

IN THE CIRCUIT COURT OF MARION COUNTY
STATE OF MISSOURI

FILED

MAR 22 2007

CAROLYN J. CONNERS
CIRCUIT CLERK DIST II
MARION COUNTY, MO

JOHN CC DOE)
)
vs.)
)
)
MOST REV. ANTHONY J)
O'CONNELL ROMAN CATHOLIC)
DIOCESE JEFFERSON CITY,)
A CORPORATION SOLE; JOHN)
RAYMOND GAYDOS, IN HIS)
CAPACITY AS BISHOP OF THE)
ROMAN CATHOLIC DIOCESE OF)
JEFFERSON CITY A/K/A THE)
ROMAN CATHOLIC BISHOP FOR THE)
DIOCESE OF JEFFERSON CITY A)
CORPORATION SOLE, JOSEPH E.)
KURTZ, BISHOP OF ROMAN)
CATHOLIC DIOCESE OF KNOXVILLE)
AND THE DIOCESE OF PALMBEACH)

Cause No. CY 302-14706

**PLAINTIFF DEMANDS A
JURY TRIAL**

PETITION

PARTIES

1. Plaintiff John CM Doe is an adult man and a resident of the State of Missouri, whose true identity has been provided to Defendants by separate cover letter. Plaintiff was a minor for the abuse, alleged herein, occurring between 1982 through 1986.
2. Defendant Roman Catholic Diocese of Jefferson City, a corporation sole, is a non-profit corporation with its principal place of business in Jefferson City, Missouri. Defendant John Raymond Gaydos is a citizen of the State of Missouri and is the Bishop of the Roman Catholic Diocese of Jefferson City also known as the Roman Catholic Bishop for the Diocese of Jefferson City, a corporation sole, and by virtue of his office, he is empowered to, and in fact, represents the

Diocese in this litigation. Defendant John Raymond Gaydos is sued in his capacity as Bishop of the Roman Catholic Diocese of Jefferson City, a corporation sole. (Raymond Gaydos and the Roman Catholic Bishop for the Diocese of Jefferson City, a corporation sole will be collectively referred to as “Bishop”). Defendant Bishop operation includes the funding, staffing and direction of schools and seminaries including St. Thomas Seminary in Hannibal, Missouri. At all times material hereto, Defendant Anthony J. O’Connell was under the direct supervision, employ and control of Defendant Bishop.

3. Defendant Roman Catholic Diocese of Knoxville is a non-profit religious organization with its principal place of business in Knoxville, Tennessee. Defendant Joseph E. Kurtz is a citizen of the state of Tennessee and is the Bishop of the Roman Catholic Diocese of Knoxville also known as the Roman Catholic Bishop for the Diocese of Knoxville. By virtue of his office, he is empowered to, and in fact, represents the Diocese in this litigation. Defendant Joseph E. Kurtz is sued in his capacity as Bishop of the Roman Catholic Diocese of Knoxville (Joseph E. Kurtz and the Roman Catholic Diocese of Knoxville will be collectively referred to as “Diocese of Knoxville”). At all relevant times hereto, Defendant O’Connell was under the direct supervision, employ and control of Defendant Diocese of Knoxville.

4. At all times material, Defendant Diocese of Palm Beach (hereinafter “Diocese of Palm Beach”) was and continues to be a non-profit religious organization with its principal place of business in Palm Beach, Florida. At all relevant times hereto, Defendant O’Connell was under the direct supervision, employ and control of Defendant Diocese of Palm Beach.

5. Defendant Most Rev. Anthony J. O’Connell (hereinafter “O’Connell”) was ordained a Roman Catholic Priest in 1963. Approximately, between 1964 and 1988, Defendant O’Connell

was the rector, vocations director, spiritual director and the counseling director of St. Thomas Aquinas Seminary (hereinafter “Seminary”) located in Hannibal, Missouri.

6. On or about September 1988, Defendant O’Connell was appointed Bishop of Defendant Diocese of Knoxville.

7. Thereafter, on or about November of 1998, Defendant O’Connell was appointed Bishop of Defendant Diocese of Palm Beach. Defendant O’Connell was Bishop of Defendant Palm Beach until he resigned in March 2002 as a result of allegations of, and admissions to, touching another seminarian in the late 1970’s.

8. Defendant O’Connell’s conduct, as alleged hereinafter, was undertaken while in the course and scope of his employment with each Defendant.

