

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

SUPERIOR COURT
CIVIL ACTION NO.

21 464

JOHN DOE IV,)
Plaintiff)
)
v.)
)
ROMAN CATHOLIC ARCHBISHOP OF)
BOSTON, A CORPORATION SOLE, and)
DEFENDANT TWO,)
Defendants)

**COMPLAINT AND
JURY TRIAL DEMAND**

A. PARTIES

1. Plaintiff John Doe IV is an individual with a residential address in Vermont.
2. Defendant Roman Catholic Archbishop Of Boston, A Corporation Sole (hereinafter referred to as "Defendant RCAB") is a religious corporation organized pursuant to Massachusetts law with a principal place of business at 66 Brook Street, Braintree, Norfolk County, Massachusetts. At all relevant and material times, Defendant RCAB had a duty to hire, supervise, direct, and retain priests of the RCAB, including the late Father Francis E. O'Brien (hereinafter referred to as "Father O'Brien").
3. Defendant Two is an individual the identity of whom is presently unknown to the Plaintiff; therefore, the Plaintiff files the above-captioned action against Defendant Two by such fictitious name. At relevant and material times, Defendant Two was or had been a supervisor of the RCAB with a duty to hire, supervise, direct, and retain Father O'Brien.

B. STATEMENT OF FACTS

1. In approximately 1966, Father O'Brien was ordained as a priest of the RCAB. Upon information and belief, Father O'Brien died in approximately 2008.

2. From approximately 1966 to approximately 1971, Father O'Brien was assigned to or affiliated with Christ the King Parish, Hudson, Massachusetts (hereinafter referred to as "Christ the King Parish"), where Father O'Brien apparently had duties and responsibilities that included, among other things, supervising, directing, counseling, and otherwise interacting with minor children of Christ the King Parish. At all relevant and material times, Christ the King Parish was a parish of the RCAB.

3. Plaintiff was raised Catholic and attended Christ the King Church, the Catholic church of Christ the King Parish, when Plaintiff was a child. Plaintiff received First Communion and was confirmed at Christ the King Church when Plaintiff was a child. At relevant and material times, Plaintiff attended the parochial grammar school of Christ the King Parish when Plaintiff was a child. At relevant and material times, Plaintiff served as an altar boy at Christ the King Church when Plaintiff was a child.

4. At times when Plaintiff was a child attending Christ the King Church and serving as an altar boy at Christ the King Church, Plaintiff was supervised by and otherwise interacted with Father O'Brien at Christ the King Church.

5. Not until recently did Plaintiff have knowledge or sufficient notice that he had been harmed and that the harm was caused by the explicit sexual behavior and lewd and lascivious conduct of Father O'Brien.

6. From approximately 1966 when Plaintiff was about 7 years of age to approximately 1971 when Plaintiff was about 12 years of age, Father O'Brien repeatedly engaged in explicit sexual behavior and lewd and lascivious conduct with Plaintiff, including, among other things, Father O'Brien raping Plaintiff by forcing Plaintiff to perform oral sex on Father O'Brien, and Father O'Brien penetrating Plaintiff's anus with Father O'Brien's finger.

7. Father O'Brien's explicit sexual behavior and lewd and lascivious conduct with Plaintiff took place in property belonging to Christ the King Parish, including in a room in Christ the King Church and a room in the parochial grammar school of Christ the King Parish.

8. As a result of Father O'Brien's explicit sexual behavior and lewd and lascivious conduct with the Plaintiff, the Plaintiff suffers, has suffered, and will continue to suffer in the future severe emotional distress and physical harm manifested by objective symptomatology, including, but not limited to, anxiety; depression; sleep problems; anger; and suicidal ideation.

9. At all times material hereto, Father O'Brien misrepresented and concealed from Plaintiff the wrongful nature of Father O'Brien's explicit sexual behavior and lewd and lascivious conduct and that such explicit sexual behavior and lewd and lascivious conduct could harm Plaintiff.

10. As a result of said explicit sexual behavior and lewd and lascivious conduct, Plaintiff is unable at this time to fully disclose in complete detail to what degree Father O'Brien did abuse Plaintiff.

C. CLAIMS FOR RELIEF

Count I: Plaintiff v. Defendant RCAB and Defendant Two Negligent Hiring, Retention, Direction, and Supervision

11. The Plaintiff repeats, realleges, and incorporates by reference herein each and every allegation heretofore pleaded in this Complaint.

12. At all relevant and material times to this action, the responsibilities of Defendant RCAB and Defendant Two (hereinafter collectively referred to as the "Supervisory Defendants") included the hiring, retention, direction, and supervision of priests assigned to or affiliated with Christ the King Parish where those priests would be supervising, directing, counseling, or otherwise interacting with minor children of Christ the King Parish.

13. At all relevant and material times to this action, the Supervisory Defendants included hiring Father O'Brien to Christ the King Parish; retaining Father O'Brien in his position at Christ the King Parish; directing Father O'Brien in his position at Christ the King Parish; and supervising Father O'Brien in his position at Christ the King Parish.

14. At all relevant and material times to this action, the Supervisory Defendants knew or should have known that Father O'Brien would interact with and was interacting with minor children of Christ the King Parish, including, more specifically, the Plaintiff.

15. At all relevant and material times to this action, the Supervisory Defendants had a special relationship with Father O'Brien.

16. At all relevant and material times to this action, the Supervisory Defendants had a special relationship with the Plaintiff.

17. At all relevant and material times to this action, the Supervisory Defendants had a duty of care to properly hire, retain, direct, and supervise individuals of good reputation and character who would be asked to interact with minor children of Christ the King Parish.

18. At all relevant and material times to this action, the Supervisory Defendants negligently breached their duty of care to properly hire, retain, direct, and supervise individuals of good reputation and character who would be asked to interact with minor children of Christ the King Parish, by hiring Father O'Brien to Christ the King Parish; by retaining Father O'Brien in Father O'Brien's position at Christ the King Parish; and by their failure to exercise the care of a reasonable person in their direction and supervision of Father O'Brien's interactions with minor children of Christ the King Parish, including Plaintiff, as the Supervisory Defendants knew or should have known Father O'Brien was of bad character and reputation and unfit to properly interact with minor children of Christ the King Parish, including, more specifically, Plaintiff, and

that Father O'Brien engaged or was engaging in the explicit sexual behavior and lewd and lascivious conduct with the Plaintiff as described above.

19. At all relevant and material times to this action, the Supervisory Defendants knew or should have known that Father O'Brien's explicit sexual behavior and lewd and lascivious conduct as described above would result in severe mental and emotional suffering by a victim of such conduct, including Plaintiff.

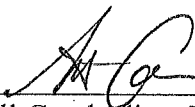
20. As a direct and proximate result of the Supervisory Defendants' negligent conduct, Plaintiff has suffered and will continued to suffer in the future: severe and permanent mental distress and emotional injuries, including objective corroboration of said mental distress and emotional injuries as outlined above; financial expenses for medical and therapeutic care and treatment; long term lost earning capacity; as well as other damages.

WHEREFORE, Plaintiff respectfully demands judgment against Defendants on each claim in an amount to be determined by a jury, plus costs, interest, attorneys' fees, and such other and further relief as this Court deems just and equitable.

JURY TRIAL DEMANDED

PLAINTIFFS DEMAND A TRIAL BY JURY ON ALL CLAIMS.

By Attorney for Plaintiff John Doe IV,



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