

Court of Common Pleas of Philadelphia County
Trial Division
Civil Cover Sheet

For Prothonotary Use Only (Docket Number)

MARCH 2011

001377

E-Filing Number: 1103027604

PLAINTIFF'S NAME JOHN DOE 167		DEFENDANT'S NAME ARCHDIOCESE OF PHILADELPHIA	
PLAINTIFF'S ADDRESS C/O MONAHAN LAW PRACTICE, PC 300 N POTTSTOWN PIKE STE 210 EXTON PA 19341		DEFENDANT'S ADDRESS 222 N 17TH STREET PHILADELPHIA PA 19103	
PLAINTIFF'S NAME		DEFENDANT'S NAME ANTHONY BEVILACQUA	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS 222 N 17TH STREET PHILADELPHIA PA 19103	
PLAINTIFF'S NAME		DEFENDANT'S NAME JUSTIN RIGALI	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS 222 N 17TH STREET PHILADELPHIA PA 19103	
TOTAL NUMBER OF PLAINTIFFS 1	TOTAL NUMBER OF DEFENDANTS 5	COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions	
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Mass Tort <input type="checkbox"/> Commerce <input type="checkbox"/> Settlement <input checked="" type="checkbox"/> Jury <input type="checkbox"/> Savings Action <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Minors <input type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> W/D/Survival <input type="checkbox"/> Other: _____		
CASE TYPE AND CODE 20 - PERSONAL INJURY - OTHER			
STATUTORY BASIS FOR CAUSE OF ACTION			
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)		IS CASE SUBJECT TO COORDINATION ORDER? YES NO	
		FILED PROTHONOTARY MAR 16 2011 J. MURPHY	
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>JOHN DOE 167</u> Papers may be served at the address set forth below.			
NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY DANIEL F. MONAHAN		ADDRESS 300 N. POTTSTOWN PIKE STE. 210 EXTON PA 19341	
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SUPREME COURT IDENTIFICATION NO. 28557		E-MAIL ADDRESS DMonahan@JDLIM.com	
SIGNATURE OF FILING ATTORNEY OR PARTY DANIEL MONAHAN		DATE SUBMITTED Wednesday, March 16, 2011, 10:31 am	

COMPLETE LIST OF DEFENDANTS:

1. KAREN BECKER
222 N 17TH STREET
PHILADELPHIA PA 19103
2. WILLIAM LYNN
222 N 17TH STREET
PHILADELPHIA PA 19103
3. JUSTIN RIGALI
222 N 17TH STREET
PHILADELPHIA PA 19103
4. ANTHONY BEVILACQUA
222 N 17TH STREET
PHILADELPHIA PA 19103
5. ARCHDIOCESE OF PHILADELPHIA
222 N 17TH STREET
PHILADELPHIA PA 19103

DANIEL F. MONAHAN

ATTORNEY AT LAW

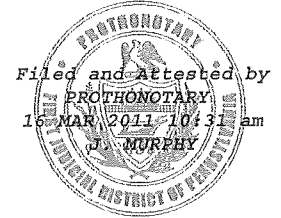
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Attorneys for Plaintiff

JOHN DOE 167

c/o Monahan Law Practice, P.C.

300 N. Pottstown Pike, Ste. 210

Exton, PA 19341

Plaintiff,

v.

ARCHDIOCESE OF PHILADELPHIA

222 N. 17th Street

Philadelphia, PA 19103

and

CARDINAL ANTHONY BEVILACQUA

222 N. 17th Street

Philadelphia, PA 19103

and

CARDINAL JUSTIN RIGALI

222 N. 17th Street

Philadelphia, PA 19103

and

COURT OF COMMON PLEAS

PHILADELPHIA COUNTY,

PENNSYLVANIA

CIVIL ACTION

JURY TRIAL DEMANDED

_____ TERM, 2011

NO. _____

MSGR. WILLIAM LYNN
222 N. 17th Street
Philadelphia, PA 19103

and

KAREN BECKER
222 N. 17th Street
Philadelphia, PA 19103

Defendants. :

NOTICE TO DEFEND

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Philadelphia Bar Association

Lawyer Referral and Information Service

One Reading Center

Philadelphia, PA 19107

Telephone: 215-238-1701

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Attorneys for Plaintiff

JOHN DOE 167	:	COURT OF COMMON PLEAS
c/o Monahan Law Practice, P.C.	:	
300 N. Pottstown Pike, Ste. 210	:	PHILADELPHIA COUNTY,
Exton, PA 19341	:	
	:	PENNSYLVANIA
Plaintiff,	:	
v.	:	CIVIL ACTION
	:	
ARCHDIOCESE OF PHILADELPHIA	:	JURY TRIAL DEMANDED
222 N. 17 th Street	:	
Philadelphia, PA 19103	:	_____ TERM, 2011
and	:	
CARDINAL ANTHONY BEVILACQUA	:	NO. _____
222 N. 17 th Street	:	
Philadelphia, PA 19103	:	
	:	
and	:	
CARDINAL JUSTIN RIGALI	:	
222 N. 17 th Street	:	
Philadelphia, PA 19103	:	
	:	
and	:	

