

CAUSE No. CC-19-05279-B

MICHAEL PEDEVILLA; RICHARD ROE;
JOHN SMITH; DENNIS PETERSEN;
CHARLES JONES; JACQUES DELIRA; SAM
BROWN; DANIEL CARROZZA; and
THOMAS DAVIS,

Plaintiffs,

v.

THE JESUIT PREPARATORY SCHOOL OF
DALLAS, INC.; THE JESUIT
PREPARATORY SCHOOL OF DALLAS
FOUNDATION, INC.; ROMAN CATHOLIC
DIOCESE OF DALLAS; ROMAN
CATHOLIC ARCHDIOCESE OF SAN
ANTONIO; CATHOLIC SOCIETY OF
RELIGIOUS AND LITERARY EDUCATION
d/b/a JESUITS OF THE NEW ORLEANS
PROVINCE; PETER CALLERY; VINCENT
MALATESTA; and ROBERT CRISP,

Defendants.

IN COUNTY COURT AT LAW

No. 2

DALLAS COUNTY, TEXAS

PLAINTIFFS' SEVENTH AMENDED PETITION
AND DEMAND FOR A JURY TRIAL

“The current crisis of sexual abuse by clergy, the cover-up by leaders in the church and the lack of fidelity of some have caused great harm.”

- F. Edward J. Burns, Bishop of the Diocese of Dallas, August 29, 2018

“The sexual abuse of children and young people by some priests and bishops, and the ways in which we addressed these crimes and sins, have caused enormous pain, anger, and confusion. Innocent victims and their families have suffered terribly. In the past, secrecy has created an atmosphere that has inhibited the healing process and, in some cases, enabled sexually abusive behavior to be repeated.”

- Preamble to the *Charter for the Protection of Children and Young*, United States Conference of Catholic Bishops, 2002

Michael “Mike” Pedevilla, Richard Roe, John Smith, Dennis Petersen, Charles Jones, Jacques DeLira, Sam Brown, Daniel Carrozza and Thomas Davis¹ (collectively the “Plaintiffs”) bring this lawsuit for the lifelong and life-altering damages they each suffered resulting from being sexually assaulted at Jesuit College Preparatory School of Dallas (“the School”) by Jesuit priests, including:

- Patrick J. Koch, who had been the Principal and President of the School but is now deceased who abused Mike Pedevilla, Charles Jones, and Daniel Carrozza,
- Peter Callery, a teacher and wrestling coach who still works for the Jesuit Order as a priest who abused Richard Roe,
- Vincent Malatesta, a teacher and counselor who was removed from the Jesuit Order in 2002 and is still living and abused John Smith and Jacques DeLira,
- Benjamin Smylie, a teacher at the School who is now deceased who abused Dennis Petersen, Sam Brown, and Thomas Davis,
- Donald Dickerson, a teacher who was removed from the Jesuit Order in 1986 and is now deceased and who abused Daniel Carrozza, and
- Robert Crisp, a diocesan priest who abused Jacques DeLira when Jacques was an alter boy at St. Pius X Catholic Church and before Jacques went to the School and was victimized by Malatesta.

But this case is not just about the ruinous effect these extreme violations had on the lives of these men. The case is yet another attempt to seek accountability and justice for the massive systemic cover-up of sexual abuse that has been occurring in the Roman Catholic Church (the “Church”) for decades—and likely centuries—and that has ruined the lives of innumerable young children, including the Plaintiffs. It is a conspiracy that goes to the highest seat in the Church. Confronted with irrefutable evidence of the conspiracy of silence that both facilitated the on-going crisis and tried to hide it, the Church has repeatedly claimed that it will be transparent—only to find that, like the layers of an onion, more is hidden underneath each forced revelation.

There can be no healing without accountability and complete transparency. Empty words of apologies do nothing when misconduct continues to be hidden and full accountability denied.

¹Richard Roe, John Smith, Charles Jones, Sam Brown, and Thomas Davis are pseudonyms of survivors of sexual assault that occurred when they were minors and students at Jesuit.

One of the defining characteristics of the Church is the “Sacrament of Penance and Reconciliation” or what is commonly called “confession,” and the Church teaches that only through confession can sins be absolved. The Sacrament has four elements:

1. Contrition—the sorrowful renunciation of one’s sin;
2. Confession—the public admission of the nature and full extent of the sin;
3. Satisfaction—the actions needed to account for the sin; and
4. Upon fulfilment of the first three, Absolution—the forgiveness of the sin.

There can be no meaningful argument but that the systemic abuse and covering up of that abuse by the Roman Catholic Church is its greatest sin. The Church at times has issued statements claiming contrition. But the Church has not fully confessed and publicly admitted the full extent of what has occurred, but instead has hidden it. And when it comes to victims like the Plaintiffs, the Church has vigorously fought against “satisfaction” and resisted being held to account for its misconduct.

Through the power to award exemplary damages, juries in Texas have the solemn ability to send a message through its verdict to the Church—whose misconduct is outrageous—in an effort to put an end to the misconduct and prevent it from happening again. For this reason, Plaintiffs bring suit and demand a jury trial to send such a message to the Church for the reasons that follow:

I. FACTUAL BACKGROUND

It would be impossible in the context of a simple legal pleading to fully set forth the factual background of the history of the Church, the horrors of the abuse of children at its hands, and the systemic cover-up of that abuse. Books upon books are still being written to try to do that. However, to understand the factual background and basis of the claims in this case, it is necessary to understand in a summary fashion the structure of the Church, an overview of the sexual abuse crisis, the policies of secrecy that allowed the crisis to continue, as well as the intentional cover-up of the crisis.

From that context, the actions of the Defendants in this case are understandable as merely part of and a continuation of that systemic conspiracy in the Church, and the harm caused by Koch, Callery, Malatesta, Smylie, and Dickerson becomes foreseeable and inevitable.

Finally, the victimization of the students at Jesuit, including the assault of the Plaintiffs, have the same root cause: the systemic facilitation and cover-up of sexual abuse by the Catholic Church.

A. The Relevant Structure and History of the Roman Catholic Church.

The Roman Catholic Church is an international religious denomination and the largest Christian church. The first official legal designation of the Church dates back to Emperor Constantine's Edict of Milan in 313 A.D., but the Church's tradition traces its origins to the first century as being a continuation of the teaching of Jesus Christ and his disciples, primarily Saint Peter and then Saint Paul. The Church though is different than any other religion or denomination of Christianity. Beyond advocating a religious way of life, the Church is a hierarchical structured institution with its own laws and is recognized as a political entity or country by the community of nations. Commonly referred to as the Roman Catholic Church, a political entity with membership in the community of nations, the Church is known as the Holy See. The seat of the Church's government and the residence of its head is a geographic entity known as Vatican City, which exists as a separate country within the boundaries of Rome, Italy.

The political status of the Church is of fundamental importance because it explains the structure, control, and legal relationship of its constituent parts. The governmental system of the Church is defined officially variously as a hierarchy or an "absolute monarchy" in that power is vested in an individual person who has absolute control of the three essential functions of government in the Catholic Church.

The papacy is the highest governmental and religious office in the Catholic Church. The incumbent is known as the Pope and commonly addressed as "the Holy Father." The Pope is the supreme judge, executive, legislator and teacher for the entire Catholic Church. His authority and power is absolute.² The Pope answers to no human power. He is elected by the College of Cardinals, but once he accepts the election, he is the Pope from that moment on. One of the legislative powers of the Pope is to promulgate laws governing the whole Church which are referred to as "canon law."

While the Church is a monarchy headed by the Pope, the basic governmental office in the Catholic Church is the office of "bishop." A bishop is the head of a diocese, and in that diocese, he has nearly absolute power, subject only to the limitations of canon law or those imposed by the Pope.

² See Matthew 16:18-19. ("I tell you, you are Peter, and on this rock I will build my church, and the gates of Hades shall not prevail against it. I will give you the keys of the kingdom of heaven, and whatever you bind on earth shall be bound in heaven, and whatever you loose on earth shall be loosed in heaven.")

In fact historically, the Pope was originally the bishop of the diocese of Rome and is still referred to as, among other things³, the Bishop of Rome. The diocesan model of having a bishop with authority over the entire diocese has spread internationally as the Church has grown and formed new dioceses, but the Bishop of Rome/Pope has always maintained primacy among bishops and dioceses as the monarch of the Church. He still is known as the Bishop of Rome; however, his duties as bishop are carried out by an appointed representative.

Extending this model, the international Church is divided into sections called dioceses, a word that is derived from the Greek word *dioikesis* meaning “administration” because dioceses are divisions of the church for administrative purposes. Canon law defines a diocese as the “portion of the people of God which is entrusted to a bishop for him to shepherd” and it is the area in which the Church is “present and operative”⁴. To accomplish the international administration of the Church, geographical regions of the world in which the Church is operative are divided by the Pope into dioceses. Thus within a particular geographical region of the world, the diocese and its sovereign bishop has control and duties to ensure compliance with teachings of the Church and its canon law.

An “archdiocese” is identical to a diocese in governmental structure, such that it has a sovereign—an “archbishop” or “metropolitan”—who presides over a geographical region called a “province.” A province is a grouping of dioceses within the same geographical region, and the dioceses within the geographical province are subordinate to the archdiocese. The archbishop on behalf of the archdiocese is tasked with leading all of the constituent parts of the Church and presiding over all bishops that are within the archdiocese’s geographical region. Canon law states that within the archdiocese’s geographical areas including its suffragan dioceses, the archbishop is required to ensure that the practice of the religion and the discipline of priests is carefully observed and to take action if there are any abuses.⁵ Thus, by canon law the archbishop must exercise vigilance on behalf of the Holy See to assure the suffragan dioceses are observing and exercising the faith including canonical law properly and to counsel and report neglect of that standard.

³ The Pope’s formal title is “Bishop of Rome, Vicar of Jesus Christ, Successor of the Prince of the Apostles, Supreme Pontiff of the Universal Church, Primate of Italy, Archbishop and Metropolitan of the Roman Province, Sovereign of the Vatican City State, Servant of the servants of God.”

⁴ 1983 Code of Canon Law, canon 369.

⁵ Code of Canon Law, code 436 § 1.1.

In addition to geographical divisions, the clergy of the Church is compromised by various “orders” or “congregations” which define what set of vows the clergy choose to follow. These vows are in addition to the requirements of the Church’s canon law. Among these orders is the Society of Jesus, whose members are called “Jesuits”, who follow the spirituality and teachings of St. Ignatius of Loyola. Each order has an administrator called a “superior general” and orders like the Jesuits can be divided into administrative regions. However, orders like the Jesuits do not have a geographical boundary or territory in the same manner as dioceses. Rather, if priests of an order seek to work in a particular parish or school, they are required to obtain an assignment from the local diocese and be subject to that diocese’s oversight.

1. Canon law.

The term “Canon law” is derived from the Greek word *kanon*, which means a rule or a straight line, and the Church’s Canon Law is called the oldest continuously functioning legal system in the world. Canon law as a written legal code has its origins in the 4th century when a group of bishops met in southern Spain to enact rules in response to various problems encountered by Church communities in their region. This meeting is referred to as Council/Synod of Elvira in the year 306 A.D. and resulted in the promulgation of 81 canons or rules. Over the centuries, canon law has been added to and formalized in major events, such as Council of Trent, the 1917 Code of Canon Law, and the 1983 Code of Canon Law.

Of particular relevance to this case, when the bishops met at the Council of Elvira as far back as 306 A.D., roughly half of the canons dealt with concerns about sexuality and included penalties for priests who engaged in sexual immorality.⁶ Specifically, canon 18 states that “Bishops, presbyters, and deacons, once they have taken their place in the ministry, shall not be given communion even at the time of death if they are guilty of sexual immorality. Such scandal is a serious offense.”⁷ Canon 33 mandated that clergy abstain from sexual intercourse.⁸ And Canon 71 clearly states: “Those who sexually abuse boys may not commune even when death approaches.”⁹

⁶ Canons of the Council of Elvira (306).

⁷ *Id.* at canon 18.

⁸ *Id.* at canon 33.

⁹ *Id.* at 71.

Thus, from the outset of the formation of canon law, the danger of sexual abuse of young boys and the need to penalize sexual misconduct by priests has been a consideration of importance. It stands to reason that such rules would not have been necessary if there was not a known problem by even those bishops in the 4th century.

The canon law as it has developed over time is required to be followed by all priests and enforced in dioceses among all members of the faith within that geographical region, and dioceses are required to ensure compliance with it among all clergy within its geographical region. Archdioceses are required to ensure that the dioceses within their geographical region are doing what is necessary to ensure compliance with canon law.

Canon law therefore reflects an assumed duty for archdioceses and dioceses to ensure that appropriate actions are taken to prevent misconduct and supervise clergy within the geographical jurisdictions of each.

B. The Sexual Abuse Crisis in the Catholic Church.

To understand why the sexual abuse crisis is so severe, it is necessary to understand how long it has been a crisis and why the abuse is so severe.

1. The long history and breadth of the crisis.

The issue of sexual abuse of minors by Catholic clergy first began to be publicized nationally by news organizations in the United States in the early 1980s, with the National Catholic Report publishing an article on the topic in 1983 and then wider coverage on the allegations of a Catholic priest named Gilbert Gauthe. Gauthe ultimately admitted to sexually abusing at least 37 children. Since the Gauthe trial, there have been by some estimates over 7,000 civil suits filed in the U.S. and internationally, including Canada, the U.K., Ireland, Australia, New Zealand, Belgium, Italy and the Netherlands. And that is just lawsuits that are known about. What is unknown are the likely even larger number of confidential resolutions of claims that never see the light of day because they were accomplished behind confidentiality agreements. But beyond even those numbers are the tragic number of incidents of abuse that never get reported at all.

But while the story in the United States was not reported by the press until the 1980s, the crisis of sexual abuse of minors by clergy has existed for centuries in the Church and existed in dioceses internationally. As noted above, concerns about sexual activity existed as far back as the Council of Elvira in 306 A.D., and the issue has repeatedly been addressed throughout history since then. For instance, in the *Paenitentiale Bedae* or “Bedeian penitential” which was written around 730

A.D., the Catholic monk Bede proscribes that clerics who engage in sodomy with young boys be given increasingly severe penances commensurate with their ranks, with bishops receiving harsher penalties. In 1051, St. Peter Damian, a Benedictine monk, wrote *Liber Gomorrhianus* or “Book of Gomorrah” in which he extensively wrote about the vices of clergy, including sodomy, and the need for reform. St. Peter Damian condemned clerics who defiled young boys, the need to dismiss priests who engage in such abuse, and discussed the damage to the church caused by such priests. In the final chapter of the book, St. Peter Damian made an appeal to Pope Leo IX to take action.

This travesty has continued ever since. The problem has been discussed and action has been called for to address the sexual abuse crisis, but insufficient action has been taken. As a result, countless victims have suffered at the hands of priests. One study in 2004 offered a conservative estimate that it was able to identify in the United States 10,667 allegations of sexual abuse of a minor against 4,392 priests between 1950 and 2002.¹⁰ However given the unique nature of priest abuse and well-established pattern of victims not being able to come forward against an alleged “man of god”, the number of allegations is likely just the tip of an iceberg of actual abuse that occurs.

2. The unique severity of the priest sexual abuse on victims.

While any sexual abuse of a minor is severe, the problem is compounded when the abuse is at the hands of a cleric. Catholic teaching holds that the institutional Catholic Church was founded by God. Devout Catholics are taught that the Church was founded by Jesus Christ to save sinful people and the Church is necessary as a bridge to salvation. Devout Catholics are taught that the hierarchical governmental structure of the Church, including the elevated religious place of a priest, is not merely an administrative decision, but rather was directly compelled by the teaching of Jesus Christ. Devout Catholics are taught that the Church is the kingdom of God on earth and the only source for interpreting the Divine Will and that bishops are chosen by God to govern in the kingdom of God on Earth. Thus, Devout Catholics are taught that an offense against the institutional Church or one of its consecrated leaders is an offense against God.

Devout members are taught that priests are superior to lay members, but also that the Church and its priests are *perfect* and therefore incapable of wrong.

¹⁰ John Jay College of Criminal Justice, *The Nature and Scope of the Problem of Sexual Abuse of Minors by Catholic Priests and Deacons in the United States* (2004).

Thus, victims of priest abuse are indoctrinated that the actions of the Church and its priests cannot be the source of the humiliation, pain, and doubt that abuse causes. Rather, the victims are forced to think that the fault lies with them; that perhaps they have done something wrong to have earned being punished.

Further, victims are taught to believe in the priest because of the priest's elevated position in the eyes of God, so to trust the priests is to know what is right in the eyes of God. Victims are also taught that when they make a mistake, they are to turn to priests and to confess; priests become the ones to open up to and to share sins with. But when the priests commit the abuse, child victims cannot understand whether it is wrong, and if they turn to the priests to whom they are supposed to share concerns, there is a risk of punishment or denial of the victimization. Moreover, since most victims come from devout families, the literature shows that parents have commonly refused to believe children who reveal abuse and even have punished the children out of deference to the Church. This causes even further pain as the victims see the parents as in line with the Church, leaving the victim with no one to turn to and, therefore, they must suppress inside of them the fear, guilt, and shame.

This leads to a painful secondary victimization, often much worse than the initial assault itself, in which victims must live in fear, shame, and doubt with no one to turn to or trust and perpetually doubting all human interactions.

With the thousands, if not tens of thousands, of researched victims, this extreme and lifelong impact is well established. It is why the Church—including in the quotes beginning this Petition—constantly acknowledges the extreme damage done by the abuse. It is undeniable. And the severity of its damage makes the Church's failure to address the crisis all the more inexcusable and cruel.

C. The Systemic Conspiracy to Cover-up and Hide the Crisis.

Given the breadth of the problem, there have been numerous reports on investigations—criminal and academic—into the crisis and the Church's response to the crisis of sexual abuse of minors by priests. Just some of these include:

Domestic Reports

1. Report of the Westchester County (New York) Grand Jury Concerning Complaints of Sexual Abuse and Misconduct Against Minors by members of the Clergy, 19 June 2002.

2. Grand Jury Report, Suffolk County (New York) Supreme Court, Special Grand Jury Term 1D, May 6, 2002, 17 Jan. 2003.
3. Report on the Investigation of the Diocese of Manchester, New Hampshire. Attorney General of the State of New Hampshire, Jan. 2003.
4. The Sexual Abuse of Children in the Roman Catholic Archdiocese of Boston, Office of the Attorney General (2003) (the “Reilly Report”).
5. Karen Terry, et al., *The Nature and Scope of the Problem of Sexual Abuse of Minors by Priests and Deacons*, prepared by John Jay College of Criminal Justice, United States Conference of Catholic Bishops (2004) (the “John Jay Report I”).
6. Report of the Attorney General of Maine, On the Allegations of Sexual Abuse of Children by Priests and Other Clergy Members Associated with the Roman Catholic Church, 24 Feb. 2004.
7. Report of the Philadelphia Grand Jury, *In Re County Investigating Grand Jury*, MISC. NO. 01-00-89444, Philadelphia, PA, 2001.
8. Report of the Philadelphia Grand Jury, *In Re County Investigating Grand Jury*, MISC. NO. 03-00-239, Philadelphia, PA, 2003.
9. Karen Terry, et al., *The Causes and Context of Sexual Abuse of Minors by Catholic Priests, 1950-2010*, John Jay College of Criminal Justice, United States Conference of Catholic Bishops (2011) (the “John Jay Report II”).
10. Report of the Philadelphia Grand Jury, *In Re County Investigating Grand Jury XXIII*, MISC. No. 0009901-2008, Philadelphia PA, 23 Jan. 2011.
11. Report of the Grand Jury of the Court of Common Pleas of Allegheny County No. CP-02-MD-571-2016, Pennsylvania, 2018.

Non-domestic Reports

12. Report of Royal Commission of Inquiry into the Response of the Newfoundland Criminal System to Complaints (Newfoundland, Canada, 1989) (the “Hughes Report”).
13. Gordon A. Winter, *The Report of the Archdiocesan Commission of Enquiry into the Sexual Abuse of Children by Members of the Clergy* (Archdiocese of St. John’s, Canada, 1990) (the “Winter Commission”).

14. Lord Nolan, *A Programme for Action: Final Report of the Independent Review on Child Protection in the Catholic Church in England and Wales*, Catholic Bishops' Conference of England and Wales (2001) (the "Nolan Report").
15. *The Ferns Report*, Presented to the Minister for Health and Children (Dublin: Government Publications, 2005).
16. Julia Cumberlege, *Safeguarding with Confidence – Keeping Children and Vulnerable Adults Safe in the Catholic Church*, The Cumberlege Commission Report (2007) (the "Cumberlege Commission Report").
17. *The Ryan Report on Irish Residential Institutions*, The Commission to Inquire into Child Abuse, Dublin, Ireland (20 May 2009).
18. *Commission of Investigation: Report into the Catholic Archdiocese of Dublin* (26 Nov. 2009) (the "Murphy Report").
19. *Child Abuse in Institutions: Ensuring Full Protection of the Victims*, Marlene Rupprecht, Special Rapporteur to the Social, Health and Family Affairs Committee of the Parliamentary Assembly of the Council of Europe, Doc. 12358 (20 Sept. 2010).
20. *Report into the Diocese of Cloyne*, Commission of Investigation, 23 Dec. 2010, released 13 July 2011 (the "Cloyne Report").
21. Marion Westpfahl, *Central Points of Appraisal Report, Sexual and Other Physical Assaults by Priests, Deacons and Other Pastoral Workers in the Field of Jurisdiction of the Archdiocese of Munich and Freising Between 1945 and 2009* (2010) (the "Munich Report").
22. *Commissie voor de Behandeling van Klachten Wegens Seksueel Misbruik in Een Pastorale Relatie* [Dutch Commission for Dealing with Complaints of Sexual Abuse in a Pastoral Relationship] (2010) (the "Adriaenssens Report").

This is just a limited selection of reports that have extensively examined the Church's response to the abuse crisis, and their findings are incorporated into this Petition. Beyond reports, there are volumes of books written on the subject. But what becomes apparent throughout this body of literature is that there has been a systemic cover-up by the Catholic church of abusing priests and the scope of the problem that has both facilitated the crisis and hidden it which has compounded the harm to victims.

Throughout the investigations, what has been uncovered is that established practices of the Church and its institutions—including these Defendants—have been developed over centuries and

defined in papal edicts and canon law, as well as unwritten accepted procedures. In the face of allegations of abuse of a child by a priest, the response of the Church and its institutions has not been to report the allegations of abuse to the civil authorities for criminal prosecution or to report the abuse to Child Protective Services, but instead to try to handle the matter internally and confidentially. The Church and its institutions have had more of an interest in protecting the reputation of the Church and its priests than in getting justice for victims.

When handling the matter internally, the Church rejected the policy of removing the offending priests from the church, a process called “laicization.” Instead, offending priests are often merely given reprimands and allowed to continue at their posts. Or, if there are multiple allegations or the abuse is severe enough, the priest is transferred to a new assignment. In some cases, priests are sent to “retreats” at which they are counseled.

This cover-up has been acknowledged by the Church, as evident by the quotes that begin this Petition, as well as recent statements from the Pope.

1. The Failure of the Model of “Treating” the Offenders.

The practice of taking offending priests to special facilities for treatment has happened for centuries. But the Church even formalized the plan. The Servants of the Paraclete is the name of a Roman Catholic religious community founded in 1947 by Father Gerald Fitzgerald within the Archdiocese of Santa Fe, New Mexico. The name of the community includes the word “Paraclete” which is derived from a Greek word meaning “advocate” or “helper.” The community was founded for the purpose of providing assistance to priests with substance abuse problems but quickly turned to treating sexually abusive priests.

The volume of priests that Father Fitzgerald saw alarmed him, and he wrote warnings to bishops about the impossibility of treating sexually abusive priests. In a 1952 letter to the Bishop of Reno, Father Fitzgerald wrote:

“I myself would be inclined to favor laicization for any priest, upon objective evidence, for tampering with the virtue of the young, my argument being, from this point onward the charity to the Mystical Body should take precedence over charity to the individual, [...] Moreover, in practice, real conversions will be found to be extremely rare [...] Hence, leaving them on duty or wandering from diocese to diocese is contributing to scandal or at least to the approximate danger of scandal.”¹¹

¹¹ Rachel Zoll, *Letters: Catholic bishops warned in '50s of abusive priests*, USA Today (March 31, 2009).

In 1957, Father Fitzgerald wrote to the Bishop of Manchester, New Hampshire:

“We are amazed to find how often a man who would be behind bars if he were not a priest is entrusted with the [pastoral care].”¹²

In a letter written in 1957 to Archbishop Byrne, his ecclesiastical sponsor and co-founder of the Paracletes, Father Fitzgerald suggested that child abusers be assigned to a life of prayer on an island away from society.

2. The “Move” and “Cover-Up” Practice.

Instead of laicization, it became the policy of the Church to simply move offending priests to new assignments with stops often in between for “rehabilitation” at the Society of the Paracletes. This has been acknowledged by church authorities as the practice of the Church. For instance, Cardinal Roger Mahoney—one of the highest ranking bishops—admitted:

“that in those years ago, decades ago, people didn’t realize how serious this was, and so, rather than pulling people out of ministry directly and fully, they were moved.”¹³

As a result, what can be seen as a hallmark of offending priests is seeing them move from different assignments to different assignments.

However, moving priests is not enough to avoid damage to the Church if the allegations follow the priest. But the allegations did not follow the priests, because they were kept secret. The efforts to conceal allegations were not just wayward members hiding documents. Rather, the documents were kept secret pursuant to canon law. In every diocese for every priest assigned to that diocese, the diocese keeps two sets of books: one public, the other secret. The diocese is specifically required to keep secret files by the explicit terms of canon law.

According to Canon Law 486,

“All documents which regard the diocese or parishes must be protected with the greatest care. In every curia there is to be erected in a safe place a diocesan archive, or record storage area, in which instruments and written documents which pertain to the spiritual and temporal affairs of the diocese are safeguarded after being properly filed and diligently secured.”

Canon Law 487 states:

¹² Laurie Goodstein, *Early Alarm for Church on Abusers in the Clergy*, New York Times (April 2, 2009).

¹³ Tom Roberts, *Bishops were warned of abusive priests*, National Catholic Reporter (March 30, 2009).

“The archive must be locked and only the bishop and chancellor are to have its key. No one is permitted to enter except with the permission either of the bishop or of both the moderator of the curia and the chancellor.”

Canon Law 488 states:

“It is not permitted to remove documents from the archive except for a brief time only and with the consent of the bishop or of both the moderator of the curia and the chancellor.”

