

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

THOMAS MAGNUM, WILLIE MAGNUM,
JAMES MONEY, DAVID PORTER,
WALTER J. DALY, MARY LOGAN
ALFRED ROBERTS. NICHOLAS SIRAVO,
BILL HENIS, JOAN MCCRANE,
JOHN QUINN, JAMES SPOERL,
JOHN DOE AND JANE DOE

Plaintiffs

vs.

ARCHDIOCESE OF PHILADELPHIA,
HIS EMINENCE CARDINAL JUSTIN
RIGALI, HIS EMINENCE CARDINAL
ANTHONY BEVILACQUA AND
ESTATE OF HIS EMINENCE
CARDINAL JOHN KROL

Defendants

**COMPLAINT CLASS ACTION
JURY TRIAL DEMANDED**

No. _____

I. INTRODUCTION

Plaintiffs bring this action on behalf of themselves and all other similarly situated males and females against Defendants, Archdiocese of Philadelphia, His Eminence Cardinal Justin Rigali, His Eminence Cardinal Anthony Bevilacqua and the Estate of His Eminence Cardinal John Krol to be compensated for the severe mental and physical injuries that they received as a result of Defendants' active concealment and perpetuation of the sexual abuse committed upon Plaintiffs by priests assigned to and/or employed by and/or harbored by the Archdiocese of Philadelphia.

II. THE PARTIES

1. Plaintiff, Thomas Magnum, is an adult male who was a minor at the time of the abuse alleged herein, occurring between 1977 through 1981.

2. Plaintiff, Willie Magnum, is an adult male who was a minor at the time of the abuse alleged herein, occurring between 1977 through 1981.

3. Plaintiff, James Money, is an adult male who was a minor at the time of the abuse alleged herein, occurring in 1964.

4. Plaintiff, David Porter, is an adult male who was a minor at the time of the abuse alleged herein, which occurred 1963 through 1965.

5. Plaintiff, Walt Daly, is an adult male who was a minor at the time of the abuse alleged herein, occurring from 1959 to 1963.

6. Plaintiff, Mary Logan, is an adult female who was a minor at the time of the abuse alleged herein, occurring from 1955 to 1957.

7. Plaintiff, Alfred Roberts, is an adult male who was a minor at the time of the abuse alleged herein, occurring in the early 1970's.

8. Plaintiff, Nicholas Siravo, is an adult male who was a minor at the time of the abuse alleged herein, occurring from 1960 to 1964.

9. Plaintiff, Bill Henis, is an adult male who was a minor at the time of the abuse alleged herein, occurring from 1968 to 1970.

10. Plaintiff, Joan McCrane, is an adult female who was a minor at the time of the abuse alleged herein, occurring from 1960 to 1964.

11. Plaintiff, John Quinn, is an adult male who was a minor at the time of the abuse

alleged herein, occurring from 1960 to 1964.

12. Plaintiff, James Spoerl, is an adult male who was a minor at the time of the abuse alleged herein, occurring from 1981 to 1985.

13. Plaintiff, John Doe, is an adult male who was a minor at the time of the abuse alleged herein.

14. Plaintiff, Jane Doe, is an adult female who was a minor at the time of the abuse alleged herein.

15. Defendant, Archdiocese of Philadelphia (Archdiocese), is a religious organization responsible for the maintenance, business organization, and operation of the Roman Catholic Church in Philadelphia, Pennsylvania, with a principal place of business at 222 N. 17th Street, Philadelphia, PA 19103.

16. Defendant, His Eminence Cardinal Justin Rigali (Cardinal Rigali), is the current Archbishop of Philadelphia and, as such, held and continues to hold supervisory control over the operations of the Archdiocese of Philadelphia including, but not limited to, the assignment of priests, the supervision of priests, and the discipline of priests. At all times material hereto, Defendant, Cardinal Rigali, had a principal place of business at 222 N. 17th Street, Philadelphia, PA 19103.

17. Defendant, His Eminence Cardinal Anthony Bevilacqua (Cardinal Bevilacqua), is the immediate past Archbishop of Philadelphia and, as such, held supervisory control over the operations of the Archdiocese of Philadelphia including, but not limited to, the assignment of priests, the supervision of priests and the discipline of priests. At all times material hereto, Defendant, Cardinal Bevilacqua, had a principal place of business at 222 N. 17th Street,

Philadelphia, PA 19103.

18. Defendant, the Estate of His Eminence Cardinal John Krol (Cardinal Krol), was the Archbishop of Philadelphia immediately preceding Defendant, Cardinal Bevilacqua, and, as such and during his tenure as Archbishop of Philadelphia, held supervisory control over the operations of the Archdiocese of Philadelphia including, but not limited to, the assignment of priests, the supervision of priest, and the discipline of priests. At all times material hereto, Defendant, Cardinal Krol, had a principal of business at 222 N. 17th Street, Philadelphia, PA 19103.

III. FACTUAL BACKGROUND

19. This action stems from Defendants', the Archdiocese, Cardinal Rigali, Cardinal Bevilacqua and Cardinal Krol's (hereinafter collectively the "Defendants"), massive conspiracy to cover-up and effectively perpetuate the heinous and immoral sexual acts forced upon minor children, including Plaintiffs, over the course of more than five decades by priests and other clergy (hereinafter "pedophile priest") within the Archdiocese. See In RE: Count Investigating Grand Jury, Misc. No. 03-00-239 (September 17, 2003)(hereinafter referred to as the "Report of the Grand Jury"), relevant parts of which are attached hereto Exhibit "A". Plaintiffs incorporate herein by reference the Report of the Grand Jury in its entirety.¹

20. Upon information and belief, from approximately 1940 to the present, there have been at least sixty-three (63) known pedophile priests within the Archdiocese of Philadelphia who sexually abused hundreds of children. Id. at §I, II, and VI, Appendices A, B and C.

21. Acts of sexual abuse by the pedophile priests ranged from fondling to forcible

anal or vaginal rape to sadomasochistic rituals. Id. at §I, II, III and V. The acts of abuse routinely included, but were not limited to, forcing and/or coercing children, including Plaintiffs, to receive to perform kissing, fondling, oral sex, masturbation, sodomy, and acts of sexual torture. Id. at §I, II, III and V.

22. The pedophile priests also subjected many of the Plaintiffs to pornography. The pedophile priest took obscene pictures of their victims, and forced other victims to view the pictures, as well as obscene magazines. Id. at §I and V.

23. Some of the abuse took place one on one, while in other instances one priest would abuse several children at once, or several priests would simultaneously abuse one child. Id. at §I and V.

24. At all times material hereto, the pedophile priests were employed by and were subject to the direct authority, dominion, supervision and control of Defendants.

25. Over the course of more than four decades, the Defendants were fully aware that the pedophile priests were continuously perpetrating the sexual abuse crimes against children, including Plaintiffs. Id. at §I, III, V and VI, Appendix D.

26. Defendants became aware of the criminal acts of the pedophile priests through reports from other clergy, concerned parishioners, and many times from the admissions of the pedophile priests themselves. Id. at §I, III, V and VI, Appendix D.

27. The Defendants not only knew of these illegal and immoral acts, but actively concealed such acts from the public, including the parishioners, the victims' families and law enforcement agencies, through the use of various immoral and illegal tactics, including but not

¹ Because the Report of the Grand Jury exceeds four hundred pages, it has not been attached hereto in its entirety. A

limited to coercion, threats, intimidation, retaliation, bribery, document manipulation, document destruction and outright lies. Id. at §I, III and V.

