to result without proper supervision.” The Archdiocese admits that, prior to the date of abuse as alleged herein, it was aware of allegations of sexual misconduct by clergy within its boundaries. The Archdiocese states that the remaining allegations contained in Paragraph 35 constitute legal conclusions to which no answer is required. To the extent an answer is required, The Archdiocese denies those allegations.

36. In approximately 2002 Defendants Archdiocese and Archbishop removed Defendant Ross from St. Cronan Parish but failed to inform the parishioners the extent of Ross’s history involving sexual abuse of children, including the fact that he pleaded guilty to molesting a child. Had Defendants fully informed the parishioners, parents, including Plaintiff’s parents, could have asked their children at that time if Ross had done anything improper to them and Plaintiff’s healing process could have begun at that time.

RESPONSE: The Archdiocese admits that the Archbishop of St. Louis “removed Defendant Ross from St. Cronan Parish” but denies that there was a failure to inform the parishioners of the reasons for that removal. The Archdiocese is without sufficient information to form a belief as to the truth of the remaining allegations contained in Paragraph 36 because they pertain to the state of mind of others and, therefore, The Archdiocese denies those allegations.

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

RESPONSE: The Archdiocese denies the allegations contained in Paragraph 37.

38. As a direct result of defendants' wrongful conduct, plaintiff has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; and has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

RESPONSE: The Archdiocese denies the allegations contained in Paragraph 38.

COUNT I
SEXUAL ABUSE AND/OR BATTERY
AGAINST ALL DEFENDANTS

RESPONSE: The Archdiocese contemporaneously files herewith a separate Motion to Dismiss Count I, Count II, and Count IV of Plaintiff's Petition for Failure to State a Claim Upon Which Relief can be Granted. Therefore, the Archdiocese makes no answer to Count I at this time.

COUNT II
NEGLIGENT SUPERVISION OF PRIEST
AGAINST DEFENDANTS ARCHDIOCESE AND ARCHBISHOP

RESPONSE: The Archdiocese contemporaneously files herewith a separate Motion to Dismiss Count I, Count II, and Count IV of Plaintiff's Petition for Failure to State a Claim Upon Which Relief can be Granted. Therefore, the Archdiocese makes no answer to Count II at this time.

COUNT III
INTENTIONAL FAILURE TO SUPERVISE CLERGY
AGAINST DEFENDANTS ARCHDIOCESE AND ARCHBISHOP

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

RESPONSE: The Archdiocese realleges, repleads, and incorporates by reference its answers and responses to all paragraphs of the Petition, all as if more fully set forth herein.

48. At all times material, Defendants were the supervisors and employers of Ross.

RESPONSE: The Archdiocese admits that Joseph Ross was an ordained Roman Catholic priest, incardinated in the Archdiocese of St. Louis and, as such, was expected to perform priestly duties in accordance with Canon Law. The Archdiocese admits that, as a matter of Canon Law, priests within the Archdiocese are under the supervision of the Archbishop of St. Louis. The Archdiocese states that the remaining allegations in Paragraph 48 constitute legal conclusions to which no answer is required. To the extent an answer is required, The Archdiocese denies the remaining allegations in Paragraph 48.

49. Defendants were aware of previous sexual misconduct by clergy within their boundaries, including Ross, and that future harm was certain or substantially certain to result without proper supervision.

RESPONSE: The Archdiocese admits that, prior to the date of abuse as alleged herein, the Archdiocese was aware of allegations of sexual misconduct by clergy within its boundaries. The Archdiocese denies the allegation contained in Paragraph 49 that it was "aware . . . that future harm was certain or substantially certain to result without proper supervision." The Archdiocese denies the remaining allegations in Paragraph 49.

50. Defendants disregarded the known risk of sexual abuse.

RESPONSE: The Archdiocese denies the allegations contained in Paragraph 50.

51. Defendants' inaction caused injury to the plaintiff.

RESPONSE: The Archdiocese denies the allegations contained in Paragraph 51.

52. Plaintiff was sexually abused on the property owned and operated by defendants.

RESPONSE: The Archdiocese denies the allegations contained in Paragraph 52.

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

RESPONSE: The Archdiocese states that the allegations contained in Paragraph 53 constitute legal conclusions to which no answer is required.

54. Despite the risk posed by Ross, defendants continued to place him in positions in which he would have contact with individuals seeking his counsel including minors.

RESPONSE: The Archdiocese denies Plaintiff's allegations of abuse, but admits that Joseph Ross was assigned by the Archbishop of St. Louis to St. Cronan Church as an ordained Roman Catholic priest, incardinated in the Archdiocese of St. Louis and, as such, was expected to perform priestly duties, including the provision of counseling to parishioners, in accordance with Canon Law. The Archdiocese denies the remaining allegations in Paragraph 54.

55. By engaging in these actions, defendants disregarded the risk posed by Ross to individuals who came to him for ministering their psychological, emotional and spiritual needs and their children.

RESPONSE: The Archdiocese denies the allegations contained in Paragraph 55.

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

RESPONSE: The Archdiocese denies the allegations contained in Paragraph 56.

57. As a result of the above-described acts, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing her daily activities and obtaining the full enjoyment of life;

and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

RESPONSE: The Archdiocese denies the allegations contained in Paragraph 57.

COUNT IV
NEGLIGENT FAILURE TO SUPERVISE CHILDREN
AGAINST DEFENDANTS ARCHDIOCESE AND ARCHBISHOP

RESPONSE: The Archdiocese contemporaneously files herewith a separate Motion to Dismiss Count I, Count II, and Count IV of Plaintiff's Petition for Failure to State a Claim Upon Which Relief can be Granted. Therefore, the Archdiocese makes no answer to Count IV at this time.

Defenses and Affirmative Defenses to Count III

I. Plaintiff's alleged claim in Count III fails to state a claim upon which relief can be granted.

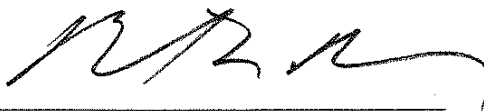
II. To the extent Plaintiff has suffered any injury, such injury was caused by third parties or others over whom the Archdiocese had no actual or apparent control, thereby precluding or reducing any liability of, and recovery against, the Archdiocese.

WHEREFORE, having fully answered Count III, the Archdiocese requests that Count III of Plaintiff's Petition be dismissed with prejudice, that its Motion to Dismiss be granted, and that costs be assessed against Plaintiff.

Dated: January 4, 2012

GREENSFELDER, HEMKER & GALE, P.C.

By



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CERTIFICATE OF SERVICE

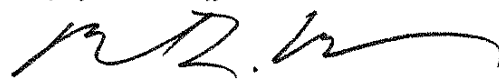
The undersigned hereby certifies that a true and accurate copy of the foregoing document was served on the following counsel of record, via U.S. Regular Mail, with postage prepaid, this 4th day of January, 2012:

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

FILED
22ND JUDICIAL CIRCUIT
ST. LOUIS CLERK'S OFFICE
2012 JAN -4 PM 4:02

JANE DOE 92,

Plaintiff,

vs.

ARCHDIOCESE OF ST. LOUIS, et al.

Defendant.

Case No. 1122-CC10165—CLERK

Division 1

**DEFENDANT ARCHBISHOP ROBERT J. CARLSON'S ANSWER AND
AFFIRMATIVE DEFENSES TO PLAINTIFF'S PETITION**

COMES NOW Defendant Archbishop Robert J. Carlson ("Archbishop Carlson"), by and through counsel, and for his Answer and Affirmative Defenses to Plaintiff's Petition, states as follows:

1. Plaintiff brings this lawsuit in order to hold defendants responsible for the injuries she suffered due to the sexual abuse perpetrated upon her by one of defendants' priests, Joseph Ross, and to protect other children from the pain of childhood sexual abuse.

RESPONSE: Paragraph 1 is a statement of Plaintiff's intent, rather than a factual allegation, to which no answer is required. To the extent Paragraph 1 attempts to assert factual allegations against Archbishop Carlson, those allegations are denied.

JURISDICTION AND VENUE

2. This Court has jurisdiction over the causes of action asserted herein and over the parties to this action. Plaintiff asserts claims under Missouri common law. This Court has jurisdiction because Defendants Archdiocese and Archbishop owned and operated St. Cronan Parish, are licensed to do business or transact business in Missouri and have obtained the benefits of the laws of the State of Missouri and the benefits of the Missouri location for St. Cronan Parish. Finally, the sexual molestation described

herein occurred at St. Cronan Parish which is located in the City of St Louis, within the State of Missouri.

RESPONSE: Paragraph 2 is a legal conclusion regarding jurisdiction to which no answer is required. To the extent Paragraph 2 attempts to assert factual allegations against Archbishop Carlson, those allegations are denied.

3. Venue is proper in this Court under R.S.Mo. § 508.010 (4), because Plaintiff Jane Doe 92 was first injured at St. Cronan Parish which is located in St Louis, Missouri.

RESPONSE: Paragraph 3 is a legal conclusion regarding venue to which no answer is required. To the extent Paragraph 3 attempts to assert factual allegations against Archbishop Carlson, those allegations are denied.

