

IN THE CIRCUIT COURT OF JACKSON COUNTY
KANSAS CITY, MISSOURI

JANE DOE 39, by and through her father,
JOHN DOE 40, as Next Friend,
and JOHN DOE 40, individually,

PLAINTIFFS

VS.

CASE NO: _____

FATHER SHAWN RATIGAN

DIV: _____

SERVE AT: Inmate # 23421045
Leavenworth Detention Center
100 Highway Terrace
Leavenworth, KS 66048

and

BISHOP ROBERT FINN

SERVE AT: The Catholic Center
20 West 9th Street
Kansas City, MO. 64105

and

THE DIOCESE OF KANSAS CITY –
ST. JOSEPH

SERVE AT: The Catholic Center
20 West 9th Street
Kansas City, MO. 64105

DEFENDANTS

PLAINTIFFS' PETITION

COME NOW Plaintiffs, and for their causes of action against defendants allege as follows:

PARTIES

1. Plaintiff Jane Doe 39 is a minor female resident of the State of Missouri, who brings this lawsuit through natural father and guardian, John Doe 40, who is also a resident of the State of Missouri. The true identities of the Plaintiff and her father are being withheld on the grounds that Jane Doe 39 is a minor and a victim of the sex crimes described herein.

2. Defendant Father Shawn Ratigan is a resident of the State of Missouri, currently incarcerated in the Leavenworth Federal Detention Center, Leavenworth, KS following his conviction for child pornography.

3. Defendant Diocese of Kansas City – St. Joseph is a not for profit corporation registered to do business in the State of Missouri, with a principle address at The Catholic Center, 20 West Ninth Street, Kansas City, Missouri 64105.

4. Defendant Bishop Robert Finn is an individual adult male resident of the State of Missouri who is the head of the Diocese of Kansas City – St. Joseph.

VENUE

5. Venue is proper in Jackson County under R. S. Mo. § 508.010 (2005), in as much as this is an action in tort and Jackson County is a place where Plaintiffs were injured by the wrongful acts.

6. Multiple photographs of the minor plaintiff have been located, but it is not possible to determine when or where the first photographs were taken.

7. Plaintiffs have been able to identify the location of some of the photographs as having been taken in Jackson County. Accordingly, venue is appropriate in Jackson County, Kansas City Division.

FACTS

8. Father Shawn Ratigan was ordained in 2004 and served in the following parishes in the Diocese of Kansas City-St. Joseph: St. Thomas More in Kansas City, Missouri; St. Mary's Parish in St. Joseph, Missouri; St. Joseph's Parish in Easton, Missouri; St. Patrick's Parish in Kansas City, Missouri.

9. Father Shawn Ratigan also served as priest serving at the following schools in the Diocese of Kansas City-St. Joseph: St. Thomas More School, Bishop LeBlond High School, St. Patrick's School and Early Childhood Center.

10. Father Ratigan also went on Mission trips including to Guatemala and other Diocesan required and/or approved events with children from St. Pius School and other area schools.

11. After Fr. Ratigan became a Priest with the Diocese of Kansas City – St. Joseph, he began photographing and taking visual images of the minor plaintiff in poses that displayed her underwear, buttocks and her vaginal area.

12. Said photographs depicted the minor plaintiff in the nude as well as with her underclothes rearranged to expose her buttocks and vaginal area.

13. Said photographs are lewd and lascivious, constitute child pornography and childhood sexual abuse.

14. In summer 2010 and at times before, when Jane Doe 39 was 12 and younger, defendant Ratigan engaged her in sexually explicit conduct.

15. Defendant Ratigan created and/or possessed visual depictions and/or photographs of the sexually explicit conduct of the minor plaintiff. Said photographs and images constitute child pornography and childhood sexual abuse.

16. Upon information and belief, Defendant Ratigan may have uploaded the sexually explicit images to his computer and Father Ratigan distributed the sexually explicit images of the minor plaintiff over the internet.

17. In approximately 2006, an employee of the Diocese reported to the Diocese that she had observed suspicious behavior involving Father Ratigan and a 4 year old girl.

18. In response, the Diocese and Defendant Bishop Finn concealed the report in order to protect Father Ratigan, Bishop Finn and the Diocese from scandal.

19. In August 2008, the Diocese and Defendant Bishop Finn contractually agreed to report to DFS or law enforcement any reasonable suspicions that any child was being placed in a position in which abuse could occur. Defendants did not make any reports to any outside agency regarding Fr. Ratigan's behavior with children.

20. In May 2010, the Principal at St. Patrick's School and Parish in Kansas City, Missouri, Julie Hess reported to the Diocese concerns and incidents in which Father Ratigan had been inappropriate with children at school. Those concerns included, but were not limited to, the following:

- a. Parents, staff members and parishioners became concerned that Father Ratigan's actions fit the profile of a child predator, that he was grooming children for future abuse;
- b. Fr. Ratigan repeatedly violated Diocesan policies as set forth in the "Protecting God's Children" trainings by violating the "Circle of Grace" physical boundaries with children;
- c. Fr. Ratigan insisted repeatedly he had the right to "be close" to children;

- d. Fr. Ratigan brushed aside counseling, complaints and discussions regarding the appropriate boundaries with children, openly disdaining the Diocesan policies put in place concerning physical touching of children;
- e. Fr. Ratigan allowed children to sit on his lap, leaning back against him on school sponsored events;
- f. Fr. Ratigan made it known that teachers who counseled him on boundaries or watched over his interactions with children were causing problems, creating an uncomfortable position for the administration relative to its assigned pastor;
- g. Fr. Ratigan allowed children to reach into his pockets for candy;
- h. Fr. Ratigan swung children above his head, including girls in uniform skirts;
- i. Fr. Ratigan touched children in such a way that parents became concerned about it;
- j. Fr. Ratigan communicated freely with children on his "Facebook" pages, included pictures of them and their full names on that page and requested the children to "friend" him on Facebook;
- k. Fr. Ratigan habitually interrupted classes and shared inappropriate information with students;
- l. At a teachers meeting, the teachers agreed to intervene and directly tell children not to jump on Father Shawn, not to hang on his legs and not to put their hands in his pockets any more.

m. Fr. Ratigan took hundreds of pictures of kids during special events, on field trips and in their every day school activities, none of which have been used for any official use such as yearbook;

n. By October 2009, Fr. Ratigan appeared “obsessed” with a fifth grade girl, evidencing “peer to peer” interaction with her instead of adult to child;

o. Fr. Ratigan spent inordinate amounts of time with the girls in a particular class;

p. Fr. Ratigan told classes he wanted them to express their real sins in confession, including those concerning committing adultery;

q. Fr. Ratigan’s home seemed inappropriately childlike including having stuffed animals all over the furniture, and kitchen hand towels shaped like doll clothes.

r. Parishioners found little girl’s panties in a planter in Father Ratigan’s back yard while the Brownie Scouts were planting flowers at Father Ratigan’s home.

s. Fr. Ratigan intruded on the P.E. classes, playing with the children in such manner that teachers had to step in and tell the children that it was inappropriate.

21. No apparent action was taken by either Bishop Finn or the Diocese in response to these concerns. In a statement, Bishop Finn indicated that he did not read the 4 ½ page letter from Principal Hess.

22. Approximately seven months after that letter was provided to the Diocese, the Diocese learned that Father Ratigan had naked pictures of little girls on his computer.

23. On approximately December 16, 2010, Fr. Ratigan reported having problems with his personal laptop computer.

24. That computer was taken to a computer repair person who located multiple images of girls under the age of 12 years old with the focus of the picture being on their vaginal area.

25. Many of the images appeared to be "up-skirt" photographs taken covertly with the focus of the picture being on the vaginal area while clothed.

26. A nude photograph focused on the genitals of a minor female was located in a folder on the computer containing the girl's name.

27. The computer repair person took the computer to Deacon Mike Lewis, making him aware of the images located on the hard drive.

28. Deacon Mike Lewis turned the computer over to the Diocese for review.

29. The Diocese made a copy of the images found in unsecured files on the laptop computer but made no effort to image the hard drive or take any further steps to secure the data found on that computer.

30. In the process of reviewing the pornographic, obscene and lewd pictures of the girls, the Diocese destroyed evidence that could have been used by the police to identify the children and to show the links with which Fr. Ratigan distributed the pictures over the internet.