BACKGROUND FACTS APPLICABLE TO ALL COUNTS

9. Plaintiff was raised in a devoutly Roman Catholic family, was baptized, confirmed and regularly celebrated weekly mass and received the sacraments through the Roman Catholic Church.

10. Plaintiff attended Defendant Seminary between 1982 through 1986. Plaintiff first met and came to know Defendant O’Connell as his professor. Plaintiff sought counsel from Defendant briefly in 1983. Thereafter, Defendant O’Connell encouraged and developed a relationship with Plaintiff for the remainder of that year and into the next.

11. In approximately the Fall of 1983, during Plaintiff’s sophomore year at the Seminary, Defendant O’Connell became Plaintiff’s spiritual director, guidance counselor, confessor and holy authority figure.

12. From approximately 1983 through 1986, in the course of spiritual counseling, Defendant

O'Connell sexually abused and exploited Plaintiff. Initially, Defendant O'Connell met with Plaintiff in his office and discussed with and asked Plaintiff about his sexuality and sexual fantasies. Defendant O'Connell always arranged for the counseling sessions with Plaintiff to begin late in the evening. Furthermore, as part of the counseling, Defendant O'Connell had Plaintiff write his thoughts in a journal and hand it in to Defendant O'Connell prior to every session. As time went on, the duration and nature of the sexual abuse and exploitation intensified. Defendant O'Connell began pulling Plaintiff onto his lap during their sessions, putting his hand inside Plaintiff's pants, fondling and manipulating his genitalia, and masturbating Plaintiff.

13. In approximately the summer of 1984, after school was let out for summer vacation, Defendant O'Connell offered to drive Plaintiff home. On the way, Defendant O'Connell made a stop in St. Louis, which required Defendant O'Connell and Plaintiff to stay overnight in Jefferson City. Defendant provided a room for both he and Plaintiff to sleep in. When Plaintiff went to sleep, Defendant O'Connell told him to get into O'Connell's bed. Defendant also had Plaintiff take his clothes off before getting into bed. Defendant O'Connell also wore no clothes to bed. During that evening, Defendant O'Connell wrestled with Plaintiff, fondled and touched his genitalia and forced Plaintiff to touch his genitalia.

14. In approximately the fall of 1984, in the beginning of Plaintiff's Junior year at the Seminary, Defendant O'Connell directed Plaintiff to meet him for their counseling sessions in his bedroom. Defendant O'Connell took Plaintiff's clothes off and took him to his bed. Defendant O'Connell conducted the counseling sessions in bed where he engaged in sexual conduct with Plaintiff including, fondling, touching and manipulating Plaintiff's genitalia and forcing Plaintiff to touch Defendant O'Connell's genitalia.

15. In approximately 1984, while conducting bed checks in the Seminary dorm, Defendant O'Connell sat on Plaintiff's bed and fondled and manipulated Plaintiff's genitalia while Defendant O'Connell spoke to another seminarian lying in their bed just feet away.

16. Thereafter, in approximately late 1984 or early 1985, Defendant O'Connell began forcing Plaintiff to perform other sexual conduct on him during their counseling sessions. By this time, Plaintiff's counseling sessions with Defendant O'Connell were lasting up to five hours and not ending until three or four in the morning.

17. Defendant O'Connell also continued to sexualize the counseling relationship by requiring Plaintiff to engage in explicit sexual discussions whereby Defendant O'Connell and Plaintiff discussed, in detail, Plaintiff's sexual activities and fantasies.

18. Up to and until January 1986, Plaintiff was a minor during the sexual conduct alleged herein.

19. In approximately May of 1986, Plaintiff graduated from the Seminary. As a graduation gift to Plaintiff, Defendant took Plaintiff to St. Louis for dinner and a show. Defendant O'Connell obtained a hotel room for the night for he and Plaintiff to share. Defendant engaged in sexual conduct with Plaintiff including wrestling with Plaintiff, touching, fondling and manipulating his genitalia and forcing Plaintiff to perform other sexual acts on him.

20. Thereafter, from approximately 1986 to 1990, Plaintiff attended Conception Seminary College located in Missouri . At this time and continuing until March 2002, Plaintiff remained under the influence, control and suggestion of Defendant O'Connell, who had created and maintained his position of holy man and authority figure in Plaintiff's life. During this time, Defendant O'Connell visited Conception Seminary and invited Plaintiff to visit him at the guest

house. On at least two occasions between 1986 and 1988, while Defendant O'Connell was visiting, Defendant would sexually abuse Plaintiff at the Seminary College guest house, including touching, fondling and manipulating Plaintiff's genitalia, forcing Plaintiff to engage in other sexual acts and forcing Plaintiff to touch Defendant O'Connell's genitalia.

