

STATE OF MAINE
CUMBERLAND, SS.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO.

JAMES BAKER

Plaintiff

v.

THE ROMAN CATHOLIC BISHOP OF
PORTLAND, A CORPORATION SOLE,
JOHN DOE ONE, AND JOHN DOE TWO

Defendants

COMPLAINT

PARTIES

1. The Plaintiff, James Baker, is an individual whose residence is in Berwick, York County, State of Maine.

2. Defendant, Roman Catholic Bishop of Portland, Maine, a corporation sole (hereinafter "Bishop of Portland") is, and at all relevant and material times was, the employer, supervisor, administrator, and director of all Catholic priests within the State of Maine, including the late Father James P. Valley (hereinafter referred to as "Father Valley"), and has a principal place of business in Portland, Cumberland County, State of Maine. The Bishop of Portland has complete autonomy over the parishes in the State of Maine. At all relevant and material times the Bishop of Portland had a duty to hire, supervise, direct, and retain Father Valley, and had a fiduciary duty to the Plaintiff.

3. Defendants John Doe One and John Doe Two are individuals or entities whose identities are presently unknown to Plaintiff; therefore, Plaintiff files the above-captioned action against Defendants John Doe One and John Doe Two by such fictitious names. Plaintiff will seek leave to

amend this Complaint to add the true name or names of Defendants John Doe One and John Doe Two when said name or names have been ascertained. During relevant and material times, Defendants John Doe One and John Doe Two were responsible for the hiring, supervision, direction, and retention of Father James P. Valley; and Defendants John Doe One and John Doe Two knew about allegations or reports that Father James P. Valley had sexually abused minor children prior to the time Father James P. Valley sexually abused Plaintiff when Plaintiff was a minor child, and Defendants John Doe One and John Doe Two wrongfully concealed that information from Plaintiff and Plaintiff's parents.

FACTUAL ALLEGATIONS

4. At all relevant and material times Father Valley was affiliated with or assigned to St. Michael's Parish in South Berwick, State of Maine, a parish of the Bishop of Portland. Defendants Bishop of Portland, John Doe One, and John Doe Two hired, supervised, directed, and retained Father Valley at all times when Father Valley engaged in explicit sexual behavior and sexually inappropriate conduct with the Plaintiff. At times prior to 1954, Father Valley was a member of the St. Columban's Foreign Mission Society, now known as the Society of St. Columban. Prior to being affiliated, or incardinated, with the Diocese of Portland Father Valley was affiliated, or incardinated, with the Archdiocese of Portland in Oregon.

5. From approximately 1954 through approximately 1956, Father Valley was affiliated with or assigned to St. John's Parish in Bangor, State of Maine, a parish of the Bishop of Portland. During Father Valley's affiliated with or assignment to St. John's Parish, Defendants Bishop of Portland, John Doe One, and John Doe Two were notified that Father Valley sexually assaulted minors, or otherwise acted sexually inappropriate with minors. Until December 2009, Defendants Bishop of Portland, John Doe One and John Doe Two concealed from the public, Plaintiff, and

Plaintiff's family that by at least 1978, Defendants Bishop of Portland, John Doe One, and John Doe Two received notice that Father Vallely sexually assaulted minors, or otherwise acted sexually inappropriate with minors.

6. Not until recently did the Plaintiff have knowledge or sufficient notice that he had been harmed by the unreasonable and improper conduct of Defendants Bishop of Portland, John Doe One, and John Doe Two; including, but not limited to, concealment of the knowledge that Defendants had concerning allegations or reports that Father Vallely sexually assaulted minors, or otherwise acted sexually inappropriate with minors prior to the time that Father Vallely had engaged in explicit sexual behavior and sexually inappropriate conduct with the Plaintiff.

7. In approximately 1977 when the Plaintiff was approximately eight (8) years of age, the Plaintiff was an altar boy at St. Michael's Parish in South Berwick Maine.