MSGR. WILLIAM LYNN	:
222 N. 17 th Street	:
Philadelphia, PA 19103	:
and	:
KAREN BECKER	:
222 N. 17 th Street	:
Philadelphia, PA 19103	:
	:
_____ Defendants.	:

PLAINTIFF'S COMPLAINT

And now Plaintiff, by and through his undersigned counsel, brings this Complaint and sets forth as follows:

The Parties

1. Plaintiff, John Doe 167 is an adult male individual who is a citizen and resident of the County of Delaware in the Commonwealth of Pennsylvania. The identity of this Plaintiff is not pleaded in this Complaint in order to protect the identity of the Plaintiff because the Plaintiff was a victim of sex crimes when Plaintiff was a minor. The identity of the Plaintiff will be made known to the Defendants by separate communication.

2. Defendant Archdiocese of Philadelphia ("Archdiocese") was and continues to be a Roman Catholic organization and a non-profit religious corporation authorized to conduct business and conducting business in the Commonwealth of Pennsylvania with its principal place of business located at 222 N. 17th Street, Philadelphia, Pennsylvania 19103, which is in Philadelphia County. This Defendant is organized, exists and operates pursuant and by virtue of the laws of the Commonwealth of Pennsylvania.

3. Msgr. William Lynn is an adult male individual resident and citizen of the Commonwealth of Pennsylvania who Secretary of Clergy for the Archdiocese under Cardinal Anthony Bevilacqua.

4. Cardinal Anthony Bevilacqua is an adult male individual resident and citizen of the Commonwealth of Pennsylvania who was the Archbishop of the Archdiocese from 1987 through 2003.

5. Cardinal Justin Rigali is an adult male individual resident and citizen of the Commonwealth of Pennsylvania who is the current Archbishop of the Archdiocese who was appointed Archbishop of the Archdiocese in 2003.

6. Karen Becker is an adult female individual resident and citizen of the Commonwealth of Pennsylvania who is the Director of the Archdiocese's Office of Child and Youth Protection.

Facts

7. On January 21, 2011, the Philadelphia District Attorney's Office issued a Grand Jury Report on abuse in the Philadelphia Archdiocese ("2011 Grand Jury Report").

8. The 2011 Grand Jury Report establishes that the Archdiocese has a long history of sexual abuse of children by Archdiocese priests that was known, tolerated, and hidden by high church officials, up to and including Cardinal Anthony Bevilacqua and Msgr. Lynn. The Grand Jury Report states:

"The rapist priests we accuse were well known to the Secretary of Clergy, but he cloaked their conduct and put them in place to do it again. The procedures implemented by the Archdiocese to help victims are in fact designed to help the abusers, and the Archdiocese itself. Worst of all, apparent abusers – dozens of them, we believe – remain on duty in the Archdiocese, today, with open access to new young prey."

2011 Grand Jury Report at 1.

9. The 2011 Grand Jury Report establishes that the Archdiocese, through its Victims Assistance Program and under Cardinal Rigali, tolerates and actively conceals the sexual abuse of children by Archdiocese priests for the benefit of the Archdiocese.

10. Victims of sexual abuse were misled by Cardinal Rigali into believing that the Archdiocese's only interest in having the victims make contact with the Archdiocese's Victims' Assistance Coordinator was to help the victims get the help that they need. The actual reason that Cardinal Rigali requested that the victims contact the Archdiocese Victims' Assistance Coordinator was to obtain information to begin to prepare a defense against any claim and to conceal the sexual abuse from law enforcement and the public. Examples of public statements that Cardinal Rigali made that misled victims into believing that the Archdiocese was solely concerned with helping them -- as opposed to building a defense file or re-victimizing them -- include:

- a. "These changes have taken place over the past year as a part of our continuing efforts to be more responsive to the needs of victims. It is important to listen to the people who have been hurt and find out what they need. We listened and changed the way in which we respond" (News Release, Archdiocese of Philadelphia Revitalized Victim Assistance Program (Oct. 19, 2006),
- b. "I urge anyone who was abused in the past to contact our Victim Assistance Coordinators who can help begin the healing process. ... We must never forget the victims who have been harmed so terribly and we will continue to listen to them. We remain dedicated to strengthening programs of prevention." (The Catholic Standard Times, Cardinal Justin Rigali, *National Sexual Assault Awareness, Child Abuse Month* (April 29, 2010),)
- c. "Parents who may have concerns or fears in these areas and who wish to discuss them are encouraged to call the Archdiocesan Victim Assistance Program at 1-888-800-8780." (The Catholic Standard Times, Cardinal Justin Rigali, *Continued Efforts to Protect Our Young People* (April 16, 2009),)