21. On or about September 1988, Defendant O'Connell became Bishop of Defendant Diocese of Knoxville. While Bishop of Knoxville, and while Plaintiff was still attending Conception Seminary, Defendant visited Plaintiff and engaged in sexual conduct with Plaintiff, including fondling and touching Plaintiff's genitalia and forcing Plaintiff to perform other sexual acts on him. This conduct occurred on at least two separate occasions between 1988 and 1990.

22. In 1991, Defendant O'Connell called and asked to meet Plaintiff in Marian, Illinois for a visit. During this visit, Defendant engaged in sexual conduct with Plaintiff, including fondling and touching his genitalia and forcing Plaintiff to perform other sexual acts on him in his hotel room.

23. Thereafter, communication between Plaintiff and Defendant O'Connell was minimal, until March 2002. After Defendant O'Connell resigned, as a result of his admission to touching another seminarian, Plaintiff called Defendant O'Connell and asked him if there were any other incidents involving people other than himself and the other seminarian. Defendant O'Connell did not respond, but apologized for his methods and asked if there was a way that he and Plaintiff could salvage a relationship.

24. Shortly thereafter, Plaintiff wrote to Defendant O'Connell and, among other things, demanded an apology. After not hearing from Defendant for a few days, Plaintiff wrote Defendant O'Connell again and mentioned that he may seek legal advice. Defendant O'Connell attempted contacting Plaintiff at least three times by phone the very next day. Defendant pleaded with

Plaintiff not to seek the advice of an attorney or go public with the information.

25. Upon information and belief, Defendant Bishop was notified of illegal sexual exploitation and contact between Defendant O'Connell and students from as early as 1967. Upon information and belief, Defendant O'Connell and Defendant Bishop, acting in concert with each other, actively concealed the illegal sexual acts committed by Defendant O'Connell at the Seminary which is located in and operated by Defendant Bishop. Specifically, upon information and belief, the Defendants, in concert with one another, committed the following separate but related acts:

(a) In approximately 1967 and continuing until 1971, Defendant O'Connell sexually exploited a student, for whom he was responsible, while the student attended the Seminary. Defendant O'Connell concealed the sexual exploitation of this student and denies any such activity to date. Defendants knew, or should have known of the sexual exploitation of the student and Defendants in concert with each other, concealed the crime with the intent to defraud other students, their parents and parishioners;

(b) In the late 1970's, Defendant Bishop O'Connell sexually exploited another student at the Seminary. Defendant O'Connell has concealed the sexual abuse and/or exploitation of this student to date. Defendants knew, or should have known of the sexual abuse and exploitation of this student and Defendants in concert with each other, concealed the crime with the intent to defraud other students, parents and parishioners.

(c) In approximately 1995 or 1996, Defendant Bishop entered into a secret settlement with the seminarian abused by Defendant O'Connell in the 1970s. In exchange for cash payment, Defendant required that Plaintiff keep the settlement confidential. Defendant Bishop and Defendant Diocese of Knoxville knew of the sexual abuse of this student and in concert with each

other, concealed the crime with the intent to defraud other students, parents and parishioners.

26. Plaintiff's position as a minor, together with Defendant O'Connell's exalted position, so affected Plaintiff that he was not able to know, recognize, understand, report or take legal action against Defendants prior hereto. By his words and actions, Defendant O'Connell represented to Plaintiff that the object of his relationship with Plaintiff was to provide counseling, comfort and advice. This representation was untrue and was intended by Defendant O'Connell to deceive Plaintiff, to gain Plaintiff's trust and confidence and to obtain control over him. Plaintiff believed Defendant O'Connell, justifiably relied upon him and gave him his trust and confidence. By words and actions, Defendant O'Connell assured Plaintiff that Defendant O'Connell's conduct was proper. Defendant O'Connell actively concealed the wrongfulness of his exploitation and misconduct involving Plaintiff until March 2002, when Defendant O'Connell publicly acknowledged that he had exploited and abused at least one young boy at Defendant Seminary. Specifically, upon information and belief, Defendant O'Connell fraudulently failed to report his sexual exploitation and misconduct involving Plaintiff to any entity of the Roman Catholic church at the time it occurred. Defendant O'Connell continued concealing the wrongful conduct from Plaintiff, the Roman Catholic Church and law enforcement authorities.

