

Konrad Kircher (0059249)
Attorney for Plaintiff

**FRANKLIN COUNTY COMMON PLEAS COURT
CIVIL DIVISION**

JOHN DOE)
c/o Konrad Kircher, Esq.)
12 E. Warren St.)
Lebanon, OH 45036)

Plaintiff,)

v.)

ROMAN CATHOLIC DIOCESE OF)
COLUMBUS)
197 East Gay Street)
Columbus, OH 43215)

and)

ARCHBISHOP FREDERICK CAMPBELL)
197 East Gay Street)
Columbus, OH 43215)

and)

ST. CHARLES PREPARATORY SCHOOL)
2010 East Broad Street)
Columbus, OH 43209)

Defendants.)

Case No.:

Judge

**COMPLAINT;
JURY DEMAND
ENDORSED HEREON**

Now comes Plaintiff, by and through counsel, and for his Complaint states as follows:

1. Plaintiff John Doe is a former student at St. Charles Preparatory School, an institution owned and operated by Defendants Roman Catholic Diocese of Columbus and Bishop Frederick Campbell. Plaintiff John Doe is an adult male, date of birth July 15, 1988, who seeks

to proceed pseudonymously pursuant to Sup. R. 45 and public policy as a victim of child sexual abuse. John Doe's identity will be confidentially disclosed to Defendants.

2. While a freshman at St. Charles during the 2002-2003 school year, Plaintiff was sexually molested on approximately six separate occasions by Monsignor Thomas Bennett, a member of the St. Charles Faculty and employee and agent of Defendants. The sexual assaults occurred on the premises of St. Charles.

3. Sexual abuse of children by Clergy had long been an epidemic within the Catholic Church at the time Plaintiff was assaulted by Bennett. The Vatican in 1962 published written instructions to all dioceses and bishops throughout the world to conceal incidents of sexual abuse by priests, and to swear the victims to secrecy as well. Defendants knew or should have known that Bennett was a risk of harm to children but failed to prevent Plaintiff's abuse.

4. Plaintiff has endured physical and emotional injuries, both temporary and permanent, and has incurred medical expenses, lost wages and pain and suffering damages.

FIRST CAUSE OF ACTION
(Breach of Fiduciary Duty)

5. Plaintiff incorporates the previous allegations of his Complaint as if fully restated herein.

6. Plaintiff was a minor student in a school owned and operated by Defendants at the time that he was molested, and he was a parishioner of Defendant's church at the time of molestation. Plaintiff continued in one or both capacities for some time after the molestation. These relationships created a fiduciary duty on the part of Defendants toward Plaintiff. By holding Bennett out as a qualified Roman Catholic priest, religious instructor and counselor, and by undertaking the religious instruction and spiritual and emotional counseling of the minor Plaintiff, Defendants entered into a fiduciary relationship with the minor Plaintiff. Further, by holding St. Charles out to

the public as a safe environment for learning, worship and spiritual growth, Defendants entered into a fiduciary relationship with the minor Plaintiff.

7. The acts and/or omissions of Defendants as set forth herein constitute an implicit endorsement of Bennett's good character and trustworthiness. Further, said acts and/or omissions by Defendants were made with the specific intent of inducing Plaintiff and others into relying upon that implicit endorsement. Defendants knew or should have known that Plaintiff would rely on their implicit endorsement of Bennett's good character and trustworthiness, and Plaintiff did justifiably rely thereon to his detriment.

8. Defendants breached their fiduciary duty to Plaintiff by engaging in the wrongful conduct described herein.

9. As a direct and proximate result of Plaintiff's reasonable reliance on the implicit endorsement of Bennett by Defendants, and as a direct and proximate result of Defendants' breach of their fiduciary duties, Plaintiff has suffered actual injuries and damages as set forth herein and Defendants are equitably estopped from asserting certain defenses.

10. On occasions to be determined through discovery, Defendants became aware of Bennett's harmful conduct and/or molestations of students, including Plaintiff, yet breached their fiduciary duty to Plaintiff by failing to report Bennett's illegal and harmful conduct, by concealing such conduct, by failing to take any action to investigate the details of Bennett's conduct, by failing to protect Plaintiff from harm, and by failing to identify Plaintiff as victims in order to offer them aid and assistance, and by failing to warn and inform them of Bennett's propensities.