28. Defendants also purposefully concealed the extent of the abuse within the archdiocese from the victims themselves through various immoral tactics, including evading victims who years later tried to report abuse and/or lying to victims about Defendants' knowledge of the reported abusers' sexually predatory history and/or the existence of numerous other victims. Id. at §III, V and VI, Appendix D.

29. Defendants concealed the criminal activities of the pedophile priests and their knowledge thereof in an effort to avoid scandal, criminal and civil lawsuits, and financial repercussions for the purpose of avoiding claims and in order to avoid such liability sought to conceal said activities for a sufficient period of time so as to invoke the statute of limitations as a defense to any civil claims ultimately pursued. Id. at §I, III and VI, Appendix D.

30. The Defendants failed to remove known pedophile priests from active duty, or to even reprimand or discipline them in any way, and instead transferred the known and often self-admitted pedophiles from parish to parish. Id. at §I, II, III, IV, V and VI, Appendices B and D.

31. By refusing to take appropriate disciplinary measures and instead transferring the pedophile priests to new and unsuspecting parishes, Defendants greatly expanded the number of minor victims that the pedophile priests came into contact with, and thereby effectively facilitated and granted their consent to the pedophile priests' ongoing criminal activities. Id. at §II.

32. The effect of Defendants' concealments and actions was to greatly perpetuate the

acts of sexual abuse of innocent and unsuspecting minors, including Plaintiffs, by expanding the victim base for the pedophile priests while reducing their parents' chances of protecting them, thereby violating Plaintiffs substantive due process rights to bodily integrity granted to them under the United States Constitution, Amendment XIV, and under Pennsylvania law.

Defendants further sought to violate Plaintiffs' ability to seek legal redress for their injuries by concealing their own conduct and the conduct of the pedophile priests for a sufficient period of time to permit them to invoke the statute of limitations as a defense to any personal injury claims, which was a result of Defendants' desire to profit financially despite an awareness that they faced potentially billions of dollars of claims by the victims of pedophile priests.

33. As a direct result of Defendants' actions, Plaintiffs have been prevented from seeking legal redress in the form of monetary damages for their injuries suffered and will continue to suffer severe physical and mental injuries, including but not limited to the loss of their enjoyment of life, severe emotional distress, physical manifestations of emotional distress, severe depression, anxiety, embarrassment, pain and suffering, humiliation, loss of vocation, loss of earnings and earning capacity, loss of faith, loss of ability to live a normal life, the inability to perform daily activities and obtain the full enjoyment of life, and have incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling.

34. Plaintiffs now seek compensatory, punitive and other damages for the injuries that Defendants have inflicted upon them.

IV. JURISDICTION

35. This action arises under the rights, privileges and immunities secured to Plaintiffs by the Racketeer Influenced and Corrupt Organizations Act of 1970, 18 U.S.C. §1962 et seq.,

and the Civil Rights Act of 1871, 42 U.S.C. §§1985 and 1986 (for interference with rights secured by the U.S. Constitution, Amendment XIV and substantive rights secured by Pennsylvania statutory laws).

36. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§1331 and 1343(a)(1) and (2).

37. The claims arose in this jurisdictional district and venue is proper under 28 U.S.C. §1391(b).

38. This Court also has jurisdiction over any ancillary and pendent state law claims.

V. INDIVIDUAL ALLEGATIONS OF SEXUAL ABUSE

39. Plaintiffs Thomas and Willie Magnum, brothers, were routinely abused by Reverend David Hagan from approximately 1977 to 1978, with the abuse continuing periodically for approximately three years thereafter. The Magnum brothers were minors when the abuse began. The abuse would occur during trips on which Reverend Hagan would take the Magnum brothers and several of their male siblings to the New Jersey shore. The abuse also took place at Reverend Hagan's house.

40. Plaintiff James Money was abused by Reverend Harry J. Nawn in 1964. At that time, Reverend Nawn was assigned to Cardinal Dougherty High School, where Mr. Money was attending his junior year. Reverend Nawn took Mr. Money, then a minor, on an overnight trip to New York City, where they saw a show at Radio City Music Hall and then went to a hotel room with two single beds. Mr. Money fell asleep and was awakened by Reverend Nawn molesting him in his bed.

41. Plaintiff David Porter was abused by Fr. Connelly from 1963 to 1965, beginning

when he was approximately thirteen years old. At the time, Mr. Porter was an altar boy at Immaculate Heart of Mary Church in Chester, Pennsylvania (now named Mother Drexel), which was part of the Philadelphia Archdiocese. Father Connelly was a friend of Mr. Porter's family. The abuse started slowly, with Father Connelly asking Mr. Porter to stand between his legs and feel his facial whiskers. As the abuse progressed, Father Connelly would ask Porter into the vestry before the evening mass, where Father Connelly would remove Mr. Porter's penis from his pants and fondle him, referring to Mr. Porter's penis as "St. Peter". After Father Connelly had fondled Mr. Porter to an erection, he would urge Mr. Porter to re-zip his pants so that his penis "wouldn't get cold". After being abused seven to eight times in this manner, Mr. Porter told Father Connors about the abuse during confessional. Two weeks later, Father Connors informed Mr. Porter that he was no longer permitted to serve Father Connelly's mass, and that he had been replaced by another boy. Mr. Porter later fell into bad habits, which he attributes to his sexual abuse at the hands of father Connelly. Around 1988, while working as an attendant at an event celebrating Cardinal Bevilacqua's ascension to the position of Cardinal of the Philadelphia Archdiocese, Mr. Porter was able to pass a note to Cardinal Bevilacqua, telling him about the sexual abuse. Although the note contained Mr. Porter's contact information, he was never

contacted by either Cardinal Bevilacqua or any agent of the Archdiocese.

42. Plaintiffs Bill Henis and Joan McCrane are siblings. Mr. Henis and Ms. McCrane both suffered sexual abuse at the hands of the same priest, Father Sabadish. Ms. McCrane's abuse occurred from 1960 to 1964. She was sexually abused by Father Sabadish at various locations, including her own home, Father Sabadish's car and his mother's home. The abuse

occurred very frequently, sometimes weekly. Ms. McCrane's brother, Plaintiff Bill Henis, was abused later, from 1968 to 1970. Mr. Henis's abuse also occurred at various locations, including the Delaware River Parking Lot, St. Mark's Rectory, St. Michael's Rectory, and Father Sabadish's mother's home. Mr. Henis was abused every couple of months, and sometimes more frequently.

43. Plaintiff Walter J. Daly was abused by Reverend John Cannon starting in 1959. Fr. Cannon was Director of a summer camp, known as "Camp St. Monica" and during the summers from approximately the sixth grade through the tenth grade, Fr. Cannon repeatedly came to Plaintiff at night and fondled his genitals.

44. Plaintiff Mary Logan was abused by Reverend William N. Killian in approximately 1956. Fr. Killian repeatedly led plaintiff to a bedroom in the rectory of St. Richard's and ordered her to change out of her school uniform and into a pale pink ballerina outfit he had hidden in a bedroom closet. He would then order Plaintiff to lie on a bed and he would admire her legs. Fr. Killian then began to touch Plaintiff, ultimately penetrating Plaintiff with his fingers.

45. Plaintiff Alfred Roberts was abused by Reverend Joseph Gausch. Beginning in approximately 1970 through 1972, while Plaintiff was an altar boy, Fr. Gausch repeatedly and forcibly performed immoral and illegal sexual acts upon plaintiff, including oral sex and anal sex. Fr. Gausch preyed upon plaintiff in, among other places, the sacristy and the rectory of St. Bridget Church. Plaintiff is of African-American descent, and Fr. Gausch knowingly used ethnic intimidation to enforce Plaintiff's participation and silence about Fr. Gausch's immoral and illegal sexual assaults.