8. Defendants Bishop of Portland, John Doe One, and John Doe Two knew that the Plaintiff, as an altar boy, would be physically present at the church of St. Michael's Parish more often than other children of the parish. Defendants knew, or should have known, that then minor Plaintiff would have substantially greater contact than other children of the parish with Father Vallely, as Father Vallely was the only priest assigned or affiliated with St. Michael's Parish in approximately 1977.

9. Defendants Bishop of Portland, John Doe One, and John Doe Two knew or should have known that altar servers of St. Michael's Parish in approximately 1977 would work closely with, and be mentored by, Father Vallely. In approximately 1977 Defendants knew that Father Vallely would at various times be alone with the minor altar servers of St. Michael's Parish.

10. In approximately 1977 when the Plaintiff was approximately eight (8) years of age, Father Vallely engaged in explicit sexual behavior and sexually inappropriate conduct with the Plaintiff

in the rectory of St. Michael's Parish, including, among other things, Father Vallely pulling down the Plaintiff's pajama pants and underwear while the Plaintiff was lying down in a bed with Father Vallely so that the Plaintiff's penis was exposed, and Father Vallely fondling the Plaintiff's penis skin-on-skin.

11. Father Vallely's explicit sexual behavior and sexually inappropriate conduct occurred while Father Vallely was a priest of the Bishop of Portland.

12. Upon information and belief, Defendants Bishop of Portland, John Doe One, and John Doe Two knew or should have known prior to 1977 that Father Vallely was a sexual predator.

13. As a result of Father Vallely's explicit sexual behavior and sexually inappropriate conduct with the Plaintiff, the Plaintiff suffers, has suffered, and will continue to suffer in the future severe emotional distress and physical harm manifested by objective symptomatology, including, but not limited to, problems with sleep, depression, anxiety, anger, self-medicating with alcohol, and suicidal ideation.

14. At all relevant and material times, Defendants Bishop of Portland, John Doe One, and John Doe Two misrepresented and concealed from the Plaintiff the wrongful nature of the explicit sexual behavior and sexually inappropriate conduct of Father Vallely and that such explicit sexual behavior and sexually inappropriate conduct could harm the Plaintiff.

15. At all relevant and material times, Defendants Bishop of Portland, John Doe One, and John Doe Two actively concealed material facts concerning Father Vallely's activities as a sexual predator from the Plaintiff, the Plaintiff's family, and other parishioners at St. Michael's Parish and that the Plaintiff relied to his detriment on the non-disclosure of Defendants.

16. At all relevant and material times, Defendants Bishop of Portland, John Doe One, and John Doe Two had a fiduciary duty to the Plaintiff.

17. At all relevant and material times, a special relationship existed between Defendants and the Plaintiff requiring the Defendants to act reasonably to prevent Father Vallely from harming Plaintiff.

CLAIMS FOR RELIEF

COUNT I: FRAUDULENT CONCEALMENT

18. Plaintiff repeats, realleges and incorporates by reference herein each and every allegation heretofore pleaded in Paragraphs 1 through 17 above.

19. At least by 1977, Defendants Bishop of Portland, John Doe One, and John Doe Two were notified that Father Vallely sexually assaulted minors, or otherwise acted in a sexually inappropriate manner with minors.

20. Defendants Bishop of Portland, John Doe One, and John Doe Two knew or should have known prior to 1977 that Father Vallely was a sexual predator.

21. Until at least December 2009, Defendants Bishop of Portland, John Doe One, and John Doe Two failed to disclose Father Vallely's activities as a sexual predator.

22. At all relevant and material times, Defendants Bishop of Portland, John Doe One, and John Doe Two knew or should have known that Father Vallely would interact and was interacting with individuals, including minors, and more specifically, was interacting with the Plaintiff.

23. In approximately 1977, Plaintiff, as an altar boy at the church of St. Michael's Parish, had a special and privileged relationship with Father Vallely.