PARTIES

4. Plaintiff Jane Doe 92 is nineteen years old and is a resident of the State of Missouri. Plaintiff Jane Doe 92 was sexually, physically and emotionally abused by Father Joseph Ross at St. Cronan Parish in the City of St. Louis, Missouri, when she was a minor.

RESPONSE: Archbishop Carlson is without sufficient information to form a belief as to the truth of the allegations contained in the first sentence of Paragraph 4 and, therefore, denies those allegations. Archbishop Carlson denies the remaining allegations contained in Paragraph 4.

5. Defendant Archdiocese of St. Louis (hereinafter "Archdiocese"), which runs St. Cronan Parish, was an unincorporated association doing business in Missouri at the time the injuries to Plaintiff occurred. Defendant Archdiocese incorporated in 2004 and is now a domestic non-profit corporation, incorporated and doing business in Missouri. Defendant Archdiocese has obtained the benefits of the laws of the State of Missouri and the benefits of the Missouri location.

RESPONSE: Archbishop Carlson admits that the Archdiocese commenced doing business as a Missouri nonprofit corporation on October 1, 2005. Prior to that time the Archdiocese conducted its business as a Missouri nonprofit unincorporated association.

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

RESPONSE: Archbishop Carlson denies the allegations contained in Paragraph 6. Archbishop Carlson states that the Archdiocese of St. Louis was established in 1847 and that before that it existed as the Diocese of St. Louis. Presently there are approximately 370 priests incardinated in the Archdiocese of St. Louis and approximately 555,000 Catholic members.

7. Defendant Archbishop Carlson (hereinafter "Archbishop") is a citizen of the State of Missouri and is the current Archbishop in charge of the Archdiocese of St. Louis, Missouri. He is currently responsible for overseeing the day to day operations of the Archdiocese of St. Louis. Defendant Archbishop Carlson is sued herein solely in his capacity as Archbishop of the Archdiocese.

RESPONSE: Archbishop Carlson admits that he is a citizen of the State of Missouri and the current Archbishop of the Archdiocese of St. Louis. Archbishop Carlson states that the remaining allegations in Paragraph 7 constitute legal conclusions to which no answer is required.

8. Defendant Father Joseph Ross was an ordained priest working at St. Cronan Church, within the Archdiocese of St. Louis during all times material here. Defendant Ross viciously and repeatedly abused Plaintiff while he was functioning in his role as a priest and authority figure.

RESPONSE: Archbishop Carlson admits that Joseph Ross was assigned to St. Cronan Church as an ordained Roman Catholic priest, incardinated in the Archdiocese of St. Louis and, as such, was expected to perform priestly duties in accordance with Canon Law. Archbishop Carlson denies the remaining allegations in Paragraph 8. By way of further answer, Archbishop Carlson states that the sexual abuse of minors is never undertaken within the course and scope of employment or part of the duties of any priest serving in the Archdiocese or in the Roman Catholic Church, and is in fact forbidden.

9. At all relevant times herein, Defendant Ross was under the direct supervision, employ and control of the Archdiocese of St. Louis and its representative the Archbishop. Defendant Archdiocese and its representative the Archbishop provided training to Defendant Ross on how to perform the specific positions of a priest and a pastor. Defendant Archdiocese and its representative the Archbishop hired, supervised and paid assistants to Defendant Ross. At all times, Defendant Ross acted upon the authority of and at the request and/or permission of the Defendant Archdiocese and Defendant Archbishop.

RESPONSE: Archbishop Carlson admits that Joseph Ross was an ordained Roman Catholic priest, incardinated in the Archdiocese of St. Louis and, as such, was expected to perform priestly duties in accordance with Canon Law. Archbishop Carlson further admits that Joseph Ross served as the pastor of St. Cronan Parish within the Archdiocese and, in that capacity, did work with other members of the clergy appointed by the Archbishop of St. Louis and paid by St. Cronan Church. Archbishop Carlson admits that, as a matter of Canon Law, priests within the Archdiocese are under the supervision of the Archbishop of St. Louis, but states that the remaining allegations in Paragraph 9 constitute legal conclusions to which no answer is required. To the extent an answer is required, Archbishop Carlson denies those allegations.

10. Defendant Ross resided on the premises owned by Defendant Archdiocese at all times relevant in this matter. He also performed his work on premises owned by the Archdiocese and Archbishop.

RESPONSE: Archbishop Carlson denies that the Archdiocese owned any of the premises referenced in Paragraph 10. Archbishop Carlson states that title to St. Cronan Church property was titled in the name of the Archbishop of St. Louis until June of 2003, when it was transferred to a charitable trust. Archbishop Carlson admits that Joseph Ross resided and worked at St. Cronan Church.

11. Defendant Ross' conduct was undertaken while in the course and scope of his employment with, and on property owned by, Defendants Archdiocese and Archbishop.

RESPONSE: Archbishop Carlson denies the allegations contained in Paragraph 11. By way of further answer, the sexual abuse of minors is never undertaken within the course and scope of employment or part of the duties of any priest serving in the Archdiocese or in the Roman Catholic Church, and is in fact forbidden.

BACKGROUND FACTS APPLICABLE TO ALL COUNTS

12. In approximately 1988 Ross pleaded guilty in St Louis County, Missouri, to actions involving sexually assaulting a minor. Following the conviction the Defendant Archdiocese and/or its agents sent Ross to the St Luke Institute - a mental health treatment facility located in Silver Springs, Maryland, that primarily treats Catholic priests for, among other things, sexual disorders.

RESPONSE: Archbishop Carlson admits that Joseph Ross attended the St. Luke Institute at the cost of the Archdiocese. Archbishop Carlson is without sufficient information to form a belief as to the truth of the remaining allegations contained in Paragraph 12 and, therefore, denies those allegations.

13. Following his time at the St. Luke Institute, the Defendant Archdiocese assigned Defendant Ross to St. Cronan Parish.

RESPONSE: Archbishop Carlson denies the allegations contained in Paragraph 13. By way of further answer, Archbishop Carlson admits that subsequent to Joseph Ross receiving treatment at the St. Luke Institute, the Archbishop of St. Louis assigned Joseph Ross to St. Cronan Church.

14. Another priest who lived and worked for the Defendant Archdiocese at the St. Cronan Parish Center at the time Defendant Ross was sent there, learned that Ross had just come from treatment at the St. Luke Institute. This priest was aware that priests typically went to the St. Luke's Institute for problems that sometimes include, among other things, sexual abuse of children. Out of concern for the parishioners, this priest asked two officials at the Defendant Archdiocese to advise him about whether Ross was fit to return as a pastor. Both officials informed this priest that the Archbishop had assured them that Defendant Ross was not a danger to others.

RESPONSE: Archbishop Carlson is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 14 and, therefore, denies those allegations.

15. Plaintiff Jane Doe 92 attended St. Cronan Church in the late 1990's and became acquainted with Defendant Ross who was the Pastor of the church. Plaintiff, who was approximately five or six years old when her abuse began, developed great admiration, trust, reverence and respect for Defendant Ross and other Archdiocesan priests.

RESPONSE: Archbishop Carlson denies the allegations of abuse contained in Paragraph 15. Archbishop Carlson is without sufficient information to form a belief as to the truth of the remaining allegations contained in Paragraph 15 and, therefore, denies those allegations.

16. Plaintiff saw Defendant Ross on most Sundays when she attended church with her family. Plaintiff and her siblings attended services and generally spent time at the church. Often, their mother was performing duties in the church choir or in other church functions while Plaintiff Jane Doe 92 was in the church.

RESPONSE: Archbishop Carlson is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 16 and, therefore, denies those allegations.

17. Defendants assumed responsibility for supervising and caring for Plaintiff while her mother was in the church choir or performing other church functions.

RESPONSE: The allegations contained in Paragraph 17 regard the existence of a legal duty and, therefore, constitute legal conclusions to which no answer is required. By way of further answer, Archbishop Carlson denies that the Archbishop of St. Louis violated any legal duties owed to Plaintiff.

18. Supervising and directing minors within the Church during church time, including Plaintiff Jane Doe 92, were tasks within the course and scope of Defendants' responsibilities.

RESPONSE: The allegations contained in Paragraph 18 regard the existence of a legal duty and, therefore, constitute legal conclusions to which no answer is required. By way of further answer, Archbishop Carlson denies that the Archbishop of St. Louis violated any legal duties owed to Plaintiff.

19. During all times relevant to this matter, Defendants were responsible for the care and well-being of Plaintiff Jane Doe 92 while she attended Church.

RESPONSE: The allegations contained in Paragraph 19 regard the existence of a legal duty and, therefore, constitute legal conclusions to which no answer is required. By way of further answer, Archbishop Carlson denies that the Archbishop of St. Louis violated any legal duties owed to Plaintiff.

20. During her time attending Church Defendant Ross repeatedly abused Plaintiff Jane Doe 92 sexually, physically, and emotionally. This happened in or between approximately 1997 and 2001.

