

FILED
CHARLES D. SUSANO III
IN THE CIRCUIT COURT OF KNOX COUNTY, TENNESSEE
FOR THE SIXTH JUDICIAL DISTRICT AT KNOXVILLE
2020 MAR -5 PM 2:30

CELESTE ARNONE,

Plaintiff,

vs.

No. 1-73-20
JURY DEMANDED

CATHOLIC DIOCESE OF KNOXVILLE, and
MICHAEL SWEENEY

Defendants.

COMPLAINT

COMES NOW the Plaintiff, Celeste Arnone, by and through her undersigned attorneys, Gary K. Smith Law, PLLC, and for her Complaint against the Defendant, CATHOLIC DIOCESE OF KNOXVILLE and MICHAEL SWEENEY, would show and state to the Court as follows:

PARTIES AND JURISDICTION

1. Plaintiff Celeste Arnone is an adult female who currently resides in Boiling Springs, South Carolina. At the time of the initial incidents which form the basis of this Complaint, the Plaintiff resided in Tennessee.

2. This case involves abuse of trust, horrific acts of sexual abuse, lewd and lascivious acts, and negligence perpetrated on the Plaintiff by a Catholic priest, Father Michael Sweeney and abuse of trust and negligence by the Catholic Diocese of Knoxville.

3. Upon information and belief, Defendant CATHOLIC DIOCESE OF KNOXVILLE, a corporation sole, (the "DIOCESE") is a religious organization responsible for the interests of the Roman Catholic Church ("The Church") in eastern Tennessee. Upon information and belief, the DIOCESE is organized and exists under the laws of Tennessee, and the Diocese's headquarters

and principal place of business is within the City of Knoxville and County of Knox making venue proper in this Court. The Diocese's headquarters is located at 805 S. Northshore Drive, Knoxville, Tennessee 37919 and the Diocese can be served by serving the Bishop of the Diocese, the Most Rev. Richard F. Stika through the Diocese's counsel, Edward G. Philips, Esq., Kramer Rayson, LLP, 800 South Gay Street, Suite 2500, Knoxville, Tennessee 37929.

4. The Most Rev. Richard F. Stika is the current Bishop of the Diocese. Upon information and belief, the Catholic Diocese of Knoxville operates and oversees approximately 50 parishes and churches in East Tennessee.

5. Upon information and belief, at all material times, Father Michael Sweeney ("Father Sweeney") was a Catholic priest serving in various parishes and ministries owned and/or operated, and/or supervised by the DIOCESE OF KNOXVILLE in Roane, Fentress, and Morgan Counties. At all times material hereto, Father Sweeney received his assignments from the Bishop of the Catholic Diocese of Knoxville, and was acting as an agent and/or employee of the DIOCESE. Father Sweeney was and upon information and belief still is the pastor of Blessed Sacrament Church, 535 Margrave Drive, Harriman, Tennessee 37748 and may be served with process there.

JURISDICTION

6. The Plaintiff's cause of action arises in tort as a result of injuries and damages sustained proximately due to the negligence and intentional/outrageous conduct of the Defendants and its agents, employees and servants.

7. All of the wrongs complained of herein occurred in Knox County and Roane County, Tennessee, and this Court has jurisdiction pursuant to Tenn. Code Ann. § 16-10-101.

8. The acts set forth occurred within a year of filing of the complaint and/or the statute of limitations is tolled due to the doctrines of equitable estoppel and fraudulent concealment.

VENUE

9. All the wrongs complained of herein occurred in Knox County and Roane County, Tennessee. Venue is proper in Knox County, Tennessee.

BACKGROUND

10. The Church offers many opportunities for individuals, families, and their children to become active and involved in Catholic Church activities.

11. Because of the opportunities to develop deep relationships with parishioners, The Church attracts many truly caring and giving individuals; however, at the same time, service in The Church attracts an extraordinary number of sex abusers, pedophiles, molesters and those who take advantage of their position of authority.