46. Plaintiff Nicholas Siravo was abused by not one but two priests, Reverend Charles J. Siegele and Reverend Harry J. Nawn while attending high school in 1960 through 1964. Fr. Siegele regularly removed plaintiff from his classes at Cardinal Dougherty High School, purportedly for “discipline.” where he then took Plaintiff to an empty room at the high school and held him against a wall and rubbed Plaintiff’s genitals and other parts of Plaintiff’s body. In approximately 1962, defendant disclosed to Fr. Nawn the sexual abuse he had suffered and continued to suffer at the hands of Fr. Siegele. Fr. Nawn responded to plaintiff’s disclosure by ordering him to report to the Old Rectory at St. Peter the Apostle Church. There, Fr. Nawn sexually molested plaintiff and performed oral sex upon him, among other harmful, illegal, and immoral acts. Fr. Nawn performed these harmful, illegal, and immoral acts repeatedly on plaintiff both in the Old Rectory at St. Peter the Apostle Church as well as outside in the side street behind the Old Rectory.

47. Plaintiff James Spoerl was abused by Reverend James Bryzyski from approximately 1981 through 1985. When Plaintiff was 10 to 14 years of age he attended St. Cecilia’s School and served as an altar boy at St. Cecilia’s Church. During this time period, Fr. Bryzyski established a pattern of immoral and illegal sexual contact with Plaintiff. At least once a week, Fr. Bryzyski repeatedly fondled Plaintiff’s genitals and performed other immoral and illegal sexual acts upon Plaintiff, usually in the vestry or sacristy of the Church and the New Jersey shore. On one occasion, during which Fr. Bryzyski fondled Plaintiff’s genitals in St. Cecilia’s Church, other priests assigned to the Church watched. When Plaintiff asked these other priests for help and to make the abuse stop, the other priests merely laughed.

48. Plaintiff John Quinn’s abuse began when he was approximately 8 years old living

in various catholic orphanages, by various lay people and also Reverend Brennan, who would pay the Plaintiff \$5.00 for his sexual molestations. At approximately 13 years of age, he was abused by Reverend Charles J. Siegele when he was taken to an apartment on the Main Line of Philadelphia given alcohol and later sodomized. Fr. Siegele's sexual abuse continued in a cabin in the woods in New Jersey, where he forced Plaintiff to perform oral sex.

VI. ACTS OF CONCEALMENT, FRAUD, MISREPRESENTATION, COERCION AND DURESS BY DEFENDANTS

49. As detailed herein, over a period of more than fifty (50) years, Defendants have conspired in a massive cover-up/scheme to conceal the pedophile priests' sexual abuse of Plaintiffs from their family, friends, law enforcement agents, and anyone else who may have been in a position to help the Plaintiffs, who were merely children at the time that they were abused. See generally In RE: County Investigating Grand Jury, Misc. No. 03-00-239 (September 17, 2003).

50. Defendants not only failed to stop the sexual abuse of the children, including Plaintiffs, they took affirmative actions to protect the pedophile priests from being discovered, thereby increasing the number of minor victims while decreasing their parents' chance to protect them as detailed herein. Id. at §I, III and V and VI, Appendix D.

51. Defendants received reports of the ongoing sexual abuse of children from various sources, including but not limited to the pedophile priests themselves, other clergy, past victims and concerned parishioners.

52. The course of action entered upon, adopted, and/or followed by Defendants in response to these reports, was part of and consistent with their pattern of concealing the illegal

and immoral acts of the pedophile priests. This pattern included, but was not limited to, ignoring the reports of abuse, or conducting brief, meaningless investigations which were purposely manipulated to conceal the abuse; destroying evidence of the misconduct of pedophile priests, paying monies to procure the silence of victims, or the families of victims, of the sexually predacious activities of their priests; intimidating, threatening and/or retaliating against clergy, victims and/or victims' families who reported abuse; misleading victims and other parishioners regarding the reason for the transfer of pedophile priests; and using their position as spiritual leaders in the community to coerce and manipulate victims and law enforcement agents from taking action against pedophile priests by falsely promising to take appropriate action against the accused priests. Id. at §I, II, III, V and VI, Appendix D.

53. Defendants also strongly dissuaded pedophile priests from apologizing to their victims, because Defendants did not want the Plaintiffs to realize that they had been the victims of criminal activity and pursue criminal and civil remedies. Id. at §I, III and V.

54. Defendants strongly warned other members of the clergy who knew of the abuse to remain silent, and in some cases even fired members of the clergy who refused to remain silent. Id. at §I, III and V.

55. Upon information and belief, the conspiracy among Defendants to avoid civil and criminal liability for the illegal and immoral acts of the pedophile priests and for their actions in concealing the same began in approximately 1940 and continues to the present. Id. at §III.

56. Defendants not only concealed the criminal acts of the pedophile priests and the Defendants' knowledge thereof, but also actively perpetuated the criminal acts of the pedophile priests by moving them from parish to parish, and sometimes to different states, thereby

expanding the number of children/victims that the pedophile priests came into contact with. Id. at §I, II, III, V and VI, Appendices B and D.

57. Defendants even harbored priests from other states who were known pedophiles as part of a nationwide conspiracy. Id. at §I, III, V and VI, Appendix D, pgs. D-16 to D-17.

58. At all times material hereto, the Defendants invited and encouraged Plaintiffs to accept each priest of the Archdiocese purported to be in good standing, including the known pedophile priests, as one who was worthy of and who had the responsibility for Plaintiffs' physical and spiritual safety, thereby inducing Plaintiffs' to entrust themselves to the company and care of the pedophile priests and to participate in church activities.

VII. STATUTE OF LIMITATIONS

59. Plaintiffs incorporate by reference all of the allegations set forth above as if fully stated herein.

60. Plaintiffs plead delayed discovery of their injuries caused by the pedophile priests and of their concurrent injuries caused by Defendants, and delayed discovery of their claims against Defendants, thus tolling and/or suspending the accrual and running of the statute of limitations against all Defendants as to all claims.

61. Defendants committed knowing and purposeful acts of fraudulent concealment of the identities of pedophile priests and of the crimes that they committed against Plaintiffs. See, e.g., In RE: County Investigating Grand Jury, Misc. No. 03-00-239 (September 17, 2003) at pg. 1 (explaining how Defendants outlasted statute of limitations for criminal charges “by burying those reports they did receive and covering up the conduct [of pedophile priests.]”); pgs. 4- 5 (providing overview of Defendants' purposeful acts of concealment); pgs. 30, 34, 38-39, 67,

306-307 and 365 (detailing Defendants' failure to report the crimes of pedophile priests to law enforcement agencies and Defendants' purposeful actions to prevent others from reporting the crimes of pedophile priests to law enforcement agencies); pgs. 42-43, 79 (detailing Defendants' purposely vague internal documentation of complaints against pedophile priests for the purpose of concealing Defendants' knowledge of the crimes); pgs. 50-52, 79, 83-85 (detailing Defendant's harassment and intimidation of victims and their families for the sole purpose of forcing them to suppress allegations of abuse); pgs. 53-54 (stating that Defendant Cardinal Bevilacqua continued purposeful acts of concealment and made purposely misleading statements to the public in 2002 and in testimony before the Grand Jury); pg. 1, 4-5, 20, 30, 101, 108-109, 117, 119-121, 126-127, 131, 216-217, 303, 306-311 and sect. VI, Appendices B and D (detailing Defendants' established practice of repeatedly transferring pedophile priests from parish to parish for the sole purpose of concealing the identity and crimes of such priests).

