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15 MONTANA EIGHTH JUDICIAL DISTRICT COURT
16 CASCADE COUNTY

17 TIMOTHY BECKER; R.A.; T.K.;
18 P.S.; R.K.; B.D.; M.W.; S.B.; R.H.;
19 S.K.; JOHN DOE 1-100; and
20 JANE DOE 1-100.

21 Plaintiffs,

22 -vs-

23 THE DIOCESE MONTANA a/k/a
24 THE ROMAN CATHOLIC
25 DIOCESE OF GREAT FALLS-
BILLINGS, a Montana
corporation; ABC
CORPORATION 1-10; and JOHN
DOE, A-J,

Defendants.

CLERK OF DISTRICT COURT
JULIE MACEK

12 FEB -8 AM 8:43

FILED

BY DEPUTY

BDV-12-0101

Cause No. **JULIE MACEK**
Dept. No. **JULIE MACEK**

COMPLAINT AND DEMAND FOR
JURY TRIAL

IDENTITY OF THE PARTIES

1. Plaintiff TIMOTHY BECKER: Plaintiff TIMOTHY BECKER (hereinafter "Plaintiff TIMOTHY BECKER." or "Plaintiffs" when referred to collectively with other Plaintiffs) is an adult man who was subjected to child sexual abuse and other harm while a child as a direct and proximate result of wrongful conduct of Defendant, the Diocese of Great Falls-Billings ("Diocese"). FATHER TED SZUDERA (hereinafter "Father Szudera") violated and harmed him in Livingston, Montana. Plaintiff Timothy Becker is a Utah resident currently residing in Salt Lake City, Utah.

2. Plaintiff R.A.: Plaintiff R.A. (hereinafter "Plaintiff R.A." or "Plaintiffs" when referred to collectively with other Plaintiffs) is an adult man who was subjected to child sexual abuse and other harm while a child as a direct and proximate result of wrongful conduct of Defendant, the Diocese of Great Falls-Billings ("Diocese"). FATHER O'REILLY (hereinafter "Father O'REILLY") violated and harmed him while attending the St. Xavier's Mission and Bellarmine Preparatory School. Plaintiff R.A. is a Montana resident currently residing in Billings, Montana.

3. Plaintiff T.K.: Plaintiff T.K. (hereinafter "Plaintiff T.K." or "Plaintiffs" when referred to collectively with other Plaintiffs) is an adult woman who

1 was subjected to child sexual abuse and other harm while a child as a
2 direct and proximate result of wrongful conduct of Defendant, the Diocese
3 of Great Falls-Billings ("Diocese"). FATHER HERETICK (hereinafter
4 "Father Harry") violated and harmed her while attending the St. Michael's
5 Church in Absarokee, Montana. Plaintiff T.K. is a Montana resident
6 currently residing in Billings, Montana.
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9 4. Plaintiff P.S.: Plaintiff P.S. (hereinafter "Plaintiff P.S." or "Plaintiffs"
10 when referred to collectively with other Plaintiffs) is an adult man who was
11 subjected to child sexual abuse and other harm while a child as a direct
12 and proximate result of wrongful conduct of Defendant, the Diocese of
13 Great Falls-Billings ("Diocese"). Plaintiff P.S. was violated and harmed at
14 the St. Thomas Home in Great Falls, Montana. Plaintiff P.S. is a Montana
15 resident currently residing in Polson, Montana.
16
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18 5. Plaintiff R.K.: Plaintiff R.K. (hereinafter "Plaintiff R.K." or "Plaintiffs"
19 when referred to collectively with other Plaintiffs) is an adult man who was
20 subjected to child sexual abuse and other harm while a child as a direct
21 and proximate result of wrongful conduct of Defendant, the Diocese of
22 Great Falls-Billings ("Diocese"). Plaintiff R.K. was violated and harmed
23 while a resident at the St. Thomas Home in Great Falls, Montana.
24
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1 Plaintiff R.K. is a Montana resident currently residing in Black Eagle,
2 Montana.