31. On December 17, 2010, Fr. Ratigan failed to show up for 8:30 a.m. mass. Deacon Mike Lewis responded to his residence to check on his welfare and found him unconscious in his closed garage with his motorcycle running.

32. A suicide note was found inside the residence stating he was sorry for any harm he had caused the church, that he was sorry to the kids and to his family.

33. The congregation was told that Fr. Ratigan had an accident and was suffering from carbon monoxide poisoning. They were told to keep Fr. Ratigan in their prayers.

34. The children at St. Patrick's were encouraged and /or required to write get well notes to Father Ratigan.

35. Following the suicide attempt, Fr. Ratigan was hospitalized for emergency care then placed in psychiatric care at KU Hospital.

36. Following his release from KU hospital, Fr. Ratigan was sent by the Diocese and Bishop to Pennsylvania for an approximately one-two day long evaluation.

37. Thereafter, Father Ratigan returned to live with his mother for a period of approximately one month.

38. On or about early February, 2011, Bishop Finn assigned Father Ratigan as chaplain to the Sisters of St. Francis, a Diocesan convent in Independence, Missouri requiring the priest to stay at the Vincentian House on those grounds.

39. At no time were any parents warned to keep children away from Fr. Ratigan.

40. At no time were any family members warned that Fr. Ratigan was a danger to children or that children should be kept away from him.

41. At no time were any parishioners warned that Fr. Ratigan was a danger to children or that children should be kept away from Fr. Ratigan.

42. At no time were reports to the Department of Family Services made by any member of the Diocesan hierarchy, including Bishop Robert Finn.

43. Fr. Ratigan continued to have access to his smart phone with internet capability, cameras and the computers at the Vincentian house.

44. The Sisters of St. Francis have a mission dedicated to education including of elementary age boys and girls.

45. As part of their mission, the Sisters often host young girls for retreats, dinners and other events at the motherhouse in Independence.

46. The Sisters of St. Francis had no supervisory capacity over Fr. Ratigan as Diocesan priests are supervised by their Bishop or his delegates.

47. Complaints that Fr. Ratigan did not have enough to do to fill his time, spent much of his time on the guest computer and often left the premises on his motorcycle went unheeded by the Diocese.

48. Fr. Ratigan spent several weekends away from the Vincentian house and motherhouse, often staying with Catholic parishioners who had young children and no warning or understanding about Fr. Ratigan's propensity to photograph and abuse children.

49. Fr. Ratigan went to Catholic parishioners' homes for dinner with their families and children on many occasions while living at the Vincentian House.

50. Fr. Ratigan was invited by unsuspecting parishioners to their children's parties and other events where he continued to take pictures of them.

51. In approximately May, 2011, Bishop Finn gave permission for Fr. Ratigan to be a co-presiding priest at a communion mass of a young girl.

52. On or about March 1, 2011, the Bishop told Fr. Ratigan's family to pick up the computer from the Chancery offices as the Diocese had completed its investigation and was finished with the computer.

53. They were further told that the investigation was complete and they had found pictures on the computer that were inappropriate but not illegal, insinuating that Fr. Ratigan had downloaded adult pornography. At no time was any member of the family informed that pictures of children had been found on the computer.

54. The family was told that Fr. Ratigan should not have access to the internet or computer. Accordingly, the family destroyed Fr. Ratigan's computer.

55. On Easter Sunday, 2011, Fr. Ratigan invited certain children and their parents to the Sisters of St. Francis for mass followed by an Easter egg hunt.

56. During the course of the Easter egg hunt, Fr. Ratigan took sexually explicit photographs of some of the children present.

57. On or about May 13, 2011, officials in the Diocesan headquarters turned the pictures it had downloaded from Father Ratigan's computer to the police.

58. Approximately five months elapsed between the time that the pictures were found on Fr. Ratigan's computer and when they were turned over to law enforcement.

59. The Diocese and Defendant Bishop Finn possessed the child pornography of Plaintiff Jane Doe 39 as well as a number of other girls, for approximately five months before contacting law enforcement in order to conceal the images and photographs from law enforcement in order to protect the Diocese, Defendants Ratigan and Bishop Finn from scandal.

60. In May 2011, the child pornography of Plaintiff Jane Doe 39, as well as other girls, was turned over to law enforcement.

61. On or about May 18, 2011, Fr. Ratigan was arrested for three counts of possessing child pornography. At that time, the Diocese announced that Fr. Ratigan had not obeyed its command to stay away from children and turned the matter over to the Police.

62. On or about October 6, 2011 Bishop Finn and the Diocese were indicted on misdemeanor charges for failure to comply with mandatory reporting procedures for the state of Missouri pursuant to R.S.Mo. § 210.115.

63. On or about September 6, 2012, Bishop Finn was tried for this Misdemeanor Charge. As part of an agreement concerning that trial, Bishop Finn and the State of Missouri stipulated to the following facts:

1. The Catholic Diocese of Kansas City – St. Joseph (hereafter Diocese) is a benevolent corporation organized under the laws of the State of Missouri. At all times relevant to this case it was a corporation in good standing with the State of Missouri. The headquarters for the Diocese has been located in Kansas City, Jackson County, Missouri at all times relevant to this case.

2. Robert Finn is a priest of the Roman Catholic Church. In 2005, he became the Bishop of the Diocese and as such is the head priest and the head of the Diocese. Finn is the ultimate authority at the Diocese and all employees of the Diocese report to him. Finn is a mandated reporter.

3. Finn acknowledges that both the “Code of Ethical Standards for Priests, Pastoral Administrators, Deacons and Diocesan Officers” and the Diocesan “Policy Regarding Sexual Misconduct” require that all church leaders follow proper reporting requirements of suspected abuse of children under Missouri law as well as reporting to the Vicar General and to the appropriate Diocesan office responsible for the ministry of the alleged abuser.

4. Robert Murphy is a priest of the Roman Catholic Church and an employee of the Diocese. In 2005, Robert Murphy was appointed by Finn to the position of Vicar General and given the title of Monsignor. Murphy is a mandated reporter.

5. On February 21, 2007, Finn drafted “Blessed Are the Pure in Heart – A Pastoral Letter on the Dignity of the Human Person and the Dangers of Pornography.”

6. On August 21, 2008, Finn signed a Settlement Agreement and Memorandum of Understanding. The Settlement Agreement and Memorandum of Understanding includes Non-Monetary Commitments, including “the Diocese will continue to follow mandatory state reporting requirements in Virtus guidelines in reporting the suspected sexual abuse of minors to law enforcement to child protection authorities.”

7. On May 19, 2010, Julie Hess, Principal of St. Patrick’s School, drafted a memo to be presented to Murphy outlining concerns expressed by parents and staff of St. Patrick’s school regarding “boundary issues” between Ratigan and children. Hess notified Murphy of her concerns because “[p]arents, staff members and parishioners are discussing his actions and whether or not he may be a child molester. They have researched pedophilia on the Internet and brought in sample articles with examples of how Father Shawn’s actions fit the profile of a child predator.” Hess believed that Ratigan’s behavior was nothing more than boundary violations at that point.

8. The concerns were grouped into three categories: inappropriate physical contact, general inappropriate behavior and general concerns:

a. Hess refers to several instances of physical contact between Ratigan and children which violate the “Circle of Grace” boundaries which children are taught.

b. Hess discussed with Ratigan the teacher’s safety training and teaching physical boundaries, including “Circle of Grace” to children, but Ratigan interrupted saying “little children need to be touched and hugged, and even though “they” advised against it, he felt it was the right thing for kids. He said that he would never hurt a child and all he wants to do is help them get to heaven”

c. Hess cited other examples of concerns: attempts to “friend” an eighth grade student on Facebook, posting photographs of children on Facebook, taking hundreds of photographs of the children, an inappropriate peer to peer type relationship with a 5th grade girl, age inappropriate conversations with children. The inside of his home appeared very “kid-friendly” (stuffed animals, and hand towels shaped to look like doll clothes), the discovery of a pair of girl’s panties inside a planter in his backyard.

9. On May 19, 2010, Murphy met with Hess, was made aware of the boundary concerns.

10. Murphy informed Finn that Hess had concerns regarding boundaries. Finn testified that in May 2010, Murphy spoke with him about Hess’ concerns. Finn indicated that he perceived them as “boundary issues.”

11. Finn testified that he followed up on the issue with Ratigan in approximately June 2010. During that conversation he told Ratigan “[w]e have to take this seriously.”