27. Defendant O'Connell, in concert with Defendants, continued to conceal the true nature of Defendant O'Connell's wrongful conduct until March 2002. Upon information and belief, Defendant O'Connell disclosed his wrongful conduct to the Roman Catholic Church, including the Defendant Bishop, in 1995. The Roman Catholic Church, including Defendant Bishop, continued to conceal the wrongful nature of Defendant O'Connell's conduct until March 2002.

28. The applicable statutes of limitations are tolled because the Defendants fraudulently

concealed Defendant O'Connell's exploitation and misconduct. As a result of Defendant O'Connell's conduct, Plaintiff was unable to discover the wrongfulness of Defendant O'Connell's conduct until Defendant O'Connell recently admitted sexually exploiting some of the boys attending Defendant Seminary.

29. The applicable statute of limitations was tolled because Defendants' conduct placed Plaintiff under duress. Defendant O'Connell led Plaintiff to believe that Plaintiff could trust him as a benevolent and trustworthy male and spiritual advisor, who cared about him. Defendant O'Connell's conduct placed Plaintiff under powerful psychological duress in that this conduct caused Plaintiff to believe that he must comply or lose the advice, counsel, attention, caring and comfort that Defendant O'Connell otherwise purported to give him. Defendant O'Connell's exploitation and concealment placed Plaintiff under continuing duress in that he caused Plaintiff to believe that he was at fault for engaging in sexual conduct with Defendant O'Connell. Plaintiff continued to be under this duress until March 2002 when Defendant O'Connell admitted to sexually exploiting at least one boy at the Seminary.

30. Defendant O'Connell's conduct, as described above, misrepresented and concealed material facts concerning his relationship with and motives in relating to Plaintiff. In particular, Defendant O'Connell presented himself as a benevolent, caring spiritual advisor whose intention was to help Plaintiff. In fact, their relationship was one of sexual abuse and exploitation. Defendant O'Connell acted with the intent to conceal the wrongfulness of his conduct. Plaintiff relied upon Defendant O'Connell's own words and conduct, without knowledge of the real facts, to his detriment. Plaintiff was, as a result, unaware until March of 2002 that the conduct of Defendant O'Connell caused his injury and was sexually abusive and exploitive. Defendant

O'Connell's continuing concealment of his sexual exploitation, along with Defendants' negligence and/or recklessness failed to prevent or disclose Defendant O'Connell's continuing acts of sexual abuse and exploitation, and also prevented Plaintiff from discovering and/or asserting his rights.

Defendants are therefore equitably estopped from asserting the statute of limitations in this action.

31. The sexual abuse and exploitation of Plaintiff and the circumstances under which it occurred caused Plaintiff to develop various psychological coping mechanisms which reasonably made him incapable of ascertaining the resulting damages from that conduct until March 2002.

32. As a direct result of the sexual exploitation, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing his daily activities and obtaining the full enjoyment of life; has sustained loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

FACTUAL BACKGROUND-RACKETEERING INFLUENCED AND CORRUPT ORGANIZATION ACT

PARTIES

33. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

34. Defendant O'Connell, Defendant Bishop, and Defendant Dioceses are each persons under 18 U.S.C. 1961(3).

35. The relationship between Defendant O'Connell, Defendant Bishop and Defendant Dioceses constitutes an association in fact enterprise under 18 U.S.C. § 1961(4) and have engaged

in activities or a pattern or practice of conspiracy and racketeering activity in violation of 18 U.S.C. § 1962 et. seq.

ACTIVITY

36. Since approximately 1964 through to the present, Defendants engaged in or joined in a conspiracy to conceal criminal conduct of its agents, aided and abetted the concealment of criminal conduct, aided and abetted the furtherance of criminal sexual conduct, failed to report criminal conduct of its agents, obstructed justice, obstruction of criminal investigation, obstructed state and/or local law enforcement, evaded criminal and/or civil prosecution and liability, bribed and/or paid money to victims in order to keep its criminal conduct secret, engaged in mail and/or wire fraud and committed fraud and/or fraudulent inducement of its parishioners in furtherance of the racketeering conspiracy and enterprise in violation of 18 U.S.C. § 1961 et seq.

37. Bishops of the Catholic Church engage in the routine practice of maintaining secret archival files of sexual misconduct by priests under Canon law accessible to the Bishops only. Such secret files were not reported to or made available to law enforcement authorities in order for law enforcement to investigate the known crimes of the priests.