3
4 6. Plaintiff B.D.; Plaintiff B.D. (hereinafter "Plaintiff B.D. or "Plaintiffs"
5 when referred to collectively with other Plaintiffs) is an adult man who was
6 subjected to child sexual abuse and other harm while a child as a direct
7 and proximate result of wrongful conduct of Defendant, the Diocese of
8 Great Falls-Billings ("Diocese"). FATHER EDMUND ROBINSON
9 (hereinafter "Father Eddy") violated and harmed him at the St. Paul's
10 Mission in Hays, Montana.
11
12

13 7. Plaintiff M.W.; Plaintiff M.W. (hereinafter "Plaintiff M.W. or
14 "Plaintiffs" when referred to collectively with other Plaintiffs) is an adult
15 man who was subjected to child sexual abuse and other harm while a
16 child as a direct and proximate result of wrongful conduct of Defendant,
17 the Diocese of Great Falls-Billings ("Diocese"). Multiple priests and nuns
18 violated and harmed him at the St. Paul's Mission in Hays, Montana.
19
20

21 8. Plaintiff S.B.; Plaintiff S.B. (hereinafter "Plaintiff S.B. or "Plaintiffs"
22 when referred to collectively with other Plaintiffs) is an adult woman who
23 was subjected to child sexual abuse and other harm while a child as a
24 direct and proximate result of wrongful conduct of Defendant, the Diocese
25 of Great Falls-Billings ("Diocese"). FATHER JAMES REYNOLDS

1 ("hereinafter "Father Reynolds") violated and harmed her at a church in
2 Wolf Point, Montana.

3
4 9. Plaintiff R.H.; Plaintiff R.H. (hereinafter "Plaintiff R.H." or "Plaintiffs"
5 when referred to collectively with other Plaintiffs) is an adult man who was
6 subjected to child sexual abuse and other harm while a child as a direct
7 and proximate result of wrongful conduct of Defendant, the Diocese of
8 Great Falls-Billings ("Diocese"). Multiple priests and nuns violated and
9 harmed him at the St. Paul's Mission in Hays, Montana.
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12 10. Plaintiff S.K.; Plaintiff S.K. (hereinafter "Plaintiff S.K." or "Plaintiffs"
13 when referred to collectively with other Plaintiffs) is an adult man who was
14 subjected to child sexual abuse and other harm while a child as a direct
15 and proximate result of wrongful conduct of Defendant, the Diocese of
16 Great Falls-Billings ("Diocese"). Multiple priests and nuns violated and
17 harmed him at the St. Xavier church in Hardin, Montana.
18

19
20 11. Plaintiffs John Doe 1-100 and Jane Doe 1-100 are persons whose
21 identity is as yet undetermined, but who may be similarly situated as the
22 above-named Plaintiffs, and therefore may be added as parties at a future
23 time.
24

25 12. At all times material hereto, Defendant, THE DIOCESE OF
MONTANA, a/k/a THE ROMAN CATHOLIC DIOCESE OF GREAT

1 FALLS-BILLINGS (hereinafter "Diocese"), has been a Montana
2 corporation. At all times material hereto, the Diocese was acting by and
3 through its agents, specifically including the various sexual perpetrators
4 referred to herein. The Diocese was formed to purchase, acquire and
5 hold real and personal property for religious, educational and charitable
6 purposes within the State of Montana. Upon information and belief, at all
7 times material hereto, the Diocese owns, administers, manages and/or
8 operates the schools and parishes where the sexual abuse at issue
9 occurred.
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13 13. Defendants ABC Corporation 1-10 and Defendants John Doe A-J
14 are entities or persons whose identity is as yet undetermined, but who
15 may have liability for Plaintiff's claims.
16

17 **JURISDICTION AND VENUE**

18 14. Jurisdiction and venue over this matter, upon filing of this Complaint
19 and Demand for Jury Trial, rests with this Honorable Court, pursuant to
20 M.R.Civ.P. 4B and M.C.A. § 25-2-118(1).
21