12. On October 27, 2010, Murphy wrote a letter to be included in Ratigan’s personnel file titled ‘Re: The Attached “Concerns” regarding Fr. Shawn Ratigan.’ The letter acknowledged receipt of the Hess memo and that the contents of the memo were discussed by Murphy with Ratigan.

13. On December 16, 2010, Ken Kes, a computer technician contracted by St. Patrick’s Parish, examined a laptop owned by Ratigan due to his complaints of sluggish performance. Kes observed alarming pictures of children on this laptop, including a close up photograph of a little girl’s naked vagina. He took the computer back to St. Patrick’s Parish and showed the photograph to the Deacon of St. Patrick’s Parish,

Michael Lewis. Lewis described Kes as being so upset that his hands were shaking to the point he couldn't open the laptop.

14. On December 16, 2010, after being shown the photograph of the little girl's naked vagina, Lewis called Murphy and then immediately took the laptop to the Chancery in Kansas City, Jackson County, Missouri.

15. Upon arrival at the Chancery Lewis turned the laptop over to Murphy and an IT person, later identified as Julie Creech.

16. Prior to receiving the laptop or viewing any photographs Murphy contacted Rick Smith, a Captain with the Kansas City Police Department (KCPD) as well as a member of the Diocese Independent Review Board. Murphy inquired if a single photograph of a naked child in a non-sexual pose constituted child pornography. After consulting another KCPD officer, Sgt. Hicks, Capt. Smith informed Murphy that a single photo as described was not likely considered child pornography.

17. On December 16, 2010, Sgt. Hicks of the Kansas City Police Department recalls telling Smith that in order to determine the appropriateness of a picture, a number of factors should be considered, including the nature of the image, information about the person taking the picture, and whether there are other photographs involved, but none of this information was communicated to the Diocese. Hicks does not recall telling Capt. Smith that a single image of a naked child would not be investigated or prosecuted as child pornography, but rather indicated the totality of circumstances would dictate how to respond to the image.

18. Julie Creech, the Director of Information Technology for the Diocese, examined the laptop on December 16 and 17, 2010. During her examination she found

hundreds of photographs characterized as up-skirt photographs or photographs focused on little girls' crotches. Many of the photographs appear to be taken while little girls were crawling on playground equipment, under tables or in one case while a little girl was asleep with her hand and pajama bottoms appearing staged in a sexually suggestive manner. Many of the photographs were close ups of only the child's crotch / panties, with no visible facial features.

19. On December 16, 2010, Creech observed eight photographs focusing on a little girl's vaginal area with the panties being moved further aside in each photograph, with the final photograph depicting a naked vagina. Also discovered in this location was a photograph of a child's bare bottom and a photograph of a little girl. Creech made the assumption that the vaginal photographs and the photograph of the bottom were of the same girl.

20. Creech notified Murphy of what she found, specifically telling him of a photograph of the "clitoral region" of a little girl. Creech advised Murphy to call the police.

21. At Murphy's request she printed off hard copies of the most concerning photographs, as well as a variety of photographs illustrating the type of situations photographed, such as children at play. The hard copies of the photographs, a written report describing the nature of the photographs, and a flash drive containing a copy of what was found were all provided to Murphy on December 17, 2010.

22. The Creech report noted that only four or five of the hundreds of photographs appeared to be downloaded; the rest appeared to have been taken with a personal camera.

23. On December 17, 2010, Ratigan attempted suicide. On that same day, Murphy told Finn of the attempted suicide and the photographs found on Ratigan's computer.

24. Finn recalled being told that Ratigan left messages to his family saying "I am sorry for the harm caused to the children or you."

25. Murphy recalled describing the nature and content of the photographs to Finn. Finn recalled being told by Murphy there were a couple of similar images where the face was not visible. It was an infant female maybe 2 - 4 years old, naked, with the focus on the genitalia.

26. No later than December 20, 2010, the laptop, flash drive with the saved images, Creech's written report and hard copies of the photographs were turned over to Jon Haden, an attorney, who represents the Diocese.

27. Haden indicated that he did not view any of the images on the flash drive or the computer, but read the report and viewed hard copies of the photographs.

28. Haden informed the Diocese that it was his legal opinion the images were not child pornography.

29. No further examination of the computer or its contents was conducted by Haden. The laptop, flash drive, report and hard copies of the photographs were then stored at Haden's law office.

30. No effort was made by any employee or agent of the Diocese to determine the identity of the children depicted in the hundreds of photographs.

31. Finn was provided Haden's opinion by Murphy. Finn also understood from Murphy that Smith had been shown the photographs and indicated they were not child pornography.

32. Rebecca Summers, Director of Communication for the Diocese, spoke with Murphy and Haden. Summers told Murphy to call the police.

33. Upon receipt of the Creech Memorandum, Murphy did not re-contact Smith to inform him of the nature and scope of the images discovered on Ratigan's laptop. Murphy did not contact Smith again regarding this issue until May 11, 2011.

34. While Ratigan was in the hospital Murphy asked if he had any sexual contact with children or any images of children involved in sexual acts on the computer. Ratigan said no. Murphy advised Bishop Finn of his conversation with Ratigan.

35. In December, 2010 members of the executive staff (Finn, Summers, Moss and Msgr. Brad Offutt, Diocesan Chancellor) were under the impression that Murphy had actually shown the Ratigan images to Smith.

36. On December 29, 2010, Finn sent an email to Rick Fitzgibbons, a psychiatrist in Pennsylvania, to arrange evaluation of Ratigan. Fitzgibbons was specifically chosen by Finn. That email provided basic biographical information regarding Ratigan including age, ordination date, and family contact information. The email was signed "+ Bishop Finn."

37. On January 4, 2011, Finn received an email from Fitzgibbons indicating he recommended "Fr. R." for an evaluation next Monday or Tuesday. Fitzgibbons is hopeful he can address Ratigan's "severe loneliness that has caused this problem." The

email is acknowledged by Finn in a reply email on the same date. The email is signed "+Bishop Finn."

38. On January 10, 2011, a copy of the Hess report is faxed to Fitzgibbons. The fax cover sheet indicates the fax is from Bishop Finn. The comment section reads "CONFIDENTIAL This is the file on incidents involving Fr. Shawn Ratigan last year. Thanks, +Bishop Finn."

39. On January 10, 2011, at 4:23 p.m., Finn receives an email from Fitzgibbons. The email references accusations made by the school principal stating, "[t]hen, in our preliminary opinion, the school principal may have orchestrated false accusations against him." Fitzgibbons went on to say he has seen a number of other younger priests across the country mistreated in a similar fashion by members of other parishes and schools.

40. Finn testified the report he received from Fitzgibbons said Ratigan was not a risk to children. Ratigan thereafter received treatment via phone conferences with Fitzgibbons or his associates.

41. Following his return from Pennsylvania, Ratigan was assigned to live at the Vincentian House in Independence, Missouri and to say daily mass for the Franciscan Sisters. The Sisters also run the Franciscan Prayer Center which is used by many Catholic Schools for retreats. Ratigan was allowed to say mass for the youth or student groups at the Franciscan Prayer Center, though he was not to participate in individual or group sessions.

42. On January 18, 2011, Summers sent an email to Murphy that Ratigan was communicating with children on his Facebook page. Murphy replied to the e mail on the same day indicating he left a message instructing Ratigan to stop his Facebook usage.

43. On January 19, 2011, Finn sent an email to Fitzgibbons. Finn indicates that he has been informed that Ratigan has been using his Facebook page to communicate with young people. Finn also indicates that Murphy attempted to reach Ratigan and ask him to refrain from these social media. The email is signed "+Bishop Finn."

44. On February 7, 2011, Finn signed and dated as received a letter from Ratigan. The letter was placed in Ratigan's personnel file. The letter is addressed "Dear Bishop Finn." The first sentence of the letter is "I am going to give you a brief summary of how I got to where I am with my addiction to pornography and than[sic] go into the restrictions I will have on my ministry."

45. On February 9, 2011, Finn sent an email to Ratigan. The subject of the email is "Draft Restriction Fr. SR." There is an attachment titled "Ratigan Shawn Agreement.doc." The email is signed "+Bishop Finn." The attachment is a letter to Ratigan dated February 10, 2011. The letter indicates Ratigan will be assigned as chaplain to the Franciscan Sisters of the Holy Eucharist in Independence and spells out seven restrictions that will be placed on Ratigan.

