

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JOHN DOE J.P.,)	
)	
Plaintiff)	
)	
Vs.)	No. 4:20-CV-331-PLC
)	
ROMAN CATHOLIC ARCHDIOCESE)	
OF ST. LOUIS, ET. AL.)	
)	
Defendants)	

COMPLAINT AND JURY DEMAND

Plaintiff, for his Petition against the Defendants named herein, alleges as follows:

1. Defendant Archdiocese has knowingly covered up and concealed the sexual abuse of their minor parishioners by their employee Defendant Father Alexander Anderson. This cover up has allowed Defendant to access and sexually abuse numerous vulnerable individuals, including Plaintiff. This cover up has allowed Defendant Anderson to access and sexually abuse at least three other children. Plaintiff brings this lawsuit in order to hold the Defendants responsible for the injuries they have caused and to protect others from the pain of sexual abuse and assault.

2. Defendant Alexander Anderson has been a Priest with the Archdiocese of St. Louis for many years.

JURISDICTION AND VENUE

3. This Court has jurisdiction over the causes of action asserted herein and over the parties to this action. Plaintiff asserts claims under Missouri common law.

4. This Court has jurisdiction because Defendant Archdiocese including but not

limited to, owned and operated Holy Cross Parish and Sacred Heart Parish, St. Louis, Missouri, is licensed to do business or transact business in Missouri, and has obtained the benefits of the laws of the State of Missouri and the benefits of the Missouri location for this parish.

5. All of the sexual molestation, harassment and fraudulent activity described herein occurred in the State of Missouri with the first injury occurring in St. Louis, Missouri.

6. This Court has jurisdiction over the causes of action asserted herein and over the parties to this action. Plaintiff asserts his claim under Missouri common law and Federal law under 42 U.S.C. .§ 1983, 20 U.S.C. § 1681 (a) and 28 U.S.C. §1331.

7. This Court has supplemental jurisdiction pursuant to 28 U.S.C. § 13367 (a).

PARTIES

8. Plaintiff is an adult man and domiciled at the Greenville Correctional Facility in Greenville, IL. Plaintiff was a minor at the time of the incidents alleged herein.

9. At all times material, Defendant Archdiocese of St. Louis (hereinafter “Archdiocese”) was and continues to be a nonprofit corporation doing business in Missouri with its principal place of business located at 20 Archbishop May Drive, St. Louis, Missouri.

10. The Archdiocese is led by its’ Archbishops. Those who were Archbishops during the abuses until the present include: John L. May, 1980-1992; Justin Francis Rigali, 1994-2003; Raymond L. Burke, 2004-2008; and Robert J. Carlson, 2009 to present. His successor, Archbishop Mitchell Rozanski, has been named to succeed Archbishop Carlson upon his retirement. Archbishop Carlson and Archbishop Burke are named in their capacity as supervisor of the Archdiocese and individually for their roles in continuing the cover up concerning Fr. Alexander Anderson.

11. Defendant Anderson was a Roman Catholic Priest at St. Pius V from 1975- 1979; St. Blaise from 1979-1980; Immaculate Heart of Mary from 1980-1981; St. Simon's in Concord Village from 1981-1983; St. Joseph's Home for boys from 1983 – 1988; St. Andrews, Lemay, 1988-1992; Assumption Parish in Mattese, 1992-1993; Sacred Heart Parish 1992 – 2008 and at St. Rose of Lima from 2008 to the present.

12. The abuse set forth herein took place at the St. Joseph's Home for Boys in the late 1980's [hereinafter St. Joseph's]. St. Joseph's was located at 4753 South Grand Avenue, St. Louis, MO. It is now closed.

13. St. Joseph's was run by Catholic Services for Children and Youth, now Good Shepherd Children and Family Services. The name was changed via amendment of the Articles of Incorporation on March 26, 2007.

14. Upon information and belief, Sister Mary Frances is or was a nun with the Sisters of St. Joseph's of Carondelet. The Sisters of St. Joseph of Carondelet are located at 6400 Minnesota Avenue, St. Louis, MO. 63111. Plaintiff does not know her birth name.

15. All acts of sexual abuse alleged herein took place during functions in which Defendant acted in his role as a priest and authority figure. Plaintiff was a student at St. Joseph's at all times relevant.