- d. "The archdiocese is now making every effort to listen carefully in order to better understand and appreciate your experience. In meeting personally with many of you, I have learned of the recurring problem that affects your lives. This trauma can present itself as flashbacks, anger, anxiety, and depression. Some of you have spoken of loneliness and isolation. If you have similar experiences, we want to help you build a peaceful life. Reaching out for help, especially to the church, can be difficult. Our newly revitalized Victim Assistance Program is available to you. If you wish, feel free to call. God bless you." (Cardinal Justin Rigali, Recording: *Cardinal Rigali's Audio Message about Victims' Assistance* (Feb. 19, 2011, 11:15 AM)),
- e. "Even prior to the Bishops' Charter, the Archdiocese was committed to offering counseling assistance to those bringing forth allegations of sexual abuse as minors, whether or not the allegations were determined to be credible. Currently, our Archdiocesan Assistance Coordinators are providing professional counseling for 41 individuals. From 1994 through 2003, an average of \$125,000 has been paid annually by the Archdiocese for this counseling. ... The Archdiocese continues to reach out to those who are victims of sexual abuse as minors by priests." (Cardinal Justin Rigali, *Letter on the John Jay College Study* (Feb. 26, 2004))
- f. "One lesson that I have learned in that many victims are reluctant to turn to the Church for assistance. The Archdiocese of Philadelphia has diligently worked to restructure and refocus efforts of victim assistance. We have attempted to reach out to victims in many ways including my radio messages and advisements in newspapers. ... It is my hope that after you read this brochure, you will share it with a friend." (Cardinal Justin Rigali, *Enhanced Efforts to Assist Victims of Clergy Sexual Abuse* (Sept. 1, 2007)).

11. The victim assistance coordinators "mislead victims into believing that their discussions with the coordinators are protected by confidentiality." They are not. Victims' statements are shared throughout the Archdiocese and turned over to the Archdiocese's attorneys. 2011 Grand Jury Report at 7.

12. The victims also were led to believe that by reporting their abuse to the Victims Assistance Program, their perpetrators would be identified to the authorities:

"The Archdiocese stands ready to assist you in humble service. I am willing to meet with you as I have met with others. Our Victims Assistance Coordinators offer both spiritual and mental health services. Any victim or those who wish to report an allegation of abuse - which will be communicated immediately to civil authorities - may contact an assistance coordinator at 215-587-3880 or PhilaVAC@adphila.org." (The Catholic Standard Times, Cardinal Justin Rigali, *With Sorrow and Hope* (Sept. 28, 2005)).

13. The victims are pressured to sign releases for records the Archdiocese's coordinators and attorneys otherwise would not be able to see. "Victims are led to believe that these releases will assist the coordinators in helping them. The church's position, it appears, is that coordinators must uncover every fact in order to make a determination about whether to refer the case to law enforcement. But that is not true. . . The only rational explanation for such procedures is not to guarantee the victim's recovery, but to guard the church against what its highest officials repeatedly refer to as 'scandal.'" 2011 Grand Jury Report at 7-8.

14. "[V]ictims are virtually hounded to give statements. . . . The only possible reason for this tactic would be to use the statements as ammunition to impeach victims, in an effort to make them appear incredible. . . . Such procedures are, to state it softly, one-sided – and the side taken is not that of the victim." 2011 Grand Jury report at 9.

15. The 2011 Grand Jury Report concludes that victim assistance programs cannot be successfully operated in the interest of victims "by the church itself." And that the Church is entitled to defend itself in the courts, "but it can no longer try to play both sides of the fence with its victims." 2011 Grand Jury report at 11.

16. When Plaintiff was a boy, he and his family attended St. Francis Xavier parish in Philadelphia, Pennsylvania.

17. One of the priests assigned to St. Francis Xavier parish was Fr. John Kline.

18. Fr. Kline lived in the St. Francis Xavier rectory.

19. Fr. Kline was also a teacher at Roman Catholic High School in Philadelphia for almost 30 years, retiring in 1981.

20. Beginning in the 1960's and continuing through the 1990's, Plaintiff's mother was the church secretary at St. Francis Xavier parish. As such, Plaintiff's mother came to know and trust Fr. Kline. Over the years, Fr. Kline frequently visited the Plaintiff's house and also went on vacations with Plaintiff's family in New Jersey.

21. In approximately 1968 or 1969, Plaintiff and his family went to Long Beach Island in New Jersey, where they rented a home for a month each summer. Based upon the relationship between Plaintiff's mother as the parish secretary and Fr. Kline as the parish priest, Plaintiff's family invited Fr. Kline to visit the Plaintiff and his family while they stayed on Long Beach Island. Fr. Kline did visit the Plaintiff and his family on several days during that month.

22. While on Long Beach Island in New Jersey, in 1968 or 1969, Fr. Kline sexually abused the Plaintiff.

23. Shortly after the sexual abuse, Plaintiff, experienced traumatic repression of the memories of sexual abuse. Plaintiff had no memories of any sexual contact with Fr. Kline until approximately 3 years ago, when Plaintiff began to recover some memories of sexual contact with Fr. Kline.

24. The Plaintiff developed coping mechanisms that prevented Plaintiff from discovering that he had been injured by the sexual contact with Fr. Kline until 2011.

25. Upon information and belief, the Defendants were aware that Fr. Kline had been sexually inappropriate with a child prior to the time that Fr. Kline was sexually inappropriate with the Plaintiff.

26. Upon information and belief, the Defendants concealed its knowledge of Fr. Kline's sexual misconduct from the Plaintiff, Plaintiff's parents, and law enforcement.