62. Defendants' acts were committed before, during and after Plaintiffs were sexually abused, thus preventing Plaintiffs from discovering their injuries resulting from both the actions of the pedophile priests and Defendants, and/or preventing Plaintiffs from reporting the same, thus tolling and/or suspending the accrual and running of the statute of limitations against all Defendants as to all claims. See, e.g., Id at pgs. 38-40 (stating that Defendants received and concealed reports of abuse since 1967 and that "sometimes abuse was ongoing at the time it was reported"); pgs. 53-54 (stating that acts of concealment continued at least up to and including the time of Defendants' public statements made in 2002 and testimony before the Grand Jury); pgs. 306-308 (describing how Defendants failed to terminate a camping trip attended by a pedophile priest and two boys despite fact that Defendants were at that time receiving reports of abuse at

the hands of that specific priest); Part VI, Appendix D, pgs. D-13a to D-13b (showing evidence that Defendants received multiple allegations of abuse by a pedophile priest starting in 1977, but did not investigate the allegations for over 27 years, until 2004).

63. At all times material hereto, Defendants knew and relied on the fact that, as a result of Plaintiffs' religious beliefs and upbringing, Plaintiffs were taught and commanded to put their complete trust and faith in the parish priests, including the pedophile priests, as well as the leaders of the Archdiocese, and to submit to their authority without exception or question. See, e.g., Id at pg. 21 (victims unable to tell their parents about abuse because they were taught "to be 'in awe' of priests."); pg. 119 (fact that victim comes from extremely religious family prevents him from telling anyone about abuse); pg. 181 (victim's religious beliefs prevented him from

making any kind of accusation against a priest for fear of committing a mortal sin); pg. 184 (victim felt unable to accuse abusive priest because "priests were a direct link to God"); pg. 289 (victim was taught and believed that "priests were 'chosen by God and could do no wrong'").

64. At all times material hereto, Defendants knew and relied on the fact that, as a result of Plaintiffs' religious beliefs and upbringing, Plaintiffs viewed all priests as representatives of God who could do no wrong, and therefore Plaintiffs would and in fact did believe the lies of the pedophile priests, including statements that the abuse was an act of love, an act of God, was sanctioned by their parents, or was the victims' own fault. See Id at pgs. 13-16 (explaining how pedophile priests ensured victims' silence by using psychological manipulation, religious/moral duress and isolation tactics on their victims by exploiting victims' vulnerability, young age, religious beliefs and inherent trust in members of the clergy); pg. 19

(pedophile priest convinces victim that she cannot survive without him); pg. 91 (pedophile priest isolates victim by bullying him into not socializing with friends and turning him against his parents); pg. 120 (victim believes pedophile priest's statements that he was being abused because he was "special" and that "God was 'o.k.' with [abuse]"); pg. 125 (pedophile priest "invoked God to seduce and shame his victims."); pg. 130 (pedophile priest convinces victim that "the only way for her to connect with God was through him" and that she was involved in a life or death situation which she could not survive without the pedophile priest); pg. 130 (pedophile priest uses God and his position as a priest to control victim); pg. 138 (pedophile priest makes victim completely dependant on him by alienating victim from her parents, siblings and friends); pg. 177, 179-180 (pedophile priest convinces victim not to report abuse to his parents by making victim believe

that parents sanctioned abuse in return for money). As a result of such psychological dominance Plaintiffs were unaware that the abuse of the pedophile priests constituted improper conduct and were further unaware that it resulted in any injury at the time the abuse was inflicted.

65. At all times material hereto, Defendants knew and relied on the fact that Plaintiffs and/or their families believed it was mortally sinful and wrong to make any kind of an accusation against a priest of the Roman Catholic Church, and that priests of the Roman Catholic Church could not and would not engage in conduct considered evil or wrong. See, e.g., Id. at pg. 181 (victim's religious beliefs prevented him from making any kind of accusation against a priest for fear of committing a mortal sin); pg. 184 (victim felt unable to accuse abusive priest because "priests were a direct link to God"); pgs. 104-105 (detailing parents' hostile reaction and disbelief to child victim's recounting of abuse by priest); pg. 289 (victim was taught and

believed that “priests were ‘chosen by God and could do no wrong’”). At all times material hereto, Plaintiffs entrusted their well-being to the Defendants, all of whom had a corresponding obligation and fiduciary duty to be solicitous for, as well as protective of, Plaintiffs in the exercise of their position of superiority and purported holy authority and leadership in the community.

66. Defendants engaged in purposeful and fraudulent concealment and affirmative manipulation of essential facts under the Defendants’ exclusive control, as alleged in detail herein, giving rise to Plaintiffs’ causes of action against Defendants, which facts were not discoverable/knowable to Plaintiffs, despite their due diligence under the circumstances, until the release of the Report of the Grand Jury, which report was released on September 21, 2005, thus tolling and/or suspending the running of the statute of limitations against all Defendants as to all claims. See, e.g., Id. at pgs. 3-6 (providing detailed overview of cover-up by Defendants); pgs. 30 – 31(explaining how Defendants actively concealed the crimes of pedophile priests for the purpose of avoiding scandal and legal repercussions); pgs. 31-33, 85-88 (explaining how Defendants conducted “non-investigations” designed to avoid finding accused priests guilty of sexual abuse and/or exploitation of victims); pgs. 34-38 (explaining how Defendants routinely and continuously recycled known pedophile priests to different parishes for the sole purpose of concealing their crimes and their identities, while lying to and/or failing to warn parishioners of the reason for the transfer); pgs. 38-40 (explaining how Defendants actively prevented reports of priest abuse to law enforcement agencies by failing to report crimes themselves and by persuading both parents of victims and the police not to press charges with false promises that Defendants would take appropriate action); pgs. 40-42 (explaining how Defendants actively

concealed their knowledge of the crimes of pedophile priests through an established practice of feigning disbelief of victims' reports of sexual abuse and lying to them about the existence of other victims, and by leaving children in dangerous situations with known abusers rather than reveal their own culpable knowledge); pgs. 42-43 (explaining how Defendants purposely kept written reports of accusations made against pedophile priests vague, and failed to even document many allegations and Defendants' responses to same); pgs. 43-47 (explaining how Defendants actively manipulated the psychological evaluations of pedophile priests in order to keep them from being diagnosed as pedophiles so that Defendants could say that they relied on psychological evaluations in making their decisions and not be charged with culpable knowledge); pgs. 50-52, 79, 83-85 (explaining how Defendants silenced victims and witnesses through the use of harassment, humiliation, lies and intimidation); pgs. 52-53 (explaining how Defendants shielded themselves from meeting with victims); and pgs. 53-54 (stating that Defendant Cardinal Bevilacqua continued purposeful acts of concealment and made purposely misleading statements to the public in 2002 and in testimony before the Grand Jury). Plaintiffs exercised due diligence in attempting to discover their injuries and/or the cause of and persons responsible for their injuries but were unable to do so because of the fraudulent conduct of the Defendants as described herein.

67. Defendants breached their fiduciary duty, including but not limited to the duty to act, the duty to warn and the duty to disclose, thus tolling and/or suspending the running of the statute of limitations against all Defendants as to all claims.

