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

KATHLEEN WOODARD, (nee Harkin) and THOMAS WOODARD, her husband, Plaintiffs,	
v.	Cause No. 932-8580
JOHN J. SULLIVAN, THE BISHOP OF KANSAS CITY-ST. JOSEPH, MISSOURI, on Behalf of the DIOCESE OF KANSAS CITY-ST. JOSEPH, MISSOURI, and JOHN M. KILCULLEN, and JOHN L. MAY, THE ARCHBISHOP OF ST. LOUIS on Behalf of the ARCHDIOCES OF ST. LOUIS, and FATHER JOHN PAUL HESS, on Behalf of MOST SACRED HEART CATHOLIC SCHOOL, and FATHER JOHN DOE (Name Unknown),	PLAINTIFFS DEMAND TRIAL BY JURY
HOLD SERVICE	
Defendants.	

PETITION FOR DAMAGES

COME NOW Plaintiffs herein, Kathleen Woodard and Thomas Woodard, and for their causes of action against the Defendants, allege as follows:

1. Plaintiff Kathleen Woodard, age 44, is a resident of the State of Missouri. Plaintiff was a minor between ages 5 through 14 years old during the time of the sexual abuses referenced herein.

2. Plaintiff Thomas Woodard is a resident of the State of Missouri. He is the husband of Plaintiff Kathleen Woodard. Plaintiffs were lawfully married on February 21, 1969 at Florissant, Missouri and have remained married continuously since

that date.

3. Defendant John J. Sullivan (referred to hereafter as the Bishop) is a resident of the State of Missouri and is the Bishop of the Roman Catholic Diocese of Kansas City-St. Joseph. By virtue of his office, he is empowered to and in fact represents the Defendant Diocese in this litigation.

4. Defendant Roman Catholic Diocese of Kansas City-St. Joseph (referred to hereafter as the Diocese) is an unincorporated association doing business in this State with its principal place of business in Kansas City, Jackson County, Missouri.

5. Father John M. Kilcullen is a Roman Catholic Priest ordained by the Archdiocese of St. Louis upon information and belief. At all times relevant hereto, Father John M. Kilcullen was under the direct supervision, employ and control of the Defendant Bishop of the Diocese. As part of his pastoral duties as a priest, Defendant John M. Kilcullen provided guidance, counseling and spiritual education and comfort to Plaintiff Kathleen Woodard's family at the home of Plaintiff Kathleen Woodard's aunt at 3923 Flad, in the City of St. Louis, and elsewhere. Defendant John M. Kilcullen's conduct as alleged hereinafter was undertaken while in the course and scope of his employment with Defendant Diocese and Defendant Bishop.

6. Defendant John L. May (hereinafter referred to as the Archbishop) is a resident of the State of Missouri and is the Archbishop of the Roman Catholic Archdiocese of St. Louis. By virtue of his office, he is empowered to and in fact represents the

Defendant Archdiocese and the Defendant Most Sacred Heart Catholic School in this litigation.

7. Defendant Roman Catholic Archdiocese of St. Louis (referred to hereafter as the Archdiocese) is an unincorporated association doing business in this State with its principle place of business in the City of St. Louis, Missouri.

8. Defendant Father John Paul Hess (hereinafter referred to as the Pastor) is sued in his capacity as the Pastor of Most Sacred Heart Catholic School and Parish. By virtue of his office, he is empowered to and in fact represents most Sacred Heart Catholic Church and School in this litigation.

9. Defendant Most Sacred Heart Catholic Church and School is an unincorporated association doing business in this State with its principal place of business in Florissant, Missouri.

10. Father John Doe is a Roman Catholic Priest ordained by the Archdiocese of St. Louis upon information and belief. His true identity at this time is unknown. At all times relevant hereto, Defendant Father John Doe was under the direct supervision, employ and control of Defendant Archbishop and was also under the supervision, employ and control of Defendant Most Sacred Heart Catholic Church and School. Defendant Father John Doe's conduct as alleged hereinafter was undertaken while in the scope and course of his employment with Defendant Most Sacred Heart Catholic Church and School, Defendant Archdiocese, and Defendant Archbishop.

