

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, SS.

SUPERIOR COURT
CIVIL ACTION NO.

2173CV00325B

 BRIAN COUGHLIN,)
 Plaintiff)
)
 v.)
)
 MOST REVEREND ROBERT J. BANKS, VERY)
 REVEREND MAURICE J. O'CONNOR, and)
 DEFENDANT THREE,)

 Defendants)

**COMPLAINT AND
JURY TRIAL DEMAND**

A. PARTIES

1. The Plaintiff, Brian Coughlin, is an individual with a residential address in Norton, Bristol County, Massachusetts.

2. Defendant Most Reverend Robert J. Banks (hereinafter referred to as "Defendant Bishop Banks") is an individual with a residential address in Green Bay, Wisconsin, who at times material hereto was or has been a Roman Catholic priest of the Roman Catholic Archbishop of Boston, a Corporation Sole (hereinafter referred to as "the RCAB"). From approximately 1985 through approximately 1990, Defendant Bishop Banks served as Vicar General of the RCAB and was an auxiliary bishop of the RCAB, and at times material hereto, had a duty to hire, retain, supervise, and direct Reverend Paul R. McCarthy (hereinafter referred to as "Father McCarthy"), an individual who at all times material hereto was or had been a Roman Catholic priest of the RCAB.

3. Defendant Very Reverend Maurice J. O'Connor (hereinafter referred to as "Defendant Father O'Connor") is an individual with a residential address at 750 Whittenton Street, Taunton, Bristol County, Massachusetts, who at times material hereto was or has been a Roman Catholic priest of the RCAB. From approximately 1989 through approximately 1990, Defendant Father

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BRISTOL SUPERIOR COURT

O'Connor served as Vicar or Vicar Forane of the Norwood Vicariate of the RCAB, and at times material hereto, had a duty to hire, retain, supervise, and direct Father McCarthy.

4. Defendant Three is an individual the identity of whom is presently unknown to the Plaintiff; therefore, the Plaintiff files the above-captioned action against Defendant Three by such fictitious name. At relevant and material times, Defendant Three was or had been a supervisor of the RCAB with a duty to hire, retain, supervise, and direct Father McCarthy.

B. STATEMENT OF FACTS

5. In approximately 1980, Father McCarthy was ordained a Roman Catholic priest of the RCAB.

6. In approximately 1989, Father McCarthy was assigned to or affiliated with St. Catherine of Siena Parish, Norwood, Norfolk County, Massachusetts, where he served as a priest of the RCAB. At all relevant and material times, St. Catherine of Siena Parish was a Roman Catholic parish of the RCAB.

7. Father McCarthy continued to serve as a priest of the RCAB at St. Catherine of Siena Parish through at least approximately 1994, with responsibilities that included, among other things, supervising and otherwise interacting with minor children.

8. When Plaintiff was a minor child, Plaintiff was raised Catholic and he attended St. Catherine of Siena Church, the Roman Catholic church of St. Catherine of Siena Parish; as well as St. Catherine of Siena School, the parochial elementary school of St. Catherine of Siena Parish.

9. At times when Plaintiff attended St. Catherine of Siena Church and was a student at St. Catherine of Siena School when Plaintiff was a minor child, Plaintiff served as an altar boy at St. Catherine of Siena Church.

10. When Plaintiff was a minor child, Plaintiff met Father McCarthy at St. Catherine of Siena Church and otherwise interacted with Father McCarthy at St. Catherine of Siena Church and St. Catherine of Siena School.

11. 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 McCarthy.

12. From approximately 1989, when Plaintiff was approximately 11 years of age, to approximately 1990, when Plaintiff was approximately 12 years of age, Father McCarthy engaged in explicit sexual behavior and lewd and lascivious conduct with Plaintiff, including, among other things, Father McCarthy touching and fondling Plaintiff's buttocks and genitals.

13. Father McCarthy's explicit sexual behavior and lewd and lascivious conduct with the Plaintiff took place in and around St. Catherine of Siena School.

14. As a result of Father McCarthy's explicit sexual behavior and lewd and lascivious conduct with the Plaintiff, 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, sleep problems; sadness; crying; anxiety; depression; and anger.

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

16. 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 McCarthy did abuse the Plaintiff.

C. CLAIMS FOR RELIEF

**Count I: Plaintiff v. Defendant Bishop Banks, Defendant Father O'Connor, and
Defendant Three
Negligent Hiring, Retention, Direction, and Supervision**

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

18. At all relevant and material times to this action, the responsibilities of Defendant Bishop Banks, Defendant O'Connor, and Defendant Three (hereinafter collectively referred to as the "Supervisory Defendants") included the hiring, retention, direction, and supervision of RCAB priests at St. Catherine of Siena Parish, where those priests would be supervising and otherwise interacting with minor children.

19. At all relevant and material times to this action, the responsibilities of the Supervisory Defendants included hiring Father McCarthy to St. Catherine of Siena Parish; retaining Father McCarthy in his position at St. Catherine of Siena Parish; directing Father McCarthy in his position at St. Catherine of Siena Parish, including in his interactions with minor children; and supervising Father McCarthy in his position at St. Catherine of Siena Parish, including in his interactions with minor children.

20. At all relevant and material times to this action, the Supervisory Defendants knew or should have known that Father McCarthy would interact with and was interacting with minor children in his position at St. Catherine of Siena Parish, including, more specifically, the Plaintiff.

21. At all relevant and material times to this action, the Supervisory Defendants had a special relationship with Father McCarthy.

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

23. 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 at St. Catherine of Siena Parish.

24. 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 at St. Catherine of Siena Parish, by hiring Father McCarthy to his position at St. Catherine of Siena Parish; by retaining Father McCarthy in Father McCarthy's position at St. Catherine of Siena Parish; and by their failure to exercise the care of a reasonable person in their direction and supervision of Father McCarthy's interactions with minor children at St. Catherine of Siena Parish, including the Plaintiff, as the Supervisory Defendants knew or should have known Father McCarthy was of bad character and reputation and unfit to properly interact with minor children at St. Catherine of Siena Parish, including, more specifically, Plaintiff, and that Father McCarthy engaged or was engaging in the intentional and negligent conduct with the Plaintiff as described above.

25. At all relevant and material times to this action, the Supervisory Defendants knew or should have known that Father McCarthy's intentional and negligent conduct as described above would result in severe mental and emotional suffering by a victim of such conduct, including the Plaintiff.

26. 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 Brian Coughlin,



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