12. Officials and religious figures at the highest levels of The Church are well aware of the attraction of The Church to those who will do serious harm to both minors and adults who seek pastoral care, support, and guidance from their priests.

13. Such persons who will do serious harm seek employment by The Church as clergy, where they will obtain authority, influence, and privacy with these adults and control over them. As religious figures, they wield enormous influence over individuals – adults and children alike – and anyone who seeks their guidance and pastoral care. These individuals are required to address them as “Father” or such other terms connoting love, authority and ultimate submission.

14. Religious figures in The Church are bestowed with an air of infallibility, and are considered conduits for Catholics to make a connection with the deity and live more meaningful lives.

15. As a result, when these seemingly infallible holy men commit unspeakable, perverted sexual acts with adults under their influence, it has an extraordinarily traumatic effect on the victims, psychologically, emotionally and spiritually.

16. Instead of exercising due care and diligence to protect these individuals under these circumstances from the serious harm described above, The Church gives clergy complete discretion and freedom to have personal, private and spiritual encounters with these individuals. At the same time, The Church has done little or nothing to screen abusers or protect parishioners from the sexual predators who infiltrate its ranks.

17. Quite the opposite, The Church has gone to great lengths to protect "its own." It is the practice of the Roman Catholic Church, through its cardinals, bishops, priests and other officials and agents, to conceal instances of sexual abuse and complaints by victims. The protections that have been afforded to child abusers within The Church have also benefited those who have engaged in sexual misconduct with vulnerable adults. The Church zealously maintains the secrecy of the horrifying truth of sexual abuse in The Church, by among other things:

- Failing to disclose complaints to law enforcement officials, parishioners and the public;
- Maintaining secret archives and files of evidence of sex abuse, accessible only to bishops;
- Instructing Church officials in destruction of incriminating documents and spoliation of evidence regarding sexual abuse by clergy;
- Transferring sex offending clergy to The Church facilities in other locations where their pasts would not be known to parishioners, and the abusers would have a "fresh start" with a new group of vulnerable adults;
- Threatening and coercing victims and their families to withdraw complaints and retract allegations of sexual abuse;
- Paying "hush money" to victims and their families, in exchange for promises of non-disclosure and confidentiality.

18. Each of the acts set forth above are done to protect and shelter the abuser; obstruct justice; conceal criminal conduct; evade prosecution; avoid being compelled by criminal and civil courts to turn over information or allegations regarding sexual abuse; avoid public awareness and

scandal about abusive clergy; and avoid financial loss.

19. The Church's conduct is outrageous given the enormous trust and confidence placed in its religious figures. The Church actively solicits and encourages this trust and confidence from its Catholic members.

FACTUAL BACKGROUND

20. Celeste Arnone became interested in the Roman Catholic Church when her son was recruited to play baseball for a Catholic college. Raised a Southern Baptist, she began studying the faith and learned more about the Church because of her son. She attended her first Mass and knew that she wanted to pursue more learning.

21. She began Rite of Christian Initiation in Adults (RCIA) at Blessed Sacrament Church in Harriman, a church within the Diocese of Knoxville in 1999. Father Michael Sweeney is a Diocesan priest who was and still is the pastor of Blessed Sacrament upon information and belief.

22. At the time, Father Sweeney had responsibility for several parishes and other ministries in East Tennessee.

23. RCIA is the process in the Catholic Church by which non-Catholics enter the Catholic faith. This is a formative process in which one learns the teachings of the Catholic Church, and if adopting those beliefs and teachings can become a baptized Catholic. Father Sweeney led Plaintiff Celeste Arnone's RCIA training. Sometimes one other individual would be present. Arnone's family did not understand her interest and devotion to the Catholic Church and Father Sweeney was her only advocate.

24. After Arnone's RCIA training ended, Spiritual Direction with Father Sweeney began and included weekly visits with him; sometimes the Plaintiff and Father Sweeney met twice a week. As a new Catholic, Arnone wanted to embrace the Church's teachings and grow in holiness.