11. Plaintiff Kathleen Woodard was raised in a devoutly Roman Catholic family, was baptized, confirmed and regularly celebrated

weekly mass and received the sacraments through the Roman Catholic Church. Catholic priests, including Defendant John M. Kilcullen, were sought-after, honored and revered guests in the home of Plaintiff Kathleen Woodard and at the homes of her relatives. From approximately autumn of 1954 through approximately spring of 1963 the Plaintiff Kathleen Woodard attended the 1st through 8th grades at Defendant Most Sacred Heart Elementary School, owned and operated by Defendant Most Sacred Heart Elementary School and/or Defendant Archdiocese of St. Louis and/or Defendant Archbishop John L. May. Therefore, Plaintiff Kathleen Woodard developed great admiration, trust, reverence and respect for Roman Catholic priests in general and Defendants Father John M. Kilcullen and Father John Doe in particular. Defendants Father John M. Kilcullen and Father John Doe occupied a position in the minor Plaintiff's life of great influence and persuasion as holymen and authority figures.

12. In approximately 1954, when Plaintiff Kathleen Woodard was approximately six (6) years old, Defendant Father John M. Kilcullen often visited the home of Plaintiff Kathleen Woodard's aunt at 3923 Flad,St. Louis, Missouri, while in the scope and course of his pastoral duties. In addition to providing guidance, counseling, and spiritual education and comfort to Plaintiff Kathleen Woodard's family, including the family of Kathleen Woodard's aunt, on one occasion Defendant Father John M. Kilcullen agreed to watch over Plaintiff Kathleen Woodard while the adult family members went out. Defendant Father John M. Kilcullen was entrusted with the care of Plaintiff Kathleen Woodard due to the

rapport of absolute trust that Plaintiff Kathleen Woodard's family had in Defendant Father John M. Kilcullen by virtue of his office as a priest.

13. At all times relevant hereto Plaintiff knew and accepted Defendant Father John M. Kilcullen as a counselor, priest and authority figure.

14. While watching over Plaintiff Kathleen Woodard, Plaintiff Kathleen Woodard took a bath. Defendant Father John M. Kilcullen entered the bathtub while Plaintiff Kathleen Woodard was in it and performed sexual intercourse with her. Thereafter, Defendant Father John M. Kilcullen dressed in his clerical attire and, prayed with Plaintiff Kathleen Woodard for Plaintiff Kathleen Woodard's forgiveness. Approximately one year later, Defendant Father John M. Kilcullen grabbed Plaintiff Kathleen Woodard by the arm as she was exiting the bathroom at 3923 Flad, St. Louis, Missouri. On another occasion Defendant Father John M. Kilcullen told Plaintiff Kathleen Woodard "once a slut, always a slut." Defendant Father John M. Kilcullen was dressed in clerical attire at all times and was at 3923 Flad for the purpose of providing guidance, counseling and spiritual education and comfort to Plaintiff Kathleen Woodard's family, and was within the course and scope of his employment.

15. At all times relevant hereto, Plaintiff Kathleen Woodard knew and accepted Defendant Father John M. Kilcullen as a priest and authority figure.

16. As a direct result of Defendant Father John M. Kilcullen's conduct, Plaintiff Kathleen Woodard has suffered and

will continue to suffer severe and medically diagnosable emotional embarrassment, loss of self-esteem, disgrace, humiliation, psychological injury, loss of enjoyment of life, wage loss and deprivation of earning capacity and loss incurred and will continue to incur expenses for psychological care, treatment, therapy and counseling.

17. In approximately 1954, when the Plaintiff was a six-year old first grader, she met and began receiving spiritual and emotional guidance, counseling and direction from Defendant Father John Doe, then a priest of Defendant Most Sacred Heart Catholic Church and School. Defendant Father John Doe undertook to provide a spiritual and emotional counseling relationship with the minor Plaintiff and thereafter did provide her counseling at all times material herein.

18. At all times relevant hereto Plaintiff Kathleen Woodard knew and accepted Defendant Father John Doe as her counselor, priest and authority figure.

19. From approximately 1954 through approximately 1963, while purporting to provide spiritual and emotional counseling and direction, Defendant Father John Doe engaged in sexual contact with the minor Plaintiff on repeated occasions. This sexual contact included, but was not limited to, fondling of the Plaintiff's genitals, anally and orally sodomizing the Plaintiff and rubbing his genitals up against Plaintiff's body. Defendant Father John Doe also forced Plaintiff Kathleen Woodard to participate in sexual activity with at least one other child while he observed. When

Plaintiff Kathleen Woodard refused to perform oral sodomy upon Defendant Father John Doe, and in fact bit his penis, Defendant Father John Doe punished Plaintiff Kathleen Woodard by attaching electrical devices to her genitals.

20. As a direct result of Defendant Father John Doe's conduct, Plaintiff Kathleen Woodard has suffered and will continue to suffer severe and medically diagnosable emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, psychological injury, loss of enjoyment of life, wage loss and deprivation of earning capacity and has incurred and will continue to incur expenses for psychological care, treatment, therapy and counseling.