24. Defendants Bishop of Portland, John Doe One, and John Doe Two assigned Father Vallely to work at St. Michael's Parish, and while at St. Michael's Parish, Father Vallely was supervised by the Defendants. Despite being aware that Father Vallely had a propensity to sexually exploit and abuse young children, the Defendants failed to disclose that Father Vallely had a propensity

to sexually exploit and abuse young children to the general membership of St. Michael's Parish, to the parents of children attending religious services and instruction at St. Michael's Parish, to the parents of children serving as altar servers at St. Michael's Parish, or to law enforcement officials. Defendants concealed from the Plaintiff, Plaintiff's parents, the parishioners at St. Michael's Parish, and the public Father Vallely's propensity to sexually exploit and abuse young children.

25. Defendants Bishop of Portland, John Doe One, and John Doe Two had legal or equitable duties to disclose to Plaintiff and Plaintiff's family Father Vallely's propensity to sexually exploit and abuse young children.

26. Defendants Bishop of Portland, John Doe One, and John Doe Two failed to disclose Father Vallely's propensities with the intention of inducing the Plaintiff, the parishioners at St. Michael's Parish, and the public to act in reliance on the non-disclosure; that is, by non-disclosure the Defendants encouraged parishioners of St. Michael's Parish to work with and support Father Vallely and the Defendants.

27. The Defendants' non-disclosure caused the Plaintiff and Plaintiff's family to believe it was safe for Plaintiff work as an altar server under Father Vallely. Refraining from avoiding Father Vallely in reliance on Defendants' non-disclosure was detrimental to the Plaintiff, and as a result, Plaintiff suffered substantial harm.

28. At all relevant and material times, Defendants Bishop of Portland, John Doe One, and John Doe Two knew or should have known that Father Vallely's intentional and negligent conduct would result in severe mental and emotional suffering by the Plaintiff.

29. As a direct and proximate result of the fraudulent concealment by Defendants Bishop of Portland, John Doe One, and John Doe Two, the Plaintiff suffered and will continue to suffer in the future: severe and permanent mental distress and emotional injuries, financial expenses for

medical and therapeutic care and treatment; lost long-term earning capacity; as well as other damages.

COUNT II: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

30. The Plaintiff repeats, realleges, and incorporates by reference herein each and every allegation heretofore pleaded in Paragraphs 1 through 29 above.

31. At all relevant and material times, Father Vallely was, and acted as, a duly authorized agent, servant, or employee of Defendants Bishop of Portland, John Doe One, and John Doe Two.

32. During the time Plaintiff served as altar boy under Father Vallely at St. Michael's Parish, Defendants Bishop of Portland, John Doe One, and John Doe Two knew about Father Vallely's propensity to harm children. By allowing Father Vallely to work with minors at St. Michael's Parish, Defendants enabled Father Vallely to engage in the explicit sexual behavior and sexually inappropriate conduct described above, and Defendants intended to inflict emotional distress upon the Plaintiff, or Defendants knew or should have known that emotional distress was the likely result of allowing Father Vallely to work with minors at St. Michael's Parish.

33. The conduct of Defendants Bishop of Portland, John Doe One, and John Doe Two in allowing Father Vallely to engage in the explicit sexual behavior and sexually inappropriate conduct described above is extreme and outrageous, beyond all possible bounds of decency, and utterly intolerable in a civilized community.

34. As a direct and proximate result of the conduct of Defendants Bishop of Portland, John Doe One, and John Doe Two in allowing Father Vallely to engage in the explicit sexual behavior and sexually inappropriate conduct described above, the Plaintiff suffered and will continue to suffer in the future: severe and permanent mental distress and emotional injuries as outlined above;

financial expenses for medical and therapeutic care and treatment; long term lost earning capacity; as well as other damages.

35. The mental distress and emotional injuries which the Plaintiff suffered and will continue to suffer were severe, and of a nature that no reasonable person could be expected to endure them.

COUNT III: NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

36. The Plaintiff repeats, realleges, and incorporates by reference herein each and every allegation heretofore pleaded in Paragraphs 1 through 35 above.

37. In their capacity as Father Vallely's supervisors, Defendants Bishop of Portland, John Doe One, and John Doe Two had a duty of care to properly supervise and direct Father Vallely in his interaction with minors acting as altar boys, including the Plaintiff.