BACKGROUND FACTS APPLICABLE TO ALL COUNTS

16. When Plaintiff was a child, he came to reside at St. Joseph's. It was believed that the structured environment and strict Catholic religious and educational curriculum would assist the young boy in his moral and educational development.

17. While Plaintiff was a student at St. Joseph's, Fr. Anderson was the Priest in charge.

18. Father Anderson used his position of authority over the Plaintiff to manipulate, control and groom Plaintiff.

19. The abuse first began in the dorm room where the Plaintiff slept. Called the "Little Dorm," only four to six children were assigned to the dorm. Father Anderson came to the dorm after lights out, ostensibly to pray with them.

20. Instead, he would kneel at the children's bedside and begin rubbing them. Plaintiff watched as he did this with another student.

21. When it was Plaintiff's turn, Fr. Anderson began to rub him under the blanket and on the buttocks area and under Plaintiff's shirt. Fr. Anderson normalized this kind of touching with Plaintiff and the other children.

22. Gradually, the fondling became more progressive moving to the genital area.

23. After the children, including Plaintiff, were acclimated to this kind of touching, Fr. Anderson began what the children called "Late night ith Father." He would choose a child or two to accompany him to his den, a room at the bottom of the stairs.

24. Plaintiff was often chosen for time in the den with Fr. Anderson. There, the touching became discussions of masturbation, forced fellatio and sodomy.

25. Plaintiff tried to make Fr. Anderson stop but he would not.

26. Plaintiff complained to Sr. Mary but no effective action was taken. He also wrote to the Archbishop, but again no action was taken. After his reports came to naught, Plaintiff repressed all memory of the abuse and did not recall them again until his sentencing in approximately 2016. At that time, a relative presented the letter to the Court. Plaintiff had no memory of the abuse or that letter until that time. See Exhibit 1. Plaintiff's Letter.

27. The Archdiocese of St. Louis - St. Joseph received reports about Fr. Anderson's inappropriate and illegal sexual predation from at least three other individuals.

28. The Archdiocese of St. Louis - St. Joseph allowed Fr. Anderson to hold positions of authority as Pastor and other positions of power and continues to do so.

29. At all times relevant, St. Joseph's was under the direct supervision and control of Defendant Archdiocese.

30. At all times material hereto, Anderson was under the direct supervision, employ and control of the Archdiocese.

31. While plaintiff was a student, Defendant Anderson worked with, mentored, supervised and counseled plaintiff. As such, Defendant held a position of trust and confidence in the care and supervision of plaintiff constituting a confidential relationship.

32. Defendant Archdiocese provided religious nurturing, counsel, advice and education to Plaintiff. Defendant Archdiocese held power and authority over the student and owed him a duty of care and supervision. Defendant Archdiocese maintained a confidential relationship with Plaintiff.

33. After learning of Defendant Anderson's and wrongful conduct, defendants, by and through its agents, ratified the wrongful conduct described herein. Defendant Archdiocese knew of, encouraged and failed to intervene to stop the abuses of Fr. Anderson. He has not been removed from service and continues as a Priest in good standing with the Archdiocese despite the numerous allegations against him.

34. As a direct result of Defendants' wrongful conduct, plaintiff has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation,

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

COUNT 1: BATTERY
(All Defendants)

35. Plaintiff incorporates all paragraphs of this Petition as if fully set forth herein.

36. The sexual touching of Plaintiff was done with the intention of bringing about a harmful or offensive contact.

37. The sexual touching was not consented to by Plaintiff.

38. As a result of the sexual battery, Plaintiff has been greatly injured.

39. Defendant's actions were willful, wanton or reckless for which punitive damages are appropriate.

40. The Defendant Archdiocese aided and abetted Anderson, furnishing him locations to minister, referrals to counsel youth, supervision of students, a vehicle, petty funds, and other instrumentalities, in addition to enforcing silence about the priest's actions and failing to remove the offending priest from a position in which he could prey upon others, including the Plaintiff.

41. The Archdiocese civilly aided and abetted the childhood sexual abuse of the plaintiff when agents of the Archdiocese generally took no action to deny Anderson access to plaintiff after gaining knowledge that he had a propensity to engage in sexual abuse and assault.