25. During this time, Plaintiff Celeste Arnone opened up to Father Sweeney about her troubled marriage of 29 years. She and her husband had been through counseling and

reconciliations and she wanted her marriage to work out. Father Sweeney listened with compassion. Arnone also shared with Father Sweeney about an incident in her childhood when a family member inappropriately touched her. Father Sweeney listened and provided healing, conversation and direction. Arnone said as she was coming or leaving Father Sweeney's rectory from these sessions, she would see other women from Father Sweeney's previous parishes coming or leaving for spiritual direction; he told her he was known throughout the Diocese for his spiritual direction and she said this added to her confidence in him. At that time, Arnone felt Father Sweeney was a wonderful, people-oriented pastor, easy to talk to and he made people feel like what they had to say was important.

26. As the spiritual direction continued, he opened up about his childhood, his personal stories and his personal challenges.

27. He shared with Arnone stories of his sexual experiences since becoming a priest.

28. Shortly after she became a Catholic in 2000, Father Sweeney asked Arnone if she would like to start a RCIA process at Blessed Sacrament; she accepted and was thrilled to share God's direction and the Catholic Church with others.

Relationship becomes personal

29. Arnone was thankful for having Father Sweeney as a spiritual leader.

30. As part of Father Sweeney's grooming of the Plaintiff he discussed soul mates and Father Sweeney said it was okay for priests to have close friends that were females.

31. After Mass one Sunday while the Plaintiff Celeste Arnone and Father Sweeney were sitting in his living room, he told Arnone to "Come here" and when she went over to him they kissed and she began to cry. He held her and told her to go home and think about it. He told her if they began a physical relationship it would be "like a drug." Arnone was drawn to Father Sweeney in a way that she had never experienced before both spiritually and emotionally. She did not return to the rectory that night and a sexual relationship began.

32. Their sexual relationship continued for several weeks. In addition to meeting in the rectory, Father Sweeney suggested they go to a local hotel.

33. Father Sweeney exerted control over the Plaintiff Celeste Arnone to gain and maintain a sexual relationship with her and portrayed it as furthering her spiritual relationship with him and the Church.

34. After the sexual relationship ended, their close relationship and his influence continued and she continued to cling to Father Sweeney, and he fostered that by his own conduct.

35. Arnone and Father Sweeney met on his days off and the two would spend the day together going to lunch, shopping, and visiting his lake property where he was building a house. Father Sweeney was a stabilizing force in her life and was her best friend.

36. Father Sweeney helped Arnone financially including getting her house out of foreclosure. He bought her a gun and showed her how to use it and bought other gifts for her. Arnone thought this was his way of loving her.

37. Arnone attended RCIA courses in Ohio and Father Sweeney or the parish paid for Arnone to attend a spiritual pilgrimage in Italy. He gave her spending money for her trip to Italy. Father Sweeney drove Arnone to another silent retreat out of state. At that retreat a female spiritual director shared with Arnone about her own physical and spiritual relationship with a priest over multiple years. The Catholic Church culture gave Arnone a false validation that her relationship with Father Sweeney was acceptable.

38. Arnone became involved in several ministries at the church. Father Sweeney told her if he was ever transferred, he would see to it that she would go with him.

39. Active in the Catholic Church, Arnone's relationship with her own family members suffered. Father Sweeney encouraged Arnone in her ministry and he was the center of Arnone's dedication, devotion and time.

40. Arnone and her husband obtained a divorce in June 2004 and then a church annulment. Arnone's relationship with Father Sweeney depleted her ability to try and save her marriage and was instrumental in obtaining a divorce from her husband.

41. The Plaintiff Celeste Arnone wanted to confess regarding the inappropriate sexual activity with Father Sweeney. The Sacrament of Confession or Healing is the method in the

Catholic Church by which individuals confess their sins and have them absolved by God through the administration of a Priest.