22 **GENERAL ALLEGATIONS**

23 15. Plaintiffs incorporate by reference all other paragraphs of this
24 Complaint as if set forth herein.
25

1 16. At all times material hereto, Plaintiffs, as children, were under the
2 care, custody, protection and/or responsibility of the Diocese. At all times
3 material hereto, the perpetrators have been child predators of the worst
4 kind. Upon information and belief, the Diocese knew or reasonably
5 should have known this. At all times material hereto, the perpetrators
6 acting under the shielding cover and protection of their clerical agency
7 within the Diocese, preyed upon vulnerable children, specifically including
8 Plaintiffs.
9

10
11 17. At all times material hereto, the perpetrators were purely Diocesan
12 priests, nuns, and/or agents of the Diocese. Upon information and belief,
13 the Diocese placed and/or were responsible for the perpetrators in rural
14 and relatively remote locations, exposing them to children, including
15 Plaintiffs, who, by their trusting and innocent nature, were vulnerable to
16 manipulation and exploitation. Upon information and belief, the Diocese's
17 expressed purposes for exposing the perpetrators to said children
18 included evangelizing, preaching and providing religious guidance and
19 teaching. Upon information and belief, however, the Diocese knew or
20 should have known that the perpetrators would use their clerical cloak as
21 a cover for the sinister and perverted purposes of grooming and sexually
22 exploiting said vulnerable children, including Plaintiffs.
23
24
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1 18. Upon information and belief, the Catholic Church failed to remove
2 offending priests, nuns, and other employees and agents from positions
3 of employment that would give them access to children, and therefore
4 permitted, if not required, Bishops and other leaders to participate in a
5 pattern of shuttling pedophiles, including the perpetrators described
6 herein, from parish to parish to avoid detection and scandal. The Diocese
7 in its pursuit to protect its own interests, failed to protect children,
8 including Plaintiffs, and further hid or destroyed evidence.
9

10
11 19. At all times material hereto, specifically including the times of
12 Plaintiffs' childhoods, the Diocese, on its own behalf, and acting by and
13 through its agents, including the perpetrators described herein, acted
14 under circumstances or conditions likely to produce great bodily harm to
15 Plaintiffs and other children, caused or permitted Plaintiffs and other
16 children to suffer unjustifiable physical pain or mental suffering, or having
17 the care or custody of Plaintiffs, caused or permitted Plaintiffs or the
18 health of Plaintiffs to be injured, or caused or permitted Plaintiffs to be
19 placed in such a situation that Plaintiffs' person or health was
20 endangered.
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22 20. At all times material hereto, the Diocese, through a hierarchical
23 pattern of deceit, protected the perpetrators from being exposed for
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1 pedophilia and other wrongful conduct with minor children, including
2 Plaintiffs, and enabled them to continue to harm Plaintiffs and other
3 children.
4

5 21. The sexual abuse of Plaintiffs took a variety of forms. Said abuse
6 included, but was not limited to, forced fondling of breasts and genitals,
7 oral copulation, anal rape, forced fellatio, digital, penile and anal
8 penetration, vaginal penetration, exhibitionism, and forced masturbation.
9 Despite the Diocese's public statements to the contrary, they did not, and
10 do not, have appropriate mechanisms in place to protect against said
11 abuse. At all times material hereto, the Diocese represented to Plaintiffs,
12 their parents and the general public that the Diocese provided a safe,
13 religious, wholesome and protected environment for children.
14
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16

17 22. The Diocese promoted services and programs under the guise that
18 it provided a safe, wholesome and protected environment for children, all
19 the while the Diocese knew or should have known it attracted, harbored
20 and had been infiltrated by child predators.
21

22 23. The perpetrators' perverted acts and profanation of children were
23 the kinds of acts that were reasonably foreseeable for an organization
24 entrusted with the care of children.
25