27. The Archdiocese has a long history of concealing the sexual abuse of children by its clergy.

28. Monsignor William Lynn was the Secretary of Clergy under Cardinal Anthony Bevilacqua.

29. Upon information and belief, Msgr. Lynn acted as the personnel director for priests.

30. It was Msgr. Lynn's job to review all reports of abuse, to recommend action, and to monitor the abuser's future conduct.

31. Msgr. William Lynn assisted priests who he knew to have sexually abused children to obtain new assignments within the Archdiocese in order to conceal their criminal activity and protect the Archdiocese's reputation. 2011 Grand Jury Report at 43-53.

32. Msgr. Lynn's purposeful failure to remove pedophile priests caused Msgr. Lynn to be charged with endangering the welfare of a child, a felony of the third degree by the Philadelphia County District Attorney.

33. Msgr. Lynn did more than passively allow the molesters to remain in positions where they could continue to prey on children. When victims complained or scandal threatened, Msgr. Lynn recommended that the abusers be transferred to new parishes, where the

unsuspecting faithful would not know to be wary and vigilant, and where the abusive clergymen could go on exploiting their positions of trust and authority to pursue criminal activity.

34. Cardinal Bevilacqua controlled the Archdiocese's handling of child sex abuse.

35. While the Archbishop of the Archdiocese, Cardinal Bevilacqua was insistent, in all cases involving the sexual abuse of minors by priests, that parishioners be lied to about the Archdiocese's knowledge about the abuse by the priest. Msgr. Lynn followed this policy.

36. This conspiracy to endanger the welfare of children described herein, had the effect of preventing parish families, including the Plaintiff and his family, from learning the extent of the problem of sexual abuse of children within the Archdiocese.

37. Without the knowledge about the extent of the problem of Archdiocese priests sexually abusing parish children, the Plaintiff and his family were unable to protect themselves from Fr. Kline. Had the Plaintiff and his family known the extent of child sexual abuse by Archdiocese priests, the Plaintiff and his family would not have allowed Fr. Kline to spend unsupervised time alone with the Plaintiff, where Fr. Kline was able to sexually abuse Plaintiff.

38. The Archdiocese publicly promotes its victim assistance programs as solely intended for victims of sexual abuse to get help, when in fact, the victim assistance programs are used by the Archdiocese to gather information to give to its attorneys in order to discredit the victims, defend the Archdiocese against any claims and conceal the crimes of Archdiocese employees. According to the 2011 Grand Jury Report, the Archdiocese "victim assistance coordinators" misled victims into believing that the victim's discussions with the coordinators are protected by confidentiality, when in fact that is not the case. In fact, the victim assistance coordinators did not keep the victim's statements confidential and instead turned the statements over to the attorneys for the Archdiocese and others in the Archdiocese.

39. The victims assistance program is advertised as though it operates on the principle of serving the best interests of the clergy sex abuse victim. Instead, it operates to protect the Archdiocese's interests first.

40. In 2007-2008, the Plaintiff spoke with an Archdiocese Victims Assistance Coordinator over the telephone. Upon information and belief, the Archdiocese used the Victims Assistance process to gather information which it in turn gave to its attorneys in order to use said information against the Plaintiff.

41. Victim assistance coordinators also forced victims to sign releases for records in the possession of third parties, such as outside therapists and the military. The victims are led to believe that these releases will assist the coordinators in helping the victim. Instead, the records secured through the releases are turned over to Archdiocese attorneys and used to defend the Archdiocese against any claims by the victim. Specifically, the records were used by Archdiocese attorneys to build the defense that the statute of limitations had expired on the victim's claim.

42. The victim assistance coordinators and others employed by the Archdiocese regularly encouraged victims to not report the incidents of sexual abuse to law enforcement.

43. According to the January 2011 Grand Jury Report, the Archdiocese maintains "secret archive files" which contain reports of priest sexual abuse of minors. These "secret archive files" contain evidence of criminal conduct of Archdiocese clergy that was and continues to be withheld from law enforcement. 2011 Grand Jury Report at 22, 43;

44. The sexual abuse and exploitation of Plaintiff and the circumstances under which it occurred caused Plaintiff to develop various psychological coping mechanisms, including not

recognizing the extent of the injuries he experienced as a result of the sexual abuse described herein.

45. As a direct result of the wrongful conduct alleged herein, 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; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiffs' daily activities and obtaining the full enjoyment of life; has sustained and continues to sustain loss of earnings and earning capacity; and/or has incurred and continues to incur expenses for medical and psychological treatment, therapy, and counseling.

**COUNT I - CHILDHOOD SEXUAL ABUSE/VICARIOUS
LIABILITY/RATIFICATION (NEW JERSEY LAW)
Plaintiff, John Doe 167 v. Archdiocese of Philadelphia**

46. Plaintiff incorporates by reference all of the preceding paragraphs of this Complaint as if each and every one were individually set forth within this Count.