38. In furtherance of this conspiracy, the Bishops have routinely entered into secret settlement agreements with confidentiality provisions that required victims of sexual abuse to preserve the Bishop's secrets from scrutiny by the public and law enforcement authorities.

39. Upon information and belief, the Defendants fraudulently misrepresented the facts of known sexual misconduct by themselves or their agents in order to maintain or increase the charitable contributions of parishioners. Upon information and belief, much, if not all, of the solicitations for contributions were effectuated by using the United States Postal Service or

interstate wire service.

40. From on or about 1967 to 1998, Defendant O'Connell, Defendant Bishop and Defendant Diocese of Knoxville and other unnamed co-conspirators, including Bishops of the Catholic Church, engaged in a continuing pattern and practice of illegal activities constituting racketeering activity including aiding and abetting the concealment of criminal conduct, aiding and abetting the furtherance of criminal sexual conduct, failing to report criminal conduct of its agents, obstructing justice, obstructing criminal investigation, obstructing state and/or local law enforcement, evading criminal and/or civil prosecution and liability, bribing and/or paying money to victims in order to keep their criminal conduct secret, engaging in mail and/or wire fraud and committing fraud and/or fraudulent inducement of their parishioners in furtherance of the racketeering conspiracy and enterprise in violation of 18 U.S.C. § 1961 et seq.

41. Thereafter, from 1998 forward, members acting in furtherance of this onspiracy and racketeering activity also included Defendant Diocese of Palm Beach.

42. Each of the Defendants conspired with other Defendants and other unnamed co-conspirators, including Bishops of the Catholic Church, in the conduct of a pattern of racketeering activity to acquire or maintain an interest in or control of an enterprise which affects interstate trade and commerce.

43. Defendants conspired with other Bishops of the Catholic Church to elevate Defendant O'Connell to the position of Bishop Defendant Dioceses despite knowledge of the acts described herein.

44. Plaintiff suffered damage in the deprivation of his chosen business and profession of the priesthood and loss of earning capacity in his present business endeavor.

45. Defendants engaged in a continuing pattern and practice of the illegal activities as set forth herein throughout various jurisdictions in the United States and the world.

COUNT I
RICO—VIOLATION OF 18 U.S.C. § 1962 (c)

46. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

47. Defendants are persons under 18 U.S.C. § 1961(3).

47. The relationship between Defendants constitutes an association-in-fact enterprise under 18 U.S.C. § 1961 (4).

48. The persons described above and others associated with or employed by those persons were employed by or associated with the enterprise.

49. The enterprise engaged in activities which affected interstate or foreign commerce.

50. The persons described above aided and abetted by each other, their agents, employees and others, conducted and participated directly or indirectly in the conduct and affairs of the enterprise and/or associated themselves with the enterprise through a pattern or racketeering activity in violation of 18 U.S.C. § 1962(c) as described.

51. Defendant O'Connell and Defendant Bishop conspired to and did take specific acts to conceal the sexual misconduct perpetrated by Defendant O'Connell from 1967 through the 1980's. Those specific acts included racketeering and conspiracy were of an ongoing nature continuing into the future.

52. Beginning in 1988, Defendant Diocese of Knoxville joined in the conspiracy and the enterprise.

53. Beginning in 1998, Defendant Diocese of Palm Beach joined in the conspiracy and the enterprise.

54. Plaintiff was injured in his business and/or property by reason, as described herein, of the above violation of 18 U.S.C. § 1962(c).

COUNT II
RICO—VIOLATION OF 18 U.S.C. § 1962 (d)

55. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

56. Defendants agreed to enter into a conspiracy to violate the provisions of 18 U.S.C. § 1962(c) as described above. As evidence of this agreement, Defendants conspired to conceal Defendant O’Connell’s, or aided and abetted Defendant O’Connell in concealing his, criminal activity. As further evidence of the agreement, Defendants conspired with Defendant O’Connell to evade and/or aided and abetted Defendant O’Connell in evading criminal prosecution and the public embarrassment and liability related thereto.

57. This secret agreement was fraudulently concealed from Plaintiff as well as state officials.

58. Plaintiff was injured in his business and/or property, as alleged herein, by reason of the above violation of 18 U.S.C. § 1962 (d).