1 24. Upon information and belief, the Diocese knew or should have
2 known that children were vulnerable to the grooming, manipulation,
3 sexual exploitation and perverted profanation referenced herein by the
4 perpetrators. The Diocese was in a special relationship with vulnerable
5 children and knew or should have known that by sending the perpetrators
6 to remote and unsupervised outposts amidst these particularly vulnerable
7 children, it created an unreasonable risk that said vulnerable and highly
8 trusting children, including Plaintiffs, would fall victim to the perpetrators'
9 exploitive and sinister nature.
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13 25. At all times material hereto, the Diocese knew or should have
14 known it was harboring child abusers and protecting their identities,
15 thereby exposing unwitting parents and vulnerable children to further
16 harm at the hand of said abusers.
17

18 26. At all times material hereto, Plaintiffs, some of them, suffered sexual
19 and emotional abuse by the nuns and sisters of the Diocese. Said
20 Plaintiffs were children under the care, custody, responsibility and/or
21 protection of the Diocese. The individual perpetrators of sexual abuse
22 who preyed upon Plaintiffs were pedophiles and child predators of the
23 worst kind. Upon information and belief, the Diocese knew or should
24
25

1 have known that the individual perpetrators were committing acts of
2 sexual abuse against Plaintiffs and had the propensity to do so.

3
4 27. At all times material hereto, the assailants were under the authority,
5 supervision and control of the Diocese. The Diocese, including its
6 employees, agents, assigns and representatives, had a duty to ensure the
7 safety of all children, including Plaintiffs. The Diocese breached its duty
8 to ensure the safety of children. The Diocese stood "in loco parentis" as
9 the caretaker for Plaintiffs. The perpetrators sexually abused vulnerable
10 children under their care, custody, control and protection and/or failed to
11 report abuse committed.
12

13
14 28. At all times material hereto, the perpetrators were agents and
15 assigns of the Diocese who acted under the shield and protection of their
16 clerical agency. Rather than taking reasonable and proper steps to
17 protect children against sexual abuse, the Diocese failed to take
18 reasonable measures to protect children. The Diocese thereby exposed
19 the perpetrators to children, including Plaintiffs, who were vulnerable to
20 exploitation and sexual abuse. Among the purposes the Diocese
21 expressed for placing priests, nuns and sisters in remote areas of
22 Montana was to minister to the poor and provide educational and religious
23 guidance and teaching. The Diocese knew or should have known that the
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1 perpetrators would use their religious, educational and/or counselor office
2 to groom and sexually exploit vulnerable children, including Plaintiffs.

3
4 29. Plaintiffs' cause of action did not begin to accrue until each of them
5 discovered the acts, abuse and/or exploitation and its causal relationship
6 to an injury or condition suffered by Plaintiffs. This Complaint is not time-
7 barred since Plaintiffs discovered the same within the times permitted by
8 Montana law.
9

10
11 **FIRST CAUSE OF ACTION**
12 **DEMAND FOR EQUITABLE RELIEF**
(Plaintiffs v. Diocese)

13 30. Plaintiffs and each of them request equitable relief from this Court in
14 the form of an order requiring:

15
16 a. For a period of not less than ten (10) years from entry of
17 judgment, the Diocese post on the home page(s) of its websites, if any,
18 the names of ALL known members of the Diocese who are identified in
19 this Complaint or are otherwise known to the Diocese as sexual abusers;
20
21 and,

22 b. That the Bishop of the Diocese request in writing that the
23 Attorney General of Montana form a Joint Task Force on Child Protection
24 to annually investigate and monitor all institutions under the auspices of
25 the Diocese; and,

1 c. That the Diocese never seek to direct, pay or hire any agent
2 or employee or third party, to retract, oppose or challenge the
3 constitutionality or legitimacy of any reform of a civil or criminal statute of
4 limitations, mandatory child abuse reporting clergy exemptions, repeal of
5 the clergy-penitent privilege or other laws which serve to shield child
6 sexual abusers from investigation, apprehension, prosecution and
7 conviction in Montana or similar legislation or law in any other state or
8 jurisdiction; and,
9