11. As a direct and proximate result of Defendant's conduct, Plaintiff has incurred the damages described above.

SECOND CAUSE OF ACTION
(Negligence)

12. Plaintiff incorporates the previous allegations of his Complaint as if fully restated herein.

13. Plaintiff was a minor student in a school owned and operated by Defendants at the times that he was molested. He was also a parishioner of Defendants' churches at the time of molestation. Plaintiff continued in those capacities for some time after the molestation. These relationships created a duty on the part of Defendant Archdiocese toward Plaintiff to protect him from foreseeable harm and prevent further harm.

14. On the occasions mentioned above, and perhaps on other occasions to be identified during discovery, Defendants became aware of Bennett's harmful conduct and/or molestations of students, including Plaintiff, yet negligently failed to report Bennett's illegal and harmful conduct, concealed the conduct, failed to take any action to investigate the details of Bennett's conduct, failed to protect Plaintiff from harm, failed to identify Plaintiff as a victim in order to offer him aid and assistance, and failed to warn and inform him of Bennett's propensities.

15. Furthermore, Defendants negligently failed to supervise and negligently retained Bennett as a priest even after receiving notice of his harmful conduct and/or molestation of students. Such conduct breached Defendants' duty to protect Plaintiff from foreseeable harm and to prevent further harm.

16. As a direct and proximate result of Defendants' conduct, Plaintiff has incurred the damages described above.

THIRD CAUSE OF ACTION
(Respondeat Superior/Ratification)

17. Plaintiff incorporates the previous allegations of his Complaint as if fully restated herein.

18. Defendants are legally responsible for the sexual battery by Bennett through their ratification of Bennett's conduct. The ratification occurred through concealment of the conduct, the breach of the duties described above, and the facilitation by Defendants of further wrongdoing by Bennett.

19. As a direct and proximate result of Defendants' conduct, Plaintiff has incurred the damages described above.

FOURTH CAUSE OF ACTION
(Intentional Infliction of Emotional Distress)

20. Plaintiff incorporates the previous allegations of his Complaint as if fully restated herein.

21. The conduct of Defendants described above is outrageous and has caused severe emotional distress to Plaintiff.

22. As a direct and proximate result of Defendants' conduct, Plaintiff has incurred the damages described above.

FIFTH CAUSE OF ACTION
(Corrupt Activities)

23. Plaintiff incorporates the previous allegations of his Complaint as if fully restated herein.

24. Defendants and Bennett constitute an "enterprise" under R.C. Section 2923.31. In addition, the relationship between Defendants Diocese, Defendant Campbell, Bennett, the National Council of Catholic Bishops ("NCCB"), the United States Catholic Conference ("USCC"), the United States Conference of Catholic Bishops ("USCCB"), and various unknown persons whose identities cannot reasonably be ascertained at this time, constitutes one or more "association in fact enterprises" under O.R.C. §2923.31(C).

25. The persons controlling the affairs of the enterprise(s) have conducted and/or participated in, directly or indirectly, the affairs of the enterprise(s) through a pattern of corrupt activities or pattern or practice of corrupt activity in violation of O.R.C. §2923.32. Defendants and Bennett maintained and exercised control over the enterprise(s) alleged.

26. Upon information and belief, since approximately 1950 through the present, Defendants have conspired to and have engaged in conduct in violation of Ohio statutory and common law, including but not limited to: intentionally, recklessly, and/or negligently concealing the criminal conduct of their agents, including Bennett; aiding and abetting the concealment of criminal conduct; aiding and abetting criminal sexual conduct; failing to report criminal conduct of their agents; obstructing justice; obstructing state and/or local criminal investigation; evading civil and/or criminal prosecution and liability; perjury; destroying and/or concealing documents and records; victim and witness intimidation; violating the civil rights of children and families; engaging in mail and/or wire fraud; and committing fraud and/or fraudulent inducement of their parishioners.

27. Said actions or inactions were committed in furtherance of their scheme to protect predatory priests and other clergy and/or agents from criminal or civil prosecution in order to maintain or increase charitable contributions and/or to avoid public scandal in the Roman Catholic Church.

28. The persons controlling or directing the affairs of the enterprise(s) knew that the enterprise's clergy and employees, including Bennett, were sexually exploiting and abusing children, including the Plaintiff, and they showed willful indifference and/or reckless or intentional disregard for the children under their guidance and/or supervision in order to further their scheme. As a result of their acts, the enterprise(s), intentionally and showing willful

indifference and/or reckless disregard, maintained a web of predatory priests who perpetrated criminal acts of child abuse throughout Ohio for over fifty (50) years.