68. Defendants, as powerful spiritual leaders in the community, used coercion and extreme mental and spiritual /religious duress to prevent Plaintiffs from discovering their injuries

and/or reporting same, thus tolling and/or suspending the running of the statute of limitations against all Defendants as to all claims. Id. at pgs. 13-16 (explaining how pedophile priests ensured victims' silence by using psychological manipulation, religious/moral duress and isolation tactics on their victims by exploiting victims' vulnerability, young age, religious beliefs and inherent trust in members of the clergy); pg. 19 (pedophile priest convinces victim that she cannot survive without him); pg. 91 (pedophile priest isolates victim by bullying him into not socializing with friends and turning him against his parents); pg. 120 (victim believes pedophile priest's statements that he was being abused because he was "special" and that "God was 'o.k.' with [abuse]"); pg. 125 (pedophile priest "invoked God to seduce and shame his victims."); pg. 130 (pedophile priest convinces victim that "the only way for her to connect with God was through him" and that she was involved in a life or death situation which she could not survive without the pedophile priest); pg. 130 (pedophile priest uses God and his position as a priest to control victim); pg. 138 (pedophile priest makes victim completely dependant on him by alienating victim from her parents, siblings and friends); pg. 177, 179-180 (pedophile priest convinces victim not to report abuse to his parents by making victim believe that parents sanctioned abuse in return for money);

69. The actions of Defendants, because of their conduct, statements, promises and misrepresentations, preclude them from claiming the bar of the statute of limitations as to Plaintiffs claims.

70. Based on the forgoing, and for the reasons alleged herein, Plaintiff pleads the doctrine of equitable estoppel.

VIII. CLASS ACTION ALLEGATIONS

71. Plaintiffs maintain this action on behalf of themselves and a class of all other male and female students and parishioners of Defendants who were subject to any form of sexual abuse, sexual contact, sexual misconduct, sexual exploitation and/or sex discrimination by priests or clergy or members of religious orders from 1940 to the present and at the time of such abuse or misconduct such priests or clergy or members were assigned to or employed by or being protected/concealed/harbored by the Archdiocese of Philadelphia.

72. This action is properly maintainable as a class action under Fed.R.Civ.P. 23(b)(2) and (3).

73. Upon information and belief, there are up to five hundred (500) members of the proposed class and there are approximately sixty-three (63) known pedophile priests who victimized the class members for a period of more than four decades. Accordingly, the members of the class are so numerous that joinder is impractical. Despite the size of the class, the identities of many of the class members can be ascertained from Defendants' files and records. Plaintiffs and their counsel do not anticipate any difficulties in the management of this class action.

74. The interests of Plaintiffs are consistent with and are not antagonistic to those of the other class members.

75. There are significant questions of law and fact common to the members of the class, including but not limited to:

- a. Whether or not Defendants engaged in a conspiracy to conceal the sexual abuse of Plaintiffs;
- b. Whether or not Defendants, by their actions, perpetuated the acts of sexual abuse against Plaintiffs;

- c. Whether or not Defendants used illegal tactics including but not limited to threats, intimidation and bribery to conceal the sexual abuse of Plaintiffs;
- d. Whether or not Defendants' fraudulent and illegal actions act to toll and/or suspend the accrual and running any applicable statute of limitations;
- e. Whether or not Defendants' actions constitute a violation of, or neglect to prevent a violation of, Plaintiffs' civil rights under the 14th Amendment of the United States Constitution, and state laws;
- f. Whether or not Defendants engaged in a conspiracy to conceal the sexual abuse and sexual misconduct of the pedophile priests in violation of the federal RICO statute; and
- g. Whether or not Defendants engaged in fraudulent concealment of the criminal activities of the pedophile priests.

76. The claims of the named individual and representative Plaintiffs are typical of the claims of the class. The named Plaintiffs have been the victims of the same intentional practices that affect each class member. Plaintiffs and each class member have sustained and continue to suffer injuries arising from Defendants' wrongful conduct.

77. The proposed class representatives will fairly and adequately represent the class, because they have the class' interests in mind, and because they are represented by well-qualified counsel.

78. Defendants have acted or refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive and declaratory relief with respect to the class as a whole.

79. A class action is superior to other available methods for the fair and efficient adjudication of this litigation since individual joinder of all members of the class is

impracticable. Most members of the class cannot afford to pursue individual litigation against Defendants. Even if some class members could themselves afford individual litigation, it would be unduly burdensome to the courts in which the individual litigation would proceed. Individual litigation magnifies the delay and expense of resolving controversies surrounding Defendants' practices. Individual litigation would also subject individual class members to severe stress and humiliation that necessarily attends litigation relating to sexual abuse. Many victims of the Defendants' agents have failed to come forward for fear of being publicly identified. By contrast, the class action device presents far fewer management difficulties and provides the benefits of unitary adjudication and comprehensive supervision by a single court, and can protect the privacy of many class members who otherwise would not come forward.

80. The class, as defined herein, may be certified pursuant to Rule 23(b)(2) of the Federal Rules of Civil Procedure in that Defendants have acted or refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to the class as a whole.

81. The class, as defined herein, may also be certified pursuant to Rule 23(b)(3) of the Federal Rules of Civil Procedure in that the questions of law or fact common to the members of the class predominate over any questions affecting only individual members, and that a class action is superior to other available methods for the fair and efficient adjudication of the controversy.

82. The class, as defined herein, may also be certified pursuant to Rule 23(b)(3) for the following reasons:

- a. As above stated, legal costs, the desire for anonymity, and the fear

of public humiliation greatly diminishes the interests of members of the class in individually controlling the prosecution of separate actions;

- b. The extent and nature of any litigation concerning the controversy already commenced by members of the class is not such that a class action should be precluded;
- c. Because the acts in question occurred within the jurisdictional district of this Court, and because Defendants and to knowledge and belief most of the class of Plaintiffs can be located within the jurisdiction of this Court, and because there are questions of federal law to be decided, it is desirable to concentrate the litigation of the claims in this forum; and
- d. Despite the size of the class, the identities of many of the class members can be ascertained from Defendants' files and records. Plaintiffs and their counsel do not anticipate any difficulties in the management of this case as a class action.

WHEREFORE, Plaintiffs respectfully request that this Honorable Court enter an Order, pursuant to Rule 23(b)(2) and (3) of the Federal Rules of Civil Procedure, certifying Plaintiffs to be class representatives and the undersigned counsel to be class counsel for the class as defined herein.

COUNT I
RICO - Violations of 18 U.S.C. §1962(c)

ENTERPRISE

83. Plaintiffs incorporate by reference all of the allegations set forth above as if fully stated herein.

84. Defendants are persons under 18 U.S.C. §1961(3).

85. The relationship between Cardinal Krol, Cardinal Bevilacqua, Cardinal Rigali and Defendant Archdiocese (hereafter "Enterprise I") constitutes an association in fact enterprise under 18 U.S.C. §1961(4).

86. Alternatively, the relationship between Cardinal Krol and Defendant Archdiocese (hereafter “Enterprise II”) constitutes an association in fact enterprise under 18 U.S.C. §1961(4).

87. Alternatively, the relationship between Cardinal Bevilacqua and Defendant Archdiocese (hereafter “Enterprise III”) constitutes an association in fact enterprise under 18 U.S.C. §1961(4).

88. Alternatively, the relationship between Cardinal Rigali and Defendant Archdiocese (hereafter “Enterprise IV”) constitutes an association in fact enterprise under 18 U.S.C. §1961(4).

89. Alternatively, the relationship between the pedophile priests, Cardinal Krol and Defendant Archdiocese (hereafter “Enterprise V”) constitutes an association in fact enterprise under 18 U.S.C. §1961(4).

90. Alternatively, the relationship between the pedophile priests, Cardinal Bevilacqua and Defendant Archdiocese (hereafter “Enterprise VI”) constitutes an association in fact enterprise under 18 U.S.C. §1961(4).

91. Alternatively, the relationship between the pedophile priests, Cardinal Rigali and Defendant Archdiocese (hereafter “Enterprise VII”) constitutes an association in fact enterprise under 18 U.S.C. §1961(4).

92. Alternatively, the relationship between the pedophile priests and Defendant Archdiocese (hereafter “Enterprise VIII”) constitutes an association in fact enterprise under 18 U.S.C. §1961(4).