RESPONSE: Archbishop Carlson denies the allegations contained in Paragraph 20.

21. Defendant Ross committed repeated hand to genital contact, penis to genital contact, and penetration of Plaintiffs genitals with his fingers, his penis, and with objects.

RESPONSE: Archbishop Carlson denies the allegations contained in Paragraph 21.

22. Ross began the abuse when Plaintiff was approximately five or six years old. Among his many statements to Plaintiff about the abuse, he told her that her parents did not "discipline" her properly, and that by complying with the abuse, she was doing what God intended for her. He further told her that he "liked boys more than girls," and that she was helping him to overcome that issue.

RESPONSE: Archbishop Carlson denies the allegations contained in Paragraph 22.

23. Over the course of approximately three years, while Plaintiff was approximately age five or six to age nine, Defendant Ross sexually abused Plaintiff on numerous occasions in various rooms of the church and other locations at the Parish, all of which was on Archdiocese property.

RESPONSE: Archbishop Carlson denies the allegations contained in Paragraph 23.

24. Defendant Ross was an Archdiocesan priest during the time of the abuse alleged herein. At all times material hereto, Defendant Ross was under the direct supervision, employ and control of the Defendants Archdiocese and Archbishop. Defendants authorized and selected Defendant Ross to be a priest, and to educate and minister to individuals in the Archdiocese.

RESPONSE: Archbishop Carlson denies the allegations of abuse contained in Paragraph 24. Archbishop Carlson admits that Joseph Ross was an ordained Roman Catholic priest, incardinated in the Archdiocese of St. Louis and, as such, was expected to perform priestly duties in accordance with Canon Law. Archbishop Carlson admits that, as a matter of Canon Law, priests within the Archdiocese are under the supervision of the Archbishop of St. Louis, but states that the remaining allegations in Paragraph 24 constitute legal conclusions to which no answer is required. To the extent an answer is required, Archbishop Carlson denies those allegations.

25. All acts of sexual abuse alleged herein took place when Defendant Ross served in his role as a priest and authority figure.

RESPONSE: Archbishop Carlson denies the allegations contained in Paragraph 25. By way of further answer, the sexual abuse of minors is never undertaken within the course and scope of employment or part of the duties of any priest serving in the Archdiocese or in the Roman Catholic Church, and is in fact forbidden.

26. Defendants Archdiocese and Archbishop provided training to Defendant Ross on how to perform the position of priest. At all times relevant, Defendant Ross acted upon the authority of and at the request and/or permission of the defendants Archdiocese and Archbishop.

RESPONSE: Archbishop Carlson admits that Joseph Ross was an ordained Roman Catholic priest, incardinated in the Archdiocese of St. Louis and, as such, was expected to perform priestly duties in accordance with Canon Law. Archbishop Carlson states that the remaining allegations in Paragraph 26 are legal conclusions to which no answer is required.

27. Defendant Ross resided and the abuse alleged herein occurred at St. Cronan Parish, St. Louis, Missouri, a premises owned and controlled by Defendants Archdiocese and Archbishop.

RESPONSE: Archbishop Carlson admits that Joseph Ross resided at St. Cronan Parish. Archbishop Carlson denies that the Archdiocese owned any of the premises referenced in Paragraph 27. Archbishop Carlson states that title to St. Cronan Church property was titled in the name of the Archbishop of St. Louis until June of 2003, when it was transferred to a charitable trust. Archbishop Carlson denies the remaining allegations contained in Paragraph 27.

28. Defendants furnished tools and materials to aid and abet Defendant Ross' conduct

RESPONSE: Archbishop Carlson denies the allegations contained in Paragraph 28.

29. Defendants empowered Defendant Ross to perform all duties of a priest, including counseling, spiritual and moral guidance, and religious instruction. Defendants knew that in fulfilling his duties as a priest, Defendant Ross would be in a position of trust and confidence with parishioners, including plaintiff. They further knew that empowering Defendant Ross to perform the duties of a priest would make parishioners, like Plaintiff's parents, feel safe in allowing him to spend time with their children.

RESPONSE: Archbishop Carlson admits that Joseph Ross was an ordained Roman Catholic priest, incardinated in the Archdiocese of St. Louis and, as such, was expected to perform priestly duties in accordance with Canon Law. Archbishop Carlson is without sufficient information to form a belief as to the truth of the remaining allegations contained in Paragraph 29 because they pertain to the state of mind of others and, therefore, Archbishop Carlson denies those allegations.

30. Defendants taught plaintiff and her parents to trust defendants' priests and other church officials.

RESPONSE: Archbishop Carlson denies the allegations contained in Paragraph 30 as presently stated. By way of further answer, Archbishop Carlson states that the Archdiocese encourages parishioners to trust clergy and church officials.

31. While working for defendants, and for the purpose of furthering his duties as a priest, Defendant Ross sought and gained the trust, friendship, admiration and obedience of plaintiff and her

parents. As a result of Defendant Ross' efforts and position, plaintiff and her parents were conditioned to trust Ross, to comply with Ross' directions, and to respect Ross as a person of authority in spiritual, moral and ethical matters. The above course of conduct described in this paragraph and the preceding paragraphs is hereinafter collectively referred to as establishing "the trust relationship."

RESPONSE: Archbishop Carlson is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 31 and, therefore, denies those allegations.

32. As a result of representations made by defendants and by virtue of the fact that defendants held themselves out as the counselors and instructors on matters that were spiritual, moral and ethical, defendants had domination and influence over plaintiff and her parents. As a result of this special trust relationship between plaintiff, her parents, and defendants, plaintiff trusted and relied upon defendants to nurture and protect her. The power imbalance between defendants and plaintiff increased plaintiff's vulnerability to Ross.

RESPONSE: Archbishop Carlson is without sufficient information to form a belief as to the truth of the allegations contained in the first two sentences of Paragraph 32 because they pertain to the state of mind of others and, therefore, Archbishop Carlson denies those allegations. The Archdiocese denies the remaining allegations contained in Paragraph 32.

33. Defendant Ross sexually abused the plaintiff while acting within the course and scope of his employment and agency, and using the authority and position of trust as a priest for defendants, through the process of establishing the trust relationship.

RESPONSE: Archbishop Carlson denies the allegations contained in Paragraph 33. By way of further answer, the sexual abuse of minors is never undertaken within the course and scope of employment or part of the duties of any priest serving in the Archdiocese or in the Roman Catholic Church, and is in fact forbidden.

34. Defendant Ross used the process of establishing the trust relationship to accomplish his acts of sexual abuse of the plaintiff. Ross' process of establishing the trust relationship was (1)

committed in direct connection with and for the purposes of fulfilling Ross' employment and agency with defendants; (2) committed within the time and space limits of his agency; (3) done initially and at least in part from a desire to serve the interests of defendants; (4) done directly in the performance of his duties as priest; (5) generally actions of a kind and nature which Ross was required to perform, as a priest; and (6) done at the direction of, and pursuant to, the power vested in him by the Defendants.

RESPONSE: Archbishop Carlson denies the allegations contained in Paragraph 34. By way of further answer, the sexual abuse of minors is never undertaken within the course and scope of employment or part of the duties of any priest serving in the Archdiocese or in the Roman Catholic Church, and is in fact forbidden.

35. Defendants were aware of previous sexual misconduct by clergy within its boundaries, including by Defendant Ross, and that future harm was certain or substantially certain to result without proper supervision. In 1988, while Defendant Ross was an ordained priest working within the Archdiocese, Ross pleaded guilty to sexually assaulting a minor. Accordingly, defendants knew or should have known that their allowing Defendant Ross access to young children as part of his official duties after reports of impropriety involved an unreasonable risk of causing harm to Plaintiff and other similarly situated individuals.

RESPONSE: Archbishop Carlson denies the allegation contained in Paragraph 35 that the Archbishop of St. Louis was "aware . . . that future harm was certain or substantially certain to result without proper supervision." Archbishop Carlson admits that, prior to the date of abuse as alleged herein, the Archbishop of St. Louis was aware of allegations of sexual misconduct by clergy within boundaries of the Archdiocese of St. Louis. Archbishop Carlson states that the remaining allegations contained in Paragraph 35 constitute legal conclusions to which no answer is required. To the extent an answer is required, Archbishop Carlson denies those allegations.

36. In approximately 2002 Defendants Archdiocese and Archbishop removed Defendant Ross from St. Cronan Parish but failed to inform the parishioners the extent of Ross's history involving sexual abuse of children, including the fact that he pleaded guilty to molesting a child. Had Defendants fully

informed the parishioners, parents, including Plaintiff's parents, could have asked their children at that time if Ross had done anything improper to them and Plaintiff's healing process could have begun at that time.

RESPONSE: Archbishop Carlson admits that the Archbishop of St. Louis "removed Defendant Ross from St. Cronan Parish" but denies that there was a failure to inform the parishioners of the reasons for that removal. Archbishop Carlson is without sufficient information to form a belief as to the truth of the remaining allegations contained in Paragraph 36 because they pertain to the state of mind of others and, therefore, Archbishop Carlson denies those allegations.