46. Finn placed seven restrictions on Ratigan as set out in a letter dated February 10, 2011. The letter includes the signatures of Finn and Ratigan. The signatures are dated February 10, 2011. The restrictions included:

1. Fr. Ratigan will continue to work with a counselor to support his determination to faithfully live chastity[sic].

2. Fr. Ratigan will establish and keep contact with a spiritual director;
3. Fr. Ratigan will not do any priestly ministry beyond the Franciscan Sisters in Independence without a written agreement from the Bishop or his designate.
4. Fr. Ratigan will be allowed to participate in priest gatherings, and to concelebrate at these.
5. Fr. Ratigan will avoid all contact with children. On a preliminary “trial” basis, Fr. Ratigan may celebrate Holy Mass for youth or student groups at Franciscan Prayer Center in Independence, if requested, but he will not participate in individual or group sessions with minors.
6. Fr. Ratigan will not use any computer until or unless there is a valid provision for oversight, e.g. Covenant Eyes, etc.
7. Fr. Ratigan will use a camera only in limited circumstances. No photos of children should be taken.

47. The restrictions placed on Ratigan by Finn were not distributed to the Catholic community at-large. Because Finn trusted Ratigan to comply with the restrictions, no provisions were put in place to monitor compliance with the restrictions.

48. On March 28, 2011, Murphy was informed in an email from Lewis that Ratigan had been in active communication with St. Patrick’s parish families. Specifically, he had attended the Snake Saturday parade, and attended a birthday party for a 6th grade girl. Additionally Murphy was informed that Ratigan was telling parish families that the reason he had to leave St. Patrick’s was because the school principal was “out to get him.” These concerns were forwarded to Finn on March 31, 2011.

49. On March 31, 2011, Finn forwarded the email referenced above to Fitzgibbons with his own comments. In his comments to Fitzgibbons, Finn states “[a]lso I am quite concerned about him attending the six grade girls’ party (see below). I think this is clearly an area of vulnerability for Fr. S. I will have to tell him he must not attend these children’s gatherings, even if there are parents present. I had been very clear about this with him already.” The email is signed “+Bishop Finn.”

50. On April 8, 2011 Msgr. Bradley Offutt, the Chancellor of the Diocese, sent an email to Finn regarding Ratigan. Offutt expressed concern that “Father Ratigan’s attendance at a young girl’s party and alleged participation on Facebook cites . . . is an alarming occurrence.” Offutt suggested “plainly something needs to be done to limit diocesan liability and protect children.” Offutt further stated that “his recent behavior relative to children and on the computer are a flag of the reddest color.”

51. Finn responded by email to Offutt on the same day. Finn indicated in his email response that Ratigan had been told to have “zero contact with kids.” Fitzgibbons was also notified of Ratigan’s behavior.

52. In early May, 2011, Finn was also notified by Murphy that one of the priests living at the Vincentian House was concerned that Ratigan had been using the guest computer at the residence. Finn told Murphy that if the priests were concerned they should have the computer examined.

53. No further action was taken regarding any violations of the restrictions.

54. On May 11, 2011, Murphy reported the existence of the hundreds of photographs on Ratigan’s computer to Smith of the Kansas City Police Department.

55. Murphy acknowledged to Smith that he was aware that the hundreds of photographs of little girls were originally discovered back in December 2010 but failed to notify Smith of this fact at the time.

56. Smith immediately asked for the laptop to be taken into custody, but was informed Jon Haden had custody of the computer.

57. On May 12, 2011, Smith arranged for the evidence to be turned over to the police. The evidence did not include Ratigan's laptop since the Diocese had returned it to the Ratigan family months earlier. The family subsequently destroyed the laptop due to concerns it contained adult pornographic images.

58. On May 13, 2011, KCPD received a CD from Jon Haden which contained the images found on Ratigan's laptop.

59. On May 16, 2011, Det. McGuire of the Kansas City Police Department was able to identify one of Ratigan's victims from the CD received from Haden.

60. On May 18, 2011, Ratigan was arrested for possession of child pornography charges in Clay County, Missouri.

61. Murphy testified the reason he reported this incident to police was, "I was expecting that some of the professionals involved here would give us some direction with regard to Father Ratigan, and it wasn't happening. I didn't hear anything from the law firm about going over the computer, which I had asked. The report from the psychiatrist that Bishop Finn sent Father Ratigan to, I had misgivings about this doctor, and I had real misgivings about his diagnosis. And I thought what if Father Ratigan is a pedophile? What if these pictures are more than downloads? . . . There was a piece that he was breaking the restrictions that Bishop Finn had put on him when he was living out at the

Vincentian House. I began to think what if these are not pictures and there are children that he is preying on, which just horrified me. And the fact that we weren't getting any action. I thought this is just moving along with no direction, and I thought I have got to do something."

62. Murphy stated that Finn was out of town when he reported to the police and was "upset" upon learning of his actions. "It seemed he was angry." When asked if he was concerned that he might be angering his boss Murphy stated, "Yes. I told my sister, I think I made a decision that will not make the Bishop happy." Murphy further testified that defendant Finn told him he should have followed their attorney's advice.

63. Finn said he may have talked loudly because he had a loud voice. But he remembered Murphy looking crushed and did not think it was heated. Finn said he understood Murphy had shown the images to Smith in December 2010.

64. On or about May 20, 2011, at an executive staff meeting attended by Finn, Murphy, Vice – Chancellor Paula Moss, Summers and Offutt, Murphy revealed that he had not, in fact, shown any images to Smith.

65. Creech contacted Finn after Ratigan's arrest to find out what had happened to cause Murphy to contact the police. Creech testified that Finn "was a little frustrated that he had called at this point. And I [Creech] asked why, and he [Finn] said because the priest wouldn't get the help he needs if he were in prison and he [Finn] did explain that they had provided psychiatric help for this priest and sent him somewhere for help.

66. Finn testified during the Grand Jury Investigation that the issue of a mandated report to Children's Division never came up in any conversation.

67. Following the arrest of Ratigan, Finn met with priests of the Diocese. When asked why Ratigan was not removed earlier, Finn replied that he “wanted to save Fr. Ratigan’s priesthood” and was told that Ratigan’s problem was only pornography.

68. Finn testified that “in this instance our system got kind of locked up.”

69. Neither Murphy, Finn nor any other mandatory reporter affiliated with the Diocese, contacted or reported concerns to the Children’s Division about the events in this document.

64. On or about September 6, 2012, Bishop Finn was found guilty by Judge Torrence of one misdemeanor count for failure to Report Abuse/Neglect/Death Child.

65. Defendant Bishop and Diocese followed a policy that prohibited investigation into allegations of sexual misconduct by its priests by failing to report to DFS or law enforcement and purposefully refusing to allow the “Independent Review Board” or any member charged with internal investigatory matters to have access to information critical to the investigation.

66. The minor plaintiff has been damaged as described herein as a result of the abuse, production, distribution, receipt and viewing of the child pornography of the minor plaintiff.

67. The minor plaintiff has been damaged as described herein as a result of the violation of the duties owed her by the Diocese, Bishop and Fr. Ratigan for the child abuse described herein.

68. At all times, the Diocese including the Bishop, were responsible for the care and custody of minor children who were their parishioners.

69. At all times, the Diocese including the Bishop, were responsible for the care and custody of minor children who were in the zone of danger created by Fr. Ratigan.

70. At all times material hereto, Ratigan was under the direct supervision, employ and control of the Diocese and its representative, the Bishop.

71. Defendant Diocese and its representative, the Bishop provided training to Fr. Ratigan on how to perform the specific positions of a priest and a pastor.

72. Defendant Diocese and its representative, the Bishop, hired, supervised and paid assistance to Fr. Ratigan.

73. At all times Defendant Ratigan acted upon the authority and at the request and / or permission of the Defendant Diocese and Defendant Bishop.

74. Defendant Ratigan performed much of his work on the premises owned by Defendant Diocese.

75. Defendant Diocese furnished tools and materials to aid and abet defendant's conduct as alleged hereinafter. Defendant Diocese and Bishop engaged in affirmative acts designed to conceal, misrepresent and ratify the acts of Fr. Ratigan, aiding and abetting his abuse of children.

76. Defendants, by maintaining and encouraging a close, trusting and confidential relationship with all Plaintiffs, entered into a confidential relationship with them. In addition, by accepting the care, custody and control of the minor Plaintiff, Defendants stood in the position of an *in loco parentis* relationship with the minor Plaintiff. As a result of these special relationships between Plaintiffs and Defendants, Plaintiffs trusted and relied upon Defendants to nurture and protect the minor child while in Defendants' care and custody. The power imbalance between Defendants and Plaintiffs increased their vulnerability to Defendants.