93. Alternatively, Defendant Archdiocese (hereafter “Enterprise IX”) constitutes an association in fact enterprise under 18 U.S.C. §1961(4).

94. Alternatively, the relationship between the pedophile priests, Cardinal Bevilacqua, Cardinal Krol, Cardinal Rigali and Defendant Archdiocese (hereafter “Enterprise X”) constitutes

an association in fact enterprise under 18 U.S.C. §1961(4).

95. Alternatively, the relationship between the United States Bishops of the Roman Catholic Church (hereafter “Enterprise XI”) constitutes an association in fact enterprise under 18 U.S.C. §1961(4).

96. Enterprises I, II, III, IV, V, VI, VII, VIII, IX, X, and/or XI had an ongoing business aside and apart from the racketeering acts alleged herein in that they were involved in the operation of the Roman Catholic Church in the United States.

97. Enterprise I, II, III, IV, V, VI, VII, VIII, IX, X, and/or XI engaged in activities which affected interstate or foreign commerce.

98. At all relevant times Defendants were employed by and/or associated with Enterprise I, II, III, IV, V, VI, VII, VIII, IX, X, and/or XI.

99. At all relevant times Defendants controlled or directed the affairs of Enterprise I, II, III, IV, V, VI, VII, VIII, IX, X, and/or XI.

ACTIVITY

100. At all relevant times Defendants, aided and abetted by each other, their agents, employees, and others, conducted and participated directly or indirectly in the conduct and affairs of Enterprise I, II, III, IV, V, VI, VII, VIII, IX, X, and/or XI through a pattern or practice of conspiracy and racketeering activity in violation of 18 U.S.C §1962 (c) .

101. From approximately 1940 through to the present, Defendants, as persons controlling

or directing the affairs of Enterprise I, II, III, IV, V, VI, VII, VIII, IX, X, and/or XI, engaged in or joined in a conspiracy to intentionally, recklessly and/or negligently conceal criminal conduct of

its agents, aid and abet the concealment of criminal conduct, aid and abet criminal sexual conduct, fail to report criminal conduct of its agents, obstruct justice, obstruct criminal investigation, obstruct state and/or local law enforcement, evade criminal and/or civil prosecution and liability, fail to warn the public of the possible and/or likely future criminal conduct of its agents, fail to act to remove pedophile priests from their parishes and from contact with potential and likely victims, bribe and/or pay money to and/or threaten and/or coerce victims in order to keep its criminal conduct secret, violate the civil rights of children and families, engage in mail and/or wire fraud, and commit fraud and/or fraudulent inducement of its parishioners in furtherance of its scheme to protect pedophile priests and the archdiocese from criminal and/or civil prosecution, to maintain and/or increase charitable contributions and/or avoid public scandal in the Roman Catholic Church.

102. In some instances, the church also coerced and/or obstructed state and local law enforcement officials from arresting pedophile priests by using their position of power in the community and by fraudulently promising to remove the priests from their positions within the church, thus further obstructing justice and criminal investigations.

103. In a further effort to conceal the criminal activities of the pedophile priests, the church officials, through letters mailed and telephone calls placed to other states, conspired to transfer priests to parishes in other states in order to “hide” the priests and to fraudulently convince victims and state and local law enforcement agents not to press charges and/or arrest

the pedophile priests by concealing the fact that they were still active as priests in the Roman Catholic Church.

104. The Defendants, as persons controlling or directing the affairs of Enterprise I, II, III, IV, V, VI, VII, VIII, IX, X, and/or XI knew that pedophile priests under their control were sexually abusing and exploiting children and they showed willful indifference and/or reckless or intentional disregard for the children in order to further their scheme.

105. In 1985, the National Conference of Catholic Bishops received a report titled “The Problem of Sexual Molestations By Roman Catholic Clergy”, which outlined the pervasive problem of child sexual abuse by priests within the Roman Catholic Church. The report predicted that failure of the Roman Catholic Church to correct this problem could result in liability for the church in excess of one billion dollars (\$1,000,000,000.00) over ten years. The report also outlined steps that the Roman Catholic Church, through the National Conference of Catholic Bishops, must take to protect the church and its parishioners from the devastating effects of pedophile priests. The National Conference of Catholic Bishops failed to respond to the report or follow the suggestions contained therein, and instead continued to protect the pedophile priests and conceal their criminal activity to the severe detriment of unsuspecting children and their families. Upon information and belief, Defendants engaged in the racketeering activity described above in order to protect financial interests, continue to receive parishioner contributions, and to protect pedophile priests and Defendants themselves from criminal and/or civil prosecution.

106. The above 1985 report also advised the National Conference of Catholic Bishops to discontinue purging the secret files of potentially damaging information. The report also warned the National Conference of Catholic Bishops that their practice of moving files

containing potentially dangerous material to the Apostolic Delegate (delegate to the Vatican),

where the files would be immune from subpoena, could ultimately destroy the immunity enjoyed by the Holy See. These warnings were also ignored.

107. In furtherance of its scheme and enterprise to protect pedophile priests and Defendants from criminal prosecution and civil liability, maintain or increase charitable contributions and/or avoid public scandals in the Roman Catholic Church, Defendants intentionally and fraudulently engaged in the routine practice of maintaining secret “sub secreto” archival files of sexual misconduct by priests. These sub secreto files are accessible to Bishops only. The existence of these secret files and the contents were not disclosed to or made available to law enforcement authorities, or others, in order for law enforcement to investigate the known crimes of the priests. Further, it is the practice of the Roman Catholic Church to fraudulently purge the files and hide them from persons, including law enforcement authorities, seeking access to them.

108. As evidence of this fraudulent practice and its widespread use, in 1990, in an address by Bishop A. James Quinn to the National Conference of Catholic Bishops titled “NCCB Guidelines, and other Considerations in Pedophile Cases”, Bishop Quinn stated:

Personnel files should be carefully examined to determine their content. Unsigned letters alleging misconduct should be expunged. Standard personnel files should contain no documentation relating to possible criminal behavior. Serious moral questions, signed allegations, those should be a part of the secret file anyhow. But they still subpoena them. But comb through your files. Now what files have been subpoenaed, they cannot be tampered with; destroyed, removed; that constitutes obstruction of justice and contempt of court. Prior, however, thought and study ought to be given if you think its going to be necessary; if there’s something the Apostolic Delegate, because they have immunity to protect something that is potentially dangerous, or that you consider to be dangerous, you might

send it there.

109. The Apostolic Delegate is the delegate from the Vatican and Holy See who the church believes enjoys sovereign immunity from lawsuits and subpoenas.

110. In furtherance of its scheme, Defendants have routinely entered into secret settlement agreements with confidentiality provisions that require victims of sexual abuse to preserve the Bishop's secrets from scrutiny by the public and law enforcement authorities.

111. In furtherance of its scheme, Defendants have routinely illegally bribed victims of sexual exploitation and abuse in order to influence them to not report the sexual exploitation and abuse to law enforcement authorities and ultimately to influence the victims to not testify in court against Defendants and/or members of Enterprise I, II, III, IV, V, VI, VII, VIII, IX, X, and/or XI .