47. In approximately the 1968 or 1969, Fr. Kline engaged in unpermitted, harmful and offensive sexual conduct and contact upon the person of Plaintiff in violation of Pennsylvania state law. Said conduct was undertaken while Fr. Kline was an employee and agent of Defendant Archdiocese, while in the course and scope of employment with Defendant Archdiocese, and/or was ratified by Defendant Archdiocese.

48. Upon information and belief, prior to or during the abuse alleged above, the Archdiocese knew, had reason to know, or were otherwise on notice of the unlawful sexual conduct by Fr. Kline and/or other priests and employees of the Archdiocese. The Archdiocese failed to take reasonable steps and failed to implement reasonable safeguards to avoid acts of

unlawful sexual conduct by Fr. Kline, including, but not limited to, preventing or avoiding placement of Fr. Kline in functions or environments in which contact with children was an inherent part of those functions or environments. Furthermore, at no time during the periods of time alleged did the Archdiocese have in place a system or procedure to supervise and/or monitor employees, volunteers, representatives, or agents to ensure that they did not molest or abuse minors in the Archdiocese's care, including the Plaintiff.

49. The statute of limitations for this vicarious liability count was tolled because Plaintiff was disabled in that he completely and involuntarily repressed all acts of abuse by Fr. Kline.

50. The New Jersey delayed discovery of injury statute of limitations applies to this vicarious liability count because the sexual abuse and the related negligence described herein have the most significant relationship to the State of New Jersey in that, the injury and the place where the conduct causing the injury, occurred within the State of New Jersey.

51. Plaintiff, through the use of reasonable diligence, could not have reasonably discovered that he had been injured by the conduct described herein or discovered the causal relationship between the injury and the sexual abuse until 2011.

52. The Archdiocese is stopped from invoking the bar of statute of limitations on this count because the Archdiocese fraudulently concealed material information and committed an affirmative independent act of concealment as described herein that caused Plaintiff to relax his vigilance or deviate from his right of inquiry and upon which Plaintiff justifiably relied.

53. 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; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiffs' daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

WHEREFORE, Plaintiff, demands judgment for compensatory and punitive damages against Defendant Archdiocese, in an amount in excess of Fifty Thousand Dollars (\$50,000.00), together with interest, costs, and any other appropriate relief.

**COUNT I - CHILDHOOD SEXUAL ABUSE/VICARIOUS
LIABILITY/RATIFICATION (NEW JERSEY LAW)
Plaintiff, John Doe 167 v. Archdiocese of Philadelphia**

54. Plaintiff incorporates by reference all of the preceding paragraphs of this Complaint as if each and every one were individually set forth within this Count.

55. In approximately the 1968 or 1969, Fr. Kline engaged in unpermitted, harmful and offensive sexual conduct and contact upon the person of Plaintiff in violation of Pennsylvania state law. Said conduct was undertaken while Fr. Kline was an employee and agent of Defendant Archdiocese, while in the course and scope of employment with Defendant Archdiocese, and/or was ratified by Defendant Archdiocese.

56. Upon information and belief, prior to or during the abuse alleged above, the Archdiocese knew, had reason to know, or were otherwise on notice of the unlawful sexual conduct by Fr. Kline and/or other priests and employees of the Archdiocese. The Archdiocese failed to take reasonable steps and failed to implement reasonable safeguards to avoid acts of unlawful sexual conduct by Fr. Kline, including, but not limited to, preventing or avoiding placement of Fr. Kline in functions or environments in which contact with children was an

inherent part of those functions or environments. Furthermore, at no time during the periods of time alleged did the Archdiocese have in place a system or procedure to supervise and/or monitor employees, volunteers, representatives, or agents to ensure that they did not molest or abuse minors in the Archdiocese's care, including the Plaintiff.

57. The statute of limitations for this vicarious liability count was tolled because Plaintiff was disabled in that he completely and involuntarily repressed all acts of abuse by Fr. Kline.

58. The New Jersey delayed discovery of injury statute of limitations applies to this vicarious liability count because the sexual abuse and the related negligence described herein have the most significant relationship to the State of New Jersey in that, the injury and the place where the conduct causing the injury, occurred within the State of New Jersey.

59. Plaintiff, through the use of reasonable diligence, could not have reasonably discovered that he had been injured by the conduct described herein or discovered the causal relationship between the injury and the sexual abuse until 2011.

60. The Archdiocese is stopped from invoking the bar of statute of limitations on this count because the Archdiocese fraudulently concealed material information and committed an affirmative independent act of concealment as described herein that caused Plaintiff to relax his vigilance or deviate from his right of inquiry and upon which Plaintiff justifiably relied.

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; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiffs' daily activities and obtaining the full

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

WHEREFORE, Plaintiff, demands judgment for compensatory and punitive damages against Defendant Archdiocese, in an amount in excess of Fifty Thousand Dollars (\$50,000.00), together with interest, costs, and any other appropriate relief.

**COUNT II - CHILDHOOD SEXUAL ABUSE/VICARIOUS
LIABILITY/RATIFICATION (PENNSYLVANIA LAW)
Plaintiff, John Doe 167 v. Archdiocese of Philadelphia**

62. Plaintiff incorporates by reference all of the preceding paragraphs of this Complaint as if each and every one were individually set forth within this Count.