Canon Law 489 states:

“In the diocesan curia there is also to be a secret archive, or at least in the common archive there is to be a safe or cabinet, completely closed and locked, which cannot be removed; in it documents to be kept secret are to be protected most securely. Each year documents of criminal cases in matters of morals, in which the accused parties have died or ten years have elapsed from the condemnatory sentence, are to be destroyed. A brief summary of what occurred along with the text of the definitive sentence is to be retained.”

Canon Law 490 states:

“Only the bishop is to have the key to the secret archive...documents are not to be removed from the secret archive or safe.”

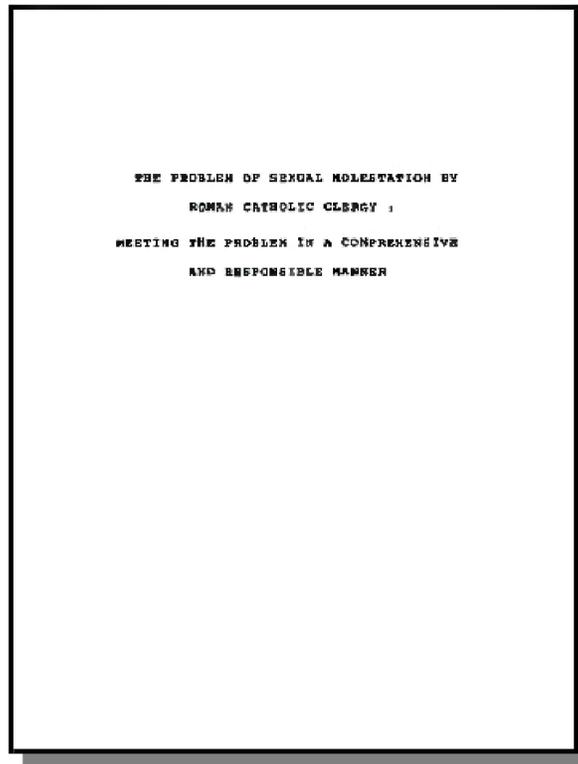
Thus, by operation of canon law, details of misconduct by priests are kept secret from the public. Under that veil of secrecy, offending priests could be moved and the public, to whom the Church would be exposing the dangerous priest, would never know.

In so doing, the Church put its own interest ahead of the safety of its members and concealed damaging information which allowed the problem to continue and hid the truth from victims.

3. Failure to Make Structural Change.

Another hallmark of the cover-up has been the Church’s failure to make structural change despite clear knowledge of the problem. Time and time again the issue has been brought to the foreground and the Church has had the opportunity to change its practices and address it, but the Church is always resistant to do so.

A clear example of that came as early as 1984 when a group presented a report entitled *The Problem of Sexual Molestation by Roman Catholic Clergy: Meeting the Problem in a Comprehensive and Responsible Manner* to the National Conference of Catholic Bishops acknowledging the crisis and providing recommendations to take direct actions in response to aggressively prevent abuse.



The report was written by three men involved in the Gauthé case in the early 1980s: Rev. Michael Peterson who worked treating priests at St. Luke Institute where bishops sent offending priests for treatment; Ray Mouton, Gauthé’s lawyer in the case; and Rev. Thomas Doyle, a canon lawyer at the Vatican Embassy in Washington, D.C. The report was intended to be a confidential internal document for use by the Council of Bishops in hopes of consideration and passage at the 1985 meeting of the Council. The study outlined the seriousness of the clergy sex abuse issue and potential ramifications should the bishops not face it squarely. The document stated that while help can be provided for abusive priests, there was “no hope” for a certain cure and that a bishop “should suspend immediately” a priest accused of sexual abuse when “the allegation has any possible merit or truth.” The Bishops refused to consider the report and undertake action in response to the warnings contained in it about the nature and extent of the sexual abuse crisis.

Peterson was frustrated by the Council’s inaction as he continued to see offending priests, so he decided on his own to send the report to every diocese in the country in 1985. At that point, no longer could any diocese claim ignorance of the problem. Months later, Peterson mailed an

update with additional revisions to the report and continued to advocate for action to occur to address the crisis until his own death from A.I.D.S. in 1987.

By June 7, 1985, the National Catholic Reporter reported on the Peterson-Doyle-Mouton report in a cover story.



The paper included an editorial addressing the obscene molestation by priests of pre-pubescent and pubescent children, and the enabling cover-up by their bishops:

“Yet the tragedy, and scandal, as NCR sees it, is not only with the actions of the individual priests – these are serious enough – but with church structures in which bishops, chanceries and seminaries fail to respond to complaints, or even engage in cover-ups; sadly, keeping the affair quiet has usually assumed greater importance than any possible effect on the victims themselves.”¹⁴

After the publication of the article, there was no publicly denying the problem, yet structural change continued to fail to occur.

4. The Cover-up Continues.

In the decades since the revelations of the 1980s, the Church has been forced to face revelation after revelation from trials, including in Dallas County the Rudy Kos trial, the scandal in the Boston diocese that was exposed by *The Boston Globe*'s Spotlight team (that was subsequently

¹⁴ Editorial, National Catholic Reporter (June 7, 1985).

made into an Academy Award winning movie), a year long investigative series by *The Dallas Morning News*, and countless other trials and public disclosures.

With each revelation, the Church promises to make the needed changes and to provide complete transparency, yet the Church's actions do not meet its words.

As recently as May 14, 2019, the Dallas Police Department obtained and executed unannounced warrants (or what was called in the press, "a raid") on the Dallas Diocese and its off-site storage facility to obtain files the Dallas Diocese was hiding regarding priests accused of sexual abuse. According to the Affidavit in Support of the Warrant, despite an on-going criminal investigation of priests, the Diocese was still withholding files:

"Despite assurances from the Diocese's attorneys the priests' files were complete and accurate, I also detailed specific examples where those files were not complete and accurate. Additionally, my efforts to receive claimant files, which likely contain relevant material regarding child sexual abuse allegations, were thwarted."¹⁵

So it continues as of a few months prior to this legal filing that the Dallas Diocese continues to hide material regarding sexual abuse by priests even in the face of on-going criminal investigations.

D. The Defendants and their Position in the Conspiracy.

The broader understanding of the Church, the Church's sexual abuse crisis, and the policies of covering up abuse are necessary to understanding the liability of the Defendants. The systemic facilitation and cover-up of sexual abuse led to countless predictable, known, and preventable incidents of abuse. While the lifelong devastation of abuse is tragic and personal for each victim, in many ways each victim is not unique. They all were victimized because of the same root cause: the Church's systemic facilitation and cover-up of sexual abuse of minors. Each of the Defendants played a part in this conspiracy, and the conduct of each member to the conspiracy is what led to the conditions at the School that allowed an extreme number of sexually abusive priests to assault young boys at the School. The recent disclosures that many priests at the School had credible allegations of sexual assault are evidence of this systemic conspiracy. But the disclosures are not full. There are other priests at the School who also sexually abused multiple children, including Peter Callery. And there are other diocesan priests like Robert Crisp who abused children. But whether the

¹⁵ See *Affidavit Support Issuance of Warrants to Search: 3725 Blackburn Street, Dallas, Texas; 1809 West Davis Street, Dallas, Texas; and 4601 West Ledbetter Driver, Dallas, Texas*, filed in the 292nd Judicial District Court of Dallas County, Texas by Detective David Clark (May 15, 2019).

assailant is Crisp, Dickerson, Smylie, Malatesta, Callery or Koch—all agents of the Defendants—the root cause is the Defendants’ conspiracy.

1. Patrick Koch and the Recent Disclosures.

Koch, who is deceased, falls into a pattern of an abusive priest whose misconduct was intentionally and wilfully covered-up.

a. Patrick Koch’s background.

Patrick Koch was born in 1927 and ordained by the Jesuits in 1957. He entered the education field and was at a catholic seminary within the Corpus Christi Diocese from 1960 to 1966. There, Koch had “a backlog” of numerous reports of sexually inappropriate conduct towards students. The Jesuit Order was fully aware of these allegations, yet the Jesuit Order followed the Catholic playbook of covering it up and moving Koch to a new assignment. This cover-up was done to avoid “a source of very bad relations.” The Jesuit Order decided to move Koch to a school New Orleans where he would be around other boys to abuse. Part of the plan to cover-up the abuse was to publicly—*and fraudulently*—declare that the move was being done “to assist in staffing one of our other schools.” After a tumultuous five years (1966-1971) in New Orleans involving complaints about Koch, the Jesuit Order had to move him again. This time he was then reassigned to the Dallas Diocese where he was at Jesuit, the School, from 1972 to 1980, during which time he served as a teacher, principal and president. After 1980, he remained at the School as a director of alumni services and, until his death in 2006, was an associate pastor at Dallas Diocese’s St. Rita’s Parish which is adjacent to the School’s campus.

b. Public Acknowledgment of Credible Accusations of Sexual Abuse by Koch.

On January 31, 2019, the Diocese of Corpus Christi released a list of “the names of the Roman Catholic clerics who have been credibly accused of sexually abusing a minor within the Diocese of Corpus Christi.”¹⁶ The letter went on to note:

“An Independent Committee comprised of outside legal professionals reviewed all cleric files to determine whether an allegation was credible. This Committee reviewed approximately 1500 priests’ files and 180 deacons’ files. In some cases, files were also reviewed by the Diocesan Review Board. The Diocese of Corpus Christi accepted all recommendations from the Independent Committee and the Diocesan

¹⁶ See Exhibit 1, January 31, 2019 letter from Bishop Michael Mulvey to Members of the Diocese of Corpus Christi on list of priests credibly accused (available online at <https://list.diocesec.org/>).

Review Board regarding the names to be included on this list. The list of names is arranged and grouped into the following: Religious Order Clerics & Extern Clerics and Clerics From or Incardinated into the Diocese of Corpus Christi.¹⁷

Under the heading “Religious Order Clerics & Extern Clerics (Clerics not from the Diocese of Corpus Christi)”, Koch is listed:

<p>Name: Rev. Patrick Koch, SJ</p> <p>Date of Birth: 11/8/1927</p> <p>Ordination & Prlor Status: Ordination: 6/12/1957 (Society of Jesus)</p> <p>Current Status: Left Diocese of Corpus Christi 1966 Deceased 9/9/2006</p>
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This list is an acknowledgment that there was one or more credible accusations of sexual abuse of a minor against Koch while he was at the school within the Corpus Christi Diocese between 1960-66. Consistent with the known pattern and practices in the Church, documents show that Koch was moved to New Orleans as a result of multiple accusations against him of abuse of a minor while in Corpus Christi. However, he was not reported to the police or charged, consistent with documented practice.

On the same day, the Dallas Diocese released a similar list. Dallas Bishop Edward Burns wrote to the members of the Dallas Diocese:

“Today, I am following through on a commitment I made in October to provide the names of those priests who have been the subject of a credible allegation of sexual abuse of a minor in the Diocese during the period from 1950 to the present. A “credible allegation” is one that, after review of reasonably available, relevant information in consultation with the Diocesan Review Board or other professionals, there is reason to believe is true.

The process to compile this list began with an outside group of former state and federal law enforcement officers that reviewed the files of the 2,424 priests who have served in this diocese since 1950. Those investigators identified files which contained credible allegations of the sexual abuse of minors. The Diocesan Review Board, which includes local experts in law enforcement, clinical psychology, law, and medicine, then reviewed those allegations. The list of names I have provided you

¹⁷ *Id.*

reflects the recommendations of our Diocesan Review Board, and I am grateful for their diligence, integrity, and expertise...

*I pledge to you that we will do our best to do what is right.*¹⁸

The Dallas Diocese then includes Koch on that list, directly above Vincent Malatesta who was a priest at Jesuit during the same time, and who sexually assaulted John Smith.

Patrick Koch	Deceased	Society of Jesus (the Jesuits)
Vincent Malatesta	Unknown	Society of Jesus (the Jesuits)

Of particular importance is that the Dallas Diocese does not say when the abuse by Koch occurred. Was it in 1972 when Koch arrived at the School? Was it in 1978 when Koch was Principal of the School before moving to President of the School? Was it in 1979-1980 during the suspiciously brief term of Koch¹⁹ as President of the School before he was removed? If so, was that the reason he was removed as president? And if Koch was removed because of allegations of abuse, why was he permitted to remain at the School with access to children and an office on campus as director of alumni? The intentional vagueness of the Dioceses' lists is consistent with the history and practice of covering up information and failing to fully disclose it.

Confusingly, however, the Jesuits released their list of credibly accused a month earlier in December 2018, but they chose not to list Koch on the list of credibly accused and have not updated the Jesuit list to include him.²⁰ Given that the Jesuit list focuses on members of the Jesuit Order as opposed to conduct within a particular geographical region, it is an impossibility that both the Dallas and Corpus Christi dioceses have acknowledged at least one credible accusation each against Koch while he was in those jurisdictions—meaning there are at least two credible accusations if not more against him—and yet the Jesuits refuse to acknowledge any against Koch. The only logical explanation is that there is a cover-up. Documents reflect that is in fact the case, as the Jesuits own documents

¹⁸ See Exhibit 2, January 31, 2019 Letter from Bishop Edward Burns regarding list of names of priests who are credibly accused.

¹⁹ Koch was only President for 1 school year. Of the seven prior Presidents of the School, five of the seven served a term of 6 years, and one served a term of 8 years. Even Thomas Naughton, who has been credibly accused of multiple acts of sexual abuse at Jesuit and who was President immediately preceding Koch, served for six years. Per a report in *The Dallas Morning News*, former President Phillip Postell said that six years was “a typical term of service.” See Egerton, Brooks, “Jesuit Leader’s Exit Was Sudden”, DALLAS MORNING NEWS (April 17, 2002).

²⁰ Exhibit 3, December 7, 2018 Statement from Provincial Ronald A. Mercier on the List of Accused Jesuits.

reflect that there was credible accusations in the Order's own records—including needing to move Koch in light of a “backlog” of accusations and settling claims brought by victims of Koch.

Alarming, these lists make no effort to quantify how many credible accusations against Koch there have been. It could be just two; it could be twenty. The lists included Koch because there is at least “a” credible allegation against him. Koch is treated the same way as Rudy Kos, whom we know had at least 11 credible allegations by virtue of a public verdict following a trial and possibly more. Thus, Koch could have as many victims as Kos—the list makes no differentiation.

c. The School admits there were multiple priests at the School who abused children, but still hides Koch.

On January 15, 2019, the School publicly acknowledged that there were 11 priests who have been credibly accused of engaging in sexual abuse of children during the time period the priests were at the School.²¹ However, the School did not publicly acknowledge Koch's credible allegations at that time. This would be consistent with the School's pattern and practice of ignoring credible allegations and hiding them from disclosure. It was not until the Diocese acknowledged it that the School finally acknowledged that there were credible allegations against Koch, as well as three other priests at the School.²²

Beyond the issue of not disclosing Koch, what stands out about the acknowledgments of the School is that during the time period of the late 1970's and early 1980's, there were at least eight priests who have been credibly accused of sexual abuse who were at the School:

1. Patrick Koch;
2. Thomas Naughton;
3. Don Dickerson;
4. Vincent Malatesta;
5. Vincent Orlando;
6. Claude Ory;
7. Ben Smylie; and
8. Thomas Haller.

²¹ Exhibit 4, January 15, 2019, Letter of President Michael A. Earsing to the Jesuit Community regarding abuse by Jesuit Priests.

²² Exhibit 5, July 31, 2019 Letter from the President of Jesuit acknowledging credible allegations against Koch.

The School is not that large. To have at least eight different priests all present around the same years, all of whom have had acknowledged credible allegations of sexual abuse of minors, is almost impossible to comprehend. The eight acknowledged priests during that period does not foreclose the possibility there were additional offending priests at this one School who simply have not been formally acknowledged.

This raises questions: how could it be possible that the School or the Dallas Diocese were unaware of a problem at Jesuit? Presumably some priests present did not condone such conduct, so where was the training, oversight, and supervision that would have ensured that the misconduct was reported? Or was it reported but not acted upon?

Or, is it simply the case that the School and the Diocese knew, but they both just followed the established pattern and practice of hiding it?

The presence and story of Thomas Naughton is particularly telling because from publicly available reports, he fits the classic practice of the Church to sweep allegations under the rug and move around abusive priests. His history of assignments are:

Years	Assignment	City
1968	Jesuit High School	El Paso, TX
1969-1970	Jesuit High School	Tampa, FL
1970-1972	St. Louis University	St. Louis, MO
1972-1973	Loyola University	New Orleans, LA
1973-1979	Jesuit College Preparatory School	Dallas, TX
1979-1980	Jesuit School of Theology	Berkeley, CA
1980-1982	??	??
1982-1989	Manresa House of Retreats	Covent, LA
1989-1990	Strake Jesuit Preparatory School	Houston, TX
1990-1991	Immaculate Conception	New Orleans, LA
1991-1995	Montserrat Retreat House	Lake Dallas, TX

Naughton fits the classic pattern of a priest with a history of abuse problems, moved from assignment to assignment with brief intervals at retraining. And they made Naughton the President of the

School while Koch was Principal. But even Naughton lasted for six years as President at the School; Koch only lasted one.

Through discovery, this lawsuit will expose what the School and the Dioceses knew—answers which to this point have been hidden from the public, Mike Pedevilla and Charles Jones.

2. Peter Callery

Unlike Patrick Koch, Peter Callery is still living at an age of approximately 76 years old. Horrifically, to this day, he is left in charge of students in his role as retreat associate director at the Jesuits' Manresa House of Retreats in Convent, Louisiana. Callery, too, fits the pattern of sexually abusive priests.

a. Peter Callery's Background.

Less is publicly known about Callery, in part because he is still alive and therefore has not had an obituary setting forth his life story. But what is known is that he fits the classic mold of a sexually abusive priest in that he has been moved from assignment to assignment in different areas. Callery taught at a number of schools, including schools in Houston, New Orleans, Tampa, and in Dallas at the School. Callery taught classes to middle school and high school boys for 36 years and he coached sports for 27 years. While at Jesuit in the early 1980's, among other positions, Callery was a wrestling coach.

b. Callery's Current Position.

Callery currently is a director at the Manresa Retreat Center in Convent, Louisiana. The Manresa Retreat Center is owned and operated by the Jesuits. It is a facility that hosts retreats for adults, but it also is used by students at Jesuit schools who are sent to the Retreat Centers like a "camp" and stay overnight at the facility.

Notably, Thomas Naughton, the former president of Jesuit who had multiple accusations of abuse, was moved to the Manresa Retreat Center, it is believed after a sexual incident that occurred at the School. Naughton was in charge at Manresa for most of the 80's. It is believed other former priests at the School also were later assigned to Manresa, including Clyde LeBlanc who was President of the School following Patrick Koch and was in charge of a number of priests who have since been acknowledged as credibly accused of sexual abuse.

3. Vincent Malatesta

Not much is publicly known about Vincent Malatesta other than what is disclosed based on his inclusion on lists for priests against whom there have been credible accusation of sexual abuse. He appears to be still living and resides, based on information and belief, in Emerson, Georgia.

Malatesta was ordained in 1961 and entered the Jesuit Order in 1979. He was removed from ministry in 2002, presumably in light of his pattern of sexual abuse of minors, however he did not leave the Jesuit Order until two years later in 2004.

Malatesta was at the School from 1981-1985. He also subsequently assigned to the Ignatius Retreat Center in Atlanta.

4. Benjamin Smylie

There is also not much known about Benjamin Smylie who was a Jesuit priest who died in 2004. He was ordained by the Society of Jesus in 1985.

Smylie was included on the Dallas Diocese's list of credibly accused, but not on the Jesuit Order's list.

It is believed that Smylie came to the School either in the late 70's or the late 80's before he was ordained in the Jesuit Order. Not much is known about Smylie's history prior to the School. However, by 1981, he already had sexually assaulted Dennis Petersen, Sam Brown, and Thomas Davis and based on information and belief, other students at Jesuit. Nevertheless, he was admitted into the Jesuit Order in 1985. Based on public records, it appears he also was moved to Strake Jesuit Preparatory in Houston from 1986-1987. Short assignments such as that may reflect movement because of misconduct. Nevertheless, Smylie remained with the Order until 2002 when he was allowed to retire.

5. Donald Dickerson

Donald Dickerson was a Jesuit priest with a long history of sexually assaulting multiple boys—a history well known to the Order. Despite this knowledge, the Jesuit Order implemented its “playbook”: instead of reporting Dickerson or removing him, the Order sent him to receive psychological “counseling”—the failed “treat the offender” approach that Fr. Fitzgerald, decades earlier, warned the Church did not work—and moved him to new assignments where he would abuse additional boys.

In 1974, Dickerson sexually assaulted two students at Jesuit High School in New Orleans. The Jesuit Order did not remove him or report him to police. Instead, the Order sent him to a

psychiatrist, and following that session, Dickerson was allowed to proceed to the theology stage of becoming a Jesuit Order.

Right before his ordination in 1977, Dickerson sexually abused another boy, and the Jesuit Order was aware of this sexual abuse and that Dickerson admitted the abuse. Dickerson went under yet further “psychological counseling” in 1978.

Despite the multiple known incidents of sexual abuse, in 1979 the Jesuit Order allowed Don Dickerson to be ordained by the Order and assigned him to Jesuit Prep.

Not surprisingly, when he arrived at Jesuit Prep in Dallas, he again sexually assaulted multiple young boys in a matter of two years. At Jesuit Prep, Dickerson was a teacher and an administrator. Following multiple assaults at Jesuit Prep which “had already entered the public forum in view of the knowledge by the boys’ parents”, Phillip Postell, S.J. recommended that Dickerson be sent to yet another school in order to “provide for the survival of the school [Jesuit Prep] and of the Province.”

In 1981, Dickerson was then re-assigned to Shreveport, LA where Dickerson assaulted boys yet again—a tragedy that Postell called a “debacle.” After molesting multiple boys in Shreveport, Dickerson was sent in 1984 to the Servants of the Paracletes for additional counseling. After a stay with the Servants of the Paracletes,—*and despite full knowledge of Dickerson’s sexual abuse of many boys for over a decade*—in 1984 the Jesuit Order agreed to let Dickerson proceed into the tertianship stage of becoming a Jesuit. So in 1985, the Order sent Dickerson to Austin, Texas for his next assignment. And in 1986, the Jesuit Order received three new reports of sexual misconduct by Dickerson, including the molesting of a young boy. Finally in 1986, he was dismissed from the Jesuit Order.

6. Robert Crisp

Robert Crisp was a diocesan priest within the Dallas Diocese and was included on the Dallas Diocese’s list of priests with credible accusations of abuse against him. He was ordained in 1975 in the Dallas Diocese and remained there until he was removed from the Diocese in 2018 when he was allowed to retire.

In 2010, accusations against Robert Crisp that he abused as least two young children at Sacred Heart Catholic Church in Rowlett were made public in *The Dallas Morning News*. As part of the investigation by *The Dallas Morning News*, additional accusations were made public, including that in 1975, shortly after he was ordained and serving as an assistant pastor at St. Pius X Church in East Dallas, Crisp groomed, kissed, and told a 12 year old little girl that he wanted to marry her and

would get permission from the Pope to do so. *The Dallas Morning News* went on to report another allegation of sexual misconduct by Crisp while still at St. Pius in the early 80's. In regards to that report, it alleges that Bishop Thomas Tschoepe was aware of the misconduct and was reassigning Crisp away from St. Pius. The article notes that Bishop Tschoepe "sent Crisp to a counseling center for priests in St. Louis" where Crisp "reaffirmed his commitment to the priesthood." This is almost certainly a reference to the Vinnaey Renewal Center on the outskirts of St. Louis which is run by the Society of the Paracletes.

Thus in the early 1980s, it was apparent that the Dallas Diocese utilized a practice of the classic cover-up playbook described above on pages 12-14: upon having knowledge of abuse, reassign the priest and have the priest go get counseling at the Society of Paracletes. But as noted above, the Church was on notice at the latest in 1952 when Father Fitzgerald—the founder of the Society of the Paracletes—warned the Church in writing that "Moreover, in practice, real conversions will be found to be extremely rare [...] Hence, leaving them on duty or wandering from diocese to diocese is contributing to scandal or at least to the approximate danger of scandal." The Church knew the rehabilitation and reassignment plan did not work to stop abuse, but three decades later the Dallas Diocese was still following it. Not surprisingly, after his return from the Society of the Paracletes and his reassignment, *The Dallas Morning News* notes there continued to be allegations of sexual misconduct against Crisp for decades more. Crisp follows the pattern of a serial abuse as during his four decades with the Dallas Diocese he was officially reassigned on ten occasions.

It was not until *The Dallas Morning News* made the scandal public in 2010 that the Church finally acted. More recent reporting indicates that Crisp plead guilty in 2011 to assault and took a "leave of absence"—possibly to another retreat or visit to the Paracletes. However, alarmingly, Crisp retained his faculties with the Diocese and continued ministering for the Dallas Diocese in official assignment for eight more years until 2018 when his faculties were finally removed.

7. The Defendants' Culpability in this Matter.

Koch, Callery, Malatesta, Smylie, Dickerson, and Crisp are sexual abusers, but they did not and could not have acted alone. They were in the position to sexually abuse boys because of the Defendants in this case and their cover-up of the dangers within the priesthood, the danger of these men, and the systemic crisis.

a. The Jesuit Order's Culpability for Koch, Callery, Malatesta, Smylie and Dickerson.

The Jesuits are who ordained Koch, Callery, Malatesta, Smylie, and Dickerson and were responsible for investigating, supervising, punishing, and otherwise controlling them to ensure that they were not a danger to the community and were acting consistent with the Jesuits' policies. Thus, throughout these abusers' ordination in the Jesuit Order, the Jesuits were vicariously liable for their conduct and had the duty to protect the public and warn of any danger these abusers presented.

However, being a Jesuit just means that Koch, Callery, Malatesta, Smylie, and Dickerson were members of a particular order; it did not put them in a place to commit abuse. Pursuant to canon law, the dioceses have territorial jurisdiction over priests who are assigned to Catholic institutions within the diocese's territory.

b. The Dioceses' and Jesuits' Responsibility.

In 1972, the Jesuits obtained the consent and approval of the Dallas Diocese who assigned Koch to the School. The Jesuits should have ensured that Koch was safe to be at another school, and they knew about the previous allegations which would have precluded Koch's placement in another school with minors. But the Jesuits still placed Koch there. The Jesuits were obligated to supervise Koch and the other Jesuit priests at the School, ensure that they were acting appropriately and consistent with canon law, and ensure that they could recognize signs and patterns of abuse and report it appropriately. The Jesuits failed in that task.

Although less is known about their backgrounds, the Dallas Diocese and the Order share the same joint responsibility for Callery, Malatesta, Smylie, and Dickerson. Had these institutions performed their roles safely, these dangerous priests should never have been allowed in the Dallas Diocese or be assigned to the School where they could assault victims, like the Plaintiffs.