112. As a result of Defendants' actions, showing willful indifference and/or reckless disregard, a secret society of pedophile priests who perpetrated unspeakable criminal acts of child sexual abuse throughout the United States was maintained for over fifty (50) years. Defendants maintained this secret society by making fraudulent representations, concealing criminal activity, obstructing justice and criminal investigations, evading civil and/or criminal liability, bribing and/or payment of money to victims in order to conceal its criminal conduct from, among others, financially contributing parishioners and law enforcement agents, tampering with victims through threatening or coercive means, violating civil rights of children and families, and committing mail and wire fraud and misprision of felonies. Evidence that Defendants committed a continuing pattern of racketeering in furtherance of its scheme by engaging in fraudulent conduct across the nation includes, but is not limited to those specific

instances detailed in the 2003 Report of the Grand Jury captioned In RE: County Investigating Grand Jury,

Misc. No. 03-00-239 (September 17, 2003), relevant portions of which are attached hereto as Exhibit "A" and incorporated by reference herein.

113. Upon information and belief, Defendants fraudulently misrepresented the facts of known sexual misconduct to parishioners and their families for the economic purpose of avoiding civil liability while increasing or maintaining the charitable contributions and tuition payments of parishioners, current and prospective catholic school students, and current and prospective seminarians. Upon information and belief, much, if not all, of the solicitations for contributions were effectuated by using the United States Postal Service or interstate wire service.

114. The conduct set forth above constitutes "racketeering activity" in that (a) the Defendants engaged in acts and/or threats including but not limited to acts and/or threats involving kidnapping, bribery, extortion, and dealing in obscene matter and said acts and/or threats are or were chargeable under state law and punishable by imprisonment for more than one year; and (b) the Defendants engaged in acts including but not limited to mail and/or wire fraud, obstruction of criminal investigations, obstruction of state or local law enforcement, tampering with a witness or victim, retaliating against a witness or victim, peonage, slavery and trafficking in persons and sexual exploitation of children.

115. Upon information and belief, Defendants continued the above-stated racketeering activities until at least the year 2002, when Defendant Cardinal Anthony Bevilacqua made

statements to the public and to the grand jury in which he purposely misrepresented the extent of the sexual abuse by priests in the Archdiocese over the last several decades and his knowledge thereof. See, In RE: County Investigating Grand Jury, Misc. No. 03-00-239 (September 17, 2003).

116. Plaintiffs have been injured in their business and/or property by reason of their inability to pursue claims for monetary damages against the Defendants for personal injuries sustained as a result of the above conduct due to the Defendants' assertion of a defense based on the statute of limitations. The fraudulent racketeering activity set forth above was conducted for the purpose of avoiding such civil liability and in order to deny the Plaintiffs said monetary damages which they were otherwise lawfully entitled to.

117. Plaintiffs have been and continue to be injured in their business and/or property by reason of Defendants' violations of 18 U.S.C. §1962 et seq. Plaintiffs suffered severe emotional and psychological stress and illness as a result of the sexual abuse, which prevented them from performing to their full capacity as productive, working adults, thus causing them loss of earnings and earning capacity. Plaintiffs also have suffered and will continue to suffer out-of-pocket expenses relating to medical and psychological treatment, therapy and counseling necessitated by the acts of abuse.

WHEREFORE, Plaintiffs demand judgment against the Defendants, jointly and severally, for compensatory damages in such sum as a jury determines to be just, reasonable and adequate, together with treble damages, litigation costs, attorney fees and interest, and for such other relief as this Honorable Court deems to be just.

COUNT II

RICO - Violations of 18 U.S.C. §1962(d)

118. Plaintiffs incorporate by reference all of the allegations set forth above as if fully stated herein.

119. Defendants agreed to and in fact did to enter into a conspiracy to violate the provisions of 18 U.S.C. 1962(c) as described above.

120. As evidence of this agreement/conspiracy, Defendants and other co-conspirators committed the acts described herein and conspired to conceal the pedophile priest's criminal activity, or aided and abetted the pedophile priests in concealing their criminal activity for over fifty (50) years.

121. As further evidence of the agreement/conspiracy, Defendants and other co-conspirators conspired with the pedophile priests to evade and/or aided and abetted the pedophile priests in evading law enforcement agencies, criminal prosecution, civil suits and the public embarrassment and liability related thereto.

122. This secret agreement/conspiracy was fraudulently concealed from Plaintiffs as well as state officials for decades.

123. Plaintiffs were injured in their business and/or property, as alleged herein, by reason of the above violation of 18 U.S.C. §1962(d).

WHEREFORE, Plaintiffs demand judgment against the Defendants, jointly and severally, for compensatory damages in such sum as a jury determines to be just, reasonable and adequate,

together with treble damages, litigation costs, attorney fees and interest, and for such other relief as this Honorable Court deems to be just.

**COUNT III
CONSPIRACY TO
INTERFERE WITH CIVIL RIGHTS
(42 U.S.C. §1985)**

124. Plaintiffs incorporate by reference all of the allegations set forth above as if fully stated herein.

125. Plaintiffs are members of a protected class in that they were at all relevant times minor children. The Defendants used and/or condoned the use of Plaintiffs' status as minor children, including their obedience to adult authority and their susceptibility to the notion of the sanctity of the pedophile priests, as a way to conceal the fact that Plaintiffs had in fact been injured by the pedophile priests, to conceal the nature and extent of said injuries and to conceal the identity of those responsible, including Defendants' own culpability in perpetuating and concealing the horrific acts of abuse.

126. Alternatively, Plaintiffs are members of a protected class in that they were at all relevant times exercising their constitutional rights as members of the Roman Catholic Church. The Defendants used and/or condoned the use of Plaintiffs' religious beliefs, including their belief in God and the sanctity of the pedophile priests, as a way to conceal the fact that Plaintiffs had in fact been injured by the pedophile priests, to conceal the nature and extent of said injuries and to conceal the identity of those responsible, including Defendants' own culpability in perpetuating and concealing the horrific acts of abuse.

127. Defendants, acting by and through their respective, agents, servants, and/or employees, conspired with each other and with the pedophile priests to conceal the illegal sexual abuse that was committed upon Plaintiffs, which concealment was done with the intent to injure Plaintiffs in their ability to seek legal redress.

128. Defendants committed acts in furtherance of the conspiracy that included, but was not limited to, transferring priests to different parishes and in some instances different states to conceal their crimes.

129. Defendants committed acts in furtherance of the conspiracy including but not limited to purposely and fraudulently telling parishioners and law enforcement agents that accused pedophile priests would be defrocked or that the accused pedophile priests were put on sick leave, when in fact they remained active within the Roman Catholic Church and were simply transferred to another parish where they would come in contact with more unsuspecting victims.

130. Defendants committed acts in furtherance of the conspiracy including but not limited to not only failing to warn parishioners of known pedophile priests in their community, but in fact putting in place strict policies that encouraged misinforming parishioners regarding a priest's background and forbidding the informing of parishioners – either those whose children had recently been exposed to a sexual offender in his old parish or the parents of potential victims in a newly assigned parish – about the known predatory and pedophilic nature of a priest.

131. Defendants committed acts in furtherance of the conspiracy including but not limited to threatening and/or retaliating against members of the clergy who reported instances or suspicions of abuse.

132. Defendants committed acts in furtherance of the conspiracy including but not limited to using their position within the Catholic community to coerce victims, their families and law enforcement agents not to press charges against the pedophile priests and/or against Defendants.

133. Defendants committed acts in furtherance of the conspiracy including but not limited to conducting “non-investigations” manipulated to avoid finding the priests guilty of sexual abuse.

134. Defendants’ actions in furtherance of their conspiracy included but was not limited to keeping the acts of sexual abuse secret by failing to report known incidents to law enforcement agents, parents or victims, keeping purposely vague records of reports of sexual abuse the incidents, destroying records documenting the sexual abuse.

135. Defendants’ actions in furtherance of their conspiracy included but was not limited to instructing their agents to respond to victims’ complaints of abuse with a policy of indifference, bullying, intimidation, threats, skepticism, retaliation, humiliation and lies regarding whether there were other victims.