38. Defendants Bishop of Portland, John Doe One, and John Doe Two negligently breached such duty by failing to exercise the care of a reasonable person in supervising and directing Father Vallely in his interaction with, and mentoring of, minors acting as altar boys, including the Plaintiff, in that Father Vallely violated boundaries concerning appropriate and inappropriate touching and interaction by engaging in the conduct described above.

39. At all relevant and material times, Defendants Bishop of Portland, John Doe One, and John Doe Two knew or should have known that Father Vallely's violations of boundaries concerning appropriate and inappropriate touching and interaction by engaging in the conduct described above would result in severe mental and emotional suffering by the Plaintiff.

40. As a direct and proximate result of the negligent conduct of Defendants Bishop of Portland, John Doe One, and John Doe Two, the Plaintiff suffered and will continue to suffer in the future: severe and permanent mental distress and emotional injuries, including objective corroboration of

said mental distress and emotional injuries as outlined above; financial expenses for medical and therapeutic care and treatment; long term lost earning capacity; as well as other damages.

41. A reasonable person in the Plaintiff's position would have suffered extreme mental distress and emotional injuries under these circumstances.

COUNT IV: NEGLIGENT HIRING, RETENTION, DIRECTION, AND SUPERVISION

42. The Plaintiff repeats, realleges, and incorporates by reference herein each and every allegation heretofore pleaded in Paragraphs 1-41 above.

43. At all relevant and material times, the responsibilities of Defendants Bishop of Portland, John Doe One, and John Doe Two included the hiring, retention, direction, and supervision of individuals to be employed at or affiliated with St. Michael's Parish in South Berwick, Maine where those individuals would be interacting with minors.

44. At all relevant and material times, the responsibilities of Defendants Bishop of Portland, John Doe One, and John Doe Two, included hiring or assigning Father Valley to work at St. Michael's Parish, or approving Father Valley's affiliation with St. Michael's Parish; retaining Father Valley in his employment, assignment, or affiliation with St. Michael's Parish; directing Father Valley in his employment, assignment, or affiliation with St. Michael's Parish, including in his interactions with minors; and supervising Father Valley in his employment, assignment, or affiliation with St. Michael's Parish, including his interactions with minors.

45. At all relevant and material times, Father Valley worked for and was supervised by Defendants Bishop of Portland, John Doe One, and John Doe Two at St. Michael's Parish and, upon information and belief, despite being aware that Father Valley had a propensity to sexually exploit minor children, Defendants Bishop of Portland, John Doe One, and John Doe Two failed

to report Father Vallely to law enforcement officials, but rather concealed from the public, parishioners, Plaintiff, and Plaintiff's Family Father Vallely's propensities to harm children.

46. At all relevant and material times, Defendants Bishop of Portland, John Doe One, and John Doe Two knew or should have known that Father Vallely would interact and was interacting with minors at St. Michael's Parish, including, more specifically, the Plaintiff.

47. At all relevant and material times, Defendants Bishop of Portland, John Doe One, and John Doe Two had a special relationship with Father Vallely, a priest at St. Michael's Parish.

48. At all relevant and material times, Defendants Bishop of Portland, John Doe One, and John Doe Two were entrusted with and had a special relationship with the Plaintiff, a minor boy who served as an altar boy at St. Michael's Parish. This relationship was heightened by Defendants' knowledge of Father Vallely's propensity to harm children.

49. At all relevant and material times, Defendants Bishop of Portland, John Doe One, and John Doe Two had a duty of care to properly hire, retain, direct, and supervise individuals of good reputation and character who would be asked to interact with minors at St. Michael's Parish.