The Dallas Diocese was responsible for Crisp and his conduct as they had knowledge that he was an abuser but failed to report it to the authorities or stop him. Rather, they utilized the cover-up of reassignment and hiding of his misconduct. Given that was the practice of the Dallas Diocese at the relevant time periods, it stands to reason that the Dallas Diocese did not object or stop the Jesuit Order from doing the same thing in reassigning abusive priests to Dallas.

- c. **The School is responsible, but it is subject to the control of the Dallas Diocese and the Order.**

The School was originally incorporated in 1941 as a Catholic school resident in the Dallas Diocese. It specifically stated it would operate pursuant to canon law which places it under the control and oversight of the Dallas Diocese:

Purposes for which Corporation Formed:

The purposes for which this Corporation is formed is to support and conduct a Catholic High School and/or College, agreeable to and in accordance with the Canon Law of the Roman Catholic Church as now existing, or as said Laws and Canons of the Roman Catholic Church may be in the future amended, changed or modified; as provided under Article 1409, of the Revised Statutes of Texas, 1985.

By virtue of its location in the Dallas Diocese and the Jesuits' need for consent for the assignment of priests, the Dallas Diocese was liable to ensure that the School and the priests assigned there acted consistent with canon law, within the bounds of the law, and that students at the School were safe. The Dallas Diocese failed to do so. Further, because the Dallas Diocese is a suffragan diocese and subject to the control of the Archdiocese of San Antonio, the Archdiocese of San Antonio failed to ensure that the Dallas Diocese acted appropriately in the formation of policies for dealing with and reporting abusive priests and that the Dallas Diocese operated consistent with the canon law. Because of the failure of the Dallas Diocese and the oversight of the San Antonio Archdiocese, priests were able to abuse children at the School without criminal consequence or the knowledge of the public, the students at the school, or the parents who entrusted their children to be there.

The School itself is liable in its own right. It created and fostered a community where abuse would occur and the School did nothing to prevent the problem despite its obviousness. However, ultimately, the Jesuit Order controlled the School, so the School's failures are the Order's failures. Also the School's principal, president, and director for whom the School is liable as a matter of law and who were all members of the Jesuit Order, engaged in abuse. So the individuals who had the capacity to stop these tragedies were members of the Order and abusers themselves. These individuals at the School failed to protect Plaintiffs and failed to disclose information known about the dangers at the School and the abusive priests to Plaintiffs in a manner that would have allowed them to avoid the problem or address it after it occurred. Further, with respect to Mike Pedevilla,

the Foundation has unique liability in this instance given its role in the school as the provider and controller of financial aid and students who are in the Foundation's work grant program.

Abuse such as that caused by priests at the School cannot occur at the level it has just by bad actors such as Koch, Callery, Malatesta, Smylie, Dickerson or Naughton. Rather, it takes a systemic failure amongst all of the Defendants to cover-up for such dangerous priests. It takes all of the Defendants conspiring and working together to cover-up misconduct which also facilitates and encourages misconduct. And when the Defendants acted in the manner they did, it became foreseeable and an inevitability that Koch, Callery, Malatesta, Smylie, and Dickerson would abuse children and students at the School would be victims of abuse, including Plaintiffs. Plaintiffs are victims of bad people, but even more so, they are foreseeable victims of the Defendants' cover-ups.

E. The Victims of Abuse; the Victims of Defendants' Cover-ups.

1. Mike Pedevilla.

Mike Pedevilla is a 54 year old man living in Tarrant County.

Before Jesuit, his early life was happy and filled with promise. He was a happy boy, got good grades, had big ambitions, and was a devout and faithful member of the Catholic Church. He had aspirations to go to Notre Dame for college, and even applied for admission when he was twelve years old.

But his life dramatically changed after his first two years at Jesuit. Following that, his life has been filled with difficulty with grades and struggle with trust and maintaining personal relationships. Mike has struggled with drug and alcohol abuse. He has had a decades-long crisis of faith during which he rejected Catholicism.

Mike has had suppressed memories of what happened to him at Jesuit. When he learned about the recent disclosures by the Church about Patrick Koch, including the disclosures from the Corpus Christi and Dallas Dioceses in 2019, his memories have—at times reluctantly and at times overwhelmingly—partially lifted the veil of suppression through flashbacks. Mike can now tie the turning point in life to one morning when he was called to Koch's office and a violation occurred.

a. Mike Pedevilla's background and arrival at the School.

Mike Pedevilla came from a staunchly Catholic family in Dallas, who were very involved in the Dallas Diocese. Mike and other children in the Pedevilla family attended Catholic schools, and throughout his young life, Mike was a devout practicing Catholic, along with his parents and siblings.

His family wanted Mike to go the all-boys Jesuit College Preparatory School, but the School was expensive, and the cost of tuition would place a strain on the family's resources.

The Foundation stepped in and provided Mike financial aid to attend the School. The majority of students at the School received some form of financial assistance. Mike was given assistance under a "work grant" program. Under that program, Mike was required by the Foundation to work and perform 200 hours of service at the School after school hours in his Freshman and Sophomore year, and in return, Mike got the tuition assistance that afforded him the ability to attend the School.

The School instructed Mike in what jobs he must do in order to fulfil his work obligation. He was, in effect, an employee of the School and the Foundation, as they directed his work. Mike initially was asked to perform janitorial-type jobs such as vacuuming classrooms after hours.

For the boys in the work grant program, one of the preferred jobs was assisting on the telephone switchboard at the entrance of the school. The regular secretary would leave for the day at 3 p.m., and financial aid students would answer the phones from 3 p.m. to 6 p.m. Mike eventually got the opportunity to perform this job, and he felt like he was given a special role or being rewarded with that job.

b. The Grooming Process

It is well-established in the literature that sexual predators will often groom their victims. The process of grooming is a purposefully slow one, as predators methodically take steps to ingratiate themselves to children and gain trust. Predators are masters at manipulation and can appear kind and helpful to mask their ulterior motives, taking advantage of a child's needs and innocence.

As one author described it:

"Grooming is a series of actions designed to obtain the trust and compliance of a potential victim in order to eventually engage them in sexual behavior. In many instances, sexual offenders "groom" their victims by providing them with attention, bribes, treats, and privileges in order to gain their trust and affection. A sexual offender may test limits and boundaries with a potential victim by initially involving him or her in minor nonsexual "rule violations" (e.g., allowing him to violate curfew) and/or noncontact sexually inappropriate behavior. Sexual offenders sometimes engage in these "minor" infractions in order to see whether the child will tell an adult about it or "keep it a secret" prior to engaging them in contact sexual offenses.

Sometimes the “rule violations” are an attempt by the perpetrator to enlist the child in misbehavior in order to manipulate him into secrecy about the abuse.”²³

Predators often target vulnerable children, such as those who are emotionally vulnerable or those without parental oversight. The first interactions are pleasant and include light conversations to lure them in, making the child feel important. Many times, the predator tries to fill some sort of need that the child has—many times, it is an emotional need, like a child’s desire for attention or to feel special. They meet it by paying them compliments, listening to them, or giving them special rewards. At this point, as the predator is deepening the relationship, he will gauge the level of threat he is facing. A predator will then look for opportunities to spend time with the child in private and gauge the child’s reaction to inappropriate things.

c. The Grooming of Mike Pedevilla.

Mike Pedevilla was a small boy for his grade. Indeed, he believes he was one of the smallest in his class, which was the youngest grade in the School.

A small, innocent, and devout child from a family that fully believed that priests occupied an elevated place closer to God.

When Mike first arrived at the School, he noticed that priests were almost over-welcoming. Dickerson—who had no teaching capacity and who is on the list of those credibly accused of sexual assault by multiple victims at Jesuit—would walk up behind Mike in the halls, put his hands on his shoulders and neck, and massage the shoulders and neck while asking Mike how things were going. On one occasion, Dickerson tackled Mike in a crowded hallway, got on Mike’s back, and rode him like a horse. Another student made Dickerson stop.

Father Koch was an extroverted man. Using that as cover, Koch would often see Mike and pull him into his side, like a side hug, and ask Mike how things are going. This made Mike uncomfortable because he could not pull away.

To a small, devout child, to receive that robust attention from these elevated priests generates a feeling of “specialness” and was a source of pride to be recognized by a priest and president of the School.

The switchboard job led to further grooming. After manning the front or main switchboard from 3 to 6 p.m., Mike was told to close down the switchboard and transfer the calls to the back or

²³ Springer, Craig PhD, Game-Based Cognitive Therapy for Child Sex Abuse 395 (2014)

secondary switchboard. This one was not on campus, but back in the priests' residence that was on the same grounds. Mike was required to man that phone from 6 p.m. until 9 p.m. Here again, being invited back into the priests' residence is a sign of "specialness," of being invited into a place that was supposed to only be for these holy priests.

But it was in that residence that Mike's boundaries were tested by the groomers.

It began with a first step, and then boundaries were pushed slowly.

The first step was that the cooks for the priests would bring Mike a meal from what was prepared for the priests since he was working so late and leave it with him to eat at the desk.

Then, after awhile, one of the priests would carry out the meal to Mike and leave it with him to eat.

A little further after more time: a priest would bring him the meal and then sit down across the desk from him while he ate and engage in a discussion with Mike.

Over time, pushed further: a priest would bring him the meal and sit on the same side of the desk as Mike and ask him about his day and how things were going.

After this boundary was normalized, Mike was invited to go back into the residence to take his dishes back and go into the kitchen to get a dessert. The priests and scholastics would visit with Mike and keep him from returning to the desk he was supposed to be operating.

Going back into the priests' dining hall and residences, Mike was tested further. He was shown glimpses of transgressions or rule violations. He would see priests appearing to be intoxicated. Priests engaged in social behavior and taking boys out at night. Specifically, Mike remembers walking by a partially closed door and catching a glimpse into a room with a student on a Lazy-Boy and a priest sitting on the arm of it, too close.

Soon Mike was "entrusted" with open access to the residence.

Mike recognized that things were going on in the residence that should not happen.

But by then, Mike was locked into the mentality of a victim of grooming. Mike knew that if he said anything, and there was any indication he shared the secrets of the priests, he would be speaking out against religious figureheads and he would lose his financial aid and maybe have to leave the School or be expelled.

Mike had his boundaries tested and did not push back. Mike had been entrusted with knowledge of inappropriate behavior and did not tell. The priests knew he could be trusted.

d. The Sexual Victimization of Mike Pedevilla by Fr. Patrick Koch.

Through therapy following the filing of this lawsuit, Mike Pedevilla has begun to have flashback memories of his sexual abuse by Father Koch. Some parts of the memories are still repressed, but like the slow blooming of a flower, Mike's therapy is helping him confront his assault.

What Mike knows is in his sophomore year, Mike was scheduled for an appointment during class time to occur at Koch's office back toward the priests' residence. Mike thought it was for a counseling session but did not know why.

Mike entered the office, and he was about to sit down in the visitor's chair.

Koch got up from his desk and came around the desk and turned off the lights.

Koch told Mike thanks for coming and that Koch just wanted to talk about some things.

Koch told Mike to get comfortable and suggested that they sit on the floor. Mike was confused so he waited for Koch to sit down.

Koch sat down cross-legged. Mike followed the lead and sat cross-legged across from him.

Koch scooted closer so they were kneecap to kneecap.

Koch reached out his hands. Mike reached out and placed his hands in Koch's hands.

Koch began rubbing the top of Mike's hands with his thumbs.

Koch told Mike, "We are going to do an exercise. Close your eyes. I just want you to be comfortable. I want you to count down from ten. Just take a deep breath and let it out and try to relax."

Mike was nervous about closing his eyes but did so.

The details of what Father Koch did to Mike has been suppressed in Mike's memory. He cannot remember the meeting ending or leaving the office. But the consequences of what occurred during that dark period has haunted Mike.

After months of intense therapy focusing on his sexual victimization, Mike's memories locked away from him have surfaced detailing more of his abuse by Koch, as is common with victims of sexual abuse and well recognized within literature.

Mike can now remember that while in Koch's office, Koch had Mike turn around and get on his hands and knees with his backside facing Koch's front side. Mike then remembers Koch elevating himself behind Mike either on his knees or fully standing. From there, the memories are still locked away until Mike remembers getting home from school that same day. Once at home, Mike can now remember changing for bed and seeing a substance in his underwear he now knows

to be dry semen. He remembers feeling startled and terrified to see the substance and struggling to figure out what to do with this his underwear so that his mother and sisters would not see it while doing the family's laundry that night.

In light of these newly discovered memories, Mike fervently believes that he was raped by Koch while in his office that day.

e. Mike Pedevilla's lifelong struggles.

Despite being a good student before his assault, Mike Pedevilla's life quickly turned for the worse after what happened in Koch's office. Mike began having issues with grades. He had violent outbursts, including physical altercations with some of the other priests and scholastics at the School, including Fr. Fran Pistorius and Mr. LeBlanc. Mike ended up being suspended. Mike talked with friends about running away and committing suicide. After the assault during his sophomore year, Mike became involved in acting out, drinking, and doing drugs. And in college, Mike fell deeper into drugs and alcohol that plagued him for decades. Mike was never able to obtain his college degree and had to drop out.

Mike is still in therapy working through his suppressed memories. Whether he will remember the full details of what happened to him in that room remains to be seen. But because of the recent revelations and the flashbacks that has caused, Mike now knows he was sexually assaulted in that room. That physical assault and emotional violation was and still remains devastating. Mike was further victimized by the fact he was unable to tell anyone or have the assault remedied, instead he was forced to go through the psychological trauma of having it repressed deep in his memory.

Mike Pedevilla's story is not unique. Thousands of victims have had their lives ruined by the same type of violations by priests. The historical record and literature demonstrates the same life-altering impacts of it; official publications and statements of Bishops and the Church acknowledge the inarguable damage that this causes. And like thousands of other victims, Mike's victimization and the despicable conduct of Patrick Koch was hidden by the veil of secrecy that the Church enforced. It was not until the Church was forced to acknowledge the credible allegations against Dickerson, Koch, and 11 other priests at the School that Mike was able to appreciate what happened to him and bring his own victimization to the light of day.

2. Richard Roe.

Richard Roe is in his 50s and lives in Dallas, Texas. He is an attorney that has children and his desire to protect them is another reason why he is using a pseudonym in his case.

Richard fits the mold of so many victims. He was the youngest child in a large, devout Catholic family. Richard attended St. Monica's Catholic School through elementary and middle school. He had an older brother who attended Jesuit, and his brother believed that the priests at the School behaved inappropriately based on his brother's experience at the School.

Prior to entering Jesuit, Richard had been a lifelong devout Catholic, schooled in the special position that priests hold in the religion and education field.

a. Richard Roe's experience at the School.

Like Mike and many other victims, Richard Roe was one of the smaller kids in his class at the School. When he arrived at the School as Freshman, he was athletic for his size. So a friend suggested that Richard should consider going out for the wrestling team. Wrestling is a sport in which individuals compete based on weight classes. Because Richard Roe was small, he fit into a weight class in which he could excel.

Richard Roe joined the wrestling team. Richard excelled at wrestling. It was on the wrestling team that Richard was exposed to Peter Callery.

b. Richard's Grooming.

While a successful wrestler for his weight class, Callery was in a position to groom him. This grooming involved Callery's vacillating between criticism of Richard Roe and complimenting Richard Roe—the criticisms and compliments coming from someone Richard Roe was told was a man of God. Further, Callery would often involve himself in the wrestling during practice, which involved close physical contact between Callery and Richard Roe.

c. The Sexual Victimization of Richard Roe by Peter Callery.

In his Freshman year, Richard Roe qualified for the state championship tournament in wrestling. The state tournament was held in El Paso, Texas which required traveling to El Paso and spending the weekend in a hotel. When Richard arrived, he was told by Callery that he would be sharing a room at the hotel with Callery—sharing a room with the coach, a Jesuit priest, and the individual who had been a source of criticism and compliments.

On the day they arrived, Richard Roe and another student had noticed that in the room to the right of the lobby, there were tabletop video games. At some point, Richard and the other student went down to the lobby and then into the area that had the tabletop games to play the video games. The area that had the video games was the bar area of the hotel. Richard Roe and his friend went into the lounge area and played the video games.

That weekend, Richard competed in the state wrestling tournament. Richard lost his matches and did not advance in the tournament in his weight class. He was disappointed. But the disappointment from losing was nothing compared to the horror of what Callery did.

At night, while Callery was in the room's bathroom for his nightly ritual, Richard Roe undressed down to his underwear and t-shirt and slipped under his covers and went to sleep.

At some point after being asleep, Richard Roe awoke to find that Callery was on top of him. Callery had pulled back the covers to expose Richard Roe, and Callery held Richard facedown on the bed. Richard struggled and tried to escape, but Callery was bigger and Richard was unable to get away.

Callery held Richard Roe down, grinding Richard's backside until Callery satisfied himself and then stopped. Callery left Richard in his bed.

d. Peter Callery's Threat and Intimidation of Richard Roe.

On the day the team was to leave and return to Dallas, Richard was still in shock as he went down to the lobby of the hotel where the team was gathering to head to the airport. Callery pulled Richard aside and confronted Richard, asking him if he had gone in the bar area to play video games at the hotel. Richard admitted that he had done so. Callery told Richard that when he got back to the School, Richard would be expelled from the school for going into a bar underage. Richard was even more devastated.

Some time later, Callery convinced Richard that as long as Richard did not speak out and disclose what occurred with Callery, then Callery would consider not saying anything about the video game incident. Callery left the threat that Richard could get in trouble to hang over Richard's head.

Richard Roe was scared to tell anyone anything and was further traumatized by Callery's threats and duress. During his time at Jesuit, Richard did not disclose what occurred to him for fear of reprisal and being expelled from Jesuit. He kept his violation pressed down inside out of fear of punishment and expulsion if he ever told anyone, including his parents.

e. Richard Roe's lifelong struggles.

Following the assault, Richard Roe's life changed courses. Richard began suffering from severe depression. Since the recent disclosures by the Catholic Church involving Jesuit, Richard has tried to think back and tried to remember what, if anything else, Callery did to Richard. His memories of potential other acts by Callery are inaccessible. But Richard Roe does remember other

inappropriate actions by, at the very least, Patrick Koch. During his senior year, Richard participated in the sacrament of confession prior to graduating and leaving the School. For his confession, Richard went to a room and met with Patrick Koch. Koch approached Richard and sat in a chair facing Richard, knee to knee with him. Following the talk, when Richard stood up, Koch reached out, placed his hands on Richard's buttocks, and pulled Richard into him. Koch buried his face in Richard's genital region and would not let go. Richard had to pull Koch's hands off of him and squirm away to get away from Koch's unconsented-to physical contact.

Richard's violations have had lifelong consequences. Like so many victims, Richard has struggled in his education. He has struggled with interpersonal relationships and trust, resulting in a failed marriage. And, most impactful of all, Richard has struggled with the classic hallmark of sexual abuse victims: alcoholism.

All victims of sexual abuse struggle with self-doubt and shame; the fear that the victim did something to deserve their abuse and for which they ought to feel negatively responsible. In the context of priestly sexual abuse, these feelings are amplified as the abuse comes from a member of the clergy who the victims are taught have a special position between the victim and God, such that the victimization takes on the imprimatur of being a punishment from God. As a consequence, victims often turn to alcoholism to mute the self-doubt and shame. Richard Roe has struggled with this problem as so many victims do.

Richard has thankfully overcome his alcoholism. But the damage has been done, measured by the personal relationships destroyed and the pain endured. And Richard's struggles all trace back to that abuse endured at the hands of these Defendants' agent, Peter Callery.

When the School, the Dallas Diocese, and the Order released lists of priests who had been credibly accused, Richard Roe was faced with the reality that Callery was not listed and that he had been left in a position to assault other boys in the decades since. And, horrifically, Callery is still in a position within the Jesuit Order that he still has access to young boys.

3. John Smith

John Smith resides in Dallas where he was born and raised. John was the oldest child in a large Catholic family that had long-standing ties to the Catholic church.

John went to public elementary and middle school. When it was time in 1977 for John to go to high school, John applied for and ended up going to Jesuit, as his father before him had done.

a. The Sexual Victimization of John Smith by Vincent Malatesta.

John Smith had some academic struggles coming from a public school, and he ended up getting poor grades in a particular class. John Smith was afraid he would be expelled from Jesuit. John Smith met with a principal about his academic struggles and the principal ordered that John Smith had to meet with Malatesta privately four times a month for “counseling.” John Smith was led to believe that his academic future and ability to remain at Jesuit was dependent on him meeting with Malatesta and getting Malatesta’s approval.

As John Smith would meet with Malatesta weekly for an hour and discuss things, Malatesta would sit in the room and draw pictures of John Smith on a paper pad.

Eventually, Malatesta began grooming John Smith. Because the uniform was formal, Malatesta asked John Smith to relax and take off his coat. As each meeting progressed, Malatesta would push John Smith further, having him take off additional articles of clothing each time. Malatesta would draw John Smith until the session concluded. Over time, Malatesta eventually would have John Smith take off all of his clothes and draw him in the nude. John Smith was scared not to do what Malatesta wanted because he knew Malatesta controlled his continued status at the school.

One day, Malatesta had John Smith take off his clothes as usual, and as John Smith sat there nude, Malatesta began telling John Smith how one man could make another man feel good. John Smith was scared what Malatesta would do. He had never had any sexual contact, and he knew that a priest and his counselor was pushing that contact.

Malatesta approached John Smith and began performing oral sex on John Smith until John Smith climaxed.

During the abuse, John Smith disassociated himself from the acts, unable to confront what was happening to him or stop it.

After Malatesta stopped, he turned around and started removing his own pants. John Smith feared what Malatesta was going to demand John Smith to do. So while Malatesta was turned around, John Smith grabbed his pile of clothing and ran out of the office naked, carrying his clothing.

This was right around the time of class change at the School, and John Smith ran right into a classmate he knew while running down the hallway naked. John Smith said to the alarmed classmate, “Don’t tell anyone.” John Smith ran into the teacher’s lounge and ran into the restroom

and locked the door. He began putting on his clothes, and as he did, he heard Malatesta searching for John Smith and trying to open the door. Eventually Malatesta left John Smith alone.

b. John Smith and other students report Vincent Malatesta to Michael Earsing, then a vice principal and now the President of the School.

After John Smith got dressed and was left alone, John headed towards the office of Mike Earsing, then a vice principal but now President of the School. On his way there, John ran into fellow students in the hall whom John knew also had Malatesta as a counselor. John Smith brought two of the students with him. They informed the secretary that they needed to speak to Earsing, but Earsing was not there. So the secretary had the boys wait while she tracked down Earsing.

While waiting for Earsing, the classmates discussed Malatesta, and the other students confirmed that Malatesta had the other students remove their clothing as well. The other students denied sexual contact, so John Smith did not disclose his.

Eventually Mike Earsing arrived and met with the students. The three students reported to Earsing that Malatesta had students remove clothing and get naked during counseling sessions. Despite this alarming report strongly indicative of sexual misconduct, no police report or follow-up occurred. Malatesta was not terminated.

The only result of the report was that John Smith was transferred to a new counselor: Don Dickerson, another priest on the credibly accused list.

c. The Lifelong Impact on John Smith.

Like all victims of sexual abuse, John Smith has struggled with shame, self-doubt, trust issues, and psychological issues. John Smith has also had interpersonal relationship struggles, another classic symptom of sexual abuse victims. To this day, these struggles have continued for John Smith.

Fortunately, John Smith has been able to get counseling, and through that, John Smith has been able to get some help. But the damage has been done, and John Smith has struggled with these issues throughout his life, and will continue to struggle for the remainder of his life.

4. Dennis Petersen

Dennis Petersen currently lives Mexico most of the time but maintains a residence in the Denton area. He grew up in Dallas, Texas in a devout Catholic family as one of five brothers. He was a student at Jesuit for only two months, as he withdrew following his assault and did not graduate.

a. The Grooming of Dennis Petersen by Benjamin Smylie.

In fall of 1981, Dennis was a Freshman just entering Jesuit. Dennis was struggling at home with some issues, including that his mother was very ill and dying. Dennis got involved with some bad influences, and he got in trouble for using marijuana. Dennis was grounded at home for six weeks and was facing trouble at school.

Dennis was called to the office of then vice principal (now President of the School) Mike Earsing. Dennis was told by Earsing to visit with Benjamin Smylie for counseling. Smylie took Dennis out to the courtyard at Jesuit and visited with Dennis, asking Dennis what was going on in his life. Smylie almost instantly began grooming Dennis. Smylie commented on Dennis's appearance, complimenting on his hair. Smylie then ran his hands through Dennis's hair. Dennis told Smylie about the fact he got in trouble for marijuana, and Smylie told Dennis about a marijuana leaf that Smylie had framed in his room.

Dennis told Smylie about being grounded. Smylie told Dennis that there was a retreat coming up at the Montserrat Retreat House at Lake Dallas, a Jesuit property within the jurisdiction of the Dallas Diocese and utilized by the School. Smylie told Dennis that if Dennis wanted to go, Smylie would visit with his parents and get permission for Dennis to attend. Dennis expressed an interest in going. Smylie got permission from Dennis's parents for Dennis to go to the Retreat House.

b. The Sexual Victimization of Dennis Petersen by Benjamin Smylie.

On the Friday night of the retreat, Smylie picked up Dennis in a blue pickup truck that, based on information and belief, was a school-owned vehicle. On the way to the Retreat House, Smylie stopped at a store and purchased a case of beer and a carton of cigarettes.

At the Retreat House, Smylie and Dennis drank all the beer and chain smoked cigarettes for hours. Eventually, Dennis climbed into his sleeping bag in the house and passed out.

Dennis was awakened to find that Smylie was groping Dennis's penis. Smylie then performed oral sex on Dennis. Dennis was scared and did not know what to do so he pretended to be asleep. Eventually Smylie stopped and laid down next to Dennis and began kissing Dennis on the face. Dennis continued to pretend to be asleep. Eventually the kissing stopped. Dennis felt something else on his mouth and figured out that Smylie was trying to insert his penis into Dennis's mouth. Dennis clenched his teeth to prevent it. Dennis felt a fluid coming out of Smylie's penis and eventually Smylie stopped.

When he was left alone, Dennis got up and went upstairs to the bathroom and then climbed into one of the beds. The next morning, additional people arrived for the retreat and nothing was said of the events by Smylie.

c. The Lifelong Impact on Dennis Petersen.