77. At the time that Defendant Ratigan engaged in unlawful sexual abuse with the minor Plaintiff, Defendant Ratigan falsely represented to all Plaintiffs that he was providing spiritual counseling, comfort, mentor and advice to Plaintiff.

78. Defendants Bishop and Diocese knew or should have known that their allowing Defendant Ratigan's access to young children as part of their official duties after reports of impropriety involved an unreasonable risk of causing harm to the minor Plaintiff, her parent and other similarly situated individuals.

79. After learning of Defendant Ratigan's wrongful conduct, Defendant Diocese ratified the wrongful conduct described herein. Defendant Diocese knew of, encouraged and failed to intervene to stop the abuses of Fr. Ratigan, instead hiding and concealing the acts of abuse and failing to take any action for the protection of the children in its care, custody or control or children that it knew or should have known were in the zone of danger created by Fr. Ratigan.

80. The Diocese ratified the abuse by ignoring reports of parishioners that Ratigan was engaging in inappropriate sexualized activity with children; deliberately mischaracterized records concerning sexual misconduct with children to appear that it was the child's doing, misleading its parishioners and the public in its communications regarding Ratigan, and failing to report sexual misconduct of Ratigan to law enforcement authorities, prospective parishioners, current parishioners, their families, and victims.

81. Defendant Diocese knew or should have known, that its actions would prevent plaintiffs from discovering their injuries, their complaints or possible other complaints or victims, and ultimately create new trauma as the duplicity of its conduct is revealed and the trust violation exposed.

82. As a direct result of defendants' wrongful conduct, plaintiffs have suffered and continue 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 their daily activities and obtaining the full enjoyment of life; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

COUNT I
CHILDHOOD SEXUAL ABUSE
(DEFENDANT RATIGAN)

83. Plaintiffs incorporate paragraphs 1 – 82 as if fully set forth herein.

84. In approximately 2011, Defendant Ratigan engaged in sexual conduct and contact upon the person of the minor Plaintiff in violation of R.S.Mo. § 537.046.

85. Said acts were committed while Defendant Ratigan was acting within the course and scope of employment with the Diocese and/or Bishop, were committed while Defendant Ratigan was a managing agent of the Diocese and/or Bishop and/or were ratified by the Diocese and/or Bishop, and/or were committed at a time and place that Fr. Ratigan was allowed to enter solely due to his status as a priest.

86. Defendants' actions were willful, wanton or reckless for which punitive damages and/or an award for aggravating circumstances are appropriate.

87. As a direct result of defendants' wrongful conduct, plaintiffs have suffered and continue 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

their daily activities and obtaining the full enjoyment of life; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

COUNT II
CHILDHOOD SEXUAL ABUSE
(DEFENDANTS DIOCESE, BISHOP FINN)

88. Plaintiffs incorporate paragraphs 1 – 82 as if fully set forth herein.

89. In May 2011 and various times prior to that, Defendant Ratigan engaged in sexual conduct and pornography upon the person of the plaintiff, a minor in violation of R.S.Mo. § 537.046.

90. Said acts were committed while Defendant Ratigan was acting within the course and scope of employment with the Diocese and/or Bishop, were committed while Defendant Ratigan was a managing agent of the Diocese and/or Bishop and/or were ratified by the Diocese and/or Bishop.

91. Defendants Diocese and Bishop aided and abetted and/or ratified the acts of abuse perpetrated upon the plaintiff in the following manner:

a. Defendants Bishop and Diocese continued to place Defendant Ratigan in positions requiring him to be in contact with and in supervision over children following knowledge that Ratigan was being sexually inappropriate with children.

b. Defendant Bishop and Diocese followed a policy that prohibited investigation into allegations of sexual misconduct by its priests and purposefully refused to allow the “Independent Review Board” or any member charged with internal investigatory matters to have access to information critical to the investigation.

c. Defendant Bishop and Diocese failed or refused to take reports by parishioners and even employees of the abuses of Defendant Ratigan.

d. Defendant Bishop and Diocese ignored reports of parishioners that Fr. Ratigan was engaging in inappropriate sexualized activity with children;

e. Defendant Bishop and Diocese deliberately mischaracterized Fr. Ratigan's absence as an illness, requesting children and parishioners to send get well cards to him and requesting prayer by the Parishioners for his recovery;

f. Defendant Bishop and Diocese deliberately failed to warn or inform parishioners, family members or any other individuals or organizations about Fr. Ratigan using their children to create pornographic material, instead encouraging parishioners, including the small children, to maintain a relationship with him.

g. Defendant Bishop and Diocese deliberately mislead its parishioners and the public in its communications regarding Fr. Ratigan.

h. Defendant Bishop and Diocese hid the abuses of Ratigan, preventing investigation into them and covering up the allegations, making them accessories before, during and after the fact.

i. Defendant Bishop and Diocese refused to follow Missouri law by reporting their suspicions of childhood abuse on the part of Fr. Ratigan to the authorities.

92. Defendant Bishop and Diocese had a duty to protect the plaintiff by virtue of their status *in loco parentis* and due to the trust and confidence reposed by plaintiffs in the Bishop and Diocese.

93. The Defendants Bishop and Diocese stood in the shoes of Fr. Ratigan by aiding and abetting and/or ratifying the abuse, making the Diocese and Bishop responsible to the same degree as Ratigan for the abuse perpetrated on Plaintiff.

94. Defendants' actions were willful, wanton or reckless for which punitive damages and/or an award for aggravating circumstances are appropriate.

95. As a direct result of defendants' wrongful conduct, plaintiffs have suffered and continue 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 their daily activities and obtaining the full enjoyment of life; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling

**COUNT III:
CHILD PORNOGRAPHY UNDER R.S.MO. 537.047
(DEFENDANT RATIGAN)**

96. Plaintiffs incorporate paragraphs 1 – 82 as if fully set forth herein.

97. In approximately 2010, Defendant Ratigan engaged in child sexual and pornographic offenses as defined by R.S.Mo. § 537.047 upon the person of the minor Plaintiff in violation of said statute.

98. Said acts were committed while Defendant Ratigan was acting within the course and scope of employment with the Diocese and/or Bishop, were committed while Defendant Ratigan was a managing agent of the Diocese and/or Bishop and/or were ratified by the Diocese and/or Bishop.

99. Defendants' actions were willful, wanton or reckless for which punitive damages are appropriate.

100. Defendants' actions entitle Plaintiff to have all attorneys' fees, costs and expert fees she incurs in bringing this action paid by the Defendants pursuant to § 537.047 Para. 1.

101. As a direct result of defendants' wrongful conduct, plaintiffs have suffered and continue 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 their daily activities and obtaining the full enjoyment of life; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling, attorney's fees, costs and expert fees.

COUNT IV:
R.S.MO. 537.047 ACTION FOR CHILD PORNOGRAPHY
(DEFENDANT DIOCESE AND BISHOP FINN)

102. Plaintiffs incorporate paragraphs 1 – 82 as if fully set forth herein.

103. In approximately 2010, Defendant Ratigan engaged in child sexual and pornographic offenses as defined by R.S.Mo. § 537.047 upon the person of the minor Plaintiff in violation of said statute.

104. In summer of 2010, and various times prior to that, Defendant Ratigan engaged in sexual conduct and pornography upon the person of the plaintiff, a minor in violation of R.S.Mo. § 537.047.

105. Said acts were committed while Defendant Ratigan was acting within the course and scope of employment with the Diocese and/or Bishop, were committed while Defendant Ratigan was a managing agent of the Diocese and/or Bishop and/or were ratified by the Diocese and/or Bishop.