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

RESPONSE: Archbishop Carlson denies the allegations contained in Paragraph 37.

38. As a direct result of defendants' wrongful conduct, plaintiff has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; and has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

RESPONSE: Archbishop Carlson denies the allegations contained in Paragraph 38.

COUNT I
SEXUAL ABUSE AND/OR BATTERY
AGAINST ALL DEFENDANTS

RESPONSE: Archbishop Carlson contemporaneously files herewith a separate Motion to Dismiss Count I, Count II, and Count IV of Plaintiff's Petition for Failure to State

a Claim Upon Which Relief can be Granted. Therefore, Archbishop Carlson makes no answer to Count I at this time.

COUNT II
NEGLIGENT SUPERVISION OF PRIEST
AGAINST DEFENDANTS ARCHDIOCESE AND ARCHBISHOP

RESPONSE: Archbishop Carlson contemporaneously files herewith a separate Motion to Dismiss Count I, Count II, and Count IV of Plaintiff's Petition for Failure to State a Claim Upon Which Relief can be Granted. Therefore, Archbishop Carlson makes no answer to Count II at this time.

COUNT III
INTENTIONAL FAILURE TO SUPERVISE CLERGY
AGAINST DEFENDANTS ARCHDIOCESE AND ARCHBISHOP

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

RESPONSE: Archbishop Carlson realleges, repleads, and incorporates by reference his answers and responses to all paragraphs of the Petition, all as if more fully set forth herein.

48. At all times material, Defendants were the supervisors and employers of Ross.

RESPONSE: Archbishop Carlson admits that Joseph Ross was an ordained Roman Catholic priest, incardinated in the Archdiocese of St. Louis and, as such, was expected to perform priestly duties in accordance with Canon Law. Archbishop Carlson admits that, as a matter of Canon Law, priests within the Archdiocese are under the supervision of the Archbishop of St. Louis. Archbishop Carlson states that the remaining allegations in Paragraph 48 constitute legal conclusions to which no answer is required. To the extent an answer is required, Archbishop Carlson denies the remaining allegations in Paragraph 48.

49. Defendants were aware of previous sexual misconduct by clergy within their boundaries, including Ross, and that future harm was certain or substantially certain to result without proper supervision.

RESPONSE: Archbishop Carlson admits that, prior to the date of abuse as alleged herein, the Archdiocese was aware of allegations of sexual misconduct by clergy within its boundaries. Archbishop Carlson denies the allegation contained in Paragraph 49 that he was "aware . . . that future harm was certain or substantially certain to result without

proper supervision.” Archbishop Carlson denies the remaining allegations in Paragraph 49.

50. Defendants disregarded the known risk of sexual abuse.

RESPONSE: Archbishop Carlson denies the allegations contained in Paragraph 50.

51. Defendants’ inaction caused injury to the plaintiff.

RESPONSE: Archbishop Carlson denies the allegations contained in Paragraph 51.

52. Plaintiff was sexually abused on the property owned and operated by defendants.

RESPONSE: Archbishop Carlson denies the allegations contained in Paragraph 52.

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

RESPONSE: Archbishop Carlson states that the allegations contained in Paragraph 53 constitute legal conclusions to which no answer is required.

54. Despite the risk posed by Ross, defendants continued to place him in positions in which he would have contact with individuals seeking his counsel including minors.

RESPONSE: Archbishop Carlson denies Plaintiff’s allegations of abuse, but admits that Joseph Ross was assigned by the Archbishop of St. Louis to St. Cronan Church as an ordained Roman Catholic priest, incardinated in the Archdiocese of St. Louis and, as such, was expected to perform priestly duties, including the provision of counseling to parishioners, in accordance with Canon Law. Archbishop Carlson denies the remaining allegations in Paragraph 54.

55. By engaging in these actions, defendants disregarded the risk posed by Ross to individuals who came to him for ministering their psychological, emotional and spiritual needs and their children.

RESPONSE: Archbishop Carlson denies the allegations contained in Paragraph 55.

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

RESPONSE: Archbishop Carlson denies the allegations contained in Paragraph 56.

57. As a result of the above-described acts, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing her daily activities and obtaining the full enjoyment of life; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

RESPONSE: Archbishop Carlson denies the allegations contained in Paragraph 57.

COUNT IV
NEGLIGENT FAILURE TO SUPERVISE CHILDREN
AGAINST DEFENDANTS ARCHDIOCESE AND ARCHBISHOP

RESPONSE: Archbishop Carlson contemporaneously files herewith a separate Motion to Dismiss Count I, Count II, and Count IV of Plaintiff's Petition for Failure to State a Claim Upon Which Relief can be Granted. Therefore, Archbishop Carlson makes no answer to Count IV at this time.

Defenses and Affirmative Defenses to Count III

I. Plaintiff's alleged claim in Count III fails to state a claim upon which relief can be granted.

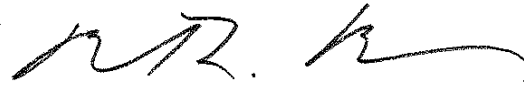
II. To the extent Plaintiff has suffered any injury, such injury was caused by third parties or others over whom Archbishop Carlson had no actual or apparent control, thereby precluding or reducing any liability of, and recovery against, Archbishop Carlson.

WHEREFORE, having fully answered Count III, Archbishop Carlson requests that Count III of Plaintiff's Petition be dismissed with prejudice, that his Motion to Dismiss be granted, and that costs be assessed against Plaintiff.

Dated: January 4, 2012

GREENSFELDER, HEMKER & GALE, P.C.

By



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*Attorneys for Defendants Archdiocese of St. Louis
and Archbishop Robert J. Carlson*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing document was served on the following counsel of record, via U.S. Regular Mail, with postage prepaid, this 4th day of January, 2012:

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Attorneys for Plaintiff



**IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
TWENTY-SECOND JUDICIAL
STATE OF MISSOURI**

JANE DOE 92,)	
)	
Plaintiff,)	
)	Cause No. 1122-CC10165
vs.)	
)	Division 1
ARCHDIOCESE OF ST. LOUIS, a Non-)	
Profit Corporation, ARCHBISHOP)	
ROBERT J. CARLSON of the Archdiocese)	
of St. Louis, and FATHER JOSEPH Ross)	
)	
Defendants.)	

**PLAINTIFF'S FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS
TO DEFENDANT ARCHDIOCESE OF ST. LOUIS**

PLEASE TAKE NOTICE that Plaintiff requires Defendant to produce for inspection and copying the following documents within thirty (30) days at the offices of Chackes, Carlson & Halquist, LLP, 230 S. Bemiston Avenue, Suite 800, St. Louis Missouri, or at such other time and place as may be mutually agreed upon by counsel.

This request for production of documents is to be deemed continuing. If you, your counsel, or anyone representing your interests obtains any documents or takes any statements within the scope of this document request at any time prior to the final entry of judgment in this action, you are hereby requested and directed to furnish those documents or statements to the undersigned attorneys.

DEFINITIONS AND INSTRUCTIONS

a. The word "document" shall mean any written or graphic matter or other means of preserving thought or expression, and all tangible things (including the original, all copies and all drafts) from which information can be processed or transcribed, including, but not limited to,

correspondence, memoranda, notes, messages, letters, telegrams, teletype messages, bulletins, diaries, chronological data, minutes, books, reports, charts, ledgers, invoices, worksheets, receipts, desk calendars, computer printouts, schedules, affidavits, contracts, transcripts, surveys, graphic representations of any kind, photographs, graphs, microfilm, videotapes, tape recordings, motion pictures or other films, and submissions sent via diplomatic pouch.

b. The word "agreement" shall be deemed to include any agreement executed or in effect at any time during an indicated period, regardless of whether it was thereafter superseded, amended, modified, rescinded or revoked.

c. Production of an agreement shall be deemed to require production of any draft and of any copy of the agreement or the draft thereof which differs in any respect from such original or draft.

d. The word "person" shall be deemed to mean any natural person, the estate of any natural person or any legal entity, including, but not limited to, a corporation, partnership and an unincorporated association, juridic person, and any officer, director, employee, agent or other person acting or purporting to act on his/her/its behalf.

e. Any request for production of a document shall be deemed to require production of each and every such thing executed, created, prepared, received or in effect at any time to the present, or during any other indicated period of time.

f. The word "Plaintiff" shall mean Jane Doe 92, and any agent, employee or other person acting or purporting to act, or who acted or purported to act, on behalf of Jane Doe 92 at any time until the present time, or during any other indicated period of time.

g. The words "Archdiocese" and "Defendant" shall mean Archdiocese of St. Louis, Inc., and any of its employees, agents, contractors or representatives. This includes, but is not limited to, archbishops, bishops, auxiliary bishops, regional bishops, coadjutor bishops, suffragan bishops, deacons, chancellors, ministers, lay ministers, pastors, presbyters, priests, religious brothers, rectors, reverends, vicars, vicars general, moderators of the curia, vice-chancellors, vicars for clergy, vicars for religious, secretaries, religious, nuns, seminarians, novices, postulants, churches, congregations, schools, principals, teachers, coaches, employees, boards, directors, subsidiaries, counselors, associates, investigators, independent contractors, agents, representatives, accountants, volunteers, attorneys, canon law attorneys, diocesan attorneys, and affiliated business entities, including Catholic Charities, the Catholic Welfare Bureau, Catholic schools corporations, and Catholic Diocese foundations.