50. At all relevant and material times, Defendants Bishop of Portland, John Doe One, and John Doe Two negligently breached their duty of care to properly hire, retain, direct, and supervise individuals of good reputation and character who would be asked to interact with minor boys at St. Michael's Parish. Defendants breached this duty by hiring Father Vallely at or approving Father Vallely's affiliation or assignment with St. Michael's Parish; by retaining Father Vallely in his employment, affiliation, or assignment with St. Michael's Parish; and by Defendants' failure to exercise the care of a reasonable person in their direction and supervision of Father Vallely's interactions with minor boys at St. Michael's Parish, including the Plaintiff, as Defendants knew or should have known Father Vallely was of bad character and reputation and unfit to properly

interact with minor boys at St. Michael's Parish, including, more specifically, the Plaintiff, and that Father Valley engaged in or was engaging in the intentional and negligent conduct with the Plaintiff as described above.

51. At all relevant and material times, Defendants Bishop of Portland, John Doe One, and John Doe Two knew or should have known that Father Valley's intentional and negligent conduct as described above would result in severe mental and emotional suffering by a victim of such conduct, including the Plaintiff.

52. As a direct and proximate result of the negligent conduct of Defendants Bishop of Portland, John Doe One, and John Doe Two, the Plaintiff has suffered and will continue to suffer in the future; severe and permanent mental distress and emotional injuries, including objective corroboration of said mental distress and emotional injuries as outlined above; financial expenses for medical and therapeutic care and treatment; long term lost earning capacity; as well as other damages.

COUNT V: BREACH OF FIDUCIARY DUTY

53. The Plaintiff repeats, realleges, and incorporates by reference herein each and every allegation heretofore pleaded in Paragraphs 1 through 52 above.

54. At all relevant and material times, Defendants Bishop of Portland, John Doe One, and John Doe Two knew that Father Valley and St. Michael's Parish in South Berwick, Maine was providing instruction and interacting with extremely vulnerable minors.

55. At all relevant and material times, Defendants Bishop of Portland, John Doe One, and John Doe Two managed and directed Father Valley and St. Michael's Parish, which were providing instruction and interacting with extremely vulnerable minors.

56. In approximately 1977 when the Plaintiff was approximately eight (8) years of age, Defendants Bishop of Portland, John Doe One, and John Doe Two, as well as Father Vallely, were in positions that the minor altar servers at St. Michael's Parish would believe they could trust Defendants Bishop of Portland, John Doe One, and John Doe Two, as well as Father Vallely.

57. As an altar boy, the Plaintiff was subject to the supervision, control, and authority of Defendants Bishop of Portland, John Doe One, and John Doe Two on a daily basis.

58. Defendants Bishop of Portland, John Doe One, and John Doe Two were in positions that the minors serving as altar boys at St. Michael's Parish would have confidence that Defendants' conduct was to further the best interests of the minors.

59. At all relevant and material times, Defendants Bishop of Portland, John Doe One, and John Doe Two were in a formal position of authority over the Plaintiff and were responsible for the care and well-being of the Plaintiff. At all relevant and material times, Defendants Bishop of Portland, John Doe One, and John Doe Two were required to act in the Plaintiff's best interests.

60. At all relevant and material times, Defendants Bishop of Portland, John Doe One, and John Doe Two understood that the Plaintiff would repose faith, confidence, and trust in the judgment and advice of Defendants Bishop of Portland, John Doe One, and John Doe Two.

61. Defendants Bishop of Portland, John Doe One, and John Doe Two each had a fiduciary obligation to the Plaintiff.

62. Defendants Bishop of Portland, John Doe One, and John Doe Two breached their fiduciary duty to the Plaintiff.


63. As a direct and proximate result of the breach of fiduciary duty by Defendants Bishop of Portland, the Plaintiff suffered and will continue to suffer in the future: severe and permanent

mental distress and emotional injuries, financial expenses for medical and therapeutic care and treatment; lost long-term earning capacity; as well as other damages.

64. By reason of the foregoing, Defendants Bishop of Portland, John Doe One, and John Doe Two are liable to Plaintiff in an amount to be proved at trial.

WHEREFORE, the Plaintiff respectfully demands judgment against the Defendants for compensatory and punitive damages on each claim in an amount to be determined by a jury, plus costs, interest, attorneys' fees, and such other and further relief as the Court deems just and equitable.

Dated: 11-20-15


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