

# ECKERT SEAMANS CHERIN & MELLOTT

ATTORNEYS AT LAW

September 22, 1994

William Drinan, Headmaster  
St. John's Preparatory School  
72 Spring Street  
Danvers, MA 01923

Archdiocese of Boston  
c/o Wilson D. Rogers, Jr., Esq.  
Dunn and Rogers P.C.  
20 Beacon Street  
Boston, MA 02108

Brother Edward Keefe  
Community of Francis Xavier, St. Joseph Province  
704 Brush Hill Road  
Milton, MA 02186

Re: Sexual Abuse of [REDACTED] by Brother Ricardo  
and Physical Abuse Of [REDACTED] while at St. John's Prep.

Dear Mr. Drinan, Mr. Rogers and Brother Keefe:

This firm represents [REDACTED]. Mr. [REDACTED] informs us that he was sexually abused by Brother Ricardo ("Br. Ricardo"), a headmaster at St. John's Preparatory School ("St. John's") in Danvers, Massachusetts while Mr. [REDACTED] attended school there. Additionally, Mr. [REDACTED] was the target and recipient of severe physical abuse visited upon him by fellow students, condoned by Br. Ricardo and other Brothers of the Community of Francis Xavier ("CFX"). Mr. [REDACTED] has suffered extraordinary emotional, psychological and physical anguish in the years since the commencement of his abuse, which form the basis for his legal claims against St. John's, Br. Ricardo, the CFX and the Archdiocese of Boston ("Archdiocese") as the facts below will demonstrate.

In the Fall of 1964, the beginning of Mr. [REDACTED] junior year in high school, Mr. [REDACTED] transferred from [REDACTED] High School to St. John's. Mr. [REDACTED] was persuaded by his cousin, the Reverend [REDACTED], that an education at St. John's would be far superior to one at [REDACTED] High School. Shortly after Mr. [REDACTED] arrived at St. John's, he was the subject of numerous beatings by his classmates. These beatings were reported to various brothers employed at St. John's. These reports were made by Mr. [REDACTED] himself and his mother ("Mrs. [REDACTED]"). However, school officials ignored these reports. As a result, Mr. [REDACTED] has suffered permanent and potentially life-threatening disabilities as discussed below.

Mr. [REDACTED] informs us that the first incident of abuse occurred at the Peabody Shopping Mall, in Peabody, Massachusetts, while he was shopping with Mrs. [REDACTED] sometime in October, 1964. Mr. [REDACTED] and Mrs. [REDACTED] were

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in Brigham's when Mr. [REDACTED] was approached by several St. John's students who proceeded to severely beat him. He escaped only to encounter two more students who proceeded to beat him as well. Mr. [REDACTED] particularly remembers being struck on the left side of his head several times during this incident. Later that day, Mr. [REDACTED] was treated at St. John's infirmary by a Dr. Driscoll, the school physician. Mr. [REDACTED] spent the weekend in the infirmary at Dr. Driscoll's instruction. Dr. Driscoll told Mr. [REDACTED] and his mother that he appeared to be "over-protected." Mr. [REDACTED] knew better, however, realizing he had been beaten because of his status as the "new kid" at St. John's.

Shortly after this incident, Mr. [REDACTED] and his mother met with Brother Clemicus ("Br. Clemicus") to report what had taken place. Br. Clemicus' response was that Mr. [REDACTED] was a new student and that "a new boy situation" had caused this. Significantly, Br. Clemicus did nothing to relieve Mr. [REDACTED]'s fear, or to see to it that the individuals responsible were reprimanded and their actions were accounted for, nor did Br. Clemicus take any appropriate steps to see that the physical abuse did not occur again.

Mr. [REDACTED] next beating took place about one month later in a St. John's wash room. Again, Mr. [REDACTED] was beaten badly, receiving many punches to his head. Mr. [REDACTED] recalls that he was beaten in a similar manner on at least six different occasions. Mr. [REDACTED] reports that all the beatings took place at St. John's, with the exception of the Peabody Shopping Mall incident.

Mr. [REDACTED] also reports that after each incident of abuse, he told his Floormaster, Brother Benild ("Br. Benild") what had occurred. Mr. [REDACTED] believes that Br. Benild's real name is William Drinan and that he is presently the headmaster at St. John's. Mr. [REDACTED] remembers Br. Benild telling the boys who were beating him to "let him [Mr. [REDACTED]] have it." Mr. [REDACTED] also remembers informing Brother Nicodemus ("Br. Nicodemus") and Brother Salpicius ("Br. Salpicius") that he was being beaten by other classmates. Neither the Brothers, nor St. John's, ever took any appropriate action to prevent further harm to Mr. [REDACTED].