21. Plaintiff's position as a minor, together with Defendants Father John M. Kilcullen and Father John Doe's exalted positions, so affected Plaintiff that she was not able to know, recognize, understand, report or take legal action against Defendants prior hereto.

22. Defendant Father John Doe's position as a priest, school authority and counselor, and Defendant Father John M. Kilcullen's position as a priest and family counselor added to Plaintiff's anxiety and fear, and trod upon the trust Plaintiff as a child placed in these holymen and infringed upon the fiduciary relationships which existed. Plaintiff's perception of both Defendants' greater size, strength and power, both physically and spiritually, had the effect of intimidating Plaintiff into an absolute silence.

23. The nature of the negligent counseling and the sexual

exploitation, and the circumstances under which they occurred, together with the Defendants Father John M. Kilcullen and Father John Doe's status as trusted religious authority figures, caused Plaintiff to develop various psychological coping mechanisms. Because of the psychological coping mechanisms which resulted, Plaintiff was unable to perceive or know that she was a victim of sexual abuse perpetrated upon her by Defendants Father John M. Kilcullen and Father John Doe, and was unable to perceive or know the existence or nature of the psychological injuries and/or their connection to the sexual abuse perpetrated upon her.

24. In spring, 1990, Plaintiff began a course of psychological therapy and treatment with Sarah Bradbury, Ms.Ed., at Southern Illinois University, Edwardsville, Illinois.

25. Plaintiff Kathleen Woodard has continued her therapy to date with Rachel Tompkins, Ph.D. Rachel Tompkins, Ph.D. is and at all times pertinent has been, duly licensed by the States of Illinois and Missouri as a psychotherapist. As a licensed psychotherapist, Dr. Tompkins is duly qualified to diagnose and treat mental disorders and diseases.

26. During the course of that therapy, during July, 1990, Plaintiff first recalled that she had been sexually abused during her childhood by Defendant Father John M. Kilcullen, and beginning in Spring, 1991, Father John Doe.

27. Due to the fact that Plaintiff is in ongoing therapy and is still recalling events of past sexual abuse, the acts complained of herein certainly are not intended to encompass the entire range

of conduct, but rather upon information and belief Plaintiff believes that other acts of intercourse, deviant sexual acts, and sexual abuse were perpetrated upon her by Defendants Father John M. Kilcullen and Father John Doe.

28. Prior to this course of therapy in October, 1990, Plaintiff had no recall of the events involving child sexual abuse.

29. Plaintiff's traumae, by reason of the recall and memory of events regarding child sexual abuse by Defendants Father John M. Kilcullen and Father John Doe was and is consistent with the trauma of other persons suffering such abuse who have difficulty recalling events which occurred during their childhood involving such abuse.

30. That the repression of events, including childhood events involving sexual abuse, is a well-established and recognized symptom and by-product of several mental disorders within the Diagnostic and Statistical Manual of Mental Disorders Third Edition - Revised (published by the American Psychiatric Association) such as Post Traumatic Stress Disorder and Dissociative Disorder.

31. Plaintiff Kathleen Woodard, now age 44, brings this action in a timely fashion pursuant to R.S.Mo. Section 536.046, in that she did not discover, for purposes of said Statute, the complaint of sexual abuse until July, 1990.

32. Within the past almost three years, through therapy, Plaintiff Kathleen Woodard has begun to know or have reason to know that she was the victim of sexual abuse by Defendants Father John M. Kilcullen and Father John Doe, and that she suffered psychological injuries as a result of this abuse. Plaintiff

Kathleen Woodard has therefore commenced his cause of action against these Defendants in a timely manner, pursuant to R.S.Mo. Section 516.100, because she was unable to ascertain her damages until October, 1990.

33. Plaintiff Kathleen Woodard further brings this action in a timely fashion pursuant to R.S.Mo. Section 516.170 in that from the time of her childhood until July, 1990, she was mentally incapacitated since she had repressed the memories of the childhood sexual abuse as alleged in this Petition.

COUNT I

DEFENDANT FATHER JOHN M. KILCULLEN - BATTERY

34. Plaintiff Kathleen Woodard incorporates all paragraphs of this Petition as if fully set forth under this Count.

35. During approximately 1954 and 1955, Defendant Father John M. Kilcullen engaged in unpermitted, harmful and offensive sexual intercourse and other contact upon the person of the then-minor Plaintiff Kathleen Woodard.

36. As a direct result of Defendant Father John M. Kilcullen's conduct, Plaintiff Kathleen Woodard has suffered the injuries and damages described herein.

