

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

SUPERIOR COURT
CIVIL ACTION NO.

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

21 466

COMPLAINT AND
JURY TRIAL DEMAND

A. PARTIES

1. Plaintiff John Doe III is an individual with a residential address in Pennsylvania.
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 Deacon William Emerson.
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 Sullivan.

B. STATEMENT OF FACTS

4. Between approximately 1973 and approximately 1978, as well as at other times, Deacon William Emerson served as a deacon at St. William's Church, the Catholic church of St. William's Parish, Tewksbury, Massachusetts (hereinafter referred to as "St. William's Church"), where his responsibilities apparently included, among other things, teaching, directing,

supervising, and otherwise interacting with minor children in the Confraternity of Christian Doctrine (hereinafter referred to as "CCD") program at St. William's Church. At all relevant and material times, St. William's Parish was a parish of the RCAB. Upon information and belief, Deacon William Emerson is deceased.

5. Plaintiff was raised Catholic and attended St. William's Church when Plaintiff was a child. From approximately 1973 when he was about 8 years of age to approximately 1978 when he was about 13 years of age, Plaintiff was a student in the CCD program at St. William's Church.

6. As a student in the CCD program at St. William's Church, at relevant and materials times Plaintiff was taught, directed, and supervised by, and otherwise interacted with, Deacon William Emerson.

7. 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 Deacon William Emerson.

8. From approximately 1973 when Plaintiff was about 8 years of age to approximately 1978 when Plaintiff was about 13 years of age, Deacon William Emerson repeatedly engaged in explicit sexual behavior and lewd and lascivious conduct with Plaintiff, including, among other things, Deacon William Emerson fondling Plaintiff's genitals, both over Plaintiff's clothing and inside Plaintiff's clothing, skin-on-skin.

9. Deacon William Emerson's explicit sexual behavior and lewd and lascivious conduct with Plaintiff took place in property belonging to St. William's Parish, including in a room in St. William's Church.

10. As a result of Deacon William Emerson'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, sadness; depression; substance abuse problems; and suicidal ideation.

11. At all times material hereto, Deacon William Emerson misrepresented and concealed from Plaintiff the wrongful nature of Deacon William Emerson's explicit sexual behavior and lewd and lascivious conduct and that such explicit sexual behavior and lewd and lascivious conduct could harm Plaintiff.

12. 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 Deacon William Emerson did abuse Plaintiff.

C. CLAIMS FOR RELIEF

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

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

14. 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 deacons assigned to or affiliated with St. William's Church, where those deacons would be teaching, directing, supervising, or otherwise interacting with minor children of St. William's Church.

15. At all relevant and material times to this action, the responsibilities of the Supervisory Defendants included hiring Deacon William Emerson to St. William's Church; retaining Deacon William Emerson in his position at St. William's Church; directing Deacon William Emerson in

his position at St. William's Church; and supervising Deacon William Emerson in his position at St. William's Church.

16. At all relevant and material times to this action, the Supervisory Defendants knew or should have known that Deacon William Emerson would interact with and was interacting with minor children of St. William's Church, including, more specifically, the Plaintiff.

17. At all relevant and material times to this action, the Supervisory Defendants had a special relationship with Deacon William Emerson.

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

19. 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 St. William's Church.

20. 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 St. William's Church, by hiring Deacon William Emerson to St. William's Church; by retaining Deacon William Emerson in Deacon William Emerson's position at St. William's Church; and by their failure to exercise the care of a reasonable person in their direction and supervision of Deacon William Emerson's interactions with minor children of St. William's Church, including Plaintiff, as the Supervisory Defendants knew or should have known Deacon William Emerson was of bad character and reputation and unfit to properly interact with minor children of St. William's Church, including, more specifically, Plaintiff, and that Deacon William Emerson engaged or was engaging

in the explicit sexual behavior and lewd and lascivious conduct with the Plaintiff as described above.

21. At all relevant and material times to this action, the Supervisory Defendants knew or should have known that Deacon William Emerson'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.

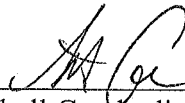
22. As a direct and proximate result of the Supervisory Defendants' negligent conduct, Plaintiff has suffered and will continued to suffer in the future: severe and permanent mental distress and emotional injuries, including objective corroboration of said mental distress and emotional injuries as outlined 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 III,



Mitchell Garabedian, BBO #184760
LAW OFFICES OF MITCHELL GARABEDIAN
100 State Street, 6th Floor
Boston, MA 02109
(617) 523-6250
mgarabedian@garabedianlaw.com