Following his assault, Dennis knew he could not longer attend school at Jesuit. He decided to get himself kicked out. He showed up at school out of uniform wearing blue jeans and a concert t-shirt. Predictably, he was sent to Mike Earsing's office because of his violation of the rules. Earsing asked Dennis why he was out of uniform. Dennis told them that he did not want to go school there anymore. He was asked if his parents knew about his intentions, and Dennis said no. He was asked if he was using drugs, and Dennis said yes. His wish was granted, and he was promptly dismissed from the School. His official records show that he was a student at Jesuit just from 8/1/81 to 10/8/81. Despite this short period, because of the assault, Dennis's life was irrevocably damaged.

Dennis's academic career was altered despite its promising origins. He also had numerous interpersonal conflicts. He ultimately was done struggling and quit working and moved to Mexico to work on on a boat company. Unfortunately, Dennis has not had necessary therapy and still struggles with the impacts from his sexual assault.

5. Charles Jones

Charles Jones is in his early 50s and currently resides in Dallas. He grew up in a large devout Catholic family. His mother was very active in Dallas Catholic community and more importantly was close to Patrick Koch. Charles's family life was complicated and full of turmoil. Koch was aware of Charles's rough family life and used this knowledge along with his relationship to Charles's family to target and groom Charles.

a. The Grooming of Charles Jones by Fr. Patrick Koch.

Charles Jones entered Jesuit as a freshman in the fall of 1982. Prior to attending Jesuit, Charles Jones was well familiar with Patrick Koch who often had dinner at at the Jones's home. Like many sexual predators, Koch used his personal relationship with Charles Jones's family, along with his knowledge of Charles's familial struggles, to gradually groom him while he was a student at Jesuit. Koch, who was a counselor at Jesuit when Charles Jones attended the School, began to call Charles into his office under the guise of checking on his general well-being.

While in his office, Koch took advantage of the privacy it offered to begin grooming Charles. At first, Koch would comment on Charles's looks by calling him "GQ" and offering other

inappropriate compliments. Then, he began acting overly affectionate with Charles by physically touching him often while in private. This private touching soon turned to public touching and open affection at the school. Koch began calling Charles into his office even more often, and the physical touching quickly turned more sexual. Over the course of Charles's freshman and sophomore years, Koch began pushing the boundaries with Charles by placing his face in the crotch of Charles's pants multiple times while in his office.

b. The Sexual Victimization of Charles Jones by Fr. Patrick Koch.

Going into his junior year, Koch offered to take Charles to the World's Fair in New Orleans if Charles would accompany Koch to a funeral Koch had to attend there. Charles agreed and in New Orleans, Koch pushed boundaries even further. While at the World's Fair, Koch held Charles's hand and at times walked with his arm around Charles. At one point at the fair, Koch took Charles into an exhibit hall and said "oh, look what is happening" and then grabbed Charles's penis over his pants, insinuating that Charles had an erection. From that point on, Koch did not keep his hands off of Charles, taking every opportunity to rub and grab all over his body, including his rear end.

That night, the two of them stayed in separate rooms in the visitor quarters at Loyola New Orleans Convent. As Charles was walking to get to his own room, Koch saw him walk past. Koch called Charles into Koch's room to talk with him on his bed. After having a conversation with Charles about his friends and Jesuit, Charles went to his own room where he soon fell asleep. However, he was soon awakened by a hand stroking his hair. When he opened his eyes and looked up, Koch was standing over him with his penis in one hand and the other in Charles's hair. Koch acted as if nothing was unusual and kept rubbing his penis and stroking Charles's hair even after Charles woke up. The next thing Charles recalls is hiding in a bathroom for hours trying to figure out how he could get home.

On the way back to Dallas, Charles did not speak a word to Koch. He was disgusted at what happened and terrified of the potential consequences if he told anyone. When Charles finally got home, he could hear his mother on the phone with Koch, who was already working to cover his tracks. After the call, Charles's mother reprimanded Charles for being rude to Koch on the trip. Out of fear, Charles locked away what occurred to him.

c. The Lifelong Impact on Charles Jones.

Following this assault, Charles Jones struggled immensely. He began to act out in school and his grades plummeted. He eventually left Jesuit the next semester, telling his parents he refused to

go back. Since the assault, there has not been a single day Charles has woken up and not felt a sense of dread. He often has recurring nightmares about Koch and his sexual victimization by Koch. As a result of this assault by Koch, Charles has struggled with heavy drinking at times, his marriages and other relationships, and has also been diagnosed with PTSD and depression.

6. Jacques DeLira

Jacques DeLira grew up the grandson of two hardworking immigrants, both of whom were custodial workers at the School and close friends of Koch. Jacques' grandfather served the School in this position for 50 years and even almost became a priest himself. Jacques' mother and father were also deeply involved in the Catholic community and at one point, Jacques was even an altar boy.

When Jacques was a student at St. Pius X Catholic School, he attended a church camping trip. Robert Crisp, who was a priest at St. Pius, was on the camping trip and got Jacques alone in a tent. Crisp pulled down Jacques's pants and fondled Jacques' penis. Eventually Jacques escaped the tent away from Crisp and ran to where others were. Jacques was so scared to report what happened, he disassociated the event and forced himself to forget it. Soon thereafter Jacques' grades were effected at St. Pius and it complicated his ability to get into the Jesuit School where his grandfather had so proudly served for years.

Jacques was able to get into Jesuit and he was proud because he knew that was what his grandfather wanted. His grandfather was proud of his service at the school even though, in retrospect, it is apparent his grandfather was aware of problems at the school. Jacques can recall on one occasion when his grandfather warned Jacques to never go back alone with the priests into the School's rectory by saying "Do not step foot inside there without me there with you. If they invite you back here, don't you go back there." His grandfather repeatedly reminded Jacques to watch where he went on campus and to stay aware of his surroundings. Though at the time Jacques was unaware what this meant, now Jacques is convinced his grandfather witnessed inappropriate sexual misconduct by the School's priests that he took to his grave.

As one of the poorer kids at Jesuit, Jacques was an easier target for priests to prey upon. Before his actual assault, Jacques had inappropriate run ins with some of the priests at Jesuit that left him feeling very uncomfortable. For instance, while not on the School's wrestling team, Jacques was repeatedly invited by Peter Callery to wrestle with him after school. Jacques felt compelled to be respectful and accept Callery's invitations since he was a priest and an authority figure at Jesuit. But

each time they wrestled, Jacques felt more uncomfortable as it was apparent there was something strange about the sessions.

a. The Grooming and Sexual Victimization of Jacques DeLira by Vincent Malatesta.

When Jacques was a junior at Jesuit in 1982, Malatesta called him into his office explaining to Jacques that he was trying to be an artist and improve his artistic skills in drawing the human form. Malatesta's office had one window in the door, and Malatesta had placed a foil covering over the window so no one could see inside. Jacques found that strange, but assumed it had something to do with the art session. Once Jacques was inside Malatesta's office, Malatesta requested that he practice his drawing skills by sketching Jacques. Jacques felt compelled to comply. Malatesta asked Jacques to remove his clothing article by article until Jacques was left only in his underwear. Once Jacques was down to his underwear, trapped in the office, Malatesta walked toward Jacques and began fondling Jacques's penis through his underwear. This would not be the end of Malatesta's abuse of Jacques.

Malatesta called Jacques into his office a second time that same year so he could sketch him. Jacques was frightened to go, but also frightened if he did not go. Malatesta once again asked Jacques to remove his clothing until he was down to his underwear so he could properly sketch his body. Then, Malatesta proceeded to fondle Jacques's penis again, but this time Malatesta pulled down Jacques's underwear and placed his mouth on Jacques's penis and assaulted Jacques.

Jacques never told anyone what happened to him out of fear that he would either be kicked out of school or that his grandfather would be fired. Also, Jacques thought he would break his grandfather's heart.

Jacques's life spun out of control after the abuse by Malatesta. Jacques could not stand to be at the school and Malatesta was ever-present, so Jacques intentionally failed out of the school.

Disturbingly, Jacques subsequently learned that another of his classmates had been assaulted by Malatesta in a similar fashion in 1982. That is unconscionable because John Smith was abused under identical circumstances a year prior to that in 1981, and he reported Malatesta's sexually inappropriate behavior to then-vice-principal Mike Earsing, who then reported it to the Jesuit Order. Thus, the School and the Order were on notice for a year that Malatesta was bringing boys into his office and asking them to remove their clothes, and yet in 1982, Malatesta had foil covering his windows and sexually abused two more children inside the office.

It is clear that the Jesuits at the School and the Jesuit Order did nothing to punish or stop Malatesta from preying on young boys, and as a result, Jacques DeLira's life fell apart in a way that he still struggles with today.

b. The Lifelong Impact on Jacques DeLira.

In fear that his grandparents would lose their beloved jobs and only source of family income, Jacques never told a soul about what happened. Not wanting to relive the assault by having to see Malatesta every day at the School, Jacques purposely failed pre-calculus so that he would be kicked out of Jesuit Prep. Jacques left the Church and never returned. Jacques locked the abuse he suffered from Crisp and Malatesta away in his memory, and it was not until Mike Pedevilla came forward that the memories came rushing back.

As a result of his sexual abuse, Jacques never graduated from Jesuit Prep or from college. He has suffered from alcoholism, drug use, and has struggled to maintain relationships, including a failed marriage and failed relationship with his 33-year-old son. Fortunately, Jacques is working to rebuild his relationship with his son and to go into rehabilitation for his substance abuse problems. Yet the immense emotional pain is still present. Last fall, at his nephew's graduation from the School, Jacques became unconsolable and had to leave the ceremony. He was angry that he never got to graduate. He was angry at the men and the School that destroyed his life.

7. Sam Brown

Sam Brown, a deeply religious young boy, attended Jesuit Prep in the mid-70s. At the beginning of his senior year, Sam was visibly upset in the School's hallway after he learned that his psychology class had been cancelled. Sam was looking forward to the class, which would be co-ed with students from Jesuit Prep as well as its sister school, Ursuline Academy, where he would have been given the opportunity to interact with girls. As he was lamenting and complaining of the cancellation, he was approached by Benjamin Smylie, who was a popular and influential figure at the school. Smylie heard Sam's frustration and suggested that Smylie could set up a class specifically for Sam. Smylie would teach Sam one-on-one and told Sam that, while he generally only taught history, he could do whatever he wanted due to the fact that Father Koch, the School Principal at the time, let Smylie do "whatever he wanted to."

a. The Grooming of Sam Brown by Benjamin Smylie

Sam's one-on-one psychology classes with Smylie began the following week and took place two days a week, after dark at Smylie's off-campus apartment. During these sessions, Smylie and

Sam sat side-by-side, often drinking alcohol offered by Smylie. The content of the classes had little to do with formal psychology but consisted of nothing other than discussions of opening up, trust, and love. Smylie also used the opportunity to ask Sam intensely intimate questions about himself. In the midst of these intrusive inquisitions, Smylie made recurring comments: “Smylie loves you” and “you must place your trust in Smylie.” Smylie would speak of love and trust and how one must release one’s inhibitions to become a complete person, to obtain full emotional and spiritual development, and to become the person God intended.

b. The Sexual Victimization of Sam Brown by Benjamin Smylie

Within the first couple of weeks of classes, Smylie, with his arm tightly wound around Sam’s neck, asked Sam: “Do you love and trust Smylie?” As he asked him one more time, “do you trust Smylie?”, Smylie thrust his other hand down Sam’s pants and grabbed his genitals, attempting to arouse him by continuing to massage them. Sam was shocked and mortified, frozen in horror and unable to move, speak, or even think. After ten minutes of trying to arouse his student, Smylie eventually gave up, and Sam exited Smylie’s apartment.

At the time, Sam, who was scared, baffled, and ashamed, told no one about the interaction and avoided Smylie in the halls. Sam wondered if the sexual encounter was part of his psychology class. After a week or so, Smylie approached Sam and encouraged him to return to class. Hoping that Smylie’s sexual assault was a one-time event that was somehow related to part of the psychology instruction, Sam reluctantly agreed to return.

When Sam returned to Smylie’s apartment in mid-September, Smylie offered him alcohol and proceeded to talk more about love and trust. Then, once again, Smylie thrust his hand down Sam’s pants and attempted to stimulate him. Again, Sam was frozen in confusion and shock, and his entire body became so tense that he could hardly move or think rationally.

After the second sexual encounter, Sam began to bring friends with him to class in hopes he Smylie would refrain from any sexual advances. Sam’s friends loved going to Smylie’s apartment because Smylie always provided alcohol.

The next semester, Smylie invited Sam and two of his friends to a Texas Rangers baseball game. Smylie had prepared a potent rum fruit punch in a carved-out watermelon, and after drinking excessively, they attended a few innings of the ballgame and returned to Smylie’s apartment where Sam passed out on the floor after being encouraged by Smylie to drink more. Sam woke up to Smylie

sexually assaulting him. Sam later fled Smylie apartment and ran to his friend's apartment close-by where he spent the night, as he had left his car keys in Smylie's apartment in his haste to get away.

c. The Lifelong Impact on Sam Brown

After the abuse, Sam predictably suffered personally. For several years after the abuse, he suffered with sexual performance with the opposite sex. He also struggled with alcohol abuse, depression, and family dysfunction that inevitably resulted in a divorce from his marriage.

Since that time, Sam has suffered continuous anger, resentment, and emotional suffering from the constant media and public reports on the prolific problem of abuse by Catholic priests. This pain became especially acute in early 2019 when the Dallas Diocese announced Smylie as being on the credibly accused list. With each new report, Sam feels shamed and victimized and relives the sexual abuse, causing him to feel like he is serving a life sentence.

8. Daniel Carrozza

Like so many of these young men who were abused, Daniel Carrozza grew up in a devoted Catholic family. He was excited when he was accepted to Jesuit Prep, as so many of the people he grew up with attended school there. Once he was there, he struggled academically, needing to study very hard to pass his classes.

a. The Victimization of Daniel Carrozza by Patrick Koch.

On several occasions during Daniel's freshman and sophomore year, Koch made unwanted, inappropriate sexual advances and physical contact with Daniel. Koch often seductively winked at Daniel, would approach Daniel and rub Daniel's shoulders, back, and arms, he would also lean over and whisper in Daniel's ear, touching his lips to his ear as he did so and would then kiss his ear. Koch would also enter the locker room and look at the boys taking showers. Daniel was afraid of Patrick Koch and developed anxiety about being near Koch, as he feared that if he was alone with Koch that Koch would try to engage in sexual contact.

b. The Victimization of Daniel Carrozza by Donald Dickerson.

During Daniel's sophomore year, Daniel was called into Dickerson's office. Daniel was already on guard against Dickerson, as he had heard stories about Dickerson getting drunk and touching students inappropriately. When Daniel walked into Dickerson's office, Dickerson closed the office door.

Daniel sat down in the chair in front of Dickerson's desk.

Dickerson approached Daniel from behind and began to rub Daniel's back and arms.

After caressing Daniel's back and shoulders, Dickerson walked around to the chair in front of Daniel. Dickerson asked Daniel to "come over here and give me a big hug." Daniel was afraid but timidly approached him. Dickerson grabbed Daniel and pulled him close, smothering him. Daniel was frightened. The details of what happened next are not clear to Daniel as his memory does not allow him to remember details beyond Dickerson's beard rubbing on Daniel's cheek.

c. The Lifelong Impact on Daniel Carrozza.

While Daniel cannot access the memories of what occurred, what is clear is that following his encounter with Dickerson, Daniel's life began to spiral out of control in the same, classic way that so many victims of abuse suffer. Daniel's academic performance plummeted. Daniel developed serious self-esteem and confidence issues that have plagued him throughout his life. Daniel turned to drugs as so many abuse victims do and struggled immensely with them for most of his adult life, including entering drug rehabilitation numerous times to seek help. Daniel lost his faith in the Church. Daniel had personal and professional struggles. It is the classic struggles of victims of profound sexual abuse.

9. Thomas Davis

Thomas Davis is a 60 years old man still living in Dallas, Texas where he was raised. He attended public elementary and middle schools in Dallas prior to beginning at Jesuit his Freshman year of high school in 1974. Thomas did not grow up in a catholic household or with a family that was connected to the catholic church or involved at Jesuit. His parents spent the majority of their time running a business and were generally uninvolved and unaware of Thomas's time and experiences at Jesuit.

Thomas was not the best student at Jesuit and he struggled academically. Unlike many of his peers who excelled academically at Jesuit, he worked hard just to get Cs. During the second semester of his junior year, Thomas found out from his history teacher that he had failed his history class and would be required to retake the class during summer school. This presented a major problem for Thomas since his parents made him work for their business during weekends, all holiday breaks, and during summer vacation. Thomas went to see Father Koch about his dilemma and asked if there was any way he could take summer school after he finished work in the evenings. Koch setup a summer school class that was to be taught by Benjamin Smylie for Thomas that was to meet during evenings, allowing Thomas to work during the day.

a. The Grooming of Thomas Davis by Benjamin Smylie

After meeting with Koch, Thomas got in contact with Smylie and Smylie recommended that Thomas attend 1 on 1 classes with him in Smylie's apartment. Prior to this point, Thomas was somewhat familiar with Smylie from a previous class he taught that Thomas was enrolled in at Jesuit and from also seeing Smylie attend high school parties, but he had never been alone with Smylie before.

When Thomas arrived at Smylie's apartment, Smylie was drinking alcohol and told Thomas that he could drink alcohol or smoke inside his apartment during class sessions if he wanted to. He then asked Thomas why he needed to take the class with him that summer. Thomas explained that his parents were very strict and expected him to work for their business over the summer and that he was too scared to tell them what happened with his history class or face the consequences from his father for missing work that summer. This was Thomas's only option to keep working at his parent's company and to pass history at Jesuit. Smylie took full advantage of the desperate situation Thomas was in.

Thomas's memories of what happened have been inaccessible to Thomas for most of his life. Recently, Thomas has been able to face memories of what Smylie did to him. During the first session, Smylie began to comfort Thomas by coming behind him and rubbing his shoulders and encouraging him to relax before sitting back down in his own chair. Since these "classes" were in the summer, Thomas was wearing shorts and a cut off sleeve shirt, so any time that Smylie touched or rubbed him, he was directly touching Thomas's skin. Smylie gradually started to rub Thomas's shoulders for longer periods of time and then began to move down to other areas of Thomas's body, including on occasion, areas below his belt line. This first session lasted a lot longer than Thomas anticipated, and before he left, Smylie told Thomas that he would not be needing any books for this class and to instead bring Smylie a bottle of liquor for his first assignment.

b. The Victimization of Thomas Davis by Benjamin Smylie

It did not take Smylie long to get bolder and more aggressive with Thomas. During the very next class session, Thomas brought Smylie the bottle of liquor that he requested he bring as his homework assignment and pressured Thomas to drink it with him. At some point during the evening after Smylie had successfully gotten Thomas to drink the liquor, Smylie sexually assaulted Thomas.

The exact details and memories of the assault are still in the process of being recovered by Thomas, who has only recently begun to uncover the truth of what happened to him during that night

with Smylie. The memories of the assault he has been able to uncover were triggered in the Fall of 2020 after reading an article about this lawsuit. While Thomas cannot recall precisely what occurred, his life took a serious change.

c. The Lifelong Impact on Thomas Davis

The impact of Smylie's assault has been lifelong for Thomas. Afraid he would be victimized again because of his small size, he immediately began lifting weights after the assault to get bigger so that he could better protect himself in the future. He gained over 70lbs of muscle in the next few years after the assault from obsessively working out. He also started to carry weapons with him every where he went and still does to this day. Since the assault, he has also struggled with being comfortable with physical contact, even from his wife, and gets anxious and tenses up when anyone hugs him or touches him from behind.

Since having children, Thomas has been constantly worried about their well being and would not allow them to sleep over with friends or stay out late for fear that they might also be victimized. He has taken serious measures to equip his homes with security systems to ensure his family is always safe but is still always worried. He has additionally struggled with a short temper, anger issues and years of opioid addiction.

F. These Nine Men Stand Together for Accountability and Change.

For Mike Pedevilla, Richard Roe, John Smith, Dennis Petersen, Charles Jones, Jacques DeLira, Sam Brown, Daniel Carrozza, and Thomas Davis, their lives were fundamentally and irreparably harmed by what occurred to them as young boys at the School. They bring these claims to hold the Defendants to account. But more than that, they all stand together to try to bring about change to ensure, to the extent possible, that this does not happen to any other children. To that end, they bring the following claims and seek a trial by jury to send the necessary message and effectuate change.

**II.
DISCOVERY CONTROL PLAN**

1. Pursuant to TEXAS RULE OF CIVIL PROCEDURE 190, Plaintiffs request that this action be conducted pursuant to Level 3 of TEXAS RULE OF CIVIL PROCEDURE 190.4 and ask that the Court enter an order consistent with same.

III.
PARTIES

2. Plaintiff Michael “Mike” Pedevilla, a victim of sexual assault and a minor at the time of assault, is an individual residing in Tarrant County, Texas.
3. Plaintiff Richard Roe, a victim of sexual assault and a minor at the time of the assault, is an individual residing in Dallas County, Texas.
4. Plaintiff John Smith, a victim of sexual assault and a minor at the time of the assault, is an individual residing in Dallas County, Texas.
5. Plaintiff Dennis Petersen, a victim of sexual assault and a minor at the time of assault, is an individual residing in Mexico and in Denton County, Texas.
6. Plaintiff Charles Jones, a victim of sexual assault and a minor at the time of assault, is an individual residing in Dallas County, Texas.
7. Plaintiff Jacques DeLira, a victim of sexual assault and a minor at the time of assault, is an individual residing in Dallas County, Texas.
8. Plaintiff Sam Brown, a victim of sexual assault and a minor at the time of the assault, is an individual residing in Dallas County, Texas.
9. Plaintiff Daniel Carrozza, a victim of assault and a minor at the time of the assault, is an individual residing in Denton County, Texas.
10. Plaintiff Thomas Davis, a victim of sexual assault and a minor at the time of the assault, is an individual residing in Dallas County, Texas.
11. Defendant The Jesuit Preparatory School of Dallas, Inc. (the “School”) is a Texas corporation. Its principal place of business is located at 12345 Inwood Rd., Dallas, Texas in Dallas County. The School has been served with process.
12. Defendant The Jesuit College Preparatory School of Dallas Foundation, Inc. (the “Foundation”) is a Texas corporation. Its principal place of business is located at 12345 Inwood Rd., Dallas, Texas in Dallas County. The Foundation has answered and appeared in this case.
13. Defendant Roman Catholic Diocese of Dallas (the “Dallas Diocese”) is a Texas corporation. Its principal place of business is located in Dallas County, Texas. The Dallas Diocese has answered and appeared in this case.

14. Defendant Roman Catholic Archdiocese of San Antonio (the “San Antonio Archdiocese”) is an unincorporated archdiocese of the Roman Catholic Church with a principal place of business at 2718 Woodlawn, San Antonio, Texas 78228. The San Antonio Archdiocese has answered and appeared in this case.
15. Defendant Catholic Society of Religious and Literary Education d/b/a Jesuits of the New Orleans Province (the “Jesuits”) is a Louisiana non-profit corporation under the New Orleans Province (now U.S. Central and Southern Province of the Jesuit Order) with a principal place of business at Leo Brown Jesuit Community 3550 Russell Blvd., St. Louis, MO 63104-1549. The Jesuits have answered and appeared in this case.
16. Defendant Peter Callery is a member of and subject to the control of the Society of Jesus. Counsel for the Jesuit Order has agreed on Callery’s behalf to waive formal service.
17. Defendant Vincent Malatesta is an individual who is a nonresident of Texas and whose last known place of residence is 51 Red Top Circle, Emerson, Georgia 30137. Malatesta has answered and appeared in this case.
18. Defendant Robert Crisp is an individual who resides at 603 Kirkwood Drive, Dallas Texas 75218. Crisp has answered and appeared in this case.

IV.
JURISDICTION AND VENUE

19. Venue is proper in Dallas County, Texas under TEXAS CIVIL PRACTICE & REMEDIES CODE § 15.002(a)(1) because Dallas County is the county in which all or a substantial portion of the claims arose. Venue is also proper under TEXAS CIVIL PRACTICE & REMEDIES CODE § 15.002(a)(3) because several of the Defendants maintain a principal place of business in the state in Dallas County.
20. The Court has personal jurisdiction over Peter Callery and Vincent Malatesta as they committed torts, which are the subject of this suit, in whole or in part in Dallas County, Texas while they were assigned priests at the School
21. The Court has jurisdiction over the underlying lawsuit because the amount in controversy exceeds this Court’s minimum jurisdictional requirements.

V.
CAUSES OF ACTION

A. Cause No. 1: Assault and Sexual Assault by the Jesuits, the School, the Foundation, the Dallas Diocese, the San Antonio Archdiocese, Peter Callery, Vincent Malatesta, and Robert Crisp.

22. Plaintiffs incorporate all prior paragraphs in support of this cause.

1. Sexual Assault of Mike Pedevilla.

23. At all relevant times, Koch was under the Defendants' supervision and control directly or by virtue of the shared control among all Defendants in the operation of the Church and the School. Koch was imbued with delegated authority from the School, the Jesuits, and the Dioceses such that they are responsible for the assault of Mike Pedevilla by Koch.

24. These Defendants' agent and vice principal, Koch, engaged in assault, sexual assault, and aggravated sexual assault of Mike as those terms are defined under the Texas Penal Code for which these Defendants are liable under civil law. These Defendants aided, abetted, and assisted before and after the fact to allow Koch to engage in such assault, and these Defendants ratified Koch's conduct by failing to do anything about it.

25. Defendants' agent Koch's acts were a proximate cause of Mike's injuries and damages, and by operation of law, these Defendants are liable for that conduct and those damages. Plaintiff Mike Pedevilla prays that, following a verdict, all such damages asserted below be awarded against Defendants.

2. Sexual Assault of Richard Roe.

26. At all relevant times, Callery was under the Defendants' supervision and control directly or by virtue of the shared control among all these Defendants in the operation of the Church and the School. Callery was imbued with delegated authority from the School, the Jesuits, and the Dioceses such that they are responsible for the assault of Richard Roe by Callery.

27. These Defendants' agent and vice principal, Callery, engaged in assault, sexual assault, and aggravated sexual assault of Richard Roe as those terms are defined under the Texas Penal Code for which these Defendants are liable under civil law. These Defendants aided, abetted, and assisted before and after the fact to allow Callery to engage in such assault, and these Defendants ratified Callery's conduct by failing to do anything about it.

28. Defendants' agent Callery's acts were a proximate cause of Richard Roe's injuries and damages, and by operation of law, these Defendants are liable for that conduct and those damages. Plaintiff Richard Roe prays that, following a verdict, all such damages asserted below be awarded against Defendants.

3. Sexual Assault of John Smith.

29. At all relevant times, Malatesta was under the Defendants' supervision and control directly or by virtue of the shared control among all these Defendants in the operation of the Church and the School. Malatesa was imbued with delegated authority from the School, the Jesuits, and the Dioceses such that they are responsible for the assault of John Smith by Malatesta.