h. Whenever appropriate, the conjunctive "and" should be interpreted in the disjunctive to include the term "or" and vice versa.

i. Whenever appropriate, the singular form of a word should be interpreted in the plural and vice versa.

j. Any documents responsive to this request which, nonetheless, are not produced by reason of a claim of privilege, work product or for any other reason shall be identified in writing by (1) date; (2) author; (3) recipient; (4) general subject matter; (5) identity of person or persons to whom the contents of the document have already been revealed; (6) the identity of the person or entity now in possession or control of the document; and (7) the basis upon which it is being withheld.

k. The term "sexual misconduct" refers to any alleged, suspected, or proven sexual misconduct, sexual perversion, sexual abuse of minors, sexual behavior, childhood sexual abuse, sexual exploitation, sexual assault, sexual battery, sexual touching, sexual communications, or molestation, including, but not limited to, sodomy, vaginal intercourse, cunnilingus, fellatio, digital penetration, penetration with an object, masturbation, mutual masturbation, fondling of the genitals, buttocks or breasts, groping, massage, simulated intercourse, kissing in a sexual manner, hugging in a sexual manner, dry humping, exposing the genitals of the cleric or the victim, sadomasochism, group sex, sleeping together, boundary violations, or viewing pornography.

l. "Red Flags" shall mean communications, observations, rumors, suspicions, patterns of behavior, course of conduct, or activity by Father Ross and a minor child that might be an indicator of inappropriate behavior by a priest of the Archdiocese, including, but not limited to, buying gifts for a child, giving money to a child, touching a child in a way that makes the child uncomfortable, giving a child extra or special attention, spending time with a child alone without other adult supervision, sharing a bed with a child, viewing pornography, being alone with a child in a rectory, being alone with a child in a classroom, close physical contact with a child such as lap sitting, knee touching and hugging, tickling a child, massaging a child or having child massage the priest, commenting on a child's body or appearance, physically disciplining a child, wrestling with a child, giving a child alcohol or drugs, violating the boundaries of a child, allowing a child to spend the night in the rectory, or taking overnight trips with a child that are unrelated to an official Archdiocese event.

m. Unless otherwise stated, the time frame for these requests is January 1, 1969 to present.

n. If any document requested herein has been destroyed, erased, or otherwise discarded, please identify that document in the same manner as you have been requested to identify documents that you claim are privileged, to the extent that such identification is possible.

REQUESTS FOR PRODUCTION OF DOCUMENTS

1. All documents identified or referred to in your Answers to Plaintiff's First Interrogatories to the Archdiocese of St. Louis, including any referenced by Plaintiff or Defendant.

RESPONSE:

2. All documents relating, referring, or otherwise pertaining to Father Ross.

RESPONSE:

3. All seminary or other scholastic records for Father Ross, including, but not limited to, evaluations by the faculty, evaluations of summer diaconate work, and documents relating or referring to disciplinary action taken against Father Ross during seminary or other schooling.

RESPONSE:

4. The personnel file for Father Ross.

RESPONSE:

5. The employment file of Father Ross.

RESPONSE:

6. The restricted access file for Father Ross.

RESPONSE:

7. The archive file for Father Ross.

RESPONSE:

8. All documents referring or relating to Accounts of Conscience by or otherwise related to Father Ross.

RESPONSE:

9. All assignment histories for Father Ross.

RESPONSE:

10. All documents relating or referring to Father Ross's employment with, services for, transfer to, or departure from any parish, school, or other entity affiliated with the Archdiocese.

RESPONSE:

11. All pagellas sent to Father Ross by the Archdiocese.

RESPONSE:

12. All documents referring to suspicions or information that Father Ross engaged in sexual misconduct.

RESPONSE:

13. All calendars of correspondence entries referring or relating to Father Ross.

RESPONSE:

14. All summaries referring or relating to Father Ross's files.

RESPONSE:

15. All documents referring or relating to sabbaticals, administrative leaves, sick leaves, or leaves of absence requested for or taken by Father Ross.

RESPONSE:

16. All documents related to the removal of Father Ross from the clerical state, including, but not limited to, petitions, applications, processes, declarations, and votum.

RESPONSE:

17. All documents relating or referring to termination of Father Ross as an employee, volunteer, or agent of the Archdiocese.

RESPONSE:

18. All documents referring or relating to red flags (as defined above) in Father Ross's behavior.

RESPONSE:

19. All correspondence with third parties referring or relating to Father Ross.

RESPONSE:

20. The training file of Father Ross.

RESPONSE:

21. All of Father Ross's requests for Holy Orders.

RESPONSE:

22. All documents conferring faculties to minister upon Father Ross.

RESPONSE:

23. All assignment and transfer letters referring or relating to Father Ross.

RESPONSE:

24. All correspondence between Father Ross and any agent, representative or employee of the Archdiocese.

RESPONSE:

25. All files created, generated, or maintained by the Office of Ministry to Priests referring or relating to Father Ross.

RESPONSE:

26. All secret files created, kept or maintained that refer or relate to Father Ross.

RESPONSE:

27. All subsecreto files created, kept or maintained that refer or relate to Father Ross.

RESPONSE:

28. All Canon 489 files created, kept, or maintained referring or relating to Father Ross.

RESPONSE:

29. All "Archbishop's Eyes Only" files created, kept, or maintained that refer or relate to Father Ross.

RESPONSE:

30. All confidential files created, kept or maintained that refer or relate to Father Ross.

RESPONSE:

31. Correspondence and memoranda generated by any Archbishop or Archbishop's designee referring or relating to Father Ross.

RESPONSE:

32. All documents referring or relating to complaints, claims, demands or allegations of inappropriate behavior, inappropriate comments or inappropriate touching or sexual abuse by Father Ross.

RESPONSE:

33. All investigative reports, statements or documents relating or referring to Father Ross.

RESPONSE:

34. All internal memoranda and correspondence of the Archdiocese referring or relating to Father Ross.

RESPONSE:

35. Diaries and calendars referring or relating to Father Ross created or otherwise maintained by any archbishop, bishop, chancellor, vicar general, vicar for clergy, dean, director of ministry to priests, provincial minister, prior, socius, house superior, definitor, mentor, superior, guardian, or aftercare monitor.

RESPONSE:

36. The diaries, desk calendars, personal calendars, and other calendar of Father Ross.

RESPONSE:

37. The diaries, desk calendars, personal calendars, and other calendars of the Archbishop's priest secretaries for all dates between Jan 1, 1988 and Present.

RESPONSE:

38. All documents, including deposition transcripts, pleadings and discovery responses generated in defense of other claims arising in whole or in part from the acts or conduct of Father Ross.

RESPONSE:

39. All documents created or maintained by the Promoter of Justice during canonical proceeding relating to Father Ross.

RESPONSE:

40. All transcripts or recordings of testimony given by Father Ross in any case, administrative action, canon law proceeding, grand jury proceeding, criminal action, or litigation.

RESPONSE:

41. All grand jury findings relating to investigations of misconduct committed by any employee, affiliate, or agent of the Archdiocese.

RESPONSE:

42. All documents produced by the Archdiocese in any case, administrative action, or canon law proceeding arising in whole or in part from the acts or conduct of Father Ross.

RESPONSE:

43. All claims, charges, and complaints and records thereof, made against or to the Archdiocese, or brought to Archdiocese's attention in any form, for alleged misconduct by Father Ross.

RESPONSE:

44. All documents referring or relating to Father Ross's interactions with or interest in children or minors.

RESPONSE:

45. All pleadings, interrogatory answers, and documents produced by or to the Plaintiff or his counsel in any action or proceeding arising from the acts or conduct of Father Ross.

RESPONSE:

46. All documents referring or relating to monies paid or loans made by the Archdiocese to Father Ross or paid on Father Ross's behalf for (1) medical, psychological or psychiatric treatment and/or evaluation, (2) the settlement with victims of sexual misconduct, or (3) legal expenses related to allegations of sexual misconduct.

RESPONSE:

47. All documents referring or relating to the forgiveness of loans made by the Archdiocese to Father Ross.

RESPONSE:

48. All documents referring or relating to Plaintiff, members of Plaintiff's family, or anyone purporting to act on Plaintiff's behalf.

RESPONSE:

49. All correspondence between the Archdiocese and Plaintiff or anyone purporting to act on the Plaintiff's behalf.

RESPONSE:

50. All documents referring or relating to the monitoring or supervision of Father Ross by the Archdiocese as a result of suspicions, concerns, allegations, or complaints of sexual misconduct.

RESPONSE:

51. All documents referring or relating to document retention policies, practices, and instructions of the Archdiocese in effect since 1969

RESPONSE:

52. All documents referring or relating to document destruction policies, practices, and instructions of the Archdiocese in effect since 1969.