COUNT II

DEFENDANT FATHER JOHN DOEF - BATTERY

37. Plaintiff Kathleen Woodard incorporates all paragraphs of this Petition as if fully set forth under this Count.

38. Between approximately 1954 through 1963, Defendant Father John Doe regularly and repeatedly engaged in unpermitted, harmful

and offensive sexual contact upon the person of the then-minor Plaintiff Kathleen Woodard.

39. As a direct result of Defendant Father John Doe's conduct, Plaintiff Kathleen Woodard has suffered the injuries and damages described herein.

COUNT III

DEFENDANT FATHER JOHN DOE - CLERGY MALPRACTICE

40. Plaintiff incorporates all paragraphs of this Petition as if fully set forth under this Count.

41. As a Roman Catholic Priest and a priest of the Plaintiff's Roman Catholic Church and School, Defendant Father John Doe had a duty to adhere to the standards of Ecclesiastical care of Catholic priests and pastors similarly situated in his community, which included, without limitation, the duty to act as a reasonably honest spiritual advisor, leader, counselor and teacher of lay members of Defendant Most Sacred Heart Catholic School and Church and Defendant Archdiocese, of which Plaintiff was one.

42. Defendant Father John Doe, pursuant to this duty was required to instruct, advise, teach and counsel, and to interpret truthfully and faithfully the doctrines and tenets of the Roman Catholic Church on matters of faith, morals, and religious doctrine. The duty of Defendant Father John Doe extended particularly to Plaintiff Kathleen Woodard, a minor parishioner, student and counselee, entrusted to his care.

43. Defendant Father John Doe, while acting within the course and scope of his employment, and within his authority as a Roman

Catholic priest and school official, breached his duty of care to Plaintiff Kathleen Woodard by wrongfully and incorrectly instructing and advising the minor Plaintiff on matters of faith, morals, and religious doctrine. Specifically, Defendant Father John Doe used his job-created authority and influence to coerce the minor Plaintiff to engage in sexual conduct.

44. Defendant Father John Doe further breached his priestly and pastoral duty of care to the Plaintiff Kathleen Woodard by negligently entering into a spiritual and emotional counseling relationship with the Plaintiff Kathleen Woodard, a minor and potential victim of Defendant Father John Doe's sexual exploitation, with full knowledge of his own exploitive propensities, by continuing the spiritual counseling relationship with the minor Plaintiff Kathleen Woodard after the first instance of sexual exploitation occurred, by not informing the minor Plaintiff Kathleen Woodard that she had been sexually exploited, by not seeking the proper counseling and therapy for himself and withdrawing from the spiritual and emotional counseling relationship, and by failing to advise and direct the Plaintiff Kathleen Woodard that she had been sexually abused and she should seek appropriate therapy and counseling.

45. As a direct result of Defendant Father John Doe's breach of his clerical duty, Plaintiff Kathleen Woodard has suffered the injuries and damages described herein.

COUNT IV

DEFENDANT FATHER JOHN DOE - BREACH OF FIDUCIARY DUTY

46. Plaintiff incorporates all paragraphs of this Petition as if fully set forth under this Count.

47. By holding himself out as a qualified priest, teacher and counselor, and by undertaking the religious instruction and spiritual and emotional counseling of the minor Plaintiff Kathleen Woodard, Defendant Father John Doe entered into a fiduciary relationship with the minor Plaintiff Kathleen Woodard. Defendant Father John Doe breached his fiduciary duty to Plaintiff Kathleen Woodard by engaging in the sexual conduct described herein.

48. As a direct result of Defendant Father John Doe's breach of his fiduciary duties, Plaintiff Kathleen Woodard has suffered the injuries and damages described herein.

COUNT V

DEFENDANT FATHER JOHN M. KILCULLEN - BREACH OF FIDUCIARY DUTY

49. Plaintiff Kathleen Woodard incorporates all paragraphs of this Petition as if fully set forth under this Count.

50. By holding himself out as a qualified priest, teacher and counselor, and by undertaking the religious instruction and spiritual and emotional counseling of the minor Plaintiff Kathleen Woodard, Defendant Father John M. Kilcullen entered into a fiduciary relationship with the minor Plaintiff Kathleen Woodard. Defendant Father John M. Kilcullen breached his fiduciary duty to Plaintiff Kathleen Woodard by engaging in the sexual conduct described herein.

51. As a direct result of Defendant Father John M. Kilcullen's breach of his fiduciary duties, Plaintiff Kathleen Woodard has suffered the injuries and damages described herein.