30. These Defendants' agent and vice principal, Malatesa, engaged in assault, sexual assault, and aggravated sexual assault of John Smith as those terms are defined under the Texas Penal Code for which these Defendants are liable under civil law. These Defendants aided, abetted, and assisted before and after the fact to allow Malatesta to engage in such assault, and these Defendants ratified Malatesta's conduct by failing to do anything about it, including performing a thorough investigation following John Smith and other students' reporting of Malatesta sexually inappropriate behavior to then vice-principal (and now President of the School) Mike Earsing.

31. Defendants' agent Malatesta's acts were a proximate cause of John Smith's injuries and damages, and by operation of law, these Defendants are liable for that conduct and those damages. Plaintiff John Smith prays that, following a verdict, all such damages asserted below be awarded against Defendants.

4. Sexual Assault of Dennis Petersen.

32. At all relevant times, Smylie was under the Defendants' supervision and control directly or by virtue of the shared control among all these Defendants in the operation of the Church and the School. Smylie was imbued with delegated authority from the School, the Jesuits, and the Dioceses such that they are responsible for the assault of Dennis Petersen by Smylie.

33. These Defendants' agent and vice principal, Smylie, engaged in assault, sexual assault, and aggravated sexual assault of Dennis as those terms are defined under the Texas Penal Code for which these Defendants are liable under civil law. These Defendants aided, abetted, and assisted before and after the fact to allow Smylie to engage in such assault, and these Defendants ratified Smylie's conduct by failing to do anything about it.

34. Defendants' agent Smylie's acts were a proximate cause of Dennis Petersen's injuries and damages, and by operation of law, these Defendants are liable for that conduct and those damages. Plaintiff Dennis Petersen prays that, following a verdict, all such damages asserted below be awarded against Defendants.

5. Sexual Assault of Charles Jones.

35. At all relevant times, Koch was under the Defendants' supervision and control directly or by virtue of the shared control among all Defendants in the operation of the Church and the School. Koch was imbued with delegated authority from the School, the Jesuits, and the Dioceses such that they are responsible for the assault of Charles Jones by Koch.

36. These Defendants' agent and vice principal, Koch, engaged in assault and sexual assault of Charles Jones as those terms are defined under the Texas Penal Code for which these Defendants are liable under civil law. These Defendants aided, abetted, and assisted before and after the fact to allow Koch to engage in such assault, and these Defendants ratified Koch's conduct by failing to do anything about it.

37. Defendants' agent Koch's acts were a proximate cause of Charles' injuries and damages, and by operation of law, these Defendants are liable for that conduct and those damages. Plaintiff Charles Jones prays that, following a verdict, all such damages asserted below be awarded against Defendants.

6. Sexual Assault of Jacques DeLira.

38. At all relevant times, Malatesta was under the Defendants' supervision and control directly or by virtue of the shared control among all these Defendants in the operation of the Church and the School. Malatesa was imbued with delegated authority from the School, the Jesuits, and the Dioceses such that they are responsible for the assault of Jacques DeLira by Malatesta.

39. These Defendants' agent and vice principal, Malatesa, engaged in assault, sexual assault, and aggravated sexual assault of John Smith as those terms are defined under the Texas Penal Code for which these Defendants are liable under civil law. These Defendants aided, abetted, and assisted before and after the fact to allow Malatesta to engage in such assault, and these Defendants ratified Malatesta's conduct by failing to do anything about it, including performing a thorough investigation following John Smith and other students' reporting of

Malatesta's sexually inappropriate behavior to then vice-principal (and now President of the School) Mike Earsing.

40. At all relevant times, Crisp was under the Dallas Diocese and San Antonio Archdiocese's supervision and control by virtue of his status as a diocesan priest. Crisp was imbued with delegated authority from the Dallas Diocese and San Antonio Archdiocese such that they are responsible for the assault of Jacques DeLira by Crisp.
41. These Defendants' agent and vice principal, Crisp, engaged in assault, sexual assault, and aggravated sexual assault of Jacques DeLira as those terms are defined under the Texas Penal Code for which these Defendants are liable under civil law. These Defendants aided, abetted, and assisted before and after the fact to allow Crisp to engage in such assault, and these Defendants ratified Crisp's conduct by failing to do anything about his pattern of abuse.
42. The assaults by Crisp and Malatesta were a proximate cause of Jacques DeLira's injuries and damages, and by operation of law, these Defendants are liable for that conduct and those damages. Plaintiff Jacques DeLira prays that, following a verdict, all such damages asserted below be awarded against Defendants.

7. Sexual Assault of Sam Brown.

43. At all relevant times, Smylie was under the Defendants' supervision and control directly or by virtue of the shared control among all these Defendants in the operation of the Church and the School. Smylie was imbued with delegated authority from the School, the Jesuits, and the Dioceses such that they are responsible for the assault of Sam Brown by Smylie.
44. These Defendants' agent and vice principal, Smylie, engaged in assault and sexual assault of Sam as those terms are defined under the Texas Penal Code for which these Defendants are liable under civil law. These Defendants aided, abetted, and assisted before and after the fact to allow Smylie to engage in such assault, and these Defendants ratified Smylie's conduct by failing to do anything about it.
45. Defendants' agent Smylie's acts were a proximate cause of Sam Brown's injuries and damages, and by operation of law, these Defendants are liable for that conduct and those damages. Plaintiff Sam Brown prays that, following a verdict, all such damages asserted below be awarded against Defendants.

8. Assault of Daniel Carrozza

46. At all relevant times, Koch and Dickerson were under Defendants' supervision and control directly or by virtue of the shared control among all Defendants in the operation of the Church and the School. Koch and Dickerson were imbued with delegated authority from the School, the Jesuits, and the Dioceses such that they are responsible for the assaults of Daniel Carrozza by Koch and Dickerson.
47. These Defendants' agents and vice principals, Koch and Dickerson, engaged in assault of Daniel as those terms are defined under the TEXAS PENAL CODE for which these Defendants are liable under civil law. These Defendants aided, abetted, and assisted before and after the fact to allow Koch and Dickerson to engage in such assault, and these Defendants ratified Koch and Dickerson's conduct by failing to do anything about it.
48. The acts of Defendants' agents, Koch and Dickerson, were a proximate cause of Daniel's injuries and damages, and by operation of law, these Defendants are liable for that conduct and those damages. Plaintiff Daniel Carrozza prays that, following a verdict, all such damages asserted below be awarded against Defendants.

9. Sexual Assault of Thomas Davis

49. At all relevant times, Smylie was under the Defendants' supervision and control directly or by virtue of the shared control among all these Defendants in the operation of the Church and the School. Smylie was imbued with delegated authority from the School, the Jesuits, and the Dioceses such that they are responsible for the assault of Thomas Davis by Smylie.
50. These Defendants' agent and vice principal, Smylie, engaged in assault and sexual assault of Thomas as those terms are defined under the TEXAS PENAL CODE for which these Defendants are liable under civil law. These Defendants aided, abetted, and assisted before and after the fact to allow Smylie to engage in such assault, and these Defendants ratified Smylie's conduct by failing to do anything about it.
51. Defendants' agent Smylie's acts were a proximate cause of Thomas Davis's injuries and damages, and by operation of law, these Defendants are liable for that conduct and those damages. Plaintiff Thomas Davis prays that, following a verdict, all such damages asserted below be awarded against Defendants.

B. CAUSE NO. 2: Negligence and Gross Negligence by the Jesuits, the School, the Foundation, the Dallas Diocese and the San Antonio Archdiocese.

52. Plaintiffs incorporate all prior paragraphs in support of this cause.

1. Negligence and Gross Negligence Resulting in Damages to Mike Pedevilla.

53. These Defendants owed a duty to Mike Pedevilla to act with reasonable care and protect its members, especially children, from foreseeable dangers. This duty arises by virtue of its employment, agency, joint liability with, or control of employees, including Patrick Koch; out of the foreseeability of the risks involved in taking care of children; by application of the risk-utility test; and by contract.

54. These Defendants negligently and grossly negligently breached their duties to Mike by acting or failing to act as reasonably prudent entities would act under the same or similar circumstances, including but not limited to the following:

- a. failing to investigate, report, and take action in the face of criminal conduct by Father Koch and other abusive priests assigned by the Church to the School;
- b. negligently supervising, training, or retaining Koch and other abusive priests assigned by the Church to the School;
- c. implementing policies to keep priest misconduct secret instead of reporting it to criminal authorities;
- d. failing to supervise, manage, monitor, or oversee the safety of children at the School to prevent sexual predation or sexual assault;
- e. failing to formulate, adopt, and oversee adequate rules, policies, and procedures with respect to inappropriate conduct by priests;
- f. failing to employ priests who did not tolerate inappropriate conduct and would take action against it, or at the very least, failing to train priests on how to spot the warning signs and to intervene to prevent inappropriate conduct; and
- g. failing to prevent the sexual assault of Mike Pedevilla by their employee Koch.

55. As a direct and proximate result of these Defendants' acts or omissions as set forth above, it was foreseeable to a person of ordinary prudence that a child, including Mike, would be exposed to danger, injury, or harm, such that these Defendants' acts or omissions were a

proximate cause of Mike's injuries and damages. Plaintiff Mike Pedevilla prays that, following a verdict, all such damages asserted below be awarded against these Defendants.

2. Negligence and Gross Negligence Resulting in Damages to Richard Roe.

56. These Defendants owed a duty to Richard Roe to act with reasonable care and protect its members, especially children, from foreseeable dangers. This duty arises by virtue of its employment, agency, joint liability with, or control of employees, including Callery; out of the foreseeability of the risks involved in taking care of children; by application of the risk-utility test; and by contract.
57. These Defendants negligently and grossly negligently breached their duties to Richard Roe by acting or failing to act as reasonably prudent entities would act under the same or similar circumstances, including but not limited to the following:
- a. failing to investigate, report, and take action in the face of criminal conduct by Father Callery and other abusive priests assigned by the Church to the School;
 - b. negligently supervising, training, or retaining Callery and other abusive priests assigned by the Church to the School;
 - c. implementing policies to keep priest misconduct secret instead of reporting it to criminal authorities;
 - d. failing to supervise, manage, monitor, or oversee the safety of children at the School to prevent sexual predation or sexual assault;
 - e. failing to formulate, adopt, and oversee adequate rules, policies, and procedures with respect to inappropriate conduct by priests;
 - f. failing to employ priests who did not tolerate inappropriate conduct and would take action against it, or at the very least, failing to train priests on how to spot the warning signs and to intervene to prevent inappropriate conduct;
 - g. allowing minor children to attend out-of-town events with Callery;
 - h. failing to have policies and procedures in place to prevent the abuse of minors on out-of-town trips;
 - i. allowing Callery to share a room with a minor on a school approved out-of-town trip;
 - j. failing to have policies and procedures in place to prevent the sharing of rooms of priests with students on out-of-town trips; and

k. failing to prevent the sexual assault of Richard Roe by their employee Callery.

58. As a direct and proximate result of these Defendants' acts or omissions as set forth above, it was foreseeable to a person of ordinary prudence that a child, including Richard Roe, would be exposed to danger, injury, or harm, such that these Defendants' acts or omissions were a proximate cause of Richard Roe's injuries and damages. Plaintiff Richard Roe prays that, following a verdict, all such damages asserted below be awarded against these Defendants.

3. Negligence and Gross Negligence Resulting in Damages to John Smith.

59. These Defendants owed a duty to John Smith to act with reasonable care and protect its members, especially children, from foreseeable dangers. This duty arises by virtue of its employment, agency, joint liability with, or control of employees, including Malatesta; out of the foreseeability of the risks involved in taking care of children; by application of the risk-utility test; and by contract.

60. These Defendants negligently and grossly negligently breached their duties to John Smith by acting or failing to act as reasonably prudent entities would act under the same or similar circumstances, including but not limited to the following:

- a. failing to investigate, report, and take action in the face of criminal conduct by Malatesta and other abusive priests assigned by the Church to the School;
- b. negligently supervising, training, or retaining Malatesta and other abusive priests assigned by the Church to the School;
- c. implementing policies to keep priest misconduct secret instead of reporting it to criminal authorities;
- d. failing to supervise, manage, monitor, or oversee the safety of children at the School to prevent sexual predation or sexual assault;
- e. failing to formulate, adopt, and oversee adequate rules, policies, and procedures with respect to inappropriate conduct by priests;
- f. failing to employ priests who did not tolerate inappropriate conduct and would take action against it, or at the very least, failing to train priests on how to spot the warning signs and to intervene to prevent inappropriate conduct;
- g. allowing Malatesta to counsel students in closed-room offices with no windows;

- h. failing to adequately follow-up on complaints against Malatesta;
- i. failing to prevent the sexual assault of John Smith by their employee Malatesta.

61. As a direct and proximate result of these Defendants' acts or omissions as set forth above, it was foreseeable to a person of ordinary prudence that a child, including John Smith, would be exposed to danger, injury, or harm, such that these Defendants' acts or omissions were a proximate cause of John Smith's injuries and damages. Plaintiff John Smith prays that, following a verdict, all such damages asserted below be awarded against these Defendants.

4. Negligence and Gross Negligence Resulting in Damages to Dennis Petersen.

62. These Defendants owed a duty to Dennis Petersen to act with reasonable care and protect its members, especially children, from foreseeable dangers. This duty arises by virtue of its employment, agency, joint liability with, or control of employees, including Smylie; out of the foreseeability of the risks involved in taking care of children; by application of the risk-utility test; and by contract.

63. These Defendants negligently and grossly negligently breached their duties to Dennis by acting or failing to act as reasonably prudent entities would act under the same or similar circumstances, including but not limited to the following:

- a. failing to investigate, report, and take action in the face of criminal conduct by Father Smylie and other abusive priests assigned by the Church to the School;
- b. negligently supervising, training, or retaining Smylie and other abusive priests assigned by the Church to the School;
- c. implementing policies to keep priest misconduct secret instead of reporting it to criminal authorities;
- d. failing to supervise, manage, monitor, or oversee the safety of children at the School to prevent sexual predation or sexual assault;
- e. failing to formulate, adopt, and oversee adequate rules, policies, and procedures with respect to inappropriate conduct by priests;
- f. failing to employ priests who did not tolerate inappropriate conduct and would take action against it, or at the very least, failing to train priests on how to spot the warning signs and to intervene to prevent inappropriate conduct;

- g. allowing minor children to spend the night at the Monserrat Retreat Center with Smylie;
 - h. failing to have policies and procedures in place to prevent the abuse of minors on out-of-town trips; and
 - i. failing to prevent the sexual assault of Dennis Petersen by their employee Smylie.
64. As a direct and proximate result of these Defendants' acts or omissions as set forth above, it was foreseeable to a person of ordinary prudence that a child, including Dennis Petersen, would be exposed to danger, injury, or harm, such that these Defendants' acts or omissions were a proximate cause of Dennis's injuries and damages. Plaintiff Dennis Petersen prays that, following a verdict, all such damages asserted below be awarded against these Defendants.

5. Negligence and Gross Negligence Resulting in Damages to Charles Jones.

65. These Defendants owed a duty to Charles Jones to act with reasonable care and protect their members, especially children, from foreseeable dangers. This duty arises by virtue of its employment, agency, joint liability with, or control of employees, including Patrick Koch; out of the foreseeability of the risks involved in taking care of children; by application of the risk-utility test; and by contract.
66. These Defendants negligently and grossly negligently breached their duties to Charles by acting or failing to act as reasonably prudent entities would act under the same or similar circumstances, including but not limited to the following:
- a. failing to investigate, report, and take action in the face of criminal conduct by Father Koch and other abusive priests assigned by the Church to the School;
 - b. negligently supervising, training, or retaining Koch and other abusive priests assigned by the Church to the School;
 - c. implementing policies to keep priest misconduct secret instead of reporting it to criminal authorities;
 - d. failing to supervise, manage, monitor, or oversee the safety of children at the School to prevent sexual predation or sexual assault;
 - e. failing to formulate, adopt, and oversee adequate rules, policies, and procedures with respect to inappropriate conduct by priests;

- f. failing to employ priests who did not tolerate inappropriate conduct and would take action against it, or at the very least, failing to train priests on how to spot the warning signs and to intervene to prevent inappropriate conduct;
 - g. allowing minor children to attend out-of-town events with Koch;
 - h. failing to have policies and procedures in place to prevent the abuse of minors on out-of-town trips;
 - i. allowing Koch to counsel students in closed-room offices with no windows; and
 - j. failing to prevent the sexual assault of Charles Jones by their employee Koch.
- 6. Negligence and Gross Negligence Resulting in Damages to Jacques DeLira.**
67. These Defendants owed a duty to Jacques DeLira to act with reasonable care and protect its members, especially children, from foreseeable dangers. This duty arises by virtue of its employment, agency, joint liability with, or control of employees, including Malatesta; out of the foreseeability of the risks involved in taking care of children; by application of the risk-utility test; and by contract.
68. These Defendants negligently and grossly negligently breached their duties to Jacques DeLira by acting or failing to act as reasonably prudent entities would act under the same or similar circumstances, including but not limited to the following:
- a. failing to investigate, report, and take action in the face of criminal conduct by Malatesta and other abusive priests assigned by the Church to the School;
 - b. negligently supervising, training, or retaining Malatesta and other abusive priests assigned by the Church to the School;
 - c. implementing policies to keep priest misconduct secret instead of reporting it to criminal authorities;
 - d. failing to supervise, manage, monitor, or oversee the safety of children at the School to prevent sexual predation or sexual assault;
 - e. failing to formulate, adopt, and oversee adequate rules, policies, and procedures with respect to inappropriate conduct by priests;
 - f. failing to employ priests who did not tolerate inappropriate conduct and would take action against it, or at the very least, failing to train priests on how to spot the warning signs and to intervene to prevent inappropriate conduct;

- g. allowing Malatesta to draw students in closed-room offices with covered windows;
- h. failing to adequately follow-up on complaints against Malatesta; and
- i. failing to prevent the sexual assault of Jacques DeLira by their employee Malatesta.

7. Negligence and Gross Negligence Resulting in Damages to Sam Brown.

69. These Defendants owed a duty to Sam Brown to act with reasonable care and protect its members, especially children, from foreseeable dangers. This duty arises by virtue of its employment, agency, joint liability with, or control of employees, including Smylie; out of the foreseeability of the risks involved in taking care of children; by application of the risk-utility test; and by contract.
70. These Defendants negligently and grossly negligently breached their duties to Sam by acting or failing to act as reasonably prudent entities would act under the same or similar circumstances, including but not limited to the following:
- a. failing to investigate, report, and take action in the face of criminal conduct by Father Smylie and other abusive priests assigned by the Church to the School;
 - b. negligently supervising, training, or retaining Smylie and other abusive priests assigned by the Church to the School;
 - c. implementing policies to keep priest misconduct secret instead of reporting it to criminal authorities;
 - d. failing to supervise, manage, monitor, or oversee the safety of children at the School to prevent sexual predation or sexual assault;
 - e. failing to formulate, adopt, and oversee adequate rules, policies, and procedures with respect to inappropriate conduct by priests;
 - f. failing to employ priests who did not tolerate inappropriate conduct and would take action against it, or at the very least, failing to train priests on how to spot the warning signs and to intervene to prevent inappropriate conduct; and
 - i. failing to prevent the sexual assault of Sam Brown by their employee Smylie.
71. As a direct and proximate result of these Defendants' acts or omissions as set forth above, it was foreseeable to a person of ordinary prudence that a child, including Sam Brown, would

be exposed to danger, injury, or harm, such that these Defendants' acts or omissions were a proximate cause of Sam's injuries and damages. Plaintiff Sam Brown prays that, following a verdict, all such damages asserted below be awarded against these Defendants.

8. Negligence and Gross Negligence Resulting in Damages to Daniel Carrozza.

72. These Defendants owed a duty to Daniel Carrozza to act with reasonable care and protect its members, especially children, from foreseeable dangers. This duty arises by virtue of its employment, agency, joint liability with, or control of employees, including Koch and Dickerson; out of the foreseeability of the risks involved in taking care of children; by application of the risk-utility test; and by contract.

73. These Defendants negligently and grossly negligently breached their duties Daniel by acting or failing to act as reasonably prudent entities would act under the same or similar circumstances, including but not limited to the following:

- a. failing to investigate, report, and take action in the face of criminal conduct by Koch and Dickerson and other abusive priests assigned by the Church to the School;
- b. negligently supervising, training, or retaining Koch and Dickerson and other abusive priests assigned by the Church to the School;
- c. implementing policies to keep priest misconduct secret instead of reporting it to criminal authorities;
- d. failing to supervise, manage, monitor, or oversee the safety of children at the School to prevent sexual predation or sexual assault;
- e. failing to formulate, adopt, and oversee adequate rules, policies, and procedures with respect to inappropriate conduct by priests;
- f. failing to employ priests who did not tolerate inappropriate conduct and would take action against it, or at the very least, failing to train priests on how to spot the warning signs and to intervene to prevent inappropriate conduct; and
- i. failing to prevent the assault of Daniel Carrozza by their employee Koch and Dickerson.

9. Negligence and Gross Negligence Resulting in Damages to Thomas Davis

74. These Defendants owed a duty to Thomas Davis to act with reasonable care and protect its members, especially children, from foreseeable dangers. This duty arises by virtue of its employment, agency, joint liability with, or control of employees, including Smylie; out of

the foreseeability of the risks involved in taking care of children; by application of the risk-utility test; and by contract.

75. These Defendants negligently and grossly negligently breached their duties to Thomas by acting or failing to act as reasonably prudent entities would act under the same or similar circumstances, including but not limited to the following:
- a. failing to investigate, report, and take action in the face of criminal conduct by Smylie and other abusive priests assigned by the Church to the School;
 - b. negligently supervising, training, or retaining Smylie and other abusive priests assigned by the Church to the School;
 - c. implementing policies to keep priest misconduct secret instead of reporting it to criminal authorities;
 - d. failing to supervise, manage, monitor, or oversee the safety of children at the School to prevent sexual predation or sexual assault;
 - e. failing to formulate, adopt, and oversee adequate rules, policies, and procedures with respect to inappropriate conduct by priests;
 - f. failing to employ priests who did not tolerate inappropriate conduct and would take action against it, or at the very least, failing to train priests on how to spot the warning signs and to intervene to prevent inappropriate conduct;
 - g. allowing minor children to spend time in Smylie's apartment with Smylie without any supervision; and
 - h. failing to prevent the sexual assault of Thomas Davis by their employee Smylie.
76. As a direct and proximate result of these Defendants' acts or omissions as set forth above, it was foreseeable to a person of ordinary prudence that a child, including Thomas Davis, would be exposed to danger, injury, or harm, such that these Defendants' acts or omissions were a proximate cause of Thomas's injuries and damages. Plaintiff Thomas Davis prays that, following a verdict, all such damages asserted below be awarded against these Defendants.

C. CAUSE NO. 3: Negligent Undertaking under RESTATEMENT (SECOND) OF TORTS § 323 by the Jesuits, the School, the Foundation, the Dallas Diocese and the San Antonio Archdiocese.

77. Plaintiffs incorporate all prior paragraphs in support of this cause.
78. These Defendants undertook, for pecuniary benefit, to operate the School and to invite, supervise, employ and protect children who were placed into their exclusive care and thus assumed a duty under the RESTATEMENT (SECOND) OF TORTS § 323, *inter alia*, to select, train, monitor, regulate, supervise, and control employees with access to children, as well as to promulgate sufficient policies and procedures to adequately protect children.
79. Additionally, as to Mike Pedevilla, uniquely the School and the Foundation undertook to determine which jobs Mike Pedevilla would have to perform under the work study program, including the job that resulted in him being groomed and ultimately assaulted.
80. Further, these Defendants undertook to select, approve, and employ particular priests to work at Jesuit, and therefore assumed the duty to fully investigate the background of such priests including complaints about them, take corrective action for employee misconduct, or warn or protect children from foreseeable dangers under the RESTATEMENT (SECOND) OF TORTS § 323.
81. Having assumed those duties, these Defendants were negligent as set forth in the preceding causes.
82. Plaintiffs suffered harm as a result of these Defendants' failure to exercise reasonable care in providing their services. The Defendants' failures increased the risk of harm to Plaintiffs, or in the alternative, Plaintiffs were harmed in reliance upon the Defendants' representations about providing a safe environment for children.
83. The above acts or omissions by these Defendants were a proximate cause of Plaintiffs' injuries and the resulting damages Plaintiffs seek in this suit. Plaintiffs pray that, following a verdict, all such damages asserted below be awarded against these Defendants jointly and severally.

D. CAUSE NO. 4: Breach of Fiduciary Duty by the Jesuits, the School, the Foundation, the Dallas Diocese and the San Antonio Archdiocese.

84. Plaintiffs incorporate all prior paragraphs in support of this cause.

1. Breach of Fiduciary Duty to Mike Pedevilla.

85. At all relevant times, Mike Pedevilla had a special relationship with these Defendants arising from his status as a student under their control in the work grant program. Mike was a minor and student with these Defendants acting both *in loco parentis* in charge of Mike's well-being and also as the grantor of financial aid that gave them the right and control over Mike to compel him to perform whatever tasks these Defendants required. This relationship was rooted in a moral, social, religious, or personal relationship of trust and confidence between Mike and these Defendants, and these Defendants had a dominance over Mike who was dependent on their control. Mike reasonably relied on these Defendants to act in his best interest. This special relationship gives rise to a fiduciary relationship between these Defendants and Mike.
86. Further, at all relevant times, Mike had a special relationship with these Defendants arising from their status as a religious institution. Entrusted with special privileges and immunities, these Defendants demand complete loyalty, fealty, and trust from individuals like Mike and specifically instruct individuals like Mike such that they are granted with special power to determine right and wrong. Religious students are taught that they must adhere to the teachings and instructions by these Defendants, and the failure to do so will result not just in discipline but also an offense against God. This extreme power imbalance mandates that individuals like Mike place an extreme degree of trust and confidence in these Defendants to act as "the shepherd" and determine what is in the best interest of individuals like Mike. This psychological power over Mike caused him to justifiably—and indeed mandated that he—rely on the commands of these Defendants.
87. Given the existence of their status as a fiduciary over Mike, these Defendants owed Mike the highest duty of care at law, including but not limited to: (1) duty of loyalty and utmost good faith; (2) duty of candor; and (3) duty to act with integrity of the strictest kind; and (4) duty of full disclosure.
88. These Defendants breached their fiduciary duties by, among others, hiding and keeping secret the fact that there were priests at the School to whom Mike would be subjected that engaged in sexual abuse of minors, by failing to disclose both before and after the events at issue in this case these Defendants' knowledge of the abuse and the abusers, failing to

disclose the policy of covering-up past incidents of abuse, and putting the interest of these Defendants ahead of students and victims like Mike by continuing to this day to hide the full extent of the problem. These breaches caused harm to Mike and other student victims like him and benefitted these Defendants who sought to protect their reputation from public knowledge of the rampant misconduct occurring by these Defendants.