42. Father Sweeney agreed to hear Arnone's confession about the inappropriate sexual activity with himself.

43. Since priests take a vow of chastity any sexual activity is forbidden let alone sexual activity with a parishioner and lay leader under his control.

44. Arnone did confess to Father Sweeney as to her part in their inappropriate sexual relationship and he absolved her of sin.

45. In late summer 2004, Celeste Arnone moved out of the Diocese of Knoxville to distance herself from Father Sweeney. Despite the move, the two continued to talk daily by phone for some time.

Arnone put the Diocese of Knoxville on notice

46. Arnone met with then Bishop Kurtz in 2005 and advised then-Bishop Kurtz about what had occurred with Father Sweeney. Arnone advised the Bishop about the sexual relationship and about others Father Sweeney had mentioned to her.

47. Upon information and belief Father Sweeney remained an active priest in the same parish.

March 7, 2019 meeting with Bishop Stika and others

48. In March 2019, Plaintiff Celeste Arnone met by phone with Knoxville Catholic Bishop the Most Rev. Richard E. Stika, Vicar General David Boettner and Vicar General Doug Owens.

49. In the meeting, Bishop Stika acknowledged the sexual relationship between Father Sweeney and Arnone occurred, that it was horrible and should not have happened.

50. In this meeting, Vicar General David Boettner explained that prior to Father Sweeney's relationship with Arnone, Father Sweeney had been cleared for ministry following treatment.

51. According to Bishop Stika, Father Sweeney has an extensive medical history.

52. Bishop Stika said Father Sweeney was "in a fog" "a lot of the time" and in "a dark place" at the time these acts occurred.

53. Bishop Stika said that Sweeney was vulnerable during this time.

54. It was during this meeting in March 2019 that Plaintiff Celeste Arnone first learned that the Diocese knew or should have known that Father Sweeney was unfit for ministry when the sexual acts occurred.

55. It was during this meeting in March 2019 that Plaintiff Celeste Arnone first learned that the Diocese knew or should have known that Father Sweeney was unfit for ministry because of his extensive medical history as described by the Diocese when the sexual acts occurred.

56. Bishop Stika said there was no reason to investigate Father Sweeney when Arnone came forward in 2005 because Father Sweeney had already admitted to the conduct.

57. The Bishop said the Church would not look at the other information Arnone provided because it was "hearsay" and said the Church does not look at "hearsay."

58. Bishop Stika explained that Father Sweeney told Arnone he (Father Sweeney) had had sexual relations with a male hitchhiker to appear "macho" to her and to show that he had had sexual experiences.

59. The Bishop also acknowledged that Father Sweeney consented to HIV testing at Arnone's request when Arnone who had become concerned about her own health asked Sweeney to submit to medical testing.

60. Bishop Stika said Father Sweeney complimented Arnone on her leadership role with the church and Sweeney depended on her as a core part of the staff of his church.

61. In that meeting, Bishop Stika told Arnone multiple times that Father Sweeney would write a letter of apology to Arnone concerning what had occurred.

March 28, 2019 Letter from Michael Sweeney

62. Expecting the promised letter of apology from Father Sweeney, a few weeks after the meeting Arnone instead received a threatening letter from the Priest:

63. Father Sweeney never addressed the sexual relationship in the letter, his abuse of her trust or abuse of the priest-parishioner relationship and certainly never apologized for it.

64. Instead, Father Sweeney threatened Arnone in the letter and said because of her accusations he has decided to "unleash my attorneys. They are ready to move forward with legal charges against you. Among several others, there are medical ethics charges and the exploitation and sexual abuse of a venerable [sic] adult. It would take years to litigate; but I can be patient."

65. Father Sweeney told Arnone in the letter she needs to "reevaluate" what she is doing. "if you continue on the path of destruction, you will leave me no choice."