10
11 d. That the Diocese establish a toll-free phone number and
12 website to which anonymous abuse complaints can be made. If a report
13 of abuse is made formally to anyone in the Diocese or through the toll-
14 free number or directly reported to the Diocese, that the Diocese be
15 required to encourage the victim to report the information to law
16 enforcement and the Diocese will also report the information to law
17 enforcement as well; and,
18

19
20 e. That the Diocese adopt a whistle blower policy concerning the
21 method by which a report concerning abuse within the Diocese can be
22 made and expressly providing that the Diocese will not take any
23 retaliatory actions against persons who report such information in good
24 faith; and,
25

1 f. The Bishop will be available upon reasonable notice to have a
2 private conference with any survivor of sexual abuse perpetrated by a
3 priest, religious or other agent of the Diocese; and,
4

5 g. That the Bishop of the Diocese personally visit each school
6 and parish in which abuse occurred or where known perpetrators served,
7 with a schedule to be published at least thirty days in advance, inviting all
8 known survivors of abuse in that parish or geographic area to attend, and
9 shall provide a forum/discussion during his visit to address questions and
10 comments; and,
11
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13 h. That the Diocese publish in The Montana Catholic monthly
14 magazine, five times per year, a prominent statement urging persons
15 sexually abused by priests to come forward and contact law enforcement;
16 and,
17

18 i. That annually, the Bishop of the Diocese and all priests and
19 staff members of the Diocese, its parishes, schools, orphanages and
20 programs, make a written statement that they have not sexually abused a
21 minor at any time and have no undisclosed knowledge that any other
22 priest, religious employee, or lay employee of the Diocese has sexually
23 abused any person or that if they have such knowledge of any abuse, it
24 has been reported to the Attorney General's Office of the State of
25

1 Montana. Each statement shall be signed and dated under penalty of
2 perjury. A copy of this signed and dated statement shall be retained in
3 each priest's or staff member's personnel file in perpetuity; and ,
4

5 j. That each Diocesan high school within the Diocese shall post
6 a plaque prominently displayed stating: "The abuse of the spiritual,
7 emotional, and moral development of the children and young men and
8 women of this school shall not be tolerated." The dimensions of these
9 plaques shall be no less than 8.5 inches by 11 inches and shall be placed
10 next to the door of the Principal's office; and ,
11
12

13 k. The Diocese shall institute a policy requiring that its
14 employees, representatives, agents and spokespersons not refer either
15 orally or in print to Abuse Victims as "alleged" victims and will require its
16 employees, representatives, agents and spokespersons to refer to the
17 plaintiffs as "Survivors of Clergy Sexual Abuse" or "Survivors of Sexual
18 Abuse by Lay Employees"; and,
19
20

21 l. That the Diocese produce to Plaintiffs or to any abuse victim
22 or their designee any and all personal records, including but not limited to
23 school records, health records and communion records within 30 days of
24 request, and,
25

1 m. That the Diocese make available reasonable space, but not
2 more than one full page, in each issue of the The Montana Catholic
3 Magazine, for two (2) years after the entry of Judgment, to allow clergy
4 sexual abuse victims to tell their stories of abuse, if they desire to publish
5 their stories; and,
6

7 n. Within thirty (30) days after entry of Judgment, the Diocese
8 send letters of apology to all the Plaintiffs. Letters of apology will state
9 that Plaintiffs were not at fault for the abuse and that the Diocese takes
10 responsibility for the abuse. The Bishop will personally sign the letters of
11 apology; and,
12

13 o. That irrespective of an apology, the Bishop of the Diocese
14 shall issue a statement of gratitude for the Plaintiffs who have had the
15 courage to speak about the horrendous criminal sexual exploitation,
16 abuse and rape they endured and continue to live with every day. This
17 statement shall be posted on <http://www.dioceseofgfb.org> and published
18 prominently as a retail ad of no less than a full page in the Great Falls
19 Tribute and the Billings Gazette newspapers. In the statement,
20 Defendants shall encourage victims to report abuse to law enforcement
21 and seek help from professional counselors. This statement shall include
22
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1 contact information for support groups and experienced therapists in the
2 community; and,