Mr. [REDACTED] also reports that in or about the Spring of 1966, one month before his graduation from St. John's, Mr. [REDACTED] was the victim of another unprovoked attack by a fellow student. Mr. [REDACTED] was beaten with a pool cue over his right kidney. It was necessary for Mr. [REDACTED] to seek professional medical assistance. As a result of this attack, Br. Ricardo, then Headmaster at St. John's, took Mr. [REDACTED] to Hunt Hospital in Danvers, MA where he received a series of Kidney X-rays. Upon their return from the hospital, Br. Ricardo brought Mr. [REDACTED] to the school's infirmary where they were alone on a Friday night. Br. Ricardo proceeded to give Mr. [REDACTED] a back massage. Then he coaxed Mr. [REDACTED] onto his back, where upon he began massaging Mr. [REDACTED] thighs. Br. Ricardo concluded the sordid episode by orally sodomizing Mr. [REDACTED]. Mr. [REDACTED] reports that during the

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abuse, Br. Ricardo asked him again and again why he was not doing better academically and if he anticipated graduation. (Mr. ██████████ academic status at that time was 127th out of 127, whereas at ██████████ High School Mr. ██████████ standing was 9 out of approximately 1,200). The obvious implication was that if Mr. ██████████ told anyone, his graduation would be jeopardized.

Mr. ██████████ informs us that it was well known among the students at St. John's that Br. Ricardo favored certain people. Br. Ricardo's favoritism was based upon the student's availability to be sexually abused by Br. Ricardo. If one succumbed to Br. Ricardo's abuses, one was more successful at St. John's.

Functioning in his capacity as Headmaster and brother during the 1960's, Br. Ricardo had unquestionable moral stature that gave virtue and credence to his words and actions. Br. Ricardo mercilessly exploited this sacred trust in order to satisfy his own bodily desires. Further, the failure of Brs. Nicodemus, Salpicius, Benild and Clemicus to adequately supervise the students and teachers at St. John's or to protect Mr. ██████████ from the harm that resulted in Mr. ██████████ permanent and potentially life-threatening disabilities.

Since the commencement of the abuse, Mr. ██████████ life has been fraught with suffering that is causally related to Br. Ricardo's abusive proclivities, as well as Brs. Nicodemus's, Salpicius's, Benild's and Clemicus', and St. John's negligence. The Brothers and St. John's failure to adequately protect Mr. ██████████ was a breach of the duty each Brother and St. John's owed to Mr. ██████████. Mr. ██████████ suffers from a generalized seizure disorder, depression, affective disorder, rage attacks, sleep apnea due to upper airway obstruction, and attention/concentration deficit. Moreover, Mr. ██████████ is unable to form lasting relationships, experienced a dramatic decrease in his academic performance, is unable to hold a job or even at this point work, is sexually dysfunctional, has a poor self-image, and has been through three divorces. For many of the above problems, Mr. ██████████ has been prescribed various medications including Dylantin, Prozac and Tegretol. Mr. ██████████ claims that he was impotent for two years because of the high doses of Tegretol he was required to take to prevent, or at least lessen the severity of, his seizures.

While at one time Mr. ██████████ had a promising future in engineering, the injuries he sustained as a result of the recurrent beatings have severely impaired his ability to realize his full potential. As indicated by reports generated by many of Mr. ██████████'s doctors, Mr. ██████████ suffers from short-term memory loss, difficulty concentrating, significant changes in his sleeping pattern, permanent damage to his left temporal lobe, and increasingly slow psycho-motor speed. One doctor also reports that it appears likely that some of Mr. ██████████ other specific abilities have declined.

Mr. ██████████ began to make the causal connection between the abuse perpetrated by Br. Ricardo and the negligence of Brs. Nicodemus, Salpicius, Benild and Clemicus and

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his injuries, after the last of his [redacted] divorces were finalized, and he began counselling in September of 1993.

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As a result of the damages that Mr. [redacted] has suffered, he makes several demands upon the Archdiocese, St. John's, the CFX, and Brother Ricardo. First, Mr. [redacted] insists that Br. Ricardo refrain from having any contact with children until he has sought the appropriate medical attention for his abusive proclivities. Second, Mr. [redacted] demands compensation for his injuries which are causally-related to the abuse of him by Br. Ricardo, as well as the failure of the brothers and St. John's to adequately prevent him from harm. To this end, Mr. [redacted] has informed this firm that he is willing to resolve all of his claims for the sum of \$500,000.00 an amount well within the range of settlement in these types of cases.

I have enclosed Tolling Agreements which I request that you each execute as soon as possible.

I look forward to your prompt response to this letter. Thank you for your cooperation.

Very truly yours,

Roderick MacLeish, Jr.

RMJR/saf  
Enclosures

cc: [redacted]

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