106. Defendants Diocese and Bishop aided and abetted and/or ratified the sexual and / or pornographic acts of abuse perpetrated upon the plaintiff in the following manner:

a. Defendants Bishop and Diocese continued to place Defendant Ratigan in positions requiring him to be in contact with and in supervision over children following knowledge that Ratigan was crossing boundaries and being sexually inappropriate with children.

b. Defendant Bishop and Diocese followed a policy that prohibited investigation into allegations of sexual misconduct by its priests and purposefully refused to allow the "Independent Review Board" or any member charged with internal investigatory matters to have access to information critical to the investigation.

c. Defendant Bishop and Diocese failed or refused to take reports by parishioners and even employees of the abuses of Defendant Ratigan.

d. Defendant Bishop and Diocese ignored reports of parishioners that Fr. Ratigan was engaging in inappropriate sexualized activity with children;

e. Defendant Bishop and Diocese deliberately mischaracterized Fr. Ratigan's absence as an illness, requesting children and parishioners to send get well cards to him and requesting prayer by the Parishioners for his recovery;

f. Defendant Bishop and Diocese deliberately failed to warn or inform Parishioners, family members or any other individuals or organizations about Fr. Ratigan using their children to create pornographic material, instead encouraging parishioners, including the small children, to maintain a relationship with him.

g. Defendant Bishop and Diocese deliberately misled its parishioners, the family of the victim and the public in its communications regarding Fr. Ratigan.

h. Defendant Bishop and Diocese hid the abuses of Ratigan, preventing investigation into them and covering up the allegations, making them accessories before, during and after the fact.

i. Defendant Bishop and Diocese refused to follow the law as mandated reporters by refusing to report the suspicions of child abuse of their managing agents to the authorities.

107. Defendant Bishop and Diocese had a duty to protect the plaintiff by virtue of their status *in loco parentis* and due to the trust and confidence reposed by plaintiffs in the Bishop and Diocese.

108. The Defendants Bishop and Diocese stood in the shoes of the Fr. Ratigan by aiding and abetting and/or ratifying the abuse, making the Diocese and Bishop responsible to the same degree as Ratigan for the abuse perpetrated on plaintiff.

109. Additionally, for a period of nearly six months, the Diocese and/Bishop possessed child pornography made by Fr. Ratigan when they possessed the laptop computer containing those photographs and images, and maintained custody and possession of them even after completing its investigation into Fr. Ratigan's activities. These acts constitute possession of child pornography.

110. The Diocese and Bishop promoted child pornography by downloading the pornographic, private, lewd and lascivious photographs onto a flash drive and/or copying pornographic, private, lewd and lascivious images from Fr. Ratigan's laptop to other e-media such as a CD.

111. Upon information and belief, lewd, lascivious, obscene and/or pornographic photographs of Jane Doe 39 were contained upon that computer.

112. Defendants' actions were willful, wanton or reckless for which punitive damages are appropriate.

113. Defendants' actions entitle Plaintiff to have all attorneys' fees, costs and expert fees she incurs in bringing this action paid by the Defendants pursuant to 537.047 Para. 1.

114. As a direct result of defendants' wrongful conduct, plaintiffs have suffered and continue 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 their daily activities and obtaining the full enjoyment of life; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling, attorneys' fees, costs and expert fees.

COUNT V
INTENTIONAL FAILURE TO SUPERVISE CLERGY
(DEFENDANT DIOCESE AND BISHOP FINN)

115. Plaintiffs incorporate paragraphs 1 – 82 as if fully set forth herein.

116. At all times material, Defendants Diocese and Bishop were the supervisors and employers of Defendant Ratigan.

117. Defendants had actual knowledge of previous sexual misconduct by clergy within its boundaries, including Defendant Ratigan, and that future harm was certain or substantially certain to result without proper supervision. Defendants received reports of Ratigan's inappropriate touching of young girls when it was reported by staff members at St. Mary's in approximately 2006. Thereafter, the Diocese received reports of inappropriate behavior in May 2010 and was given the computer containing pornographic pictures in December 2010. Upon information and belief, reports were made at other times as well.

118. Despite this actual knowledge, defendants disregarded the known risk of sexual abuse by Fr. Ratigan.

119. Defendants' inaction caused injury to Plaintiff.

120. Plaintiff was sexually violated on the property owned and operated by Defendant Diocese or on which defendant Fr. Ratigan had authority to enter solely by virtue of his status as a priest.

121. Defendants knew or should have known that inappropriate touching and engaging in pornography with young children by its employees and/or designated agents would cause or was substantially certain to cause those children harm.

122. Despite the risk posed by Defendant Ratigan, Defendants continued to place the priest in positions in which he would have daily contact with children and parishioners as well as vulnerable members of the public.

123. Despite the risk posed by Defendant Ratigan, Defendants ratified his actions of being alone with small children by approving and paying for his travel expenses, covering up his earlier abuses, allowing him to have young children at the Sisters of St. Francis, requiring him to have supervisory duties over small children, paying expenses associated with outings with children, allowing him to take children on mission trips, and allowing him to take children alone with him on unsupervised outings.

124. By engaging in these actions, Defendants disregarded the risk posed by Defendant Ratigan to these children.

125. Access to Plaintiff would not have been gained but for Defendant Ratigan's status as priest with the Defendant Diocese and under the supervision of Defendant Bishop.

126. Defendant Ratigan was acting outside the course and scope of his employment when engaging in pornographic photography of the children.

127. Defendant Ratigan would not have had access to or been able to enter into the premises where the pictures were taken but for his status as a priest.

128. Defendant's actions and/or inactions were willful, wanton and reckless for which punitive damages and/or damages for aggravating circumstances are appropriate.

129. As a direct result of defendants' wrongful conduct, plaintiffs have suffered and continue 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 their daily activities and obtaining the full enjoyment of life; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

COUNT VI
NEGLIGENT FAILURE TO SUPERVISE CHILDREN
(ALL DEFENDANTS)

130. Plaintiffs incorporate paragraphs 1 – 82 as if fully set forth herein.

131. Defendants had a duty to protect children, commensurate with the risk of harm.

132. Defendants, by and through their agents, servants and employees, knew or reasonably should have known of Ratigan's dangerous propensity to sexually violate children.

133. Defendants had a duty to protect children, commensurate with the risk of harm.

134. Defendants breached their duty to protect plaintiff when they failed to protect plaintiff from the sexual acts described herein.

135. Defendant's actions and/or inactions were willful, wanton and reckless for which punitive damages are appropriate.

136. As a direct result of defendants' wrongful conduct, plaintiffs have suffered and continue 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 their daily activities and obtaining the full enjoyment of life; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

COUNT VII
FRAUD AND CONSPIRACY TO COMMIT FRAUD
(ALL DEFENDANTS)

137. Plaintiffs incorporate paragraphs 1 – 82 as if fully set forth herein.

138. Defendants knew or should have known of the sexual misconduct and other inappropriate behavior of their agents, including Defendant Ratigan as described herein.

139. Defendants engaged in trickery, deceit and acts of deluding plaintiff and those who were in a position to act on plaintiff's behalf as she is a minor.

140. Defendants misrepresented, concealed or failed to disclose information relating to sexual misconduct of their agents, including engaging in the following willful acts intended to deceive:

a. Defendants Bishop and Diocese continued to place Defendant Ratigan in positions requiring him to be in contact with and in supervision over children following knowledge that Fr. Ratigan was being sexually inappropriate with children.

b. Defendants Bishop and Diocese followed a policy that prohibited investigation into allegations of sexual misconduct by its priests and purposefully refused to allow the "Independent Review Board" or any member charged with internal investigatory matters to have access to information critical to the investigation.

- c. Defendants Bishop and Diocese failed or refused to take reports by parishioners and even employees of the abuses of Defendant Ratigan.
- d. Defendants Bishop and Diocese ignored reports of parishioners that Fr. Ratigan was engaging in inappropriate sexualized activity with children;
- e. Defendants Bishop and Diocese deliberately mischaracterized Fr. Ratigan's absence as an illness, requesting children and parishioners to send get well cards to him and requesting prayer by the Parishioners for his recovery;
- f. Defendants Bishop and Diocese deliberately failed to warn or inform Parishioners, family members or any other individuals or organizations about Fr. Ratigan using their children to create pornographic material, instead encouraging parishioners, including the small children, to maintain a relationship with him.
- g. Defendants Bishop and Diocese deliberately mislead its parishioners and the public in its communications regarding Fr. Ratigan.
- h. Defendants Bishop and Diocese hid the abuses of Ratigan, preventing investigation into them and covering up the allegations, making them accessories before, during and after the fact.
- i. Failing to provide a safe environment for the children who relied upon them for their care, nurturance and support.
- j. Violating their duties of care imposed by their status as *in loco parentis* to the children over whom they exercised dominion and control;
- k. Failing to abide by their own internal, secular policies and procedures concerning removal, sanction or discipline of their agents and employees, knowing the individuals whom they serve rely upon those rules, policies and procedures.

l. Ratifying the abuse by Defendant Ratigan by continuing to pay his travel and other expenses, allowing outings with children to continue, giving him positions requiring supervisory duty over children, giving him positions requiring his contact with children after having gained actual knowledge that he had a propensity to abuse children and failing to report and/or hiding the fact of his abuse from other individuals or organizations that might intervene to protect the children under their care, custody and/or control.

m. Ignoring reports of parishioners that Ratigan was engaging in inappropriate sexualized activity with children;

n. Deliberately mischaracterizing records concerning sexual misconduct with children to appear that it was the child's doing;

o. Misleading its parishioners and the public in its communications regarding Ratigan.