3
4 p. That the Diocese publicly announce and post on its
5 websites the full and complete release of all abuse victims from any
6 confidentiality requirement in sex abuse settlements that they have
7 previously signed as a condition of settlement. No victim's identity may
8 be released or revealed without his or her permission. The Diocese shall
9 contact each previously settling victim of sexual abuse who has previously
10 entered into such a confidentiality agreement to notify them of the full and
11 complete release of their covenant of confidentiality. Any future
12 settlement related to sexual abuse entered into by the Diocese shall not
13 contain any confidentiality provision except at the written request of the
14 settling abuse victim.
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18 **SECOND CAUSE OF ACTION**
19 **NEGLIGENCE**
20 **(Plaintiffs v. Diocese)**

21 31. Plaintiffs incorporate by reference all other paragraphs of this
22 Complaint as if set forth herein.

23
24 32. At all times material hereto, the Diocese had certain duties imposed
25 upon it there and then owed to Plaintiffs and other children to protect
them against harm from the perpetrators. Said duties include, but may

1 not be limited to, duties to protect the children entrusted to them from
2 harm, injury, exploitation and sexual abuse and to ensure the general
3 safety and well-being of the Plaintiffs.
4

5 33. The Diocese breached said duties by, *inter alia*, acting under
6 circumstances or conditions likely to produce great bodily harm to
7 Plaintiffs and other children, willfully causing or permitting Plaintiffs and
8 other children to suffer unjustifiable physical pain or mental suffering, or
9 while having the care or custody of Plaintiffs, willfully causing or permitting
10 Plaintiffs or the health of Plaintiffs to be injured, or willfully causing or
11 permitting Plaintiffs to be placed in such a situation that Plaintiffs' person
12 or health was endangered.
13
14

15 34. The Diocese failed to comply with the standard of care reasonably
16 to be anticipated from an organization caring for vulnerable children under
17 the same or similar circumstances.
18

19 35. The Diocese's breaches of duty to Plaintiffs directly and proximately
20 caused life-long, ongoing and profound damages to them as further
21 alleged herein.
22

23 36. As a direct and proximate result of the Diocese's acts, omissions,
24 negligence and recklessness, Plaintiffs were tragically, seriously and
25 permanently injured and damaged. Although some supportive remedies

1 have been resorted to, said injuries prevail and will continue to prevail for
2 an indefinite time into the future. It is difficult, if not impossible, at this
3 time to fix the full nature, extent, severity and duration of said injuries, but
4 they are alleged to be permanent, progressive and disabling. Plaintiffs
5 have incurred and will likely continue to incur damages. These damages
6 include both severe physical and emotional injury. These damages
7 include special and general damages to be proven at the time of trial, in
8 an amount now unknown. Plaintiffs' claimed damages specifically include
9 all damages allowed by statute and common law.

13 **THIRD CAUSE OF ACTION**
14 **PUNITIVE DAMAGES [M.C.A. § 27-1-220, et seq.]**
15 **(Plaintiffs v. Diocese)**

16 37. Plaintiffs incorporate by reference all other paragraphs of this
17 Complaint as if set forth herein.

18 38. The Diocese knew or should have known of or recklessly allowed
19 the perpetrators' pedophilia and sexual abuse yet failed to warn
20 parishioners, church volunteers, licensees, invitees and their families,
21 including Plaintiffs, about the extremely dangerous propensities of the
22 perpetrators.
23

24 39. With knowledge of the potential danger that the perpetrators were
25 sexually abusing young children, the Diocese continued to give them

1 unsupervised access to said children, including Plaintiffs, and failed to
2 remove the perpetrators from interactions with children.

3
4 40. Such acts of commission and omission were committed and omitted
5 when it was foreseeable that such acts would cause serious bodily injury
6 to Plaintiffs and with wanton and reckless disregard of the harmful results.