**SEXUAL BATTERY/ASSAULT/EXPLOITATION
BY DEFENDANT FATHER MICHAEL SWEENEY**

66. Plaintiff incorporates each and every allegation contained in all of the above paragraphs of the Complaint as if set forth in full herein.

67. In approximately June 2000 when Plaintiff who was still married to her husband was under the influence and direction of Defendant Father Sweeney as a trusted priest, teacher, counselor, and spiritual advisor, Defendant solicited and engaged in sexual activity with Plaintiff Celeste Arnone. For the purpose of furthering his assigned duties as a Roman Catholic priest, confessor, teacher and spiritual advisor, Father Sweeney sought and gained Plaintiff Celeste

Arnone's trust, friendship, admiration and obedience. As a result, Plaintiff was conditioned to comply with Father Sweeney's direction and to look to him as an authority on matters spiritual, moral, ethical and temporal.

68. Using the power, authority and trust of his position as a priest, confessor, teacher and spiritual guide to the Plaintiff, Father Sweeney enticed, induced, directed and/or coerced Plaintiff Celeste Arnone to engage in various sexual acts with him in approximately June and July 2000.

69. As a direct and proximate result of Father Sweeney's actions, Celeste Arnone has suffered and will suffer a loss of faith in God and in the Catholic Church, severe and permanent psychological, and emotional distress, humiliation, loss of self-esteem, and the inability to lead a normal life.

70. The damages to Celeste Arnone would not have occurred but for the actions of Father Sweeney and the Diocese of Knoxville and its agents, employees and servants.

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS BY FATHER MICHAEL SWEENEY

71. Plaintiff incorporates each and every allegation contained in all of the above paragraphs of the Complaint as if set forth in full herein.

72. Father Sweeney caused Plaintiff to suffer severe emotional distress. Father Sweeney was negligent and his negligence directly, factually, legally and proximately caused Plaintiff to suffer severe emotional distress.

73. As a result of Father Sweeney's negligence, the Plaintiff has suffered severe emotional distress and anxiety for which she has sought treatment.

74. The damages to Celeste Arnone would not have occurred but for the actions of Father Sweeney and the Diocese of Knoxville and its agents, employees and servants.

**NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
BY DIOCESE OF KNOXVILLE**

75. Plaintiff incorporates each and every allegation contained in all of the above paragraphs of the Complaint as if set forth in full herein.

76. Acting through its agents and employees, Diocese of Knoxville caused Plaintiff to suffer severe emotional distress. Acting through its agents and employees, the Diocese of Knoxville was negligent and its negligence directly, factually, legally and proximately caused Plaintiff to suffer severe emotional distress.

77. As a result of the Diocese of Knoxville's negligence, the Plaintiff has suffered severe emotional distress and anxiety for which she has sought treatment.

78. The damages to Celeste Arnone would not have occurred but for the actions of Father Sweeney and the Diocese of Knoxville and its agents, employees and servants.

**INTENTIONAL INFLICTION OF EMOTIONAL
DISTRESS BY FATHER MICHAEL SWEENEY**

79. Plaintiff incorporates each and every allegation contained in all of the above paragraphs of the Complaint as if set forth in full herein.

80. Father Sweeney caused Plaintiff to suffer severe emotional distress. Father Sweeney engaged in intentional and/or outrageous conduct and his intentional and/or outrageous conduct directly, factually, legally and proximately caused Plaintiff to suffer severe emotional distress.

81. As a result of Father Sweeney's intentional and/or outrageous conduct, the Plaintiff has suffered severe emotional distress and anxiety for which she has sought treatment.

82. The damages to Celeste Arnone would not have occurred but for the actions of Father Sweeney and the Diocese of Knoxville and its agents, employees and servants.

**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
BY DIOCESE OF KNOXVILLE**

83. Plaintiff incorporates each and every allegation contained in all of the above paragraphs of the Complaint as if set forth in full herein.