42. The Archdiocese and/or Order are liable for aiding and abetting under Section 562.056 RSMo for the following reasons:

a. The Archdiocese failed to discharge the specific duty owed to the plaintiff to protect the plaintiff from harm while the plaintiff in the custody of and/or under the supervision

of the Archdiocese.

b. The abuse committed by Anderson was committed while the priest was an agent of the Archdiocese and acting within the scope of his employment/agency relationship and on behalf of the Archdiocese, and his offenses were at least Missouri law misdemeanors.

c. High managerial agents of the Archdiocese, acting within the scope of their authority and employment within the Archdiocese, specifically acting within their authority to supervise and control the behavior of clergy working within their organizations, authorized or knowingly tolerated Anderson's abuses.

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

COUNT 2:
INTENTIONAL FAILURE TO SUPERVISE CLERGY -
DEFENDANT ARCHDIOCESE

44. Plaintiff incorporates Plaintiff's Background Facts Applicable to All Counts, paragraphs 1-37 of this Petition as if fully set forth herein.

45. At all times material, Defendants Archdiocese was the supervisors and employer of Fr. Anderson.

46. Upon information and belief, Defendant was aware of previous sexual misconduct by clergy within its boundaries, including Defendant Anderson, and that future harm was certain or substantially certain to result without proper supervision.

47. Defendants disregarded the known risk of sexual abuse by Anderson.

48. Defendants' inaction caused injury to plaintiff.

49. Plaintiff was sexually abused on the property owned and operated by Defendant Archdiocese and / or was abused on premises that the Priests were allowed on solely due to their status as priests.

50. Defendants Archdiocese knew or should have known that sexual misconduct by their employees and / or designated agents would cause or was substantially certain to cause those abused harm.

51. Despite the risk posed by Defendant Anderson, defendant Archdiocese continued to place him in positions in which they would have access to and power over those whom he abused.

52. Despite the risk posed by the defendant priest, Defendant Archdiocese ratified his actions by approving and paying for travel expenses and other expenses associated with outings with students, encouraging contact with students after knowing of Anderson's proclivities and allowing Anderson to train, mentor, guide and nurture young students..

53. By engaging in these actions, Defendant Archdiocese disregarded the risk posed by the Defendant priest.

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

55. As a result of Defendant Archdiocese's failures to properly supervise Defendant Anderson, plaintiff was injured and has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress that are medically diagnosable and significant, embarrassment, loss of self esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing his daily activities and obtaining the full enjoyment of life; has sustained loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

COUNT 3:
INTENTIONAL FAILURE TO SUPERVISE CLERGY -
DEFENDANT SOCIETY OF SISTER'S OF ST. JOSEPH OF CARONDELET AND
ARCHDIOCESE

56. Plaintiff incorporates Plaintiff's Background Facts Applicable to All Counts, paragraphs 1-37 of this Petition as if fully set forth herein.

57. At all times material, Defendants Archdiocese and Sisters of St. Joseph of Carondelet (Sisters) was the supervisors and employer of Sister Mary Francis.

58. Sr. Mary Francis had actual knowledge that Plaintiff was being abused by Fr. Anderson but took no steps to stop it. St. Mary Francis was a mandated reporter in the State of Missouri at the time as were the Sisters and Archdiocese. Despite that fact, no defendant took any steps to report the abuses by Anderson to the authorities.

59. Neither Sister Mary Francis nor the entities for which she was a managerial agent and or supervisor took any steps to stop the abuses from occurring.

60. Sister Mary Francis, the Sisters and Archdiocese aided and abetted and or ratified the continuing abuses.

61. Upon information and belief, Defendant was aware of previous sexual misconduct as well as the abuses being committed by Defendant Anderson on Plaintiff, and that future harm was certain or substantially certain to result without proper supervision.

62. Defendants disregarded the known risk of sexual abuse by Anderson.

63. Defendants' inaction caused injury to plaintiff.

64. Plaintiff was sexually abused on the property owned and operated by Defendant Sisters and / or was abused on premises that the Priests were allowed on solely due to their status as priests.