63. In approximately the 1968 or 1969, Fr. Kline engaged in unpermitted, harmful and offensive sexual conduct and contact upon the person of Plaintiff in violation of Pennsylvania state law. Said conduct was undertaken while Fr. Kline was an employee and agent of Defendant Archdiocese, while in the course and scope of employment with Defendant Archdiocese, and/or was ratified by Defendant Archdiocese.

64. Upon information and belief, prior to or during the abuse alleged above, the Archdiocese knew, had reason to know, or were otherwise on notice of the unlawful sexual conduct by Fr. Kline and/or other priests and employees of the Archdiocese. The Archdiocese failed to take reasonable steps and failed to implement reasonable safeguards to avoid acts of unlawful sexual conduct by Fr. Kline, including, but not limited to, preventing or avoiding placement of Fr. Kline in functions or environments in which contact with children was an inherent part of those functions or environments. Furthermore, at no time during the periods of

time alleged did the Archdiocese have in place a system or procedure to supervise and/or monitor employees, volunteers, representatives, or agents to ensure that they did not molest or abuse minors in the Archdiocese's care, including the Plaintiff.

65. The statute of limitations for this vicarious liability count was tolled because Plaintiff was disabled in that he completely and involuntarily repressed all acts of abuse by Fr. Kline.

66. The Archdiocese is stopped from invoking the bar of statute of limitations on this count because the Archdiocese fraudulently concealed material information and committed an affirmative independent act of concealment as described herein that caused Plaintiff to relax his vigilance or deviate from his right of inquiry and upon which Plaintiff justifiably relied.

67. 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; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiffs' daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

WHEREFORE, Plaintiff, demands judgment for compensatory and punitive damages against Defendant Archdiocese, in an amount in excess of Fifty Thousand Dollars (\$50,000.00), together with interest, costs, and any other appropriate relief.

COUNT III - NEGLIGENCE (NEW JERSEY LAW)
Plaintiff John Doe 167 v. Archdiocese of Philadelphia

68. Plaintiff incorporates by reference all of the preceding paragraphs of this

Complaint as if each and every one were individually set forth within this Count.

69. The Archdiocese had a duty to protect the minor Plaintiff when he was entrusted to their care by Plaintiff's parents. Plaintiff's care, welfare, and/or physical custody was temporarily entrusted to the Archdiocese. The Archdiocese voluntarily accepted the entrusted care of Plaintiff. As such, the Archdiocese owed Plaintiff, a minor child, a special duty of care, in addition to a duty of ordinary care, and owed Plaintiff the higher duty of care that adults dealing with children owe to protect them from harm.

70. Defendant Archdiocese, by and through its agents, servants and employees, knew or reasonably should have known of Fr. John Kline's dangerous and exploitive propensities and/or that Fr. Kline was an unfit agent. It was foreseeable that if the Archdiocese did not adequately exercise or provide the duty of care owed to children in their care, including but not limited to Plaintiff, the children entrusted to the Archdiocese's care would be vulnerable to sexual abuse by Archdiocese employees, including Fr. Kline.

71. Defendants breached their duty of care to the minor Plaintiff by failing to protect the Plaintiff from foreseeable harm of the sexual misconduct of employees of the Archdiocese, including Kline.

72. The New Jersey delayed discovery of injury statute of limitations applies to this count because the sexual abuse and the related negligence described herein have the most significant relationship to the State of New Jersey in that the injury, and the place where the conduct causing the injury, occurred within the State of New Jersey.

73. Plaintiff, through the use of reasonable diligence, could not have reasonably discovered that he had been injured by the conduct described herein or discovered the causal relationship between the injury and the sexual abuse until 2011.

74. The statute of limitations for this count was tolled because Plaintiff was disabled in that he completely and involuntarily repressed all acts of abuse by Fr. Kline.

75. The Archdiocese is estopped from asserting the defense of statute of limitations because the Archdiocese fraudulently concealed material information from the Plaintiff and his family as described herein.

76. 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; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

WHEREFORE, Plaintiff, demands judgment for compensatory and punitive damages against Defendant, Archdiocese of Philadelphia, in an amount in excess of Fifty Thousand Dollars (\$50,000.00), together with interest, costs, and any other appropriate relief.

COUNT IV - NEGLIGENCE (PENNSYLVANIA LAW)
Plaintiff John Doe 167 v. Archdiocese of Philadelphia

77. Plaintiff incorporates by reference all of the preceding paragraphs of this Complaint as if each and every one were individually set forth within this Count.

78. The Archdiocese had a duty to protect the minor Plaintiff when he was entrusted to their care by Plaintiff's parents. Plaintiff's care, welfare, and/or physical custody was temporarily entrusted to the Archdiocese. The Archdiocese voluntarily accepted the entrusted

care of Plaintiff. As such, the Archdiocese owed Plaintiff, a minor child, a special duty of care, in addition to a duty of ordinary care, and owed Plaintiff the higher duty of care that adults dealing with children owe to protect them from harm.