COUNT III
CHILD SEXUAL ABUSE AND/OR BATTERY

59. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

60. Between 1983 and 1991, Defendant O’Connell engaged in unpermitted, harmful and offensive sexual conduct and contact upon the person of the Plaintiff.

61. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing his daily activities and obtaining

the full enjoyment of life; has sustained loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

COUNT IV
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
(SEXUAL EXPLOITATION AND MISCONDUCT)

62. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

63. Defendant O'Connell's conduct was extreme and outrageous and was intentional or done recklessly.

64. As a result of Defendant O'Connell's conduct, Plaintiff experienced and continues to experience severe emotional distress resulting in bodily harm.

65. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing his daily activities and obtaining the full enjoyment of life; has sustained loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

COUNT V
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
(SEXUAL EXPLOITATION AND MISCONDUCT)

66. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

67. Defendants had the duty to protect the Plaintiff from injury.

68. Defendants breached their duty to protect the Plaintiff.

69. Defendants should have realized that their conduct involved an unreasonable risk of causing distress or mental injury to Plaintiff.

70. The emotional distress experienced by Plaintiff as a result of Defendants conduct is medically diagnosable and is of sufficient severity so as to be medically significant.

71. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing his daily activities and obtaining the full enjoyment of life; has sustained loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

COUNT VI
VICARIOUS LIABILITY
(RESPONDEAT SUPERIOR)

72. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

73. For the purpose of furthering his assigned duties as priest and counselor and later on as Bishop, Defendant O'Connell identified Plaintiff as a young male child in need of help. Defendant O'Connell then sought and gained the trust and confidence of Plaintiff and sought and gained Plaintiff's trust so that he would respect Defendant O'Connell's authority and guidance and comply with his instruction.

74. For the purpose of furthering his assigned duties as priest, counselor and Bishop, Defendant O'Connell also sought and gained Plaintiff's trust, friendship, admiration, and obedience. As a result, Plaintiff was conditioned to comply with Defendant O'Connell's direction

and to look to him as an authority on matters spiritual, moral, ethical and temporal.

75. Using the power, authority and trust of his position as Bishop, priest, spiritual director, guidance counselor, confessor, vocational advisor and holy authority figure to Plaintiff, Defendant O'Connell enticed, induced, directed, and coerced Plaintiff to engage in Defendant O'Connell's sexual abuse and exploitation of Plaintiff.

76. Using the power, authority and trust of his position Defendant O'Connell enticed, induced, directed and/or coerced Plaintiff to engage in acts of sexual abuse and exploitation and Defendant Bishop and Defendant Knoxville are therefore vicariously liable for the acts and omissions of their agent Defendant O'Connell.

77. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing his daily activities and obtaining the full enjoyment of life; has sustained loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

COUNT VII
NEGLIGENT RETENTION AND/OR SUPERVISION

78. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

80. Upon information and belief, Defendant Bishop and Defendant Knoxville, by and through their agents, servants and employees, knew or reasonably should have known of Defendant O'Connell's dangerous and exploitive propensities and/or that Defendant O'Connell was an unfit

agent, and despite such knowledge, Defendants negligently retained and/or failed to supervise Defendant O'Connell in the position of trust and authority as a Roman Catholic priest and spiritual counselor where he was able to commit the wrongful acts against the Plaintiff.

Defendants failed to provide reasonable supervision of Defendant O'Connell, failed to use reasonable care in investigating Defendant O'Connell and failed to provide adequate warning to Plaintiff and his family of Defendant O'Connell's dangerous propensities and unfitness.

81. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing his daily activities and obtaining the full enjoyment of life; has sustained loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

COUNT VIII
CONSPIRACY

82. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

83. Upon information and belief, Defendant O'Connell and Defendant Bishop, Defendant Diocese of Knoxville and Defendant Diocese of Palm Beach, in concert with each other and with the intent to conceal and defraud, conspired and came to a meeting of the minds whereby they would conceal the wrongfulness of Defendant O'Connell's conduct against Plaintiff.

84. By so concealing, Defendants committed at least one act in furtherance of the conspiracy.

85. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer

great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing his daily activities and obtaining the full enjoyment of life; has sustained loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.¹⁹

WHEREFORE, Plaintiff demands judgment against Defendants individually, jointly and severally in an amount that is adjudged as fair and reasonable, treble damages, plus costs, disbursements, reasonable attorneys' fees, interest, and whatever other relief the Court deems just and equitable.

Dated: 3/22/02

REINHARDT & ANDERSON



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