7
8 41. The Diocese is guilty of actual malice because they had knowledge
9 of facts or intentionally disregarded facts that created a high probability of
10 injury to Plaintiffs.

11
12 **FOURTH CAUSE OF ACTION**
13 **VICARIOUS LIABILITY – RESPONDEAT SUPERIOR**
14 **(Plaintiffs v. Diocese)**

15
16 42. Plaintiffs incorporate by reference all other paragraphs of this
17 Complaint as if set forth herein.

18
19 43. At all times material hereto, there was an employment relationship
20 between the Diocese and the perpetrators described herein. Said
21 relationship existed when the injury to Plaintiffs occurred.

22
23 44. The Diocese and the perpetrators mutually assented to the
24 existence of an employment relationship between them.

25
45. At all times material hereto, the perpetrators were acting within the
scope of their duties owed to the Diocese. Therefore, the Diocese's
liability is derivative.

1 46. Upon information and belief, the Diocese owned, operated and
2 controlled the schools and parishes where the abuse occurred at all times
3 material hereto. Upon further information and belief, the perpetrators at
4 these locations were assigned by the Diocese. Upon further information
5 and belief, a cooperative agency relationship existed between the
6 Diocese and the perpetrators. No religious order of men or women may
7 "practice" or "work" within the boundaries of the Diocese without the
8 express consent and/or agreement of the Bishop of that particular
9 Diocese.
10
11
12

13 47. At all times material hereto, a unique employment relationship
14 existed between the Diocese and the numerous sexual perpetrators. The
15 priests and nuns were responsible to the Diocese because the Diocese
16 had the ultimate authority for employees in the Diocese.
17

18 48. But for the consent and agreement of the Bishop of the Diocese,
19 none of the sexual abusers would have had access to children who were
20 abused, including Plaintiffs.
21

22 49. At all times material hereto, when the perpetrators were acting to
23 injure Plaintiffs, they did so as if the Diocese themselves were acting.
24

25 50. The Diocese is vicariously liable for the acts and omissions of the
perpetrators described herein.

FIFTH CAUSE OF ACTION
BREACH OF FIDUCIARY DUTIES
(Plaintiffs vs. Diocese)

51. Plaintiffs incorporate by reference all other paragraphs of this Complaint as if set forth herein.

52. At all times material hereto, there existed a special relationship between the Diocese and the children of its congregation, specifically including Plaintiffs, which, under the circumstances, gave rise to the imposition of fiduciary duties upon the Diocese to act with the utmost trust, good faith and honesty with respect to its obligations toward its children, including Plaintiffs.

53. The Diocese voluntarily took custody of its children, including Plaintiffs, such as to deprive them of their normal opportunities for protection.

54. The Diocese expressly undertook certain fiduciary duties and obligations by taking custody of its children, including Plaintiffs.

55. Children of the Diocese, including Plaintiffs, and their families reposed substantial trust and confidence in the Diocese to keep them safe from harm including, but not limited to, violent sexual abuse.

1 56. By failing to protect its children, including Plaintiffs, consistent with
2 the applicable standard of care, the Diocese breached their fiduciary
3 duties.
4

5 57. As a direct and proximate consequence of the Diocese's multiple
6 breaches of their fiduciary duties, Plaintiffs have sustained and will
7 continue to sustain damages, all to their great detriment.
8
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12 WHEREFORE, Plaintiffs demand judgment against the Diocese for
13 damages as follows:

- 14 1. Plaintiffs' special damages, in an amount to be proven at trial;
- 15 2. Plaintiffs' general damages, in an amount to be proven at trial;
- 16 3. For punitive damages, in an amount sufficient to serve as a warning
17 and example to others;
18
- 19 4. For equitable relief as more particularly described herein above;
- 20 5. Plaintiffs' costs, including reasonable attorney's fees, as permitted
21 by law; and,
22
- 23 6. For such other and further relief as the Court deems just and
24 equitable under the relevant circumstances.
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DATED this 8th day February, 2012.

By: _____

Milt Datsopoulos
Attorneys for Plaintiffs