141. Defendants knew that they misrepresented, concealed or failed to disclose information they had the duty to disclose relating to sexual misconduct of its agent.

142. Defendants had superior knowledge or information not within the fair and reasonable reach of Plaintiffs and failed to disclose that information

143. Defendants knew of the existence of the torts of sexual abuse and failure to supervise.

144. Defendants used deception to conceal these torts from plaintiffs and those who were in a position to act on behalf of plaintiff as a minor.

145. Plaintiffs relied upon that deception and concealment remaining ignorant that torts were committed upon them.

146. The fact that Defendant Ratigan had in the past and/or would in the future be likely to commit sexual misconduct with another minor was a material fact in Plaintiff's and her family's decision whether to allow plaintiff to attend and participate in activities at church and with defendants' agent, Fr. Ratigan, in church sanctioned and/or sponsored activities.

147. Upon information and belief, Defendants, in concert with each other, with the intent to conceal and defraud, conspired and came to a meeting of the minds whereby they would misrepresent, conceal or fail to disclose information relating to the sexual misconduct of Defendant Ratigan, prohibiting public scrutiny or investigation into his acts of sexual misconduct.

148. By so concealing, defendants committed at least one act in furtherance of the conspiracy.

149. Defendants' actions and/or inactions were willful, wanton and reckless for which punitive damages and/or damages for aggravating circumstances are appropriate.

150. As a direct result of defendants' fraud and conspiracy, 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; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

COUNT VIII
FRAUDULENT MISREPRESENTATION
(ALL DEFENDANTS)

151. Plaintiffs incorporate paragraphs 1 – 82 as if fully set forth herein.

152. The Defendants engaged in ongoing misrepresentation regarding the status of Ratigan.

153. The Defendants, by and through their agents and administrators, represented that Defendant Ratigan was a priest with whom children could be trusted. The defendants engaged in fraudulent misrepresentation in the following particulars:

- a. Failed to report the sexual abuse to any outside authority or law enforcement agency or personnel;
- b. Misrepresented the safety of leaving a child alone with Ratigan;
- c. Failed to warn the plaintiffs of the propensity of Ratigan to sexually abuse children;
- d. Moved the Priest from parish to parish following reports of sexual misconduct;
- e. Aided and abetted Ratigan's exploitation, abuse and invasions of privacy;
- f. Encouraged Ratigan to sexually abuse the plaintiff;
- g. Failed to take any action to stop the abuse it knew was occurring;
- h. Failed to provide a safe environment for the children who relied upon them for their care, nurturance and support;
- i. Violated its duties of care imposed by its status as *in loco parentis* to the children over whom it exercised dominion and control and the parents who entrusted their most precious possessions, their children;
- j. Enforced the secrecy around the acts and/or taught the plaintiff that the acts were normal or necessary to the relationship;

k. Hiding the fact of the previous abuse from any individuals that might intervene, including parents, state authorities, parishes and parishioners;

l. Failing to abide by its own internal, secular policies and procedures concerning removal, sanction, or discipline of their agents and employees, knowing the individuals whom they serve rely upon those rules, policies and procedures;

m. Failing to abide by its own internal, secular policies and procedures concerning investigation and/or reporting of their agents and employees, knowing that the individuals whom they serve rely upon those rules, policies and procedures.

n. Continuously misrepresented the nature of the abuse reported by victims to the Diocese to the public at large and to those victimized by him for the purpose of silencing others and concealing his known abuses.

o. Representing that Ratigan was clergy in good standing.

p. Deliberately or recklessly failing to investigate obvious indicators of sexual misconduct as set forth in the reports of 2006 and the letter of Principal Julie Hess.

q. Failing to report any of Ratigan's sexual misconduct or other behaviors involving minors to law enforcement or state authorities.

154. Defendants continued to hold Ratigan out to the community of the faithful as safe, secure parish priests.

155. Defendant Ratigan, by holding himself out as a priest in good standing, falsely represented to the plaintiff that he intended to help, protect and instruct her.

156. Defendants knew such statements were false at the time they were made.

157. The Diocese intentionally hid from parents and others that Father Ratigan had abused children in the past.

158. Plaintiffs believed the statements so made by defendants were true and reasonably relied, to their detriment, upon them.

159. As a result of defendants' fraudulent misrepresentations, plaintiff has been injured. Each and every one of their injuries caused by the sexual abuse by Defendant Ratigan has been exacerbated by this second violation of the plaintiffs' trust.

160. Defendants' actions and/or inactions were willful, wanton and reckless for which punitive damages are appropriate.

161. The fact that defendants' agents, including Ratigan, had in the past and/or would in the future be likely to commit sexual misconduct with minors at the parish to which he was assigned would have been a material fact in plaintiff's decisions whether to associate with Ratigan.

162. Plaintiff justifiably relied upon defendants for information relating to sexual misconduct of defendants' agents. Plaintiff further relied upon defendants to ensure her safety while she was in the defendants' care and custody.

163. As a direct result of defendants' wrongful conduct, plaintiffs have suffered and continue 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 their daily activities and obtaining the full enjoyment of life; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

COUNT IX
CONSTRUCTIVE FRAUD
(ALL DEFENDANTS)

164. Plaintiffs incorporate paragraphs 1 – 82 as if fully set forth herein.

165. Defendants, by holding Ratigan out as a shepherd and a leader of the Roman Catholic Church, solicited and/or accepted this position of power. This position of trust prevented the then Plaintiffs from effectively protecting themselves or their children and Defendants thus entered into fiduciary and /or confidential relationships with plaintiffs.

166. As fiduciaries and/or confidantes to plaintiffs, defendants had a duty to obtain and disclose information relating to sexual misconduct and other inappropriate behavior of Defendants' agents.

167. Defendants had prior knowledge of past allegations of abuse and/or sexual impropriety with children involving Fr. Ratigan.

168. Defendants had a duty to protect plaintiffs and others from a known perpetrator by warning plaintiffs and others of the abuse, abusive propensities, and/or preventing Ratigan from accessing young children in his roles with the Church.

169. Defendants, however, failed to disclose information regarding Defendant Ratigan's abusive tendencies and history of inappropriate and sexually abusive relationships with children, or to prevent the priest from unfettered access to children.

170. Defendants failed to disclose their knowledge of Ratigan's history of using his position as priest and counselor, and the Diocesan property to attract and gain access to unsupervised time with children.

171. Defendants actively represented that Defendant Ratigan was a capable counselor and priest, when they knew he had a propensity to sexually abuse children in the past.

172. Defendants actively developed a plan and a strategy for keeping Ratigan's abusive tendencies away from public light, a plan which included:

- a. Misrepresenting the safety of leaving a child alone with Ratigan;

- b. Failing to warn the plaintiffs of the propensity of Ratigan to sexually abuse children;
- c. Moving the Priest from parish to parish following reports of sexual misconduct;
- d. Failing to report any of Ratigan's sexual misconduct or other behaviors involving minors to law enforcement or state authorities.
- e. Aiding and abetting Ratigan's abuse;
- f. Encouraging Ratigan to sexually abuse the plaintiff
- g. Failing to take any action to stop the abuse it knew was occurring;
- h. Failing to provide a safe environment for the children who relied upon them for their care, nurturance and support
- i. Violating its duties of care imposed by its status as *in loco parentis* to the children over whom it exercised dominion and control and the parents who entrusted their most precious possessions, their children;
- j. Enforcing the secrecy around the acts and/or teaching the plaintiff that the acts were normal or necessary to the relationship;
- k. Hiding the fact of the previous abuse from any individuals that might intervene, including parents, state authorities, parishes and parishioners.
- l. Failing to abide by its own internal, secular policies and procedures concerning removal, sanction, or discipline of their agents and employees, knowing the individuals whom they serve rely upon those rules, policies and procedures

m. Failing to abide by its own internal, secular policies and procedures concerning investigation and/or reporting of their agents and employees, knowing that the individuals whom they serve rely upon those rules, policies and procedures.

n. Representing that Fr. Ratigan was clergy in good standing.