65. Defendant Sisters knew or should have known that sexual misconduct by their employees and / or designated agents would cause or was substantially certain to cause those abused harm.

66. Despite the risk posed by Defendant Anderson, defendant Sisters took no action to prevent his abuses.

67. By engaging in these actions, Defendant Sisters disregarded the risk posed by the Defendant priest.

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

69. As a result of Defendant Sisters failures to properly supervise Defendant Mary Francis and in aiding and abetting / ratifying the abuse of Plaintiff, plaintiff was injured and has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress that are medically diagnosable and significant, embarrassment, loss of self esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing his daily activities and obtaining

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

COUNT 4:
BREACH OF SPECIAL RELATIONSHIP / DUTY -
ALL DEFENDANTS

70. Plaintiff incorporates paragraphs 1-37 of this Petition as if fully set forth herein

71. Defendants were in a confidential and / or special relationship with Plaintiff by virtue of their positions of authority over him.

72. Plaintiff reposed trust and confidence in defendants as his spiritual guides, authority figures, teachers, mentors and confidantes.

73. As a fiduciaries or confidantes to plaintiff, defendants had a duty to obtain and disclose information relating to sexual misconduct and other inappropriate behavior of defendants' agents, including Defendant Anderson. In their roles as confidantes or fiduciaries, each defendant owed plaintiff the duty of trust and loyalty, and the duty to work solely for his benefit.

74. Defendants Archdiocese, Sisters, Mary Frances and Anderson breached their duties to plaintiff and abused their positions of trust and confidence for their own personal gain, including without limitation, the following

a. Defendants used their position of power to harm plaintiff by engaging in the following acts:

b. Keeping a known predator in the service of the church including supervising and mentoring students;

- c. Hiding the fact of the previous abuse from any individuals that might intervene.
- d. Failing or refusing to report the fact of abuse from any individuals that might intervene.
- e. Failing to provide a safe environment for those who relied upon them for their care, nurturance and support.
- f. 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.
- g. Ratifying the abuse by Defendant Anderson by allowing him to mentor, nurture and teach students, and hiding the fact of his abuse from other individuals or organizations that might intervene to protect those with whom he had a confidential relationship.

75. Defendants Anderson breached his duties to plaintiff and abused his position of trust and confidence for his own personal gain, including without limitation, the following:

- a. Defendant Anderson engaged in sexual misconduct with plaintiff.
- b. Defendant Anderson represented to plaintiff that the actions were appropriate and were part of his spiritual growth and counseling.

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

77. As a direct result of Defendants' breach of their fiduciary duties / special relationship, plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing his daily activities and obtaining the full

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

COUNT 5:
FRAUD AND CONSPIRACY TO COMMIT FRAUD
(ALL DEFENDANTS)

78. Plaintiff incorporates paragraphs 1 – 37 of this Petition as if fully set forth herein.

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

80. Defendants engaged in trickery, deceit and acts of deluding plaintiff, holding Anderson out as an appropriate mentor and teacher, and allowing Anderson to spend time with students after lights out and request students to join him in his den , knowing that Anderson was dangerous.

81. 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. Threatening Plaintiff to maintain his silence;
- b. Refusing to investigate the allegations of abuse made by Plaintiff and others;
- c. Engaging in a fraudulent investigation once the allegations of sexual abuse became public in or about 2011;
- d. Refusing to make statutorily required reports of abuse to authorities in order to protect the Church from scandal.

82. Defendant Archdiocese continued to place the defendant priests in positions allowing him to be in contact with and in supervision over students following knowledge of his inappropriate sexual behavior.

83. Defendant Archdiocese, Sisters and Nun ignored reports that the defendant Priest was engaging in inappropriate sexual activity with children;

84. Defendant Archdiocese, Sisters and Nun deliberately failed to warn or inform Parishioners, family members or any other individuals or organizations about Fr. Anderson's using his position of power to injure others.

85. Defendants Archdiocese, Sisters and Nun deliberately misled its parishioners and the public in its communications regarding Fr. Anderson, holding him out to be a priest in good standing after having received reports of inappropriate behavior on his part.