89. The above acts or omissions by these Defendants were a proximate cause of Plaintiff Mike Pedevilla's injuries and the resulting damages Mike seeks in this suit. Mike prays that, following a verdict, all such damages asserted below be awarded against these Defendants jointly and severally.

2. Breach of Fiduciary Duty to Richard Roe.

90. At all relevant times, Richard Roe had a special relationship with these Defendants arising from their status as a religious institution. Entrusted with special privileges and immunities, these Defendants demand complete loyalty, fealty, and trust from individuals like Richard Roe and specifically instruct individuals like Richard Roe such that they are granted with special power to determine right and wrong. Religious students are taught that they must adhere to the teachings and instructions by these Defendants, and the failure to do so will result not just in discipline but also an offense against God. This extreme power imbalance mandates that individuals like Richard Roe place an extreme degree of trust and confidence in these Defendants to act as "the shepherd" and determine what is in the best interest of individuals like Richard Roe. This psychological power over Richard Roe caused him to justifiably—and indeed mandated that he—rely on the commands of these Defendants.
91. Given the existence of their status as a fiduciary over Richard Roe, these Defendants owed Richard Roe the highest duty of care at law, including but not limited to: (1) duty of loyalty and utmost good faith; (2) duty of candor; and (3) duty to act with integrity of the strictest kind; and (4) duty of full disclosure.
92. These Defendants breached their fiduciary duties by, among others, hiding and keeping secret the fact that there were priests at the School to whom Richard Roe would be subjected that engaged in sexual abuse of minors, by failing to disclose both before and after the events at issue in this case these Defendants' knowledge of the abuse and the abusers, failing to disclose the policy of covering-up past incidents of abuse, and putting the interest of these

Defendants ahead of students and victims like Richard Roe by continuing to this day to hide the full extent of the problem. These breaches caused harm to Richard Roe and other student victims like him and benefitted these Defendants who sought to protect their reputation from public knowledge of the rampant misconduct occurring by these Defendants.

93. The above acts or omissions by these Defendants were a proximate cause of Plaintiff Richard Roe's injuries and the resulting damages Richard Roe seeks in this suit. Richard Roe prays that, following a verdict, all such damages asserted below be awarded against these Defendants jointly and severally.

3. Breach of Fiduciary Duty to John Smith.

94. At all relevant times, John Smith had a special relationship with these Defendants arising from their status as a religious institution. Entrusted with special privileges and immunities, these Defendants demand complete loyalty, fealty, and trust from individuals like John Smith and specifically instruct individuals like John Smith such that they are granted with special power to determine right and wrong. Religious students are taught that they must adhere to the teachings and instructions by these Defendants, and the failure to do so will result not just in discipline but also an offense against God. This extreme power imbalance mandates that individuals like John Smith place an extreme degree of trust and confidence in these Defendants to act as "the shepherd" and determine what is in the best interest of individuals like John Smith. This psychological power over John Smith caused him to justifiably—and indeed mandated that he—rely on the commands of these Defendants.
95. Further, John Smith was placed under the specific control of Vincent Malatesta as his school counselor, and John Smith was required to put his development and academic future under the influence of Malatesta thereby creating a further power imbalance that required an extreme degree of trust.
96. Given the existence of their status as a fiduciary over John Smith, these Defendants owed John Smith the highest duty of care at law, including but not limited to: (1) duty of loyalty and utmost good faith; (2) duty of candor; and (3) duty to act with integrity of the strictest kind; and (4) duty of full disclosure.
97. These Defendants breached their fiduciary duties by, among others, hiding and keeping secret the fact that there were priests at the School to whom John Smith would be subjected

that engaged in sexual abuse of minors, by failing to disclose both before and after the events at issue in this case these Defendants' knowledge of the abuse and the abusers, failing to disclose the policy of covering-up past incidents of abuse, and putting the interest of these Defendants ahead of students and victims like John Smith by continuing to this day to hide the full extent of the problem. These breaches caused harm to John Smith and other student victims like him and benefitted these Defendants who sought to protect their reputation from public knowledge of the rampant misconduct occurring by these Defendants.

98. The above acts or omissions by these Defendants were a proximate cause of Plaintiff John Smith's injuries and the resulting damages John Smith seeks in this suit. John Smith prays that, following a verdict, all such damages asserted below be awarded against these Defendants jointly and severally.

4. Breach of Fiduciary Duty to Dennis Petersen.

99. At all relevant times, Dennis Petersen had a special relationship with these Defendants arising from their status as a religious institution. Entrusted with special privileges and immunities, these Defendants demand complete loyalty, fealty, and trust from individuals like Dennis and specifically instruct individuals like Dennis such that they are granted with special power to determine right and wrong. Religious students are taught that they must adhere to the teachings and instructions by these Defendants, and the failure to do so will result not just in discipline but also an offense against God. This extreme power imbalance mandates that individuals like Dennis place an extreme degree of trust and confidence in these Defendants to act as "the shepherd" and determine what is in the best interest of individuals like Dennis. This psychological power over Dennis caused him to justifiably—and indeed mandated that he—rely on the commands of these Defendants.
100. Further, these Defendants put Smylie in a position to be a spiritual counselor to Dennis, as Dennis and his family were asked to place Dennis under the guidance of Smylie as Dennis went to a retreat with Smylie. This furthered the power imbalance as Smylie was the custodian of Dennis and entrusted with total control over Dennis.
101. Given the existence of their status as a fiduciary over Dennis, these Defendants owed Dennis the highest duty of care at law, including but not limited to: (1) duty of loyalty and utmost

good faith; (2) duty of candor; and (3) duty to act with integrity of the strictest kind; and (4) duty of full disclosure.

102. These Defendants breached their fiduciary duties by, among others, hiding and keeping secret the fact that there were priests at the School to whom Dennis would be subjected that engaged in sexual abuse of minors, by failing to disclose both before and after the events at issue in this case these Defendants' knowledge of the abuse and the abusers, failing to disclose the policy of covering-up past incidents of abuse, and putting the interest of these Defendants ahead of students and victims like Dennis by continuing to this day to hide the full extent of the problem. These breaches caused harm to Dennis and other student victims like him and benefitted these Defendants who sought to protect their reputation from public knowledge of the rampant misconduct occurring by these Defendants.
103. The above acts or omissions by these Defendants were a proximate cause of Plaintiff Dennis Petersen's injuries and the resulting damages Dennis seeks in this suit. Dennis Petersen prays that, following a verdict, all such damages asserted below be awarded against these Defendants jointly and severally.

5. Breach of Fiduciary Duty to Charles Jones.

104. At all relevant times, Charles Jones had a special relationship with these Defendants arising from their status as a religious institution. Entrusted with special privileges and immunities, these Defendants demand complete loyalty, fealty, and trust from individuals like Charles and specifically instruct individuals like Charles such that they are granted with special power to determine right and wrong. Religious students are taught that they must adhere to the teachings and instructions by these Defendants, and the failure to do so will result not just in discipline but also an offense against God. This extreme power imbalance mandates that individuals like Charles place an extreme degree of trust and confidence in these Defendants to act as "the shepherd" and determine what is in the best interest of individuals like Charles. This psychological power over Charles caused him to justifiably—and indeed mandated that he—rely on the commands of these Defendants.
105. Further, Charles Jones was placed under the specific control of Patrick Koch as his school counselor, and as his only supervisor on a trip to New Orleans, and Charles Jones was required to put his spiritual well-being, academic development, and physical well-being

under the influence of Koch thereby creating a further power imbalance that required an extreme degree of trust.

106. Given the existence of their status as a fiduciary over Charles, these Defendants owed Charles the highest duty of care at law, including but not limited to: (1) duty of loyalty and utmost good faith; (2) duty of candor; (3) duty to act with integrity of the strictest kind; and (4) duty of full disclosure.
107. These Defendants breached their fiduciary duties by, among others, hiding and keeping secret the fact that there were priests at the School to whom Charles would be subjected that engaged in sexual abuse of minors, by failing to disclose both before and after the events at issue in this case these Defendants' knowledge of the abuse and the abusers, failing to disclose the policy of covering-up past incidents of abuse, and putting the interest of these Defendants ahead of students and victims like Charles by continuing to this day to hide the full extent of the problem. These breaches caused harm to Charles and other student victims like him and benefitted these Defendants who sought to protect their reputation from public knowledge of the rampant misconduct occurring by these Defendants.
108. The above acts or omissions by these Defendants were a proximate cause of Plaintiff Charles Jones' injuries and the resulting damages Charles seeks in this suit. Charles Jones prays that, following a verdict, all such damages asserted below be awarded against these Defendants jointly and severally.

6. Breach of Fiduciary Duty to Jacques DeLira.

109. At all relevant times, Jacques DeLira had a special relationship with these Defendants arising from their status as a religious institution. Entrusted with special privileges and immunities, these Defendants demand complete loyalty, fealty, and trust from individuals like Jacques DeLira and specifically instruct individuals like Jacques DeLira such that they are granted with special power to determine right and wrong. Religious students are taught that they must adhere to the teachings and instructions by these Defendants, and the failure to do so will result not just in discipline but also an offense against God. This extreme power imbalance mandates that individuals like Jacques DeLira place an extreme degree of trust and confidence in these Defendants to act as "the shepherd" and determine what is in the best interest of individuals like Jacques DeLira. This psychological power over Jacques DeLira

caused him to justifiably—and indeed mandated that he—rely on the commands of these Defendants.

110. Additionally, Jacques DeLira was in the work study program like Mike Pedevilla, and these Defendants had owed him the same fiduciary duties for that reason as set forth above.
111. Further, Jacques DeLira was placed under the specific control of Vincent Malatesta as his school counselor, and Jacques DeLira was required to put his development and academic future under the influence of Malatesta thereby creating a further power imbalance that required an extreme degree of trust.
112. Given the existence of their status as a fiduciary over Jacques DeLira, these Defendants owed Jacques DeLira the highest duty of care at law, including but not limited to: (1) duty of loyalty and utmost good faith; (2) duty of candor; (3) duty to act with integrity of the strictest kind; and (4) duty of full disclosure.
113. These Defendants breached their fiduciary duties by, among others, hiding and keeping secret the fact that there were priests at the School to whom Jacques DeLira would be subjected that engaged in sexual abuse of minors, by failing to disclose both before and after the events at issue in this case these Defendants' knowledge of the abuse and the abusers, failing to disclose the policy of covering-up past incidents of abuse, and putting the interest of these Defendants ahead of students and victims like Jacques DeLira by continuing to this day to hide the full extent of the problem. These breaches caused harm to Jacques DeLira and other student victims like him and benefitted these Defendants who sought to protect their reputation from public knowledge of the rampant misconduct occurring by these Defendants.
114. The above acts or omissions by these Defendants were a proximate cause of Plaintiff Jacques DeLira's injuries and the resulting damages Jacques DeLira seeks in this suit. Jacques DeLira prays that, following a verdict, all such damages asserted below be awarded against these Defendants jointly and severally.

7. Breach of Fiduciary Duty to Sam Brown

115. At all relevant times, Sam Brown had a special relationship with these Defendants arising from their status as a religious institution. Entrusted with special privileges and immunities, these Defendants demand complete loyalty, fealty, and trust from individuals like Sam and

specifically instruct individuals like Sam such that they are granted with special power to determine right and wrong. Religious students are taught that they must adhere to the teachings and instructions by these Defendants, and the failure to do so will result not just in discipline but also an offense against God. This extreme power imbalance mandates that individuals like Sam place an extreme degree of trust and confidence in these Defendants to act as “the shepherd” and determine what is in the best interest of individuals like Sam. This psychological power over Sam caused him to justifiably—and indeed mandated that he—rely on the commands of these Defendants.

116. Further, these Defendants put Smylie in a position to be a one-on-one educational and spiritual counselor to Sam, and these Defendants allowed Smylie to have this official class occur off-campus in the apartment of Smylie. Sam was placed in the position of being instructed in a one-on-one setting in the apartment of his instructor without even a phone to contact the outside world. And if Sam did not go to the class or refused to complete it, Smylie had the ability to give Sam a bad grade and effect his academic future. This furthered the power imbalance, allowing Smylie total control over Sam.
117. Given the existence of their status as a fiduciary over Sam, these Defendants owed Sam the highest duty of care at law, including but not limited to: (1) duty of loyalty and utmost good faith; (2) duty of candor; (3) duty to act with integrity of the strictest kind; and (4) duty of full disclosure.
118. These Defendants breached their fiduciary duties by, among others, hiding and keeping secret the fact that there was a priest at the School to whom Sam would be subjected who engaged in sexual abuse of minors, by failing to disclose both before and after the events at issue in this case these Defendants’ knowledge of the abuse and the abuser, failing to disclose the policy of covering-up past incidents of abuse, and putting the interest of these Defendants ahead of students and victims like Sam by continuing to this day to hide the full extent of the problem. These breaches caused harm to Sam and other student victims like him and benefitted these Defendants who sought to protect their reputation from public knowledge of the rampant misconduct occurring by these Defendants.
119. The above acts or omissions by these Defendants were a proximate cause of Plaintiff Sam Brown’s injuries and the resulting damages Sam seeks in this suit. Sam Brown prays that,

following a verdict, all such damages asserted below be awarded against these Defendants jointly and severally.

8. Breach of Fiduciary Duty to Daniel Carrozza

120. At all relevant times, Daniel Carrozza had a special relationship with these Defendants arising from their status as a religious institution. Entrusted with special privileges and immunities, these Defendants demand complete loyalty, fealty, and trust from individuals like Daniel and specifically instruct individuals like Daniel such that they are granted with special power to determine right and wrong. Religious students are taught that they must adhere to the teachings and instructions by these Defendants, and the failure to do so will result not just in discipline but also an offense against God. This extreme power imbalance mandates that individuals like Daniel place an extreme degree of trust and confidence in these Defendants to act as “the shepherd” and determine what is in the best interest of individuals like Daniel Carrozza. This psychological power over Daniel caused him to justifiably—and indeed mandated that he—rely on the commands of these Defendants.
121. Given the existence of their status as a fiduciary over Daniel Carrozza, these Defendants owed Daniel the highest duty of care at law, including but not limited to: (1) duty of loyalty and utmost good faith; (2) duty of candor; and (3) duty to act with integrity of the strictest kind; and (4) duty of full disclosure.
122. These Defendants breached their fiduciary duties by, among others, hiding and keeping secret the fact that there were priests at the School to whom Daniel Carrozza would be subjected that engaged in abuse and sexual abuse of minors, by failing to disclose both before and after the events at issue in this case these Defendants’ knowledge of the abuse and the abusers, failing to disclose the policy of covering-up past incidents of abuse, and putting the interest of these Defendants ahead of students and victims like Daniel Carrozza by continuing to this day to hide the full extent of the problem. These breaches caused harm to Daniel and other student victims like him and benefitted these Defendants who sought to protect their reputation from public knowledge of the rampant misconduct occurring by these Defendants.
123. The above acts or omissions by these Defendants were a proximate cause of Plaintiff Daniel Carrozza’s injuries and the resulting damages Daniel seeks in this suit. Daniel Carrozza

prays that, following a verdict, all such damages asserted below be awarded against these Defendants jointly and severally.

9. Breach of Fiduciary Duty to Thomas Davis

124. At all relevant times, Thomas Davis had a special relationship with these Defendants arising from their status as a religious institution. Entrusted with special privileges and immunities, these Defendants demand complete loyalty, fealty, and trust from individuals like Thomas and specifically instruct individuals like Thomas such that they are granted with special power to determine right and wrong. Religious students are taught that they must adhere to the teachings and instructions by these Defendants, and the failure to do so will result not just in discipline but also an offense against God. This extreme power imbalance mandates that individuals like Thomas place an extreme degree of trust and confidence in these Defendants to act as “the shepherd” and determine what is in the best interest of individuals like Thomas Davis. This psychological power over Thomas caused him to justifiably—and indeed mandated that he—rely on the commands of these Defendants.
125. Given the existence of their status as a fiduciary over Thomas Davis, these Defendants owed Thomas the highest duty of care at law, including but not limited to: (1) duty of loyalty and utmost good faith; (2) duty of candor; and (3) duty to act with integrity of the strictest kind; and (4) duty of full disclosure.
126. These Defendants breached their fiduciary duties by, among others, hiding and keeping secret the fact that there were priests at the School to whom Thomas Davis would be subjected that engaged in abuse and sexual abuse of minors, by failing to disclose both before and after the events at issue in this case these Defendants’ knowledge of the abuse and the abusers, failing to disclose the policy of covering-up past incidents of abuse, and putting the interest of these Defendants ahead of students and victims like Thomas Davis by continuing to this day to hide the full extent of the problem. These breaches caused harm to Thomas and other student victims like him and benefitted these Defendants who sought to protect their reputation from public knowledge of the rampant misconduct occurring by these Defendants.
127. The above acts or omissions by these Defendants were a proximate cause of Plaintiff Thomas Davis’s injuries and the resulting damages Thomas seeks in this suit. Thomas Davis prays

that, following a verdict, all such damages asserted below be awarded against these Defendants jointly and severally.

E. CAUSE NO. 5: Premises Liability by the School and the Dallas Diocese on behalf of Mike Pedevilla, Charles Jones, John Smith, Dennis Petersen, Jacques DeLira, Sam Brown, and Daniel Carrozza.

128. Plaintiffs incorporate all prior paragraphs in support of this cause.
129. At all relevant times, the School owned the property upon which Koch assaulted Mike Pedevilla, Charles Jones, and Daniel Carrozza, the property upon which Malatesta assaulted John Smith and Jacques DeLira, and the property upon which Dickerson assaulted Daniel Carrozza. The School also occupied or had a right of control over the property upon which Smylie assaulted Dennis Petersen. Further, by operation of canon law, the Diocese had jurisdiction over the area and therefore control of the operation of the property upon which Koch assaulted Mike and Charles, upon which Malatesta assaulted John Smith and Jacques DeLira, and upon which Smylie assaulted Dennis Petersen and Sam Brown.
130. At all relevant times, Mike was an invitee into the premises where Koch assaulted Mike.
131. At all relevant times, Charles was an invitee into the premises where Koch assaulted Charles.
132. At all relevant times, John was an invitee into the premises where Malatesta assaulted John.
133. At all relevant times, Jacques was an invitee into the premises where Malatesta assaulted Jacques.
134. At all relevant times, Dennis was an invitee into the premises where Smylie assaulted Dennis.
135. At all relevant times, Sam was an invitee into the premises where Smylie assaulted Sam.
136. At all relevant times, Daniel was an invitee into the premises where Koch assaulted Daniel.
137. At all relevant times, Daniel was an invitee into the premises where Dickerson assaulted Daniel.
138. These Defendants provided inadequate security and supervision over the premises despite the existence of unreasonable risk of harm from abusive priests. The risk of harm from abusive priests was foreseeable and these Defendants knew or had reason to know that abuse of minors would occur given previous abuse, proximity of other abuse, the recency of other

abuse, frequency of abuse, the similarity of other abuse, and their actual knowledge of this abuse by priests known to be on the premises.

139. The above acts or omissions by these Defendants were a proximate cause of Plaintiffs Mike Pedevilla, Charles Jones, John Smith, Jacques DeLira, Dennis Petersen, Sam Brown, and Daniel Carrozza's injuries and the resulting damages these Plaintiffs seek in this suit. Mike Pedevilla, Charles Jones, John Smith, Jacques DeLira, Dennis Petersen, Sam Brown, and Daniel Carrozza pray that, following a verdict, all such damages asserted below be awarded against these Defendants jointly and severally.

F. CAUSE NO. 8: Fraud and Fraud by Nondisclosure of All Defendants.

140. Plaintiffs incorporate all prior paragraphs in support of this cause.

141. At all relevant times, these Defendants represented to the public and to Plaintiffs and their families that the Church was safe, that the School was safe, that priests such as Koch, Callery, Malatesta, Smylie, and Dickerson were safe and acted in the best interest of the Church's members, and that priests such as Koch, Callery, Malatesta, Smylie, and Dickerson were celibate and therefore did not pose a sexual threat. Further, the Dallas Diocese, the Jesuits, and the School made representations regarding Callery's safety that induced Richard Roe and his family to entrust Richard Roe to Callery's care when traveling to and staying overnight in El Paso for the wrestling tournament. Likewise, the Dallas Diocese, the Jesuits, and the School made representations regarding Smylie's safety that induced Dennis Petersen and his family to entrust Dennis to Smylie's care when Smylie took Dennis to the Montserrat Retreat facility. Moreover, the Dallas Diocese, the Jesuits, and the School made representations regarding Smylie's safety that induced Sam Brown and his family to entrust Sam to Smylie's care when Sam visited Smylie for a one-on-one class alone with Smylie, after-hours in Smylie's apartment and induced Thomas Davis to trust Smylie during his one-on-one class alone with Smylie, after-hours in Smylie's apartment. Finally, the Dallas Diocese made representations regarding Crisp's safety and that he was celibate and therefore did not pose a sexual threat to Jacques DeLira on a camp out.

142. Such representations were material and false, and the Defendants knew they were false given their long term knowledge of the sexual abuse crisis in the Church generally and the prior allegations against priests at the School specifically. Such representations were made by

Defendants with the intention that Church members such as Plaintiffs and their families would rely on such representations. Plaintiffs and their families did reasonably rely on those representations in placing Plaintiffs under the care, custody, and control of the School, the Foundation, the Jesuits, and the Dallas Diocese. As such, the false representations were the proximate cause of injury to Plaintiffs.

143. Moreover, at all relevant times to the present, all of the Defendants have concealed from and failed to disclose facts to the public regarding the nature, extent, and prevalence of sexual abuse by its priests at Jesuit and within their dioceses. Further, all of the Defendants have concealed from and failed to disclose full information regarding allegations of abuse by Plaintiffs.
144. These Defendants had a duty to disclose these facts because of the special relationship and trust that is placed in them by the public and by Plaintiffs. Further, or in the alternative, these Defendants had a duty to disclose these facts because earlier representations about the fitness for duty of Koch, Callery, Malatesta, Smylie, Dickerson, and Crisp were misleading or untrue. Further, or in the alternative, these Defendants had a duty to disclose because these Defendants made a partial disclosure about Koch, Callery, Malatesta, Smylie, Dickerson, Crisp, other priests, or the crisis itself that was a partial disclosure that created a false impression about the problem, and the public, including Plaintiffs, did not have the opportunity to discover the whole truth because of Defendants' conspiracy of silence. Further, or in the alternative, the Defendants had a duty to disclose because they voluntarily disclosed some information and therefore had a duty to disclose the whole truth. Finally, or in the alternative, the Defendants had a duty to disclose the whole truth because they assumed that duty through repeated public pronouncements guaranteeing full disclosure.
145. The failure to disclose facts that these Defendants had a duty to disclose is the same as a false representation.
146. These Defendants knew that the public, including Plaintiffs, did not have full information about the extent of the sexual abuse crisis or acts of Koch, Callery, Malatesta, Smylie, Dickerson, and Crisp because Defendants deliberately concealed that information.
147. These Defendants knew that the public, including Plaintiffs as well as other victims, would rely on these Defendants' silence, and that reliance would cause severe harm. Such harm

arises from the subjecting of students and minors such as Plaintiffs to dangerous priests for further abuse. Further, the silence harms the victims of abuse because there is secondary victimization and psychological damage arising from victimization not being fully acknowledged and damage not being treated. These Defendants were aware at all relevant times of the severe, lifelong psychological damage from sexual abuse at the hands of priests and the need for victims to know about abusers in order to get help.

148. All of the foregoing actions of fraud proximately caused these Plaintiffs' injuries and the resulting damages Plaintiffs seek in this suit. Plaintiffs pray that, following a verdict, all such damages asserted below be awarded against these Defendants jointly and severally.

G. Cause No. 9: Conspiracy of All Defendants.

149. Plaintiffs incorporate all prior paragraphs in support of this cause.

150. At all relevant times, the Defendants acted together with the purpose of covering up the sexual abuse crisis generally and specifically as to what was occurring at the School, with Koch, Callery, Malatesta, Smylie, and Dickerson or what was happening in the Diocese with Crisp. The systemic covering-up of sexual abuse of minors by priests pervaded every level of the Church, beginning at the highest office of the Pope and going down through Defendants to the School. The conspiracy to cover-up the abuse was done to benefit the Church and protect it from scandal.

151. This purpose was unlawful and intentional as it both facilitated sexual abuse and then illegally covered-up sexual abuse in a fraudulent manner. The Defendants mutually understood and intended to engage in a cover-up for the benefit of themselves and the Church broadly, and they accomplished the conspiracy by, *inter alia*, covering up allegations against Koch, Callery, Malatesta, Smylie, Dickerson, and other priests at the School as well as allegations against Crisp.

152. The conspiracy of all Defendants was a proximate cause of Plaintiffs' damages, and for that reason, all Defendants should be jointly and severally liable for the conduct of Koch, Callery, Malatesta, Smylie, Dickerson, Crisp, and each other.

VI.
PARTICIPATORY AND VICARIOUS LIABILITY

153. At all relevant times, the respective employees or agents of the Defendants, whose conduct is implicated in this Petition, were in the course and scope of their employment or of agency such that the Defendants are liable for the conduct of those employees or agents.
154. At all relevant times, the Dallas Diocese was subordinate to and subject to the control and oversight of the Archdiocese of San Antonio by virtue of the Dallas Diocese's status as a suffragan diocese of the Archdiocese of San Antonio. This status created the assumed or nondelegable duty to ensure that the Dallas Diocese is operating consistent with the rules of the Holy See and canon law. By virtue of this control, the Archdiocese of San Antonio is vicariously liable for the negligent policies and systematic practices of the Dallas Diocese at issue in this litigation.
155. At all relevant times, the Defendants had a nondelegable duty to protect minors in their custody and care from danger and utilize reasonable care and skill, and therefore the Defendants are vicariously responsible for the acts of Koch.
156. At all relevant times, the Dallas Diocese, the Jesuits, and the School had a nondelegable duty to protect minors in their custody and care from danger and utilize reasonable care and skill, and therefore the Defendants are vicariously responsible for the acts of Callery, Malatesta, Smylie, and Dickerson.
157. At all relevant times, the Dallas Diocese had a nondelegable duty to protect minors in their custody and care from danger and utilize reasonable care and skill, and therefore the Dallas Diocese is vicariously responsible for the acts of Crisp.
158. At all relevant times, Koch was a vice principal, as that term is defined under the law, for the School and Foundation.
159. At all relevant times, Callery, Malatesta, Smylie, and Dickerson were vice principals, as that term is defined under the law, for the School.
160. At all relevant times, Crisp was a vice principal, as that term is defined under the law, for the Dallas Diocese.
161. At all relevant times, Defendants aided and abetted or were accessories before and after the fact in assisting Koch, Callery, Malatesta, Smylie, and Dickerson and therefore have joint

and several participatory liability for the actions of Koch, Callery, Malatesta, Smylie, and Dickerson.