RESPONSE:

53. All documents referring or relating to the sexual abuse reporting policies, procedures, instructions, and guidelines in effect in the Archdiocese since 1969.

RESPONSE:

54. All documents referring or relating to policies, procedures, instructions, or guidelines for investigation of a complaint or of allegations of sexual misconduct or abuse by clergy, employees or volunteers in the Archdiocese in effect since 1969.

RESPONSE:

55. All documents referring or relating to Father Ross generated or maintained by the parishes where Father Ross lived, worked, or was otherwise assigned.

RESPONSE:

56. All documents referring or relating to payments made to third parties on Father Ross's behalf for expenses relating to mental health evaluation or treatment.

RESPONSE:

57. All Archdiocesan Directories published between 1969 and 2002.

RESPONSE:

58. All parish bulletins referring to Father Ross.

RESPONSE:

59. All parish directories referring to Father Ross.

RESPONSE:

60. All documents of any parish in which Father Ross was assigned that identify persons living in the parish rectory or residence during the period in which Father Ross was assigned to the parish.

RESPONSE:

61. All documents of any parish in which Father Ross was assigned that identify persons performing work or services in the parish during the period in which Father Ross was assigned to the parish, including clergy, employees, and volunteers.

RESPONSE:

62. All documents referring or relating to canonical investigations of Father Ross.

RESPONSE:

63. All documents referring or relating to suspicions, allegations, or complaints that Father Ross violated Canon law, including, but not limited to Canons 1395.2 and 1387.

RESPONSE:

64. All documents referring or relating to suspicions, allegations, or complaints that Father Ross violated the Sixth Commandment of the Decalogue.

RESPONSE:

65. All documents relating or referring to the excommunication of Father Ross.

RESPONSE:

66. All documents referring or relating to a change or request for change in the canonical status or status in ministry of Father Ross.

RESPONSE:

67. All Judicial Vicar reports referring or relating to Father Ross.

RESPONSE:

68. All documents generated or maintained by members of the Priests' Personnel Board referring or relating to Father Ross.

RESPONSE:

69. All personal files of any Archbishop referring or relating to Father Ross.

RESPONSE:

70. All personal files of any Vicar General(s) referring or relating to Father Ross.

RESPONSE:

71. All personal files of any Bishop referring or relating to Father Ross.

RESPONSE:

72. All personal files of any Director of Ministry to Priests referring or relating to Father Ross.

RESPONSE:

73. All personal files of any Vicar for Priests referring or relating to Father Ross.

RESPONSE:

74. All personal files of any Deacon(s) referring or relating to Father Ross.

RESPONSE:

75. All personal files of any chancellor referring or relating to Father Ross.

RESPONSE:

76. All Archdiocesan statutes and norms in effect between 1969 and 2002 that Father Ross was expected to follow.

RESPONSE:

77. All school yearbooks for the years in which Father Ross was assigned to or otherwise provided services to a school.

RESPONSE:

78. All documents referring or relating to the organizational structure of the parishes where Father Ross lived, worked, or was otherwise assigned during the period in which he was living, working, or otherwise assigned to the parish.

RESPONSE:

79. All reports received by the Archdiocese referring or relating to Father Ross's mental health treatment or evaluation, including, but not limited to, intake reports and aftercare supervisors' reports.

RESPONSE:

80. All reports to the Holy See referring or relating to priests accused, suspected, or investigated for violations of Canon law between 1969 and 2002.

RESPONSE:

81. All Quinquennial Reports sent to the Holy See between 1969 and 2002.

RESPONSE:

82. All documents provided to the Holy See, including, but not limited to, the Congregation of the Clergy, Congregation of the Doctrine of the Faith, Congregation for the Institutes of Consecrated Life, and the Apostolic Delegation referring or relating to Father Ross.

RESPONSE:

83. All documents referring or relating to insurance claims relating to mental health treatment or evaluation of Father Ross.

RESPONSE:

84. All letters indemnifying or otherwise limiting the liability of the Archdiocese for the misconduct of Father Ross.

RESPONSE:

85. All documents received from or sent to mental health treatment providers referring or relating to Father Ross, including, but not limited to, the Evaluation Report to the Archbishop, Monthly Treatment Reports, aftercare contracts, house journals, catalogus, elenchus, ordo, and the Final Evaluation of Father Ross.

RESPONSE:

86. All correspondence with the U.S. Conference of Catholic Bishops relating to the sexual abuse of children.

RESPONSE:

87. All correspondence with attorneys for the U.S. Conference of Catholic Bishops, including, but not limited to, Mark Chopko, Esq. referring or relating to the sexual abuse of children.

RESPONSE:

88. All joint defense agreements between the Archdiocese/Archbishop and other bishops/dioceses regarding allegations of child sexual abuse by members of the Roman Catholic clergy.

RESPONSE:

89. All minutes of the Personnel Board, Senate, Board of Consultors, Definitorium, or other advising body referring or relating to Father Ross.

RESPONSE:

90. All personal files created or maintained by the Office of Communications relating or referring to Father Ross.

RESPONSE:

91. All personal files created or maintained by the Director of the Safe Environment Program relating or referring to Father Ross.

RESPONSE:

92. All personal files created or maintained by any priest, agent, employee, or official of the Archdiocese referring or relating to Father Ross that is kept separate and apart from the main personnel file or "priest file" for Father Ross.

RESPONSE:

93. All personal files created or maintained by the Director of Victim Assistance Ministry referring or relating to allegations, suspicions, or complaints that Father Ross engaged in misconduct.

RESPONSE:

94. All agendas for the Priest Personnel Board, Board of Consultors, Senate, Definitorium, or other advising body that refer or relate to Father Ross.

RESPONSE:

95. All reports from the Priest Personnel Board, Board of Consultors, Senate, Definitorium, or other advising body that refer or relate to Father Ross.

RESPONSE:

96. All documents generated by or provided to any lay or clergy review board that refer or relate to Father Ross, or allegations, suspicions, or complaints that Father Ross engaged in misconduct.

RESPONSE:

97. All documents referring or relating to any arrest, criminal investigation or prosecution of Father Ross.

RESPONSE:

98. Any and all documents that the Archdiocese distributed to parishioners, law enforcement, or members of the general public that Father Ross was suspected, accused, or investigated for misconduct at any time between 1969 and the present.

RESPONSE:

99. Any and all documents that the Archdiocese distributed to members of the clergy that Father Ross was suspected, accused, or investigated for misconduct at any time between 1969 and the present.

RESPONSE:

100. All memoranda of understanding between the Archdiocese and law enforcement authorities, including, but not limited to, police and prosecutors.

RESPONSE:

101. All documents sent to or received from the Florida Conference of Catholic Bishops relating to child sexual abuse by Roman Catholic clergy.

RESPONSE:

102. All documents sent to or received from the Holy See, including, but not limited to the office of the Congregation of the Doctrine of the Faith, regarding Father Ross.

RESPONSE:

103. All documents referring or relating to the termination of Father Ross from the priesthood.

RESPONSE:

104. All documents evidencing insurance coverage for the acts of sexual abuse and negligence alleged in Plaintiff's Complaint.

RESPONSE:

105. In the event Father Ross was transferred between Dioceses, all indemnity agreements between the Archdiocese and any other Diocese regarding Father Ross.

RESPONSE:

106. The United States Conference of Catholic Bishops *Charter for the Protection of Children and Young People* (a/k/a the "Dallas Charter") and all subsequent revisions and supplements to which the Archdiocese adheres.

RESPONSE:

107. All copies of *De Modo Procedendi in Causis Sollicitationis*, promulgated by the Holy See on or about June 9, 1922, maintained by the Archdiocese.

RESPONSE:

108. All copies of *Humana Persona, Declaration on Sexual Ethics*, promulgated by the Congregation for the Doctrine of the Faith in approximately 1975 and maintained by the Archdiocese.

RESPONSE:

109. All copies of *Letter on Pastoral Care of Homosexual Persons*, promulgated by the Congregation of the Doctrine of the Faith in approximately October, 1986 and maintained by the Archdiocese.

RESPONSE:

110. All copies of *Restoring Trust, Vol. I*, published and distributed by the U.S. Conference of Catholic Bishops in approximately 1994 and maintained by the Archdiocese.

RESPONSE:

111. All copies of *Restoring Trust, Vol. 2*, published and distributed by the U.S. Conference of Catholic Bishops in approximately 1995 and maintained by the Archdiocese.

RESPONSE:

112. All copies of *Restoring Trust, Vol. III*, published and distributed by the U.S. Conference of Catholic Bishops in approximately 1996 and maintained by the Archdiocese.

RESPONSE:

113. All copies of *Sacramentorum Sanctitatis Tutela*, promulgated by Pope John Paul II on or about April 30, 2001 and maintained by the Archdiocese.

RESPONSE:

114. All copies of *De Delictis Gravioribus*, promulgated by the Congregation of the Doctrine of the Faith in approximately 2001 and maintained by the Archdiocese.