29. The prohibited criminal conduct of the enterprise(s) constitutes a pattern of corrupt activity, in that there were two or more predicate incidents of corrupt activity that are related to the affairs of the same enterprise, are not isolated, and are not so closely related to each other and connected in time and space that they constitute a single event.

30. Upon information and belief, persons controlling or directing the affairs of the enterprise(s) committed a continuing pattern of corrupt activity in furtherance of its scheme by engaging in fraudulent conduct across Ohio and the world, including but not limited to the following:

In 1962, the Vatican prepared a document for “all Patriarchs, Bishops and Other Diocesan Ordinaries” entitled “Instruction On The Manner Of Proceeding In Cases of Solicitation”. This document was supplied to, and was binding upon, all American bishops and officials, including agents of Defendant Diocese.

The document cautioned that “[This text is] (sic) to be diligently stored in the secret archives of the Curia as strictly confidential”. The document was essentially an instruction manual on how to handle allegations of sexual abuse made against priests and other religious agents “in a most secretive way, and after they have been defined and given over to execution, they are to be restrained by a perpetual silence...under penalty of excommunication.”. The method of inquisition of the accused is set forth, as are possible penalties, ranging from suspension from the celebration of Mass to reduction to the status of lay brother.

Further, it is clear that one objective of the Vatican was to suppress scandal attaching to priest molestation cases for the express purpose of avoiding financial losses. The document

specifically advised that “delinquent” priests should not “[remain] in a certain place, i.e. should be transferred to another assignment, if necessary to “remove the near occasion (i.e. temptation). . . or for the prevention of scandal or reparation for it.”

The document never even mentions the victims of “delinquent priests”; nor does the document advise or direct bishops and other church officials to give notice of potential risk to any civil or religious authority, in order to protect future victims and prevent future molestation.

The document never advises or directs bishops and other church officials to report criminal sexual conduct of “delinquent” priests to appropriate law enforcement agencies.

31. In April of 1990 at a Midwest Canon Law Society conference in Ohio, Bishop James Quinn of Cleveland gave an address titled “NCCB Guidelines, and other Considerations in Pedophilia Cases,” in which he stated:

Nevertheless, personnel files should be carefully examined to determine their content. Unsigned letters alleging misconduct should be expunged. Standard personnel files should contain no documentation relating to possible criminal behavior. Serious moral questions, signed allegations, those should be a part of the secret file anyhow. But they still subpoena them. But comb through your files.

Now what files have been subpoenaed, they cannot be tampered with; destroyed, removed; that constitutes obstruction of justice and contempt of court. Prior, however, thought and study ought to be given if you think it is going to be necessary; if there’s something there you really don’t want people to see you might send it off to the Apostolic Delegate, because they have immunity to protect something that is potentially dangerous, or that you consider to be dangerous, you might send it there.

32. The conduct described above constitutes a “pattern of corrupt activity” and violates R.C. Section 2923.32, in that Bennett engaged in crimes of sexual offenses with minors, Defendants failed to fulfill their legal obligations to report such crimes and participated in the concealment of such crimes, and the actions and/or knowing omissions of Defendants facilitated

Bennett’s conduct and/or prevented Plaintiffs from seeking treatment or minimizing further harm.

42. Upon information and belief, Bennett engaged in dozens of incidents of sexual offenses, and notice of such conduct was given to Defendants on many occasions.

43. Plaintiff is entitled to triple damages under R.C. Section 2923.34.

44. As a direct and proximate result of Defendants’ conduct, Plaintiff has incurred the damages described above.

SIXTH CAUSE OF ACTION
(Punitive Damages)

45. Plaintiff incorporates the previous allegations of his Complaint as if fully restated herein.

46. Defendants’ conduct was intentional, malicious and/or with reckless disregard for the welfare of Plaintiff, justifying an award of punitive damages.

WHEREFORE, Plaintiff respectfully demands Judgment against Defendants for compensatory damages in excess of \$1,000,000.00 each, triple damages, punitive damages in excess of \$1,000,000.00, reasonable attorneys fees, costs and all other relief to which he may lawfully be entitled.

Respectfully submitted,

/s/ Konrad Kircher

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