79. Defendant Archdiocese, by and through its agents, servants and employees, knew or reasonably should have known of Fr. John Kline's dangerous and exploitive propensities and/or that Fr. Kline was an unfit agent. It was foreseeable that if the Archdiocese did not adequately exercise or provide the duty of care owed to children in their care, including but not limited to Plaintiff, the children entrusted to the Archdiocese's care would be vulnerable to sexual abuse by Archdiocese employees, including Fr. Kline.

80. Defendants breached their duty of care to the minor Plaintiff by failing to protect the Plaintiff from foreseeable harm of the sexual misconduct of employees of the Archdiocese, including Kline.

81. The statute of limitations for this count was tolled because Plaintiff was disabled in that he completely and involuntarily repressed all acts of abuse by Fr. Kline.

82. The Archdiocese is stopped from invoking the bar of statute of limitations on this count because the Archdiocese fraudulently concealed material information and committed an affirmative independent act of concealment as described herein that caused Plaintiff to relax his vigilance or deviate from his right of inquiry and upon which Plaintiff justifiably relied.

83. 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; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full

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

WHEREFORE, Plaintiff, demands judgment for compensatory and punitive damages against Defendant, Archdiocese of Philadelphia, in an amount in excess of Fifty Thousand Dollars (\$50,000.00), together with interest, costs, and any other appropriate relief.

COUNT V - NEGLIGENT SUPERVISION (NEW JERSEY LAW)
Plaintiff John Doe 167 v. Archdiocese of Philadelphia

84. Plaintiff incorporates by reference all of the preceding paragraphs of this Complaint as if each and every one were individually set forth within this Count.

85. The Archdiocese had a duty to provide reasonable supervision of its employee and agent, Fr. John Kline.

86. It was reasonably foreseeable that employees and agents of the Archdiocese, including Fr. John Kline, would sexually abuse children unless they were properly supervised.

87. The Archdiocese, by and through their agents, servants and employees, knew or reasonably should have known of Fr. Kline's dangerous and exploitive propensities and/or that the Fr. Kline was an unfit agent. Despite such knowledge, Defendant Archdiocese breached its duty to provide reasonable supervision of Fr. Kline who was in the position of trust and authority as Roman Catholic clergy, religious instructor, counselor, school teacher, surrogate parent, spiritual mentor, emotional mentor, and/or other authority figure, where he was able to commit the wrongful acts against the Plaintiff.

88. The New Jersey delayed discovery of injury statute of limitations applies to this count because the sexual abuse and the related negligence described herein have the most significant relationship to the State of New Jersey in that the injury, and the place where the

conduct causing the injury, occurred within the State of New Jersey.

89. Plaintiff, through the use of reasonable diligence, could not have reasonably discovered that he had been injured by the conduct described herein or discovered the causal relationship between the injury and the sexual abuse until 2011.

90. The statute of limitations for this count was tolled because Plaintiff was disabled in that he completely and involuntarily repressed all acts of abuse by Fr. Kline.

91. The Archdiocese is estopped from asserting the defense of statute of limitations because the Archdiocese fraudulently concealed material information from the Plaintiff and his family as described herein.

92. 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; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

WHEREFORE, Plaintiff demands judgment for compensatory and punitive damages against Defendant, Archdiocese of Philadelphia, in an amount in excess of Fifty Thousand Dollars (\$50,000.00), together with interest, costs, and any other appropriate relief.

COUNT VI - NEGLIGENT SUPERVISION (PENNSYLVANIA LAW)
Plaintiff, John Doe 167 v. Archdiocese of Philadelphia

93. Plaintiff incorporates by reference all of the preceding paragraphs of this Complaint as if each and every one were individually set forth within this Count.

94. The Archdiocese had a duty to provide reasonable supervision of its employee and agent, Fr. John Kline.

95. It was reasonably foreseeable that employees and agents of the Archdiocese, including Fr. John Kline, would sexually abuse children unless they were properly supervised.

96. The Archdiocese, by and through their agents, servants and employees, knew or reasonably should have known of Fr. Kline's dangerous and exploitive propensities and/or that the Fr. Kline was an unfit agent. Despite such knowledge, Defendant Archdiocese breached its duty to provide reasonable supervision of Fr. Kline who was in the position of trust and authority as Roman Catholic clergy, religious instructor, counselor, school teacher, surrogate parent, spiritual mentor, emotional mentor, and/or other authority figure, where he was able to commit the wrongful acts against the Plaintiff.

97. The statute of limitations for this count was tolled because Plaintiff was disabled in that he completely and involuntarily repressed all acts of abuse by Fr. Kline.

98. The Archdiocese is stopped from invoking the bar of statute of limitations on this count because the Archdiocese fraudulently concealed material information and committed an affirmative independent act of concealment as described herein that caused Plaintiff to relax his vigilance or deviate from his right of inquiry and upon which Plaintiff justifiably relied.

99. 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; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning

capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

WHEREFORE, Plaintiff John Doe MA, demands judgment for compensatory and punitive damages against Defendants, Malvern Preparatory School and Order of St. Augustine, jointly and severally, in an amount in excess of Fifty Thousand Dollars (\$50,000.00), together with interest, costs, and any other appropriate relief.