84. The Diocese of Knoxville caused Plaintiff to suffer severe emotional distress. The Diocese of Knoxville engaged in intentional and/or outrageous conduct and this intentional and/or outrageous conduct directly, factually, legally and proximately caused Plaintiff to suffer severe emotional distress.

85. As a result of The Diocese of Knoxville's intentional and/or outrageous conduct, the Plaintiff has suffered severe emotional distress and anxiety for which she has sought treatment.

86. The damages to Celeste Arnone would not have occurred but for the actions of Father Sweeney and the Diocese of Knoxville and its agents, employees and servants.

**LIABILITY OF THE DIOCESE OF KNOXVILLE FOR NEGLIGENT HIRING,
RETENTION, AND SUPERVISION**

87. Plaintiff incorporates each and every allegation contained in all of the above paragraphs of the Complaint as if set forth in full herein.

88. At all material times, the Diocese owed a duty to Celeste Arnone to use reasonable care to ensure the safety, care, well-being and health of Celeste Arnone while she was under the care, and/or custody or in the presence of the Diocese and/or its agents. The Diocese's duties encompassed the hiring, retention and/or supervision of Father Sweeney and otherwise providing a safe environment for Celeste Arnone while in the company of Diocesan agents including parish priests.

89. The Diocese breached these duties by failing to protect Celeste Arnone from negligence, negligent infliction of emotional distress, intentional infliction of emotional distress, sexual assault, sexual battery, sexual exploitation, and lewd and lascivious acts committed by the agent and/or employee of the Diocese, Father Sweeney.

90. At all relevant times, the Diocese knew or in the exercise of reasonable care should have known that Father Sweeney was unfit, dangerous, and a threat to the health, safety and welfare of the parishioners entrusted to his counsel, care, protection and direction.

91. Despite such actual or constructive knowledge, the Diocese placed Father Sweeney in charge of multiple ministries and provided Father Sweeney unfettered and unsupervised access to Celeste Arnone and gave him unlimited and uncontrolled privacy.

92. At all relevant times, the Diocese created an environment which fostered abuse and exploitation of vulnerable adults it had a duty to protect, including Celeste Arnone.

93. At all relevant times, the Diocese had inadequate policies and procedures to protect vulnerable adults it was entrusted to care for and protect, including Celeste Arnone.

94. At all relevant times, the Diocese had inadequate policies and procedures to supervise priests in its Diocese that the Diocese knew or should have known posed a threat to the health, safety and welfare of the parishioners it was entrusted to care for and protect, including Celeste Arnone.

95. At all relevant times, when Celeste Arnone did put the Diocese on notice of Father Sweeney's improper actions, the Diocese failed to properly investigate and warn others in the parishes that he supervised and put others at risk by failing to do so, instead seeking to conceal the improper actions.

96. As a direct and proximate result of the Diocese's negligence, Celeste Arnone suffered and will suffer a loss of faith in God and in the Catholic Church, severe and permanent psychological, and emotional distress, humiliation, loss of self-esteem, and the inability to lead a normal life.

97. The damages to Celeste Arnone would not have occurred but for the negligence of the Diocese of Knoxville and its agents, employees and servants.

**VICARIOUS LIABILITY (RESPONDEAT SUPERIOR) AGAINST DEFENDANT
DIOCESE FOR THE ACTS OF ITS AGENT FATHER SWEENEY**

98. Plaintiff incorporates each and every allegation contained in all of the above paragraphs of this complaint as if set forth in full herein.

99. At all times material hereto, on information and belief, Defendant Diocese of Knoxville was an employer, either actual or apparent, of Father Sweeney who was acting within the course and scope of such employment or agency, actual or apparent, such that any negligence or intentional acts of Father Sweeney may be imputed to Defendant Diocese of Knoxville by operation of law under principles of respondeat superior, agency, and master/servant.