RESPONSE:

115. All documents which reflect Plaintiff's involvement with the Defendant including, but not limited to: education records; records of involvement in youth groups; letters of recommendation by the Defendant and its representatives; documents provided by Plaintiff pursuant to applications for acceptance in any education or other program; and funds provided by the Defendant to assist Plaintiff in any education or other program attended by him or any other documents in any file or files of the Plaintiff maintained by Defendant.

RESPONSE:

116. All documents setting forth the qualifications for and the procedures necessary to qualify for employment as a priest or other clergy with the Defendant from 1969 to present.

RESPONSE:

117. All documents referencing Defendant Joseph Ross's time in the St. Luke Institute.

RESPONSE:

118. All documents referencing inquiries made to Defendant Archdiocese about Joseph Ross, including but not limited to, inquiries by other priests regarding Ross's fitness to serve as clergy, and/or inquiries made by victims or victims' families regarding Joseph Ross' fitness to serve as clergy.

RESPONSE:


119. All documents showing the relationship with and/or ownership of, St. Cronan's Church and Parish Center.

RESPONSE:

120. All documents that would aid in identifying where Father Ross currently resides.

RESPONSE:

DATED: 1/13/12


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ATTORNEYS FOR PLAINTIFF

**IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
TWENTY-SECOND JUDICIAL
STATE OF MISSOURI**

JANE DOE 92,)	
)	
Plaintiff,)	Cause No. 1122-CC10165
)	
vs.)	Division 1
)	
ARCHDIOCESE OF ST. LOUIS, a Non-)	
Profit Corporation, ARCHBISHOP)	
ROBERT J. CARLSON of the Archdiocese)	
of St. Louis, and FATHER JOSEPH ROSS)	
)	
Defendants.)	

**PLAINTIFF'S FIRST INTERROGATORIES
TO DEFENDANT ARCHDIOCESE OF ST. LOUIS**

PLEASE TAKE NOTICE that Plaintiff demands separate and complete answers under oath to each of these interrogatories within thirty (30) days of service as prescribed by the Missouri Rules of Civil Procedure. These interrogatories are deemed to be continuing and should the answers be modified, amended or changed or additional witnesses obtained, it is demanded that you so advise Plaintiff and the undersigned attorneys.

DEFINITIONS

1. "Identify," When used in reference to individual persons, means to state their full name and present address, the telephone number, their present or last known position and business affiliation, and their position and business affiliation at the time in question.

2. "Identify," when used in reference to a document, means to state its date, author, type of document (letter, memorandum, telegram, chart, etc.), addressee or other intended recipient or audience, a summary of its contents or other means of identifying it, and its present location and custodian. If any such document was, but is no longer, in your position or subject to your control, state what disposition was made of it and the date of such disposition. With respect to document identification, documents prepared after the time periods specified in the interrogatory or document request or that relate or refer to such time

period are to be included in your responses. With respect to documents, a request to identify also means that you are to state whether you are willing to voluntarily produce the document for inspection or copying. If so, attach a copy to the responses submitted.

3. "Identify," when used in reference to a conversation, conference, or meeting, means to identify all persons participating in or attending, and identify all documents recording, summarizing, or otherwise arising from the conversation, conference, or meeting, and state in detail its purpose, subjects discussed, method of communication used (telephone, in person, etc.), and if by telephone, identify the called and the person called, the action or actions taken at the meeting or following the meeting, identify the person or persons taking such action, and the date, place, and purpose or purposes of any such action.

4. "Describe," means to state fully and with particularity including but not limited to stating each date, fact, event, occurrence and identifying each and every individual or document that related to or can testify to said occurrence or allegation.

5. "Defendant," or "you," "your," refers to this answering Defendant and its agents, servants and employees

6. "Sexual contact" means any of the following acts:

- (a) touching of an individual's breasts or genitals, including the touching of the clothing covering the immediate areas of breasts or genitals by any part of another individual's body or any object used for this purpose;
- (b) sexual intercourse, cunnilingus, fellatio, anal intercourse, or any intrusion however slight into the genital or anal openings by any part of another individual's body or any object used for this purpose; and

7. "Document" means any written, printed, typed, recorded, or other graphic matter of any kind or nature, all mechanical and electrical sound recordings and any transcripts thereof, any computer data files, and/or all copies of all documents by whatever means made.

INTERROGATORIES

1. Identify who is answering these Interrogatories and their affiliation with Defendant Roman Catholic Archdiocese of St. Louis (hereinafter, "Archdiocese").

ANSWER:

2. Did Defendant have in effect a liability insurance policy or policies providing coverage for any of the damages claimed by the Plaintiff in this action? If so, please provide the following:
 - a. The named insured in this policy;
 - b. The policy number;
 - c. The name, address and phone number of the company extending coverage;
 - d. The policy limits;
 - e. The effective dates of each policy of insurance;

- f. If coverage under this policy is being denied or, if legal defense is being provided under a reservation of rights, identify all policy clauses identified by the insurance company as the basis for the denial of coverage or the reservation of rights.
- g. Attach a copy of each and every insurance policy identified in this interrogatory together with all declaration pages and amendatory endorsements applicable during the period of time of the alleged sexual abuse.

ANSWER:

- 3. State whether the insurance company identified in your Answer to Interrogatory No. 2 has indicated that there are policy exclusions precluding or limiting coverage for the acts which are the basis for this Complaint? If so, describe these policy exclusion(s).

ANSWER:

- 4. Identify any person who you contend has knowledge or claims to have knowledge of any facts relating to the alleged incidents which are the subject matter of this litigation.

ANSWER:

- 5. Have you, your agents, investigators or attorneys contacted or spoken to any of the persons named in the answers to the preceding interrogatory? If so, separately identify each such person.

ANSWER:

- 6. As to all persons whose names are set forth in your responses to the preceding interrogatories have you, your agents, investigators or attorneys or anyone acting on your behalf, obtained statements of any kind, whether written, stenographic, recorded, reported, or otherwise, from any persons identified in the above interrogatories.

ANSWER:

- 7. If your response to interrogatory No. 6 is in the affirmative, please state separately for each such person, the following:
 - a. Identify that person;
 - b. Date on which the statement was taken; and
 - c. Identify the person who took the statement.

ANSWER:

8. Have you, your agents, investigators, or attorneys or anyone acting on your behalf, obtained any kind of written, stenographic, recorded, reported, oral, or other type of statements from the Plaintiff? If so, please state for each such statement:
 - a. The date on which the statement was taken; and
 - b. Identify the person who took the statement.

ANSWER:

9. Have you, your agents, investigators, or attorneys or anyone acting on your behalf, destroyed, relocated, or are otherwise no longer in possession of, any documents which reflect any discussions or communications relating to Defendant Joseph Ross alleged sexual contact with Plaintiff or allegations of Ross's sexual contact with any other person within the Defendant Archdiocese or destroyed, relocated, or are otherwise no longer in possession of, any document, notes, or memoranda which contains information about such sexual contact. If so, please state for each such document:
 - a. Identify the document;
 - b. Identify the contents of the document;
 - c. Identify the person who drafted the document;
 - d. Identify to whom the document was addressed; and
 - e. Describe any further communications and/or correspondence regarding the document.

ANSWER:

10. Do you know of any legal action or insurance claims brought by Plaintiff prior to the institution of this lawsuit? If so, please furnish all information you possess in this regard, including dates, nature of the claims and final disposition of any claims made.

ANSWER:

11. Has the Defendant, or its agents, attorneys or employees at any time received any medical report, oral or written, x-ray report, hospital records or writings of any kind from any medical practitioners, psychiatrists, psychologists, or hospitals regarding the medical, physical, mental or emotional condition of Plaintiff before, during or after the occurrences which are alleged as the subject matter of this litigation? If so, please provide the name and address of the person(s), clinic, hospitals or other institutions from which the information was originally received by Defendant or its representatives.

ANSWER:

12. Does Defendant have knowledge of any written or oral report, or any statement, memorandum, recording or other form of testimony, from the Plaintiff, signed or

unsigned, concerning this cause of action? If so, please describe that information in detail. If said information is in a written or recorded form, please attach a copy of said documented information to your answers to these interrogatories.

ANSWER:

13. Describe each and every report or statement made by you to anyone regarding the facts of the alleged incidents which are the subject matter of this litigation or any events leading up to the occurrence of said incidents or any events occurring immediately thereafter. As to each, please provide the following:
 - a. The type of the report or statement, whether written, oral, recorded, reported or otherwise;
 - b. The date of said statement and by whom it was made;
 - c. The name, address and employer of the custodian of any permanent form of said statement;
 - d. If you are making a claim of privilege with regard to any of said statements or Reports, please state the basis of said privilege; and
 - e. Attach copies of each document identified in this interrogatory.