COUNT VII - CIVIL CONSPIRACY TO ENDANGER CHILDREN
Plaintiff, John Doe 167 v. Archdiocese of Philadelphia, Cardinal Anthony Bevilacqua,
Cardinal Justin Rigali, Msgr. William Lynn, Karen Becker

100. Plaintiff incorporates by reference all of the preceding paragraphs of this Complaint as if each and every one were individually set forth within this Count.

101. Defendants Archdiocese, Cardinal Anthony Bevilacqua, Cardinal Justin Rigali, Msgr. William Lynn, and Karen Becker, acting with a common purpose conspired to endanger the welfare of children in violation of Pennsylvania law.

102. The overt acts committed in pursuance of the common purpose to endanger the welfare of children include, but are not limited to:

- a. The Defendants Archdiocese, Cardinal Anthony Bevilacqua, Cardinal Justin Rigali, Msgr. William Lynn, and Karen Becker maliciously concealed known incidents of childhood sexual abuse within the Archdiocese;
- b. Defendants Archdiocese, Cardinal Anthony Bevilacqua, Cardinal Justin Rigali, Msgr. William Lynn, and Karen Becker implemented programs and procedures that were misrepresented to the public as providing help to victims of childhoods sexual abuse by clergy, but were instead maliciously

used to develop information to protect the Archdiocese from liability for its misconduct in handling predatory priests and used to further conceal the identity and illegal activities of predatory priests from law enforcement, parishioners and the public.

- c. When a report that an Archdiocese priest had sexually abused a child was made to the Archdiocese, Defendants Archdiocese, Cardinal Anthony Bevilacqua, Cardinal Justin Rigali, Msgr. William Lynn, and Karen Becker, maliciously transferred the clergymen to new parishes, where the unsuspecting parishioners did not suspect that the priest was an abuser. As a result, on a significant number of occasions, the priest sexually abused children at the new parish.
- d. Instead of protecting Archdiocese children from sexual abuse by known predator priests and other agents and employees, Archdiocese, Defendants Archdiocese, Cardinal Anthony Bevilacqua, Cardinal Justin Rigali, Msgr. William Lynn, and Karen Becker instead shielded abusive clergy from criminal detection, shielded the Archdiocese hierarchy from scandal, and shielded the Archdiocese from financial liability.
- e. Victim assistance coordinators also forced victims to sign releases for records in the possession of third parties, such as outside therapists and the military. The victims are led to believe that these releases would assist the coordinators in helping the victim. Instead, the records secured through the releases are turned over to Archdiocese attorneys and used to defend the Archdiocese against any claims by the victim.

- f. The victim assistance coordinators employed by the Archdiocese regularly discouraged victims from reporting the sexual abuse by a priest to law enforcement.
- g. Archdiocese, Defendants Archdiocese, Cardinal Anthony Bevilacqua, Cardinal Justin Rigali, Msgr. William Lynn, and Karen Becker maintained “secret archive files” containing reports of priest sexual abuse of minors which was withheld from law enforcement.
- h. Archdiocese, Defendants Archdiocese, Cardinal Anthony Bevilacqua, Cardinal Justin Rigali, Msgr. William Lynn, and Karen Becker, in cases involving the sexual abuse of minors by priests, maliciously lied to parishioners about the Archdiocese’s knowledge about the abuse by the priest.
- i. Archdiocese, Defendants Archdiocese, Cardinal Anthony Bevilacqua, Cardinal Justin Rigali, Msgr. William Lynn, and Karen Becker maliciously ensured that the internal Archdiocese Review Board, that is responsible for determining whether sexual abuse reports against a clergy member are credible, regularly found allegations of sexual abuse of minors by priests as being “unsubstantiated” even when there was very convincing evidence that the accusations were true.
- j. Upon information and belief, the Archdiocese, Defendants Archdiocese, Cardinal Anthony Bevilacqua, Cardinal Justin Rigali, Msgr. William Lynn, and Karen Becker destroyed documents that were evidence of criminal sexual conduct of children.

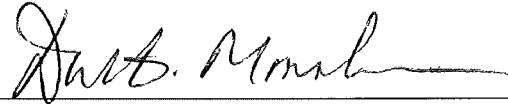
103. Said acts were committed with malice and with the intention that the welfare of children within the Archdiocese be endangered.

104. 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; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

WHEREFORE, Plaintiff demands judgment for compensatory and punitive damages against Defendants, Archdiocese of Philadelphia, Cardinal Anthony Bevilacqua, Cardinal Justin Rigali, Msgr. William Lynn, and Karen Becker, jointly and severally, in an amount in excess of Fifty Thousand Dollars (\$50,000.00), together with interest, costs, and any other appropriate relief.

Dated: March 16, 2011

BY: _____



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VERIFICATION

I, Daniel F. Monahan, Esquire, verify that I am the attorney for the Plaintiff and that the facts set forth in the foregoing Plaintiff's Complaint are true and correct to the best of my knowledge, information and belief. I understand that false statements made herein are subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.

A handwritten signature in cursive script, appearing to read "D. F. Monahan", written in black ink.

Daniel F. Monahan, Esquire

Dated: 3/16/11.