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

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

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

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

90. Plaintiff relied upon that deception and concealment remaining ignorant that torts were committed upon him.

91. The fact that Defendants Anderson had in the past and/or would in the future be likely to commit sexual misconduct was a material fact in plaintiff's decision to interact with

have mentoring from and spiritual advice with defendants' agent in church sanctioned and/or sponsored activities.

92. 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 Anderson, prohibiting public scrutiny or investigation into his acts of sexual misconduct.

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

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

95. 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 7:
CONSTRUCTIVE FRAUD
(ALL DEFENDANTS)

96. Plaintiff incorporates paragraphs 1-28 and Count 4 of this Petition as if fully set forth herein.

97. By virtue of the special relationship between Plaintiff and the defendants, as set forth in The Background Facts Applicable to All Counts and Count 4: Breach of Confidential /

Special Relationship, Defendant had a special duty to Plaintiff to avoid any self-dealing and work solely for his benefit.

98. 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.

99. Defendants had prior knowledge of past allegations of abuse and/or sexual impropriety with children and current knowledge of Plaintiff's abuse by Fr. Anderson.

100. Defendants had a duty to protect plaintiffs and others from known perpetrators by warning plaintiffs and others of the abuse, abusive propensities, and/or preventing Anderson engaging in predatory behavior with plaintiff and those similarly situated to him.

101. Defendants failed to disclose information regarding Defendant Anderson's abusive tendencies and history of sexual abuse of others.

102. Defendants failed to disclose their knowledge of Anderson's history of using his position as priest and counselor, and the church properties for sexual abuse and assault.

103. Defendants actively represented that Defendant Anderson was a capable counselor and priest, when they knew the priest had a propensity toward sexual abuse.

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

105. 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.

106. Plaintiff justifiably relied upon defendants for information relating to sexual misconduct of defendants' agents.

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

108. 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; 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 8
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS -
DEFENDANT ARCHDIOCESE, SISTERS AND MARY FRANCES

109. Plaintiff incorporates all paragraphs of this Petition as if fully set forth herein.

110. Defendants intentionally failed to supervise, remove or otherwise sanction Defendant Anderson and True after they had actual notice of the dangerous propensities of his to abuse children and continued to place him in positions of authority over plaintiff and others.

111. Defendants knew or should have known that Defendant was unsuitable for the position which he held.

112. Defendants failed to adequately review and monitor the services which were provided by Defendant Anderson, intentionally turning a blind eye to misconduct.

113. Defendants failed to act upon information gained during the course of their supervision of Defendant Anderson.

114. Defendants Archdiocese allowed and / or encouraged its agents to turn a blind eye toward sexual assaults committed by Anderson in furtherance of its policy of covering up these crimes.

115. At all times relevant, Defendants Archdiocese engaged in extreme and outrageous conduct, intended to cause or committed in reckless disregard of the probability of causing emotional distress and harm.

116. Defendant Archdiocese and Abbey engaged in unconscionable, outrageous conduct beyond all possible bounds of decency and utterly intolerable in a civilized society. Defendants' conduct caused plaintiff severe emotional distress of such a nature that no reasonable person in a civilized society could be expected to endure it.

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

118. Plaintiff suffered medically significant and diagnosable distress as a result of Defendants' actions as set forth in the Background Facts Applicable to All Counts.

119. 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 that is medically diagnosable and significant, embarrassment, loss of self esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing his daily activities and obtaining the full enjoyment of life; has sustained loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

COUNT 9
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS -
DEFENDANT ANDERSON

120. Plaintiff incorporates all paragraphs of this Petition as if fully set forth herein.

121. Defendant Anderson held himself out as a moral teacher, guide and religious authority, as well as a kind and caring surrogate father figure for plaintiff.

122. The actions of Defendant Father Anderson, a trained pastor, priest and minister, were taken intentionally to cause such emotional distress as to prevent the plaintiff from revealing the assault and / or with reckless disregard as to the probable injuries that would result.

123. Father Anderson had a fiduciary and / or confidential relationship with plaintiff by virtue of his role as priest, mentor, father figure and authority figure to Plaintiff. The power imbalance between Defendant Anderson and plaintiff increased plaintiff's vulnerability to Defendant Anderson.