COUNT VI

DEFENDANT DIOCESE AND
DEFENDANT BISHOP-RESPONDEAT SUPERIOR

52. Plaintiff Kathleen Woodard incorporates Count V of this Petition as if fully set forth under this Count.

53. At all times material, Defendant Father John M. Kilcullen was employed as a priest by Defendant Diocese and Defendant Bishop and was under Defendant Diocese's and Defendant Bishop's direct supervision and control when he committed the acts described herein. Defendant Father John M. Kilcullen engaged in this conduct while in the course and scope of his employment with Defendant Diocese and Defendant Bishop. Plaintiff Kathleen Woodard succumbed to the initial and all subsequent sexual contact only because of Defendant Father John M. Kilcullen's misuse of his job-created authority as a priest. From the minor Plaintiff's perspective, Father John M. Kilcullen had the apparent authority to engage in this conduct because of his status as a Roman Catholic priest. Defendant Diocese and Defendant Bishop are therefore liable for the conduct of Defendant Father John M. Kilcullen under the doctrine of respondeat superior.

COUNT VII

DEFENDANT ARCHDIOCESE AND
DEFENDANT ARCHBISHOP-RESPONDEAT SUPERIOR

54. Plaintiff Kathleen Woodard incorporates all paragraphs of

this Petition as if fully set forth under this Count.

55. At all times material, Defendant Father John Doe was employed as a priest by Defendant Archdiocese and Defendant Archbishop and was under Defendant Archdiocese's and Defendant Archbishop's direct supervision and control when he committed the acts described herein. Defendant Father John Doe engaged in this conduct while in the course and scope of his employment with Defendant Archdiocese and Defendant Archbishop. Plaintiff Kathleen Woodard succumbed to the initial and all subsequent sexual contact only because of Defendant Father John Doe's misuse of his job-created authority as a priest. From the minor Plaintiff's perspective, Father John Doe had the apparent authority to engage in this conduct because of his status as a Roman Catholic priest. Defendant Archdiocese and Defendant Archbishop are therefore liable for the conduct of Defendant Father John Doe under the doctrine of respondeat superior.

COUNT VIII

DEFENDANT MOST SACRED HEART CATHOLIC CHURCH AND SCHOOL
RESPONDEAT SUPERIOR

56. Plaintiff Kathleen Woodard incorporates all paragraphs of this Petition as if fully set forth under this Count.

57. At all times material, Defendant Father John Doe was employed as a priest by Defendant Most Sacred Heart Catholic Church and School and was under Defendant Most Sacred Heart Catholic Church and School's direct supervision and control when he committed the acts described herein. Defendant Father John Doe engaged in this conduct while in the course and scope of his

employment with Defendant Most Sacred Heart Catholic Church and School. Plaintiff Kathleen Woodard succumbed to the initial and all subsequent sexual contact only because of Defendant Father John Doe's misuse of his job-created authority as priest. From the minor Plaintiff's perspective, Father John Doe had the apparent authority to engage in this conduct because of his status as a Roman Catholic priest. Defendant Most Sacred Heart Catholic Church and School is therefore liable for the conduct of Defendant Father John Doe under the doctrine of respondeat superior.

WHEREFORE, Plaintiff demands judgment against Defendants individually, jointly and severally, for damages in excess of $15,000.00, stated only for the jurisdictional purposes of this Court, for her costs expended herein and for such other and further relief as the Court deems just and equitable.

COUNT IX

PLAINTIFF THOMAS WOODARD - LOSS OF CONSORTIUM

Plaintiff Thomas Woodard incorporates each and every paragraph of the Petition previously alleged.

Plaintiff Thomas Woodard further states that by reason of said injuries and the effects and results thereof, to Plaintiff Thomas Woodard's wife: Plaintiff Thomas Woodard has been compelled and will in the future be compelled to expend and become liable for medical and psychological care, drugs, and supplies for his said wife, the exact amount of which Plaintiff is unable to state at this time; that the Plaintiff's said wife was rendered unable and will in the future be deprived of the services, society,

association and companionship of his said wife, and his enjoyment thereof has been and will in the future be lessened, impaired and diminished; that all of Plaintiff's wife's injuries and the nature, effects and results thereof are permanent and progressive; and by reason of all the premises the Plaintiff Thomas Woodard has been damaged by the Defendants in a sum in excess of Fifteen Thousand Dollars ($15,000.00).

WHEREFORE, Plaintiff demands judgment against Defendants individually, jointly and severally, for damages in excess of Fifteen Thousand Dollars ($15,000.00), stated only for the jurisdictional purposes of this Court, for his costs expended herein, and for such other and further relief as the Court deems just and equitable.

Respectfully submitted,

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