162. At all relevant times, the Defendants were engaged in a concert of action, joint venture or joint enterprise in the operation of the Church, the School and work of Koch, Callery, Malatesta, Smylie, and Dickerson such that they are all jointly and severally liable. In the alternative, the School is an alter ego of the Dallas Diocese, the San Antonio Archdiocese, or the Jesuits.

VII.

EXCEPTIONS AND COUNTER-DEFENSES TO ANY ASSERTED DEFENSE OF STATUTE OF LIMITATIONS

163. Publicly—and indeed in another act of fraud in furtherance of the conspiracy—the Church and its agents routinely proclaim the desire for transparency and accountability. The intention of such proclamations is to try to buy goodwill with the public and defuse the righteous condemnation that the public has for the actions of the Church. For instance, in the same Charter issued by the Bishops in the United States that is quoted on the first page of this Petition, the Bishops go on to say:

“As bishops, we acknowledge our mistakes and our role in that suffering, and we apologize and *take responsibility* for too often failing victims and our people in the past. We also *take responsibility* for dealing with this problem strongly, consistently, and effectively in the future. From the depths of our hearts, we bishops express great sorrow and profound regret for what the Catholic people are enduring.

The damage caused by sexual abuse of minors is devastating and long-lasting. *We reach out to those who suffer, but especially to the victims of sexual abuse and their families.* We apologize to them for the grave harm that has been inflicted upon them, and *we offer them our help for the future.* In the light of so much suffering, healing and reconciliation are beyond human capacity alone. Only God’s grace, mercy, and forgiveness can lead us forward, trusting Christ’s promise: “for God all things are possible” (Mt 19:26). The loss of trust becomes even more tragic when its consequence is a loss of the faith that we have a sacred duty to foster. We make our own the words of our Holy Father: that sexual abuse of young people is “by every standard wrong and rightly considered a crime by society; it is also an appalling sin in the eyes of God”.

We hear these words of the Lord as prophetic for this moment. *With a firm determination to resolve this crisis, we bishops commit our-selves to a pastoral outreach to repair the breach with those who have suffered sexual abuse and with all the people of the Church...* We pledge ourselves *to act in a way that manifests our accountability to God, to his people, and to one another in this grave matter.* We commit ourselves *to do all we can to heal the trauma that victims/survivors and their families are suffering* and the wound that the whole Church is experiencing. By these actions, *we want to demonstrate to the wider community that we comprehend the gravity of the sexual abuse of minors.*"²⁴

But too often these public proclamations about accepting responsibility and accountability and wanting to do right by victims are proven to be not just hollow words, but outright fabrications. In the vast majority of civil claims by survivors of priest abuse who seek justice and help for their abuse, the Church tries to avoid accountability, responsibility, and doing what it is right by the victims by trying to avail themselves of legal technicalities afforded by civil statutes of limitations that time bar claims. At the latest by 1985, the Conference of Bishops considered recommendations to develop uniform legal strategies to protect the Church from civil litigation, and the reliance on statutes of limitations is just one of those strategies.

164. The despicability and unjust nature of the Church's reliance on statutes of limitations compelled a 2018 grand jury in Pennsylvania to cry out in trenchant words that must be quoted at length:

Until the day we got our summons, none of us even really knew what a grand jury does. We wound up having to interrupt our lives for a period of two full years. We were told to appear for court several times a month, which meant traveling considerable distances to hear long days of testimony. We did it because we understood it was our duty. In performing that duty, we have been exposed to, buried in, unspeakable crimes committed against countless children. Now we want something to show for it. *Courtesy of the long years of coverup, we can't charge most of the culprits.* What we can do is tell our fellow citizens what happened, and try to get something done about it.

This grand jury exists because Pennsylvania dioceses *routinely hid reports of child sex crimes while the statutes of limitations for those crimes expired.* We just do not understand why that should be allowed to happen. If

²⁴ United States Conference of Catholic Bishops, *Charter for the Protection of Children and Young People* (2002), p. 1-4.

child abusers knew they could never become immune for their crimes by outrunning the statute of limitations, maybe there would be less child abuse.

Victims don't just need sex criminals prosecuted; they need care and compensation for harm done by the abusers and the institutions that empowered them. The way you get that is by suing.

Until not too long ago, the church was actively and systematically concealing clergy sex abuse. Victims didn't know if their attackers had a history of abuse, and they didn't know the diocese had been enabling that abuse. *You can't very well exercise your right to sue when the people responsible are doing their best to cover up.*

We've heard [extending the SOL] has been tried before in Pennsylvania, several times. And every time it is opposed by representatives of the church and its insurance companies. They say it would cost too much to let these child sex abuse victims get back their right to sue.

We wonder how they decide how much is "too much." Maybe they should meet with Al, as we did. Al was abused in sixth grade by a priest who put him in a locked room, made him take off the pants of his Catholic school uniform, and rubbed his penis. He managed to slip away and tried hiding under a desk, but the priest found him and told him he would go to hell if he ever told anyone. Afterward, Al flunked the sixth grade and had to repeat it. He began drinking, working up to as much as a bottle of whiskey a day. He started scratching his genitals so hard they would bleed. He thought he must be gay, which made him a mortal sinner. He tried joining the Navy, but was diagnosed with PTSD and eventually discharged. He tried to kill himself on multiple occasions, most recently by hanging himself with a coaxial cable. He was institutionalized in the locked ward of a psychiatric hospital. He wanted to keep going to church, but he would become nauseous and have to throw up when he entered the building.

Maybe, if he'd had money for good medical and psychological resources, Al's life wouldn't have been quite so hard after that priest knocked it off track. Maybe, if he could file a lawsuit now, he could make up for some of the pain and suffering. We wonder what people would think is "too much" money if it had been one of their kids. Al should get his right to sue back.

We remember a letter we found in the church files from a victim named Joey. He was forcibly raped as a boy, became addicted to drugs, and died of an overdose as an adult. Before his death he wrote this to the bishop:

Pennsylvania law does not, for one moment, bar the Diocese of Allentown from making financial settlements with persons who were abused as minors, even though they might not report the abuse until they become adults. Pennsylvania's so-called statute of limitations is merely a defense, a legalistic prescription which the Diocese of Allentown may choose to invoke in civil litigation when it wishes.

If Joey could figure that out, we think the leaders of the church can figure it out too. They don't *have* to hide behind the statute of limitations.²⁵

This grand jury, of average citizens, investigated and found over three hundred priests and more than a thousand victims and became "sick over all the crimes that will go unpunished and uncompensated"²⁶ as "a consequence of the coverup"²⁷ by "church leaders who preferred to protect the abusers and their institution above all."²⁸

165. Because the Catholic Church's strategy is to avoid the responsibility and accountability it publicly claims to accept, and because the Catholic church so often "chooses to invoke in civil litigation" the "legalistic proscription" of a statute of limitations instead of doing what the Conference of Bishops said they intended to "do all they can to help victims of trauma", it is anticipated that in this case the Defendants will try to hide behind a defense of a statute of limitations instead of doing the right thing.
166. Or will they?
167. Will they instead live up to the moral and spiritual imperative in a way that "manifests their accountability to God, to his people, and to one another in this grave matter"? Will they depart from their history of hiding behind the statute of limitations?
168. Contrary to their principles and statements to the public, it appears some of the defendants at least initially indicated an intent to hide behind the statute of limitations, but as fact issues exist, a jury will have to decide whether to allow them to do so.

²⁵ CP-02-MD-571-2016, *In re: 40th Statewide Investigating Grand Jury*, the Court of Common Pleas of Allegheny County, Pennsylvania, 2018 Report of the Grand Jury, p. 307-10.

²⁶ *Id.* at 5.

²⁷ *Id.* at 4.

²⁸ *Id.*

169. The statute of limitations is an affirmative defense which is called a “plea in avoidance.” It is defined by BLACK’S LAW DICTIONARY as “[a] defendant’s assertion of facts and arguments that, if true, will defeat the plaintiff’s or prosecution’s claim, even if all the allegations in the complaint are true.”²⁹ Asserting a limitations defense is a way for the Defendants to try to avoid Plaintiffs’ claims “even if all the allegations in the complaint are true.” What these Defendants would therefore be arguing is that Plaintiffs’ claims of sexual assault and the lifelong damage it has caused may be true, but they do not want to be held accountable or help them heal the trauma they are facing even if the allegations are true. Will these Defendants take that position?
170. How these Defendants defend themselves in this case will be the latest chapter in whether the Church lives up to its words or again takes the action that protects itself (and its insurers) above all else, including a victim in need.
- A. Any statute of limitations defense is legally defective.**
171. If the Defendants do assert a statute of limitations defense, it will be legally defective for a number of reasons.
172. First, as to Plaintiffs, the cause of action has never accrued because of the continuing-tort doctrine. Under this doctrine, if a defendant commits a continuing tort, a cause of action never begins accruing until the tortious conduct ceases. Here, these Defendants’ continuing torts of negligently, intentionally, and fraudulently—as well as in violation of their fiduciary duty to disclose all relevant information—concealing information about the sexual abuse crisis in general and specifically as to Koch, Callery, Malatesta, Smylie, Dickerson, and the School, as well as the continuing tort of conspiracy that is the cover-up, have never ceased. Indeed, as recently as the recent police raid, it is apparent that the Church continues the pattern of cover-up. Further, the Pope’s December 2019 instruction titled *Sulla riservatezza delle cause* (“On Confidentiality of Legal Proceedings”) was a half-measure by the Church that in effect acknowledged the harm caused by the Church’s on-going cover-up of priest abuse. Given that these torts are on-going, the limitations period for Plaintiffs’ causes of action has never begun accruing.

²⁹ BLACK’S LAW DICTIONARY 509 (10th ed. 2009).

173. Second, in the alternative as to Mike Pedevilla, Jacques DeLira, Daniel Carrozza, and potentially the other Plaintiffs, even if the limitations has begun accruing, the running of any applicable limitations period has been deferred because of the discovery rule. The discovery rule defers a cause of action's accrual when a plaintiff cannot discover the nature and source of his injury. Here, Mike Pedevilla, Jacques DeLira, Daniel Carrozza, and others could not discover the nature and source of their injuries because of deep psychological repression of memories. Recent disclosures regarding Koch and the abuse at the School has triggered additional memories through Mike's therapy with both a psychologist and a psychiatrist, but he has not fully unearthed the full nature of the injuries to him because of the repression. This very lawsuit by Mike triggered the memories of Jacques DeLira and Daniel Carrozza. As such, the discovery rule deferred the running of any applicable limitations period.
174. Third, in the alternative as to all Plaintiffs, even if limitations has begun accruing, the running of any applicable limitations period has been deferred by fraudulent concealment. Fraudulent concealment defers a cause of action's accrual because Defendants cannot be allowed to avoid liability for their actions by deceitfully concealing wrongdoing until the limitations period has run. As set forth more fully above, there was a massive fraudulent concealment and cover-up that prevented Plaintiffs from knowing about the Defendants' wrongdoing, and therefore the running of the statute of limitations has been deferred.
175. Fourth, in the alternative, even if the statute applicable statute of limitations had accrued and run, these Defendants must be equitably estopped and barred from asserting the statute of limitations because of the material misrepresentations and failure to disclose facts as set forth above. As a matter of basic equity, the Defendants cannot be allowed to engage in a decades long—if not centuries long—scheme to systemically cover-up sexual abuse, including abuse by Koch, Callery, Malatesta, Smylie, and Dickerson, in an effort to run out the clock on the statute of limitations and then only release relevant information after the statute of limitations has expired. Had Defendants been truthful at the outset about what was occurring at Jesuit to minors, including Plaintiffs, abuse would have been discovered earlier and within the limitations period. Instead, these Defendants engaged in a fraudulent cover-up, and equity demands the Defendants not profit from their cover-up and bars their defense of limitations.

176. Fifth, in the alternative, even if the statute applicable statute of limitations had accrued and run, these Defendants must be equitably estopped and barred from asserting the statute of limitations because of the well-established pattern that sexually abusive Catholic priests intentionally and specifically targeted members of devout families—such as Mike Pedevilla, Richard Roe, John Smith, Dennis Petersen, Charles Jones, Jacques DeLira, and Daniel Carrozza—knowing that such victims would be precluded from pursuing any relief against the Church for fear of reprisal from the Church or damage to their own relationships with their parents or grandparents. This form of religious duress is well established and is a pattern known to the Church, and these Defendants must be equitably barred from relying upon a defense that was a foreseeable consequence of their agents’ action.
177. Finally, in the alternative, Plaintiffs’ claims cannot be dismissed because of the open-courts provision of the Texas Constitution, article 1 § 13. The Constitution of the State of Texas guarantees that Plaintiffs should have a remedy for their injuries by due course of law, and a statute that unreasonably restricts a plaintiff’s right to obtain a remedy for injuries caused by another’s wrongful act is an unconstitutional denial of due process. Plaintiffs have cognizable common law causes of action, and the restriction of the claims is unreasonable and arbitrary when balanced against the purpose of the open-courts provision. Given the facts of this case, application of a statute of limitations is unreasonable as it cuts off Plaintiffs’ right to sue before they had a “reasonable opportunity” to discover the wrong and file suit. The law applies this in cases that are exceedingly difficult and impossible to discover, like a retained sponge in a medical malpractice case. Much like a retained sponge, because of intentional concealment by Defendants of the nature of extent of the abuse and how far reaching the conspiracy spread, the young men could not reasonably discover the existence and damage from the Defendants’ systemic victimization of children. These claims are filed in a reasonable time after the time of public disclosures that showed the extent of the problem.
178. Further, as to Mike Pedevilla, Jacques DeLira, Daniel Carrozza, and potentially the other Plaintiffs, the damaging violations that occurred when they were minors have been locked in their psyche, and they have been unable to discover it despite efforts. Indeed, much of the relevant information is difficult to discover because of their psychological suppression

or dissociation of it, or outright impossible for them to discover because of the Church's policies of secreting the information. Finally, this claim is filed in a reasonable time after the time of public disclosures which unlocked a portion of these survivor's memory.

179. The Church and its Dioceses are well aware of the fact that victims of sexual abuse often suppress memories and that it is by the release of information that those memories can be brought to the surface and healing can begin. As one Bishop acknowledged in the face of criminal investigation of his Diocese:

“Some are concerned that publicizing these names will open old wounds. Very importantly, we are actually publishing the names in the hope of helping the victims/survivors move one step closer to healing those same wounds. It is important they know they are not alone.

We encourage victims of sexual abuse by people affiliated with the Catholic Church to come forward for their own benefit and to help us have an even more comprehensive understanding of the past. We know that with their help, the list of names may grow.

We understand that victims' memories may be incomplete. We want to tell victims not to be concerned if they do not have exact dates or locations of their abuse. We are willing to listen to them and accompany them as we all search for the truth. We do not know when the grand jury report will be forthcoming, but I am sure it will be a sobering moment for all of us. I encourage the wide distribution of the information you'll find at the end of this statement in the hope that all victims who feel locked in darkness will consider coming forward to begin the healing process.”³⁰

180. The Church is aware that, when it releases names acknowledging that specific priests did engage in abuse, other victims will be able to face their suppressed memories and come forward, and this is likely one reason why so much effort is put into concealing such reports. More victims coming forward means more costly civil claims and more bad press. As such, this foreseeable result is a reason for the institutional cover-up in the first instance. Regardless, because Plaintiffs did not have a reasonable opportunity to discover the wrong and file suit, the open-courts provision bars application of the statute of limitations in this case.

³⁰ CP-02-MD-571-2016, *In re: 40th Statewide Investigating Grand Jury*, the Court of Common Pleas of Allegheny County, Pennsylvania, 2018 Report of the Grand Jury, p. 308 (Statement of Bishop Persico).

VIII.
PLAINTIFFS' DAMAGES

A. Mike Pedevilla's Damages

181. As a direct and proximate result of the negligent acts or omissions of the Defendants as set out above, Mike Pedevilla has suffered in the past, and in all probability will, for the remainder of his life, continue to suffer from catastrophic, life-altering damages for which Mike now pleads, including:
- a. Physical pain and suffering sustained in the past;
 - b. Physical pain and suffering that, in reasonable probability, Mike will sustain in the future;
 - c. Mental anguish sustained in the past;
 - d. Mental anguish that, in reasonable probability, Mike will sustain in the future;
 - e. Physical impairment or loss of the enjoyment of life sustained in the past; and
 - f. Physical impairment or loss of the enjoyment of life that, in reasonable probability, Mike will sustain in the future.
182. All of the above damages are singularly and collectively within the jurisdictional limits of this Court, for which Mike Pedevilla now pleads against Defendants.

B. Richard Roe's Damages

183. As a direct and proximate result of the negligent acts or omissions of the Defendants as set out above, Richard Roe has suffered in the past, and in all probability will, for the remainder of his life, continue to suffer from catastrophic, life-altering damages for which Richard now pleads, including:
- a. Physical pain and suffering sustained in the past;
 - b. Physical pain and suffering that, in reasonable probability, Richard will sustain in the future;
 - c. Mental anguish sustained in the past;
 - d. Mental anguish that, in reasonable probability, Richard will sustain in the future;
 - e. Physical impairment or loss of the enjoyment of life sustained in the past; and

- f. Physical impairment or loss of the enjoyment of life that, in reasonable probability, Richard will sustain in the future.

184. All of the above damages are singularly and collectively within the jurisdictional limits of this Court, for which Richard Roe now pleads against Defendants.

C. John Smith's Damages

185. As a direct and proximate result of the negligent acts or omissions of the Defendants as set out above, John Smith has suffered in the past, and in all probability will, for the remainder of his life, continue to suffer from catastrophic, life-altering damages for which John Smith now pleads, including:

- a. Physical pain and suffering sustained in the past;
- b. Physical pain and suffering that, in reasonable probability, John will sustain in the future;
- c. Mental anguish sustained in the past;
- d. Mental anguish that, in reasonable probability, John will sustain in the future;
- e. Physical impairment or loss of the enjoyment of life sustained in the past; and
- f. Physical impairment or loss of the enjoyment of life that, in reasonable probability, John will sustain in the future.

186. All of the above damages are singularly and collectively within the jurisdictional limits of this Court, for which John Smith now pleads against Defendants.

D. Dennis Petersen's Damages

187. As a direct and proximate result of the negligent acts or omissions of the Defendants as set out above, Dennis Petersen has suffered in the past, and in all probability will, for the remainder of his life, continue to suffer from catastrophic, life-altering damages for which Dennis now pleads, including:

- a. Physical pain and suffering sustained in the past;
- b. Physical pain and suffering that, in reasonable probability, Dennis will sustain in the future;

- c. Mental anguish sustained in the past;
 - d. Mental anguish that, in reasonable probability, Dennis will sustain in the future;
 - e. Physical impairment or loss of the enjoyment of life sustained in the past; and
 - f. Physical impairment or loss of the enjoyment of life that, in reasonable probability, Dennis will sustain in the future.
188. All of the above damages are singularly and collectively within the jurisdictional limits of this Court, for which Dennis Petersen now pleads against Defendants.

E. Charles Jones's Damages

189. As a direct and proximate result of the negligent acts or omissions of the Defendants as set out above, Charles Jones has suffered in the past, and in all probability will, for the remainder of his life, continue to suffer from catastrophic, life-altering damages for which Charles now pleads, including:
- a. Physical pain and suffering sustained in the past;
 - b. Physical pain and suffering that, in reasonable probability, Charles will sustain in the future;
 - c. Mental anguish sustained in the past;
 - d. Mental anguish that, in reasonable probability, Charles will sustain in the future;
 - e. Physical impairment or loss of the enjoyment of life sustained in the past; and
 - f. Physical impairment or loss of the enjoyment of life that, in reasonable probability, Charles will sustain in the future.

190. All of the above damages are singularly and collectively within the jurisdictional limits of this Court, for which Charles Jones now pleads against Defendants.

F. Jacques DeLira's Damages

191. As a direct and proximate result of the negligent acts or omissions of the Defendants as set out above, Jacques DeLira has suffered in the past, and in all probability will, for the remainder of his life, continue to suffer from catastrophic, life-altering damages for which Jacques now pleads, including:
- a. Physical pain and suffering sustained in the past;

- b. Physical pain and suffering that, in reasonable probability, Jacques will sustain in the future;
 - c. Mental anguish sustained in the past;
 - d. Mental anguish that, in reasonable probability, Jacques will sustain in the future;
 - e. Physical impairment or loss of the enjoyment of life sustained in the past; and
 - f. Physical impairment or loss of the enjoyment of life that, in reasonable probability, Jacques will sustain in the future.
192. All of the above damages are singularly and collectively within the jurisdictional limits of this Court, for which Jacques DeLira now pleads against Defendants.

G. Sam Brown's Damages

193. As a direct and proximate result of the negligent acts or omissions of the Defendants as set out above, Sam Brown has suffered in the past, and in all probability will, for the remainder of his life, continue to suffer from catastrophic, life-altering damages for which Sam now pleads, including:
- a. Physical pain and suffering sustained in the past;
 - b. Physical pain and suffering that, in reasonable probability, Sam will sustain in the future;
 - c. Mental anguish sustained in the past;
 - d. Mental anguish that, in reasonable probability, Sam will sustain in the future;
 - e. Physical impairment or loss of the enjoyment of life sustained in the past; and
 - f. Physical impairment or loss of the enjoyment of life that, in reasonable probability, Sam will sustain in the future.
194. All of the above damages are singularly and collectively within the jurisdictional limits of this Court, for which Sam Brown now pleads against Defendants.

H. Daniel Carrozza's Damages

195. As a direct and proximate result of the negligent acts or omissions of the Defendants as set out above, Daniel Carrozza has suffered in the past, and in all probability will, for the

remainder of his life, continue to suffer from catastrophic, life-altering damages for which Daniel now pleads, including:

- a. Physical pain and suffering sustained in the past;
- b. Physical pain and suffering that, in reasonable probability, Daniel will sustain in the future;
- c. Mental anguish sustained in the past;
- d. Mental anguish that, in reasonable probability, Daniel will sustain in the future;
- e. Physical impairment or loss of the enjoyment of life sustained in the past; and
- f. Physical impairment or loss of the enjoyment of life that, in reasonable probability, Daniel will sustain in the future.

196. All of the above damages are singularly and collectively within the jurisdictional limits of this Court, for which Daniel Carrozza now pleads against Defendants.

I. Thomas Davis's Damages

197. As a direct and proximate result of the negligent acts or omissions of the Defendants as set out above, Thomas Davis has suffered in the past, and in all probability will, for the remainder of his life, continue to suffer from catastrophic, life-altering damages for which Thomas now pleads, including:

- a. Physical pain and suffering sustained in the past;
- b. Physical pain and suffering that, in reasonable probability, Thomas will sustain in the future;
- c. Mental anguish sustained in the past;
- d. Mental anguish that, in reasonable probability, Thomas will sustain in the future;
- e. Physical impairment or loss of the enjoyment of life sustained in the past; and
- f. Physical impairment or loss of the enjoyment of life that, in reasonable probability, Thomas will sustain in the future.

198. All of the above damages are singularly and collectively within the jurisdictional limits of this Court, for which Thomas Davis now pleads against Defendants.

IX.
EXEMPLARY DAMAGES

199. Plaintiffs allege that each and every negligent act or omission of Defendants and their agents as set forth above, when viewed objectively from the standpoint of policymakers, involved an extreme degree of risk, considering the probability and magnitude of the physical harm to others. Further, Defendants and their agents had actual subjective awareness of those risks involved, but nevertheless proceeded with conscious indifference to the rights, safety or welfare of Plaintiffs, and other children like them. The conduct of Defendants and their agents amounts to gross negligence or malice, as those terms are defined by law, so as to give rise to an award of exemplary or punitive damages. By reason of such conduct, Plaintiffs are entitled to and therefore assert a claim for punitive and exemplary damages in an amount sufficient to punish and deter Defendants, and other entities like them, from such conduct in the future.
200. Additionally, the conduct of Defendants' agents in assaulting Plaintiffs was intentional and with malice and independently constitutes a sexual assault under Chapter 22 of the TEXAS PENAL CODE. Defendants are liable for the criminal act of their employees because the Defendants had actual knowledge Koch, Callery, Malatesta, Smylie, Dickerson, and Crisp were unfit to be around children, but Defendants intentionally permitted, authorized, or ratified their conduct against underage boys at the School. Such criminal conduct of Defendants' employees warrants the imposition of punitive and exemplary damages, and due to the criminal nature of the conduct, there is no limitation on the amount of recovery of exemplary damages pursuant to TEXAS CIVIL PRACTICE & REMEDIES CODE § 41.008(c)(5).

X.
PRE-JUDGMENT AND POSTJUDGMENT INTEREST

201. Plaintiffs pray for pre-judgment and post-judgment interest to be awarded at the maximum legal interest rates allowable under the laws of the State of Texas.

XI.
REQUEST FOR A JURY TRIAL

202. Plaintiffs request a jury trial on all triable issues within a year of this filing and have previously paid the applicable fee.

XII.
REQUEST FOR DISCLOSURE

203. Pursuant to TEXAS RULE OF CIVIL PROCEDURE 194, Defendants are requested to disclose all of the information and materials described in Rule 194.2. The written responses to the above requests for disclosure should conform to Rule 194.3 and the materials, documents, and/or copies of same should be produced in compliance with Rule 194.4. The written responses, materials, and documents are to be delivered to the ALDOUS \ WALKER^{LLP}, 4311 Oak Lawn Avenue, Suite 150, Dallas, Texas 75219, as required following receipt of this request.

XIII.
PRAYER

204. Plaintiffs respectfully pray that Defendants be cited to appear and answer this suit, and that upon final determination of these causes of action, Plaintiffs receive a judgment against Defendants awarding them damages as follows:

- a. Actual, compensatory, consequential, exemplary, and punitive damages, in an amount in excess of the minimal limits of the Court;
- b. Costs of Court;
- c. Prejudgment interest at the highest rate allowed by law from the earliest time allowed by law;
- d. Interest on judgment at the highest legal rate from the date of judgment until collected; and
- e. All such other and further relief at law and in equity to which these Plaintiffs may show themselves to be justly entitled.

Respectfully submitted,

/s/ Charla G. Aldous

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CARROZZA , AND THOMAS DAVIS.