124. Defendant Anderson engaged in unconscionable, outrageous conduct beyond all possible bounds of decency and utterly intolerable in a civilized society.

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

126. The emotional distress experienced by plaintiff as a result of defendant Anderson's conduct is medically diagnosable and is of sufficient severity so as to be medically significant.

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

COUNT 10
NEGLIGENCE -
ALL DEFENDANTS

128. Plaintiff incorporates paragraphs 1-37 of this Petition as if fully set forth herein.

129. Defendants had a duty to protect those served by their churches from known harm by third parties.

130. Upon information and belief, defendants, by and through their agents, servants and employees, knew or reasonably should have known of Defendant Anderson's dangerous and exploitative propensities and/or that he was an unfit agent, and despite such knowledge,

131. Defendant breached their duty to protect plaintiff when they failed to protect plaintiff from the sexual abuse described herein.

132. Defendant's actions and / or inactions were grossly negligent, wanton and reckless for which punitive damages are appropriate.

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

COUNT 10
ACTION FOR VIOLATION OF RIGHTS 42 U.S.C. 1983
ALL DEFENDANTS

134. Plaintiff incorporates paragraphs 1-37 of this Petition as if fully set forth herein.

135. Upon information and belief, St. Joseph's contracted with the State to provide services for children who were wards of the state.

136. Upon information and belief, Defendants accepted funding both state and Federal for the services it provided.

137. St. Joseph's provided educational, residential and other services to the boys in its care under color of state law.

138. Schools have a duty to protect students from harm, including harm inflicted or created by its own staff.

139. Defendants knew of the danger posed by Fr. Anderson but were recklessly indifferent to it.

140. Defendants knowingly created a dangerous environment that led to Plaintiff's injury.

141. The actions of the defendants were part of a policy or custom that caused the deprivation of Plaintiff's rights.

142. Defendant breached their duty to protect plaintiff when they failed to protect plaintiff from the sexual abuse described herein.

143. Defendant's actions and / or inactions were grossly negligent, wanton and reckless for which punitive damages are appropriate.

144. As a direct result of the acts or omissions described herein, plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress that is medically diagnosable and significant, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing his daily activities and obtaining

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

COUNT 10
ACTION FOR VIOLATION OF RIGHTS 20 U.S.C. §1681(a)
ALL DEFENDANTS

145. Plaintiff incorporates paragraphs 1-37 of this Petition as if fully set forth herein

146. Upon information and belief, St. Joseph's was an educational facility that received federal funds.

147. St. Joseph, through Defendant Frances and Archbishops, had actual knowledge and notice of the sexual assault of Plaintiff and other students by Fr. Anderson.

148. Defendants were deliberately indifferent to the sexual assaults regularly occurring of Plaintiff.

149. Plaintiff was subjected to severe, pervasive and objectively offensive sexual conduct caused by the deliberate indifference of the defendants.

150. The events occurred in the context of an educational activity.

151. The events had the systematic effect of depriving plaintiff of access to educational benefits or opportunities.

152. Defendants failed to reasonably investigate Plaintiff's complain regarding the sexual harassment, assaults, and discrimination.

153. Defendants took no corrective measures regarding Plaintiff's complaints.

154. Defendants failed to provide plaintiff with the education which it knew or should have known was required.

155. Defendants discriminated against Plaintiff because of his sex.

156. Defendants failed to supervise those persons it employed to provide education to plaintiff so as to ascertain that said occurrences were taking place and so as to prevent their repetition.

157. Defendants failed to train its employees to provide proper care, treatment, training and education to the plaintiff.

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

JURY TRIAL DEMANDED

Plaintiff demands a trial by jury on all issues triable in this case.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff asks that this Court award judgment against defendants as follows:

1. Awarding compensatory, statutory and punitive damages in favor of plaintiff against defendants for damages sustained as a result of the wrongdoings of defendants, together with interest thereon;

2. Awarding plaintiff his costs and expenses incurred in this action, including reasonable allowance of fees for plaintiff's attorneys, experts, and reimbursement of plaintiff's

and counsel's expenses;

3. Granting such other and further relief as the Court deems appropriate and just.

Respectfully Submitted,

RANGLES MATA, LLC

/s/Rebecca M. Randles

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