173. Defendants engaged in such acts knowingly and/or intentionally.

174. Such actions constituted one step taken in furtherance of the conspiracy.

175. Defendants shared a common aim in encouraging and committing the sexual abuse of children.

176. Defendants enforced the secrecy around the acts and/or taught represented that Father Ratigan's acts were normal or necessary to the relationship. As a result, Defendants breached their fiduciary duties to Plaintiff by engaging in the willful, reckless and wanton conduct described herein, by failing to disclose information regarding the injurious nature of the abuse and/or in taking acts to conceal any such information.

177. The fact that defendants' agents, including Fr. Ratigan, had in the past and/or would in the future be likely to commit sexual misconduct with minors at the parish to which he was assigned would have been a material fact in plaintiffs' decisions whether to associate with Fr. Ratigan or allow him unsupervised access to their children.

178. Plaintiff justifiably relied upon defendants for information relating to sexual misconduct of defendants' agents. Plaintiff further relied upon defendants to ensure the safety of children in the defendants' care and custody.

179. Defendants' actions and/or inactions were willful, wanton and reckless for which punitive damages are appropriate.

180. As a direct result of defendants' wrongful conduct, plaintiffs have suffered and continue 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 their daily activities and obtaining the full enjoyment of life; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

COUNT X
FRAUD AGAINST ALL DEFENDANTS
(PLAINTIFF JOHN DOE 40)

181. Plaintiffs incorporate paragraphs 1 – 82 as if fully set forth herein.

182. Plaintiff John Doe 40 reposed trust and confidence in defendants as his spiritual guides, authority figures, teachers, mentors and confidantes.

183. Defendants knew that they misrepresented, concealed or failed to disclose information they had the duty to disclose relating to sexual misconduct of their agent.

184. Defendants had superior knowledge or information not within the fair and reasonable reach of Plaintiffs and failed to disclose that information

185. Each Defendant owed John Doe 40 the duty of trust and loyalty, and the duty to work solely for his benefit.

186. Defendant Ratigan violated his duties of disclosure to Plaintiff John Doe 40 including without limitation the following:

- a. Defendant Ratigan engaged in sexual misconduct with Jane Doe 39.
- b. Defendant Ratigan represented to John Doe 40 that his actions toward his child were appropriate and were part of her spiritual growth and counseling, encouraging them to allow him more access to the young child.

c. Defendant Ratigan silenced the child he abused making her live in secret shame, fear and degradation while then ministering to her psychologically, emotionally and spiritually, insidiously infecting the family with a secret.

187. Defendants Diocese and Bishop represented to the plaintiff that Fr. Ratigan was a highly skilled, well-trained parish priest and encouraged them to entrust his most precious possession – his child – to him.

188. Defendants, by virtue of their position of authority and trust, entered into a relationship with John Doe 40, encouraging him to entrust his child to Fr. Ratigan as a representative and employee of the church. As a result of the special relationship with Plaintiff John Doe 40, Plaintiff trusted and relied upon defendants to nurture and care for his child while she was in the custody of the defendants or any of them. Plaintiff John Doe 40 also sought guidance and counseling from Fr. Ratigan and the Diocesan Defendants in his family issues, struggles and parental concerns and relied upon defendants to provide appropriate counsel, guidance, nurture and support in those matters.

189. Defendant Diocese and Bishop Finn breached their fiduciary duties to plaintiff and abused their position of trust and confidence for their own personal gain, including without limitation, the following:

- a. Holding out to him a priest with a known history of child sexual abuse as an appropriate individual with whom Plaintiff John Doe 40 should entrust his child.
- b. Encouraging and teaching John Doe 40 to entrust his child to defendant Ratigan.
- c. Keeping a known pedophile in the presence of children such that he would be allowed to engage in sexually exploitative acts with Jane Doe 39.

- d. Hiding the fact of the previous abuse from any individuals that might intervene including parents, state authorities, parishes, and parishioners.
- e. Failing to provide a safe environment for the children who relied upon them for their care, nurturance and support.
- f. Violating their duties of care imposed by their status as *in loco parentis* to the children over whom they exercised dominion and control;
- g. Failing to abide by their own internal, secular policies and procedures concerning removal, sanction or discipline of their agents and employees, knowing the individuals whom they serve rely upon those rules, policies and procedures.
- h. Ratifying the abuse of Defendant Ratigan by continuing to pay his travel expenses, allowing outings with children to continue, encouraging a continued relationship with him, and hiding the fact of his abuse from other individuals or organizations that might intervene to protect the children under their care, custody or control.
- i. Encouraging John Doe 40 to rely upon Defendant Ratigan as a priest for counseling, guidance, care and support concerning his familial issues and parenting concerns.

190. As a result of Defendant Ratigan's actions and the actions of the Diocese and Bishop in covering up the known proclivities of this Priest, the family was decimated from the inside.

191. As a direct result of the acts described herein, Plaintiff suffered great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem.

192. Plaintiff John Doe 40 has suffered emotional distress including loss of hope and faith. He has suffered nightmares, humiliation, undifferentiated anger, massive guilt, humiliation and embarrassment, depression, anxiety and other psychological and emotional sequelae. Additionally, he has struggled with their faith, had difficulty dealing with authority figures and difficulty trusting other people including professionals and clergy.

193. All of the family has suffered pecuniary damage as well as loss of companionship, society, nurturance and the support of the other.

194. Defendants' actions constitute willful, wanton or reckless behavior for which punitive damages are appropriate.

COUNT XI
INVASION OF PRIVACY
(ALL DEFENDANTS)

195. Plaintiffs incorporate paragraphs 1 – 82 as if fully set forth herein.

196. Between approximately 2008 and May 2011, Defendant Ratigan surreptitiously took photographs of the minor Plaintiff, Jane Doe 39, in poses and places in which Plaintiff had an expectation of privacy. Specifically, Defendant Ratigan took pictures of Plaintiff in poses that were sexually inappropriate on Church premises, showing her buttocks and vaginal and pubic areas as well as other poses and places that were private.

197. In May, 2010, Defendants Bishop and Diocese were warned of inappropriate behavior on the part of Father Ratigan, including inappropriate touching of children and exposing little girls underwear and private areas at the school and parish, swinging them high in the air even with their skirts on, and the finding of little girl panties in his planter. The Diocese took no action to prevent any further invasions of privacy of these little girls.

198. Defendants Bishop and Diocese became aware of hundreds of pictures of little

girls taken by Father Ratigan that exposed their crotches, buttocks, breasts and/or chests, and pictures of both their clothed and their naked buttocks and pubic areas. Yet, the Diocese did nothing to warn or protect these little girls from further exploitation and invasion of privacy.

199. In December 2010, after Father Ratigan's suicide attempt, the Diocese encouraged the families of St. Patrick's to maintain pray for and send cards to Father Ratigan. None of the families or children were ever told not to have contact with him.

200. Between 2008 and May 2011, Plaintiff Jane Doe 39 continued having contact with Fr. Ratigan and he continued to surreptitiously make pornographic, lewd and lascivious photographs of the minor child, continuing to invade her privacy.

201. Defendants Bishop and Diocese took no effective action regarding Fr. Ratigan until May 2011 when the pornographic pictures found on the Priest's computer were finally turned over to the police.

202. Plaintiff Jane Doe 39 possessed a reasonable expectation and right to keep her private parts private.

203. Defendant's actions and/or inactions were reckless for which punitive damages are appropriate.

204. As a result of the above-described acts, the minor plaintiff has suffered, and continues to suffer foreseeable medically diagnosable and significant emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; past and future lost earnings and/or earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling, attorneys' fees, costs and expert expenses.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs ask that this Court award judgment against defendants as follows:


- A. Awarding compensatory, statutory, punitive and treble damages in favor of plaintiffs against defendants for damages sustained as a result of the wrongdoings of defendants, together with interest thereon;
- B. Awarding plaintiffs their costs and expenses incurred in this action, including reasonable allowance of fees for plaintiffs' attorneys, experts, and reimbursement of plaintiffs' and counsel's expenses;
- C. Granting such other and further relief as the Court deems appropriate and just.

JURY TRIAL DEMANDED

Plaintiffs demand a trial by jury on all issues triable in this case.

Respectfully Submitted,

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