100. For the purpose of furthering his assigned duties as a Roman Catholic priest, confessor, teacher and spiritual advisor, Father Sweeney sought and gained Plaintiff Celeste Arnone's trust, friendship, admiration and obedience. As a result, Plaintiff was conditioned to comply with Father Sweeney's direction and to look to him as an authority on matters spiritual, moral, ethical and temporal.

101. Using the power, authority and trust of his position as a priest, confessor, teacher and spiritual guide to the Plaintiff, Father Sweeney enticed, induced, directed and/or coerced Plaintiff Celeste Arnone to engage in various sexual acts with him in approximately June and July 2000. Defendant Diocese is therefore vicariously liable for the negligent acts, intentional acts, and omissions of its agent, servant and employee, Father Sweeney.

102. Defendant Diocese is vicariously liable for the negligent acts of Father Sweeney.

103. Defendant Diocese is vicariously liable for the intentional acts of Father Sweeney.

104. Defendant Diocese is vicariously liable for the negligent acts and omissions of its agents, servants and employees of then Bishop Kurtz who failed to help Celeste Arnone when she came to him for assistance in 2005.

105. Defendant Diocese is vicariously liable for the negligent acts and omissions of its agents, servants and employees of the Diocese including Bishop Kurtz who failed to investigate Father Sweeney after being advised of his inappropriate conduct and failed to warn parishioners after Celeste Arnone notified the Diocese of this inappropriate conduct in 2005.

106. Defendant Diocese is vicariously liable for the negligent acts and omissions of its agents, servants and employees of the Diocese including but not limited to Bishop Stika who told Plaintiff that what Father Sweeney had done was wrong and said multiple times Father Sweeney would send a letter of apology. Expecting to receive a letter of apology, the Plaintiff was further harmed when she received a threatening letter from the priest instead.

107. As a direct result of this sexual abuse, sexual exploitation, and breach of trust and all the actions and omissions outlined above, Plaintiff Celeste Arnone has sustained and continues to sustain the injuries and damages described herein.

108. The damages to Celeste Arnone would not have occurred but for the actions of Father Sweeney and the Diocese of Knoxville and its agents, employees and servants.

PUNITIVE DAMAGES

109. Plaintiff incorporates each and every allegation contained in all of the above paragraphs of this complaint as if set forth in full herein.

110. Pursuant to Tennessee law, including but not limited to Metcalf v. Waters, 970 S.W.2d 448 (Tenn. 1998), and Hodges v. S.C. Toof & Co., 833 S.W.2d 896 (Tenn. 1992) the acts of The Diocese of Knoxville, and its employees and agents in intentionally concealing the culpable conduct of Father Sweeney renders the Diocese of Knoxville liable for punitive damages, in addition to its liability for its intentional, fraudulent, malicious or reckless conduct.

DAMAGES

111. Plaintiff sues the Defendant Diocese of Knoxville for damages for the injuries described and prays for judgment and an award of compensatory and punitive damages against the Defendant in such an amount as may appear fair and reasonable to a jury and for all such other relief, both general and specific to which he may be entitled under the premises, as follows:

- A. For general and compensatory damages for past, present, and future psychological, emotional and physical pain, suffering, distress, and injury;
- B. Loss of enjoyment of life;
- C. Negligent and intentional infliction of emotional distress, and/or outrageous conduct;
- D. For medical, mental health, and incidental expenses;
- E. For loss of earning and of earning capacity;
- F. For punitive and exemplary damages against Defendant;
- G. For attorney fees, court costs, and interest; and
- H. For any other relief this Honorable Court deems proper.

PRAYER FOR RELIEF

112. WHEREFORE, PREMISES CONSIDERED, Plaintiff sues Defendant Father Michael Sweeney and the Defendant Diocese of Knoxville for damages for the injuries described and prays for judgment and an award of compensatory and punitive damages against the Defendants in such an amount as may appear fair and reasonable to a jury and for all such other relief, both general and specific to which he may be entitled under the premises.

DEMAND FOR JURY TRIAL

113. Plaintiff demands a jury trial in this action.

Respectfully submitted,

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