ANSWER:

14. Does Defendant have knowledge of any facts or allegations made against Defendant Joseph Ross for sexual contact or attempted sexual contact with any individual, including the Plaintiff, before, during or after the incidents which are the subject matter of this action? If so, please state separately for each claim:
 - a. Identify all persons who informed Defendant of these allegations;
 - b. The name, present address and present age of each individual involved in the sexual contact;
 - c. The dates the sexual contact was purported to have occurred;
 - d. The nature of the act or acts of sexual contact Defendant Ross was purported to have committed;
 - e. If criminal charges or civil damage claims resulted from this sexual contact, identify the parties to this action, the court in which the action was venued, the court file number and the ultimate disposition of the action;
 - f. The date Defendant became aware of these allegations, identifying the particular agent or agents of Defendant who became aware of these allegations;
 - g. Identify and describe any letter, document, memorandum, report or other tangible evidence relating in any manner to Defendant's knowledge of prior sexual contact committed by Defendant Ross;
 - h. Attach copies of all tangible evidence identified in your answer to interrogatory 14(g);

- i. If Defendant Ross admitted the allegations of sexual contact, provide the date of and substance of the admission and identify each and every one of Defendant's agents who became aware of the admission;
- j. Describe any disciplinary or preventative actions Defendant took in response to knowledge of this sexual contact;

ANSWER:

15. Does Defendant have knowledge of any psychiatric, psychological or other therapy or counseling which Defendant Ross has undergone either before, during or after the alleged incidents which are the subject matter of this action. If so, provide the following:
- a. Identify the person(s) who counseled or provided therapy for Defendant Ross;
 - b. The dates of this therapy or counseling;
 - c. Did Defendant's agent, servant or employee direct or suggest that Defendant Ross undergo this therapy or counseling. If so, please identify said agent, servant or employee of Defendant, the subject matter of the communication(s) with Ross and the date(s) of these communications;
 - d. Describe any and all documents in Defendant's possession relating in any way to this therapy or counseling;
 - e. Attach to these interrogatory answers any reports, records, memorandum or other tangible documents relating in any way to this therapy or counseling; and
 - f. The manner in which your agent or representative became aware of the counseling or therapy.

ANSWER:

16. Describe the relationship between you and Defendant Ross including but not limited to the following:
- a. Describe the circumstances surrounding Ross's initial association with Defendant;
 - b. The method by which Ross was compensated for services he supplied to Defendant, including the nature, source and frequency of this compensation;
 - c. List the specific duties and responsibilities of Ross during his employment association with Defendant;
 - d. List the instrumentalities required by Ross to perform these duties and identify the person or organization which supplied these instrumentalities to Defendant Ross;
 - e. List the name(s) of Ross's supervisor(s) during his association with the Defendant;
 - f. State the date Ross's association with the Defendant was terminated and the reason for termination of this association;
 - g. List each assignment given to Ross and for each assignment identify the years Ross served, his title and duties, and his supervisors;
 - h. Identify all documents relating to the relationship between you and Ross.

ANSWER:

17. Describe the Defendant's policies and/or procedures regarding the duties and obligations of deacons, priests, bishops, and others serving within the structure of the Defendant Archdiocese pertaining to reports, allegations, and suspicions of sexual contact which were in effect during the period of time covering the allegations of this lawsuit, and identify all documents that reflect those policies and procedures.

ANSWER:

18. Describe all changes, if any, made to the sexual contact policy as described in Interrogatory No. 17, including the dates of said changes, the manner in which said changes were distributed to those affected by said changes, and the agent of the Defendant Archdiocese responsible for making said changes.

ANSWER:

19. Describe each and every allegation of sexual contact with a minor made against any priest and/or employee serving within Defendant Archdiocese that was made known to any official of Defendant during the 20 years prior to and/or during the period of time covering the sexual contact alleged in this case.

ANSWER:

20. Describe each and every allegation of sexual contact with a minor made against any priest and/or employee serving within Defendant Archdiocese that was made known to any official of Defendant after the sexual contact alleged in this case.

ANSWER:

21. Identify all documents pertaining to sexual contact or alleged sexual contact with a minor by any priest and/or employee serving within Defendant Archdiocese that employees, agents or representatives of the Defendant Archdiocese have sent to the Apostolic Delegate to the Holy See or to any entity of the Holy See from 1980 to the present. For each document state:
 - a. The date of the document;
 - b. The date the document was sent to the entity of the Holy See;
 - c. A description of the document;
 - d. The name of the person sending the document and his/her position;
 - e. The name of the person receiving the document and his/her position; and
 - f. Whether any further discussion or correspondence followed either to or from an entity of the Holy See regarding the document.

ANSWER:

22. Describe in detail and identify all documents relating to any warnings issued during the 20 years prior to and/or during the period of time covering the sexual contact alleged in this case by Defendant Archdiocese to authorities, parents, parishioners, or the general public relating in any way to any sexual activity or sexual contact by priests, deacons, employees or other persons working within the Archdiocese.

ANSWER:

23. Describe in detail and identify all documents relating to any secret or sub secreto files containing information relating to sexual contact or alleged sexual contact with a minor by any priest and/or employee serving within Defendant Archdiocese possessed by you at anytime, including those maintained by directive of Canon Law. If the secret or sub secreto files are no longer in your possession, for each document no longer in your possession state:
- a. Where you sent the documents;
 - b. The subject of the document;
 - c. The current location of the document;
 - d. The date of the document; and
 - e. Any other information you have relating in any way to the document.

ANSWER:

24. Describe in detail all policies and procedures and identify all documents that relate to the creation, handling and/or destruction of secret or sub secreto files.

ANSWER:

25. Identify all expert witnesses you intend to call at any hearing or trial of this matter. For each expert witness, provide the following information, pursuant to Rule 56.01(b)(4) of the Missouri Rules of Civil Procedure:
- a. The name of the expert;
 - b. The addresses of the expert;
 - c. The expert's place of employment and occupation;
 - d. The qualifications of the expert to give an opinion in this matter;
 - e. The nature of the subject matter on which the expert will testify; and
 - f. The hourly deposition fee of the expert.

ANSWER:

26. Identify all employees, teachers, priests, and other clergy who worked at St. Cronan's Church during the period of time of Defendant Ross's association with that school.

ANSWER:

27. Identify all information known to the Archdiocese regarding criminal investigations, arrests, criminal convictions, and/or expungements of criminal records pertaining to Defendant Ross. For each, describe:
- a. the circumstances of the investigation, arrest, conviction or expungement;
 - b. the dates of the investigation, arrest, conviction or expungement;
 - c. the conclusion of any investigation, arrest, conviction or expungement and following consequences;
 - d. describe any documents that the Archdiocese possesses regarding the investigations, arrests, convictions or expungements; Please attach the documents to your response;
 - e. Describe any involvement that the Archdiocese or its agents had in any of these investigations, arrests, criminal convictions and/or expungements including but not limited to, providing information to authorities or prosecutors, assisting Defendant Ross with representation or bond, and/or communications with Defendant Ross or his counsel during the pendency of any of the investigations, arrests or convictions;
 - f. Who had knowledge of the criminal investigations, arrests, criminal convictions, and/or expungements of criminal records and when.

ANSWER:

28. Identify all state child welfare investigations pertaining to Defendant Ross. For each, describe:
- g. the circumstances of the investigation,;
 - h. the dates of the investigation;
 - i. the conclusion of any investigation and following consequences;
 - j. describe any documents that the Archdiocese possesses regarding the investigations;
 - k. Describe any involvement that the Archdiocese had in any of these investigations. Please attach the documents to your response

ANSWER:

29. Describe in detail all communications made to clergy, parishioners, parents, or employees of St. Cronan's Church regarding Defendant Ross from before, during and/or after his time serving at St. Cronan's Church. If any of the communications are in writing, please provide.

ANSWER:

30. Describe in detail any writings, journals, letters, or notes made by Defendant Ross that are known to the Archdiocese. Please provide any that are in the possession of the Archdiocese.

ANSWER:

31. Describe the physical layout of St. Cronan's Church and Parish Center.

ANSWER:

32. Describe any communications or records passed between any employee, representative, or agent of the Archdiocese and any representative, employee or agent of the St. Luke Institute regarding Defendant Ross. Provide any that are in writing.

ANSWER:

33. Describe any communications between any employee, representative, attorney or agent of the Archdiocese and any representative, employee or agent of the public media regarding Defendant Ross.

ANSWER:

34. Describe in detail the relationship between the Archdiocese and St. Cronan's Church and Parish Center including but not limited to property ownership, bylaws, incorporation, and/or any document showing the authority that the Archdiocese has over St. Cronan's Church and Parish Center.

ANSWER:

35. Describe in detail and identify all documents relating to the Plaintiff in this matter or her family members including but not limited to, marriage records, baptism records, communion records, religious or other education documents, photographs, etc.

ANSWER:

36. Describe each and every report or statement made by you to anyone regarding the facts of the incidents which are the subject matter of this litigation or any events leading up to the occurrence of said incidents or any events occurring immediately thereafter. As to each, please provide the following:

- a. The type of the report or statement, whether written, oral, recorded, reported or otherwise;
- b. The date of said statement and by whom it was made;
- c. The name, address and employer of the custodian of any permanent form of said statement;
- d. If you are making a claim of privilege with regard to any of said statements or reports, please state the basis of said privilege; and
- e. Attach copies of each document identified in this interrogatory.

ANSWER:

DATED: 1/13/12


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