CERTIFICATE OF SERVICE

I certify that this document was served on all counsel of record through the Court's e-filing system on August 27, 2021 or by e-mail to counsel who has not yet appeared.

/s/ Brent R. Walker

BRENT R. WALKER



Downloaded May 23, 2019

Originally Posted January 31, 2019

<https://list.diocesecc.org/>

To the Members of the Diocese of Corpus Christi,

In an effort to restore trust where it has been damaged, I am presenting the names of the Roman Catholic clerics who have been credibly accused of sexually abusing a minor within the Diocese of Corpus Christi.

An Independent Committee comprised of outside legal professionals reviewed all cleric files to determine whether an allegation was credible. This Committee reviewed approximately 1500 priests' files and 180 deacon's files. In some cases, files were also reviewed by the Diocesan Review Board. The Diocese of Corpus Christi accepted all recommendations from the Independent Committee and the Diocesan Review Board regarding the names to be included on this list.

The list of names is arranged and grouped into the following: *Religious Order Clerics & Extern Clerics* and *Clerics From or Incardinated into the Diocese of Corpus Christi*. If a cleric is a member of a religious order, the initials of the order follow the name. If a cleric was originally ordained for a religious order, that is also indicated. The Diocese has worked diligently to be accurate with the information presented. If any information is found to be incorrect, please contact Mrs. Stephanie Bonilla, Victim Assistance Coordinator at 361-693-6686.

Historically, a small part of the Diocese of Victoria, part of the Dioceses of Brownsville and Laredo belonged to the Diocese of Corpus Christi. It is important to note that some of the clerics on the attached list served in what is now either the Diocese of Brownsville or Laredo.

Any person with knowledge of a cleric member who is suspected of sexually abusing a minor within the Diocese of Corpus Christi should report such allegation to local law

enforcement. Please report such information to Mrs. Stephanie Bonilla, Victim Assistance Coordinator at 361-693-6686.

Sincerely yours in Christ,

+Most Reverend Michael Mulvey, STL, DD
Bishop of Corpus Christi

N.B. A determination that an allegation against a member of the clergy is credible is not equivalent to a finding by a judge or jury that the cleric is liable or guilty of the sexual abuse of a minor under canon, civil or criminal law.

RELIGIOUS ORDER CLERICS & EXTERN CLERICS
(Clerics not from the Diocese of Corpus Christi)

Name:

Bishop Joseph V. Sullivan

Date of Birth:

8/15/1919

Ordination & Prior Status:

Ordination: 6/1/1946 (Diocese of Kansas City-St. Joseph)

Episcopal ordination: 4/3/1967 (Diocese of Kansas City-St. Joseph; Diocese of Baton Rouge)

Extern cleric who visited the Diocese of Corpus Christi

Current Status:

Deceased 9/4/1982

Name:

Rev. Russell Gerard Appleby, MSF

Date of Birth:

10/3/1934

Ordination & Prior Status:

Ordination: 3/26/1966 (Missionaries of the Holy Family)

Current Status:

Removed from ministry in Diocese of Corpus Christi, September 1983

Laicized & Dismissed from the Missionaries of the Holy Family Order 3/18/1995

Deceased 2005 in Pinella County Jail

Name:

Rev. Robert J. Bedrosian, MSF

Date of Birth:

7/7/1937

Ordination & Prior Status:

Ordination: 3/26/1965 (Missionaries of the Holy Family)

Current Status:

Left Diocese of Corpus Christi 1979

Left Missionaries of the Holy Family order 1985

Deceased 10/1/2014

Name:

Rev. John M. Fiala, SOLT

Date of Birth:

10/14/1960

Ordination & Prior Status:

Ordination: 6/2/1984 (Society of Our Lady of the Most Holy Trinity)

Current Status:

Criminal conviction (I): 5/17/12

Criminal conviction (II): 12/2/2014

Deceased 2017

Name:

Rev. Edward J. Horan, SOLT

Date of Birth:

3/1/1918

Ordination & Prior Status:

Ordination: 6/27/1987 (Society of Our Lady of the Most Holy Trinity)

Current Status:

Retired 1996

Deceased 1997

Name:

Rev. Patrick Koch, SJ

Date of Birth:

11/8/1927

Ordination & Prior Status:

Ordination: 6/12/1957 (Society of Jesus)

Current Status:

Left Diocese of Corpus Christi 1966

Deceased 9/9/2006

Name:

Rev. Eusebio ("Chevy") Pantoja, CMF

Date of Birth:

Unknown

Ordination & Prior Status:

Ordination: 1968 (Claretian Missionaries)

Current Status:

Removed from ministry in Diocese of Corpus Christi 1980

Expelled from Claretian Order 1980

Name:

Rev. Alfredo Prado, OMI

Date of Birth:

1930

Ordination & Prior Status:

Ordination: 1958 (Oblate of Mary Immaculate)

Current Status:

Suspended 1991

Name:

Rev. Christopher Joseph Springer, CSSR

Date of Birth:

11/7/1925

Ordination & Prior Status:

Ordination: 6/26/1952 (Congregation of the Most Holy Redeemer)

Current Status:

Left Diocese of Corpus Christi 1971

CLERICS FROM OR INCARDINATED INTO THE DIOCESE OF CORPUS CHRISTI**Name:**

Rev. Jerome Caponi

Date of Birth:

9/15/1925

Ordination & Prior Status:

Ordination: 6/11/1960 (Order of St. Benedict)

Incardinated into Diocese of Corpus Christi 1971

Excardinated from Diocese of Corpus Christi 1982

Current Status:

Left Diocese of Corpus Christi 1982

Deceased 2/27/2009

Name:

Msgr. Hugh Clarke

Date of Birth:

12/30/1924

Ordination & Prior Status:

Ordination: 7/16/ 1950 (Dublin, Ireland)

Incardinated into Diocese of Corpus Christi 8/15/1975

Current Status:

Retired 1997

Deceased 12/16/2002

Name:

Rev. William Daly

Date of Birth:

4/21/1924

Ordination & Prior Status:

Ordination: 6/17/1957 (Ordained in Dublin, Ireland for the Diocese of Corpus Christi)

Current Status:

Left Diocese of Corpus Christi 1971

Deceased 11/9/1982

Name:

Rev. Domingo De Llano

Date of Birth:

10/19/1939

Ordination & Prior Status:

Ordination: 5/28/1966 (Ordained in Laredo, TX for the Diocese of Corpus Christi)

Current Status:

Retired 1999

Deceased 5/4/2013

Name:

Rev. Steven T. Dougherty

Date of Birth:

10/11/1956

Ordination & Prior Status:

Ordination: 6/14/2003 (Society of Our Lady of the Most Holy Trinity)

Incardinated into Diocese of Corpus Christi 7/8/2008

Current Status:

Removed from ministry 12/16/2011

Criminal conviction: 2/28/2018

Name:

Rev. John J. Feminelli

Date of Birth:

10/12/1946

Ordination & Prior Status:

Ordination: 6/6/1987 (Corpus Christi, TX)

Current Status:

Retired 4/16/2007

Name:

Rev. Adelhard M. Francois

Date of Birth:

Unknown

Ordination & Prior Status:

Ordination: 2/24/1935, Wuerzburg, Bavaria (Mariannahill Missionary Society)

Incardinated into Diocese of Corpus Christi: 1/14/1950

Current Status:

Left Diocese of Corpus Christi 1959

Name:

Rev. J. Frank Gomez

Date of Birth:

10/28/1928

Ordination & Prior Status:

Ordination: 5/27/1961 (Corpus Christi, TX)

Excardinated from Diocese of Corpus Christi 1965

Current Status:

Left Diocese of Corpus Christi 1965

Name:

Rev. Clement Hageman

Date of Birth:

Unknown

Ordination & Prior Status:

Ordination: 6/10/1930, St. Meinrad, IN

Current Status:

Removed from ministry in Diocese of Corpus Christi April 1939

Deceased 7/2/1975

Name:

Msgr. Michael Heras

Date of Birth:

6/7/1958

Ordination & Prior Status:

Ordination: 6/15/1984 (Corpus Christi, TX)

Current Status:

Removed from ministry 6/24/2014

Name:

Rev. Jesus Garcia Hernando

Date of Birth:

10/7/1957

Ordination & Prior Status:

Ordination: 6/2/1984, Burgos, Spain

Incardinated into Diocese of Corpus Christi: 12/17/1983

Excardinated from Diocese of Corpus Christi: 2/11/2000

Current Status:

Removed from ministry 7/15/2011

Name:

Rev. Flover Antonio Osorio Herrera

Date of Birth:

10/7/1954

Ordination & Prior Status:

Ordination: 3/19/1985 (Diocese of Villavicencio, Meta, Columbia)

Incardinated into Diocese of Corpus Christi 12/4/2003

Current Status:

Removed from ministry 10/29/2007

Name:

Rev. Peter J. Hughes

Date of Birth:

Unknown

Ordination & Prior Status:

Ordination: 6/10/1956 (Ordained in Carlow, Ireland for the Diocese of Corpus Christi)

Current Status:

Left Diocese of Corpus Christi 1963

Deceased 12/7/1990

Name:

Msgr. William J. Kelly

Date of Birth:

10/11/1916

Ordination & Prior Status:

Ordination: 6/24/1944 (Ordained in Dublin, Ireland for the Diocese of Corpus Christi)

Current Status:

Deceased 3/12/1983

Name:

Msgr. William C. Kinlough

Date of Birth:

8/29/1918

Ordination & Prior Status:

Ordination: 6/20/1943 (Ordained in Ireland for the Diocese of Corpus Christi)

Current Status:

Retired 1999

Deceased 9/29/2000

Name:

Rev. Msgr. Thomas Meany

Date of Birth:

5/12/1928

Ordination & Prior Status:

Ordination: 5/31/1955 (Corpus Christi, TX)

Current Status:

Retired 2004

Deceased 7/20/2008

Name:

Rev. Robert Trevino

Date of Birth:

11/10/1958

Ordination & Prior Status:

Ordination: 12/28/1985 (Corpus Christi, TX)

Current Status:

Removed from ministry 1995

Laicized 12/6/2012

Prayer for Healing & Strength for the Church & the Diocese of Corpus Christi

Father of Mercy and Source of consolation, we adore you and give you thanks. We acknowledge that we have sinned and offended you by our disrespect and neglect for the life and dignity of the most innocent among us.

Lord Jesus Christ, though sinless, you suffered for the sins of the world. Now, we unite ourselves with you on the Cross to help bring your redemption and peace to all who are seeking you.

Come, Holy Spirit, heal us and make us holy by the transforming grace of your seven-fold gifts. Renew us in hope. Help us to live our vocations faithfully, chastely, and joyfully, according to our states in life.

Strengthen us to be your presence for those who have been hurt or forgotten. May we become beacons of faith, hope, and love to all. Let no one be lost because of the lack of our love.

*St. Michael the Archangel, defend us in battle;
Be our safeguard against the wickedness and the snares of the devil.
May God rebuke him, we humbly pray;
And do thou, O Prince of the heavenly hosts, by the power of God,
Cast into hell, Satan and all the evil spirits
Who prowl about the world seeking the ruin of souls. Amen.*

St. Joseph, patron of the Universal Church, protect us as you protected Jesus and Mary.

O Mary, Seat of Wisdom, Virgin of Guadalupe, and Patroness of our diocese, accompany us with your prayers and maternal affection now and always. Amen.



CREDIBLE ALLEGATIONS OF SEXUAL ABUSE OF MINORS SINCE 1950

Letter from Bishop Burns



Office of the Bishop

Dear Brothers and Sisters in Christ:

These have been very difficult days within the Church and the Diocese of Dallas. In October, the Diocese held a special Ceremony of Sorrow, a prayer service to express shame and deep remorse over the egregious sexual misconduct committed by some within the Church. Since that time, I have continued to pray for guidance, met personally with victims of abuse, held public listening sessions, worked with our Diocesan Review Board and our Victims Assistance Coordinator, and taken other steps to begin what I believe can be a process of healing and repentance.

Today, I am following through on a commitment I made in October to provide the names of those priests who have been the subject of a credible allegation of sexual abuse of a minor in the Diocese during the period from 1950 to the present. A “credible allegation” is one that, after review of reasonably available, relevant information in consultation with the Diocesan Review Board or other professionals, there is reason to believe is true.

The process to compile this list began with an outside group of former state and federal law enforcement officers that reviewed the files of the 2,424 priests who have served in this diocese since 1950. Those investigators identified files which contained credible allegations of the sexual abuse of minors. The Diocesan Review Board, which includes local experts in law enforcement, clinical psychology, law, and medicine, then reviewed those allegations. The list of names I have provided you reflects the recommendations of our Diocesan Review Board, and I am grateful for their diligence, integrity, and expertise. To view the list and get more information please visit www.cathdal.org/response.

Although I have also provided this list of names to law enforcement, inclusion on this list does not indicate that a priest is guilty of, been convicted of, or has admitted to the alleged abuse.

As we look back at the Church’s history, our failure to protect our most vulnerable from abuse, and hold accountable those who preyed on them, fills me with both sorrow and shame. But the painful yet necessary process that began in 2002 in this Diocese has also led to much-needed reforms that we continue to rigorously implement today. Going forward, we must remain vigilant.

I pledge to you that we will do our best to do what is right.

While we have gone to great lengths to ensure that this list is exhaustive, we know there could be more victims who have not reported their abuse. I encourage them to come forward and report to law enforcement, or by calling the Texas Abuse Hotline at 1-800-252-5400. Please also contact Victims Assistance Coordinator, Barbara Landregan, at 214-379-2812 or blandregan@cathdal.org. The Church continues to offer our prayers and support to the victims, survivors, and their families for the suffering they have endured.

As I look to the future, I am encouraged that an overwhelming majority of the priests in this Diocese are, and have been, good and holy men, and I remain thankful for their witness. As well as the wonderful men who are in our seminaries – let us pray for these men.

To those of you who have experienced family or friends who have walked away from the faith because of this scandal in the Church, please remind them that we must never separate ourselves from Jesus because of Judas. As your shepherd, I pray that you stay strong in the faith and continue

to grow in your relationship of our Lord, who is the Way, the Truth, and the Life. We pray through the intercession of Our Lady of Guadalupe that God our Father will guide us through these difficult days.

Thank you for your time and may God bless you and your loved ones.

Eternally yours in Christ,



Most Reverend Edward J. Burns

Bishop of Dallas



List of Priests

Click name for details

Incardinated in Diocese of Dallas

Name	Status	Diocese of Incardination / Religious Order
Matthew Bagert	Laicized	Diocese of Dallas
Richard Brown	Absent on leave	Diocese of Dallas
Alejandro Buitrago	Retired with faculties suspended	Diocese of Dallas
Robert Crisp	Retired with faculties suspended	Diocese of Dallas

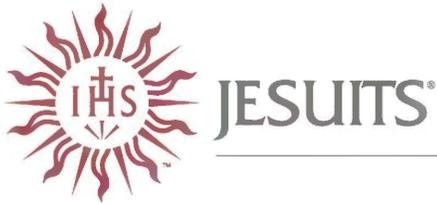
Paul Detzel	Laicized	Diocese of Dallas
John Duesman	Deceased	Diocese of Dallas
James Fitzpatrick	Deceased	Diocese of Dallas
Michael Flanagan	Deceased	Diocese of Dallas
Timothy Heines	Suspended, Pending lawsuit alleging abuse of minor	Diocese of Dallas
William Hoover	Deceased	Diocese of Dallas (1969 - Diocese of Fort Worth)
William Hughes	Laicized	Diocese of Dallas
Richard Johnson	Deceased	Diocese of Dallas
Rudy Kos	Laicized Incarcerated	Diocese of Dallas
William Lane	Deceased	Archdiocese of Port of Spain (Trinidad - 1933) Diocese of Dallas (1958)
Justin Lucio	Deceased	Diocese of Dallas
Patrick Lynch	Deceased	Diocese of Dallas
Henry McGill	Deceased	Diocese of Mobile (1941) Diocese of Dallas (1954)
Jeremy Myers	Suspended	Order of St. Benedict (1984) Diocese of Dallas (1996)
Edmundo Paredes	Suspended	Diocese of Dallas
Robert Peebles	Laicized Deceased	Diocese of Dallas
James Reilly	Deceased	Diocese of Dallas Diocese of Fort Worth (1969)
Kenneth Roberts	Deceased	Diocese of Dallas

Jose Saldana	Laicization Pending	Diocese of Dallas
Raymond (John) Scott	Deceased	Diocese of Dallas

Incardinated in Other Diocese / Religious Order

Name	Status	Diocese of Incardination / Religious Order
Michael Barone	Retired	Diocese of Tyler
Peter Barousseau	Believed to be deceased	Diocese of Ajaccio
Thomas Behnke	Deceased	Order of Discalced Carmelites
Gabriel Hentrich	Deceased	Order of Discalced Carmelites
Patrick Koch	Deceased	Society of Jesus (the Jesuits)
Vincent Malatesta	Unknown	Society of Jesus (the Jesuits)
Anthony Nwaogu	Unknown	Diocese of Umuahia, Nigeria
Benjamin Smylie	Deceased	Society of Jesus (the Jesuits)

While the Diocese has endeavored to make a complete and accurate disclosure, the information on this page is subject to change as additional information is received.



December 7, 2018

Statement from Fr. Ronald Mercier on the Release of List of Accused Jesuits

The storm that the Church experiences today calls forth from us an unprecedented and yet needed response. Silence in the face of the events of recent months cannot be an option.

Our first response must be directed to those who have survived abuse at the hands of a member of the Society of Jesus when they were minors, a terrible evil that wounds the soul. Words cannot possibly suffice to express our sorrow and shame for what occurred, our promise of prayers for healing, and our commitment to work with them. Caring for these survivors – and preventing any such future events – must be our focus as we move forward.

The People of God, including our companions in mission, who have experienced a blow to the trust they place in the Society, similarly deserve a response marked by openness and contrition, one that recognizes our history and seeks to create a new way forward. We deeply regret the pain this causes our colleagues as they share with us the mission given by the Lord.

Over the last three months, I have discussed our response with a broad range of people. One consistent theme has emerged, the need for transparency through publishing this list of Jesuits with credible accusations of abuse of a minor, painful as it may be. I have heard too the voices that call, rightly, for attention to the standards of justice in any such revelations. I am grateful to all those who participated in these conversations. In the end, though, the decision is mine.

The province staff has worked tirelessly to put together a list of those credibly accused of having abused a minor. That has meant reviewing the processes used in decisions over the last four decades. Since 2002, we have had the benefit of Province Review Boards including lay men and women versed in law, medicine, and psychology who have provided us excellent advice in deciding cases. Earlier, the province staffs investigated allegations, giving the results to the provincial for his decision. We have reviewed all those files, relying as well on the careful research done in the former Missouri and New Orleans Provinces as they prepared for initial accreditation by Praesidium, Inc.

While we are confident in the provisional list we provide today, we wish a greater degree of certainty and transparency and so have contracted with Kinsale Management Consulting to review all files for anyone who was a member of the Missouri and New Orleans Provinces and the Puerto Rico Region after December 31, 1954, roughly 2500 files in total. We also include those Jesuits from other provinces who were assigned to one of those entities. This audit will begin in March and will provide us with results in the late spring. If necessary, we will then update the list.

The list we are releasing today will no doubt surprise or shock many. This represents a sinful part of our history, one that calls the Society of Jesus to repentance and to a renewed commitment both to create a safe space in our ministries for all God's people and to provide the openness that can become the foundation for renewed trust.

I would make two notes of caution. First, inclusion on this list does not imply that the allegations are true and correct or that the accused individual has been found guilty of a crime or liable for civil claims. In many instances, the allegations were made several years or decades after the alleged events, which makes it difficult to be assured the truth is known.

Second, while a list of each man's assignments is included, it is important to note that the allegations do not necessarily stem from any of the listed assignments.

I must say a word of thanks to the members of the Society who continue to minister so well, who provide true witness to our charism. They provide a reason to believe because of the care they show to so many people.

As always, we urge anyone who has experienced abuse as a minor by a Jesuit to please contact our Coordinator of Pastoral Support and Outreach, Carol Brescia, Licensed Clinical Social Worker, at 314-915-7168 or UCSOutreach@jesuits.org. She will respond with compassion and confidentiality

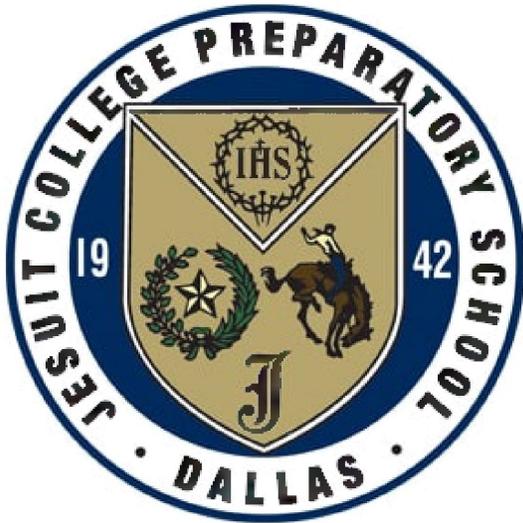
As I close, again I express the sorrow of the Society of Jesus for the abuse and the breach of trust people have experienced. Much has changed; we have learned how to provide safer spaces and better ways of responding to allegations. Nevertheless, these steps cannot take away the pain so many know. We pray that God may provide healing and peace and we stand ready to assist.

I began by noting the storm buffeting the Church today. While we Jesuits must do all that lies in our power to respond, ultimately this is God's work and we trust that God's mercy and wisdom will help the healing of the wounds suffered and provide a light for a way forward for all of us.

Sincerely yours in the Lord,

A handwritten signature in black ink that reads "Ronald A. Mercier, S.J." The signature is written in a cursive, flowing style.

Ronald A. Mercier, S.J.
Provincial



JAN 15 2019

Important Message to the Jesuit Dallas Community

December 7, 2018

Dear friends of Jesuit Dallas,

I write this to you with an overwhelming sense of personal anguish and revulsion.

As expected, the Jesuits' Central and Southern Province today released a preliminary list of Jesuits and former Jesuits against whom there were credible allegations of abuse of a minor since 1955. I am saddened to report that the list contains 11 names with some connection to our School, mostly in the 1960s, 1970s, or 1980s.

The list includes four past members of the Jesuit Dallas community who were the subject of credible accusations of inappropriate conduct with a minor during their tenure here. They are:

- Don Dickerson (1980-81)
- Thomas Naughton (1973-79)
- Claude Ory (1966-67; 1987-94)
- Vincent Malatesta (1981-85)

There are seven others who were accused of misconduct with a minor elsewhere, but who had been assigned for a certain period of time by the New Orleans Province Office to Jesuit Dallas:

- Claude Boudreaux (1967-73)
- Charles Coyle (1959-60)

- Tom Hidding (1982-83)
- Francis Landwermeier (1958-59; 1960-61)
- Vincent Orlando (1968-71; 1975-79)
- Norman Rogge (1958-60)
- Benjamin Wren (1955-58; 1962-63)

First, please join me in prayers for the health and well-being of all victims of sexual misconduct and abuse, be they students here or elsewhere. Having said that, I am painfully aware that prayers are not enough and that is why we fully support the Province's commitment to transparency and reform. Enhanced screening and background checks have been in place for several years and the Province is now accredited by Presidium Inc., an independent firm that advises organizations working to prevent sexual abuse.

Again, these allegations involve heinous acts committed many years ago. I personally know of no credible reports of sexual misconduct with a minor occurring here in more than 20 years. I invite you to review our specific Safe Environment zero tolerance policy at <https://www.jesuitdallas.org/about/safe-environment>.

We pledge to continue providing a safe environment for every student. That includes consistent and constant vigilance, prompt investigation and reporting. Therefore, if anyone in our community has experienced abuse by any priest or layperson, please do not hesitate to contact me directly (972-387-8700 x324; mearsing@jesuitcp.org) or by reaching out to the Province (314-361-7765; UCSOutreach@jesuits.org).

Finally, please know that I am committed to doing everything possible to cooperate with this ongoing investigation. The independent agency retained to review all Provincial personnel files is expected to complete its full report for release in the Spring of 2019. In the meantime, please review [the letter from the Provincial](#) and feel free to contact me should you have any questions.



Michael A. Earsing



[Submit Search](#)

JUL 31 2019

A Letter From The President

January 31, 2019

Dear friends of Jesuit Dallas,

The Diocese of Dallas has released its list of clergy who were credibly accused of sexual abuse of a minor during the past 60 years. A link to that list can be found at the bottom of this letter. Just as we were saddened for the victims and repulsed as a community by the findings of the Jesuit Provincial office in December of last year, we are once again filled with pain as we contemplate such behavior and the victims who suffered and may still suffer.

I need to note for our community the additional names included on the list from the Diocese of Dallas but not contained on the list from the provincial.

It is with great dismay to see the appearance on the list of Father Patrick H. Koch, S.J. A 1944 graduate of Jesuit, Fr. Koch later served as principal (1972-79), president (1979-80), and director of alumni (1980-86). He remained a part of the Jesuit community until his death in 2006. Please know that our administration will seek spiritual guidance as we further consider the School's response to this news.

The Diocesan report also includes the name of Fr. Ben Smylie, S.J., who was assigned to Jesuit in the 1980s.

In addition, the Maryland Province has released a list which states that an allegation was made against Fr. Robert B. Cullen, S.J., who was assigned to Jesuit Dallas for one year in 1960, while a list released by the Midwest Province includes Fr. Thomas R. Haller, S.J., who worked at Jesuit Dallas in the 1980s. With respect to Fr. Cullen, the Maryland

Province reports that the alleged conduct was estimated to have occurred in the Maryland Province in the 1960s-1980s. With respect to Fr. Haller, the Midwest Province states that the allegations relate to actions that occurred in the 1950s and/or 1960s in Wisconsin and Nebraska. Both men are deceased.

As I have stated previously, the health and well-being of all victims of sexual misconduct is our highest priority. We have significant protections in place to safeguard our students and to provide a means to investigate any reports of misconduct. Our staff, faculty and students are thoroughly versed in these processes that support a safe environment for every individual who steps on our campus.

Please know that I remain steadfast in my commitment to work with the proper authorities to protect our former and current students from any wrongdoing, and will make myself available to discuss any questions or concerns.

If anyone in our community has ever experienced abuse by any priest or layperson, I urge you to contact me directly (972-387-8700 x324; mearsing@jesuitcp.org) or by reporting to the Province (314-361-7765; UCSOutreach@jesuits.org). If you have any questions about the most recent allegations, please contact the Diocese of Dallas.



Michael A. Earsing

President

[Diocese of Dallas Report](#)



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Ellen Lessem on behalf of Charla Aldous
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Status as of 8/27/2021 10:26 AM CST

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