136. Defendants’ action in furtherance of their conspiracy included but was not limited to allowing psychologists to render aid and/or therapy to the victims.

137. Defendants’ actions in furtherance of their conspiracy included but was not limited to concealing/limiting evidence of the pedophile priests’ crimes and their own guilty knowledge of them by recording reports of abuse and related information in ways that often masked the nature of the abuse and the actions taken in response. Written records of allegations often left out the names of potential victims, and included only vague euphemisms to obscure the

actual heinous nature of the offenses.

138. Defendants' actions in furtherance of their conspiracy included but was not limited to reporting and/or discussing reports of abuse orally rather than in written form, thus further limiting evidence of the pedophile priests' criminal acts and Defendants' knowledge thereof.

139. Defendants actively, deliberately, and with intent to injure, suppressed the identity of priests, employees, and/or servants of the church who committed acts of sexual abuse against minors, including Plaintiffs, to prevent the filing of both criminal and civil complaints against those priests, employees, and/or servants.

140. Defendants actively, deliberately, and with intent to injure, obstructed the prosecution of Plaintiffs' causes of action against them through an intricate conspiracy which included concealment and misrepresentations made to the public and to law enforcement agencies regarding the criminal activity of the pedophile priests and Defendants' knowledge thereof before, during, and after the time period in which Plaintiff was sexually abused.

141. The abuse perpetuated on the Plaintiffs, namely, the sexual exploitation and physical sexual assault of minor children, is among the most horrific and despicable of all human conduct, has been historically condoned and criminalized by any civilized society and is shocking to the conscience.

142. As such, the abuse perpetuated on the Plaintiffs constitutes a violation of their substantive due process right to bodily integrity as secured by the United States Constitution,

Amendment XIV. This constitutional right is protected from private conspiracies under 42 U.S.C. §1985.

143. The abuse perpetuated on the Plaintiffs further constitutes a violation of substantive rights created under state law designed to protect minor children from sexual exploitation and sexual abuse, including but not limited to 18 Pa.C.S. §3121(c) (relating to rape of a child), 18 Pa.C.S. §3121(d) (relating to rape of a child with serious bodily injury), 18 Pa.C.S. §3122.1 (relating to statutory sexual assault), 18 Pa.C.S. §3123(a)(7), (b) (relating to involuntary deviate sexual intercourse with a child), 18 Pa.C.S. §3123(c) (relating to involuntary deviate sexual intercourse with a child with serious bodily injury), 18 Pa.C.S. §3125(a)(7),(8) and (b) (relating to aggravated indecent assault of a child) and 18 Pa.C.S. §3126(a)(7),(8) (relating to indecent assault of a child). The substantive rights created by these and similar state laws are likewise protected from private conspiracies under 42 U.S.C. §1985.

144. Based on the conduct described herein, Defendants conspired with one another and with the pedophile priests for the purpose of impeding, hindering, obstructing, or defeating the due course of justice, with the intent to deny Plaintiffs the equal protection of the laws, and/or to injure Plaintiffs or their property for lawfully enforcing, or attempting to enforce, the right of Plaintiffs to the equal protection of the laws, in violation of 42 U.S.C. §1985(2).

145. Based on the conduct described herein, Defendants conspired with one another and with the pedophile priests to deprive Plaintiffs of equal protection of the laws and equal privileges and immunities under the laws, in violation of 42 U.S.C. §1985(3).

146. Based on the conduct described herein, Defendants conspired with one another and with the pedophile priests to prevent or hinder state and local law enforcement agencies from giving or securing to Plaintiffs the equal protection of the laws, in violation of 42 U.S.C. §1985(3).

147. As a direct and proximate result of the intentional conduct of Defendants, Plaintiffs have suffered the injuries and damages set forth herein.

148. As a direct and proximate result of the conduct and conspiracy described herein, Plaintiffs have suffered and continue to suffer a loss of enjoyment of life, severe emotional distress, severe depression, anxiety, embarrassment, pain and suffering, humiliation, loss of vocation and loss of earnings, loss of faith, their ability to live a normal life, and have incurred, or will incur medical, hospital, and psychiatric expenses in connection therewith.

WHEREFORE, Plaintiffs demand judgment against the Defendants, jointly and severally, for compensatory and punitive damages in such sum as a jury determines to be just, reasonable and adequate, including attorney fees, costs and interest, and for such other relief as this Honorable Court deems to be just.

**COUNT IV
ACTION FOR NEGLECT
TO PREVENT CONSPIRACY
(42 U.S.C. §1986)**

149. Plaintiffs incorporate by reference all of the allegations set forth above as if fully stated herein.

150. Each Defendant had full knowledge that the sexual abuse of minors and the illegal tactics used to conceal such criminal actions, as alleged above, would continue to be committed.

151. Each Defendant had the power to prevent or aid in preventing the commission of the sexual abuse by reporting the pedophile priests to law enforcement agencies, alerting the public about known pedophile priests, and taking disciplinary actions including but not limited to defrocking the pedophile priests.

152. Each Defendant had the power to prevent or aid in preventing the commission of

illegal acts of concealment by refusing to participate in same, and by instructing their agents to refuse to participate in the same.

153. Despite having the power to do so, Defendants failed to act, failed to warn, and neglected or refused to prevent or aid in the preventing of the sexual abuse of minors and the illegal tactics used to conceal the same.

154. Defendants neglected and refused to aid or prevent the above-alleged crimes and wrongs conspired to be done under 42 U.S.C. §1985(2), including conspiracy for the purpose of impeding, hindering, obstructing, or defeating the due course of justice with the intent to deny Plaintiffs the equal protection of the laws and/or to injure Plaintiffs or their property for lawfully enforcing, or attempting to enforce their rights to equal protection of the laws.

155. Defendants neglected and refused to aid or prevent the above-alleged crimes and wrongs conspired to be done under 42 U.S.C. §1985(3), including conspiracy to deprive Plaintiffs the equal protection of the laws.

156. Defendants neglected and refused to aid or prevent the above-alleged crimes and wrongs conspired to be done under 42 U.S.C. §1985(3), including conspiracy to prevent or hinder state and local law enforcement agencies from giving or securing to Plaintiffs the equal protection of the laws.

157. Defendants' neglect and refusal to aid or prevent the above-alleged conspiracies is in direct violation of 42 U.S.C. §1986.

158. As a direct and proximate result of the neglect to prevent the conspiracies described herein, Plaintiffs have suffered and continue to suffer a loss of enjoyment of life, severe emotional distress, severe depression, anxiety, embarrassment, pain and suffering, humiliation, loss of vocation and loss of earnings, loss of faith, their ability to live a normal life,

and have incurred, or will incur medical, hospital, and psychiatric expenses in connection therewith.

WHEREFORE, Plaintiffs demand judgment against the Defendants, jointly and severally, for compensatory and punitive damages in such sum as a jury determines to be just, reasonable and adequate, including attorney fees, costs and interest, and for such other relief as this Honorable Court deems to be just.

**EISENBERG, ROTHWEILER,
WINKLER, EISENBERG & JECK, P.C.**

By: /s/Stewart J. Eisenberg
Stewart J. Eisenberg, Esquire
Attorney for Plaintiffs

VERIFICATION

I, STEWART J. EISENBERG, hereby verify that the statements made in the foregoing Civil Action Complaint are true and correct to the best of my knowledge, information, and belief. I understand that false statements herein are made subject to the penalty of 18 Pa.C.S.A. §4904, relating to unsworn falsification to authorities.

/s/Stewart J. Eisenberg
STEWART J. EISENBERG, ESQUIRE

Dated: June 14, 2006.