

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

SUPERIOR COURT
CIVIL ACTION NO.

21-844

JOSEPH MARTIGNETTI,
Plaintiff)

v.)

REVEREND JOSEPH P. SMYTH, REVEREND)
MONSIGNOR FRANCIS J. McGANN,)
REVEREND PATRICK J. McLAUGHLIN, and)
DEFENDANT FOUR,)
Defendants)

**COMPLAINT AND
JURY TRIAL DEMAND**

FILED
IN THE OFFICE OF THE
CLERK OF COURTS
FOR THE COUNTY OF MIDDLESEX

APR 16 2021

The Hon. J. Sullivan
CLERK

A. PARTIES

1. The Plaintiff, Joseph Martignetti, is an individual with a residential address in Medford, Middlesex County, Massachusetts.

2. Defendant Reverend Joseph P. Smyth (hereinafter referred to as "Defendant Father Smyth") is an individual with a residential address at 46 Laurel Court, Nashua, New Hampshire, 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 1972 through approximately 1979, Defendant Father Smyth served as the Director of the RCAB's Priests Personnel Board, and at times material hereto, had a duty to hire, retain, supervise, and direct the late Reverend Monsignor James J. Haddad (hereinafter referred to as "Father Haddad"), an individual who at all times material hereto was or had been a Roman Catholic priest of the RCAB.

3. Defendant Reverend Monsignor Francis J. McGann (hereinafter referred to as "Defendant Monsignor McGann") is an individual with a residential address at 1382 Highland Avenue, Needham, Norfolk County, Massachusetts, who at times material hereto was or has been a Roman Catholic priest of the RCAB. From approximately 1976 through approximately 1978,

Defendant Monsignor McGann served on the RCAB's Priests Personnel Board, and at times material hereto, had a duty to hire, retain, supervise, and direct Father Haddad.

4. Defendant Reverend Patrick J. McLaughlin (hereinafter referred to as "Defendant Father McLaughlin") is an individual with a residential address at 432 Adams Street, Milton, Norfolk County, Massachusetts, who at times material hereto was or has been a Roman Catholic priest of the RCAB. From approximately 1976 through approximately 1978, Defendant Father McLaughlin served on the RCAB's Priests Personnel Board, and at times material hereto, had a duty to hire, retain, supervise, and direct Father Haddad.

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

B. STATEMENT OF FACTS

6. In approximately 1958, Father Haddad was ordained a Roman Catholic priest of the RCAB.

7. In approximately 1977, Father Haddad was assigned to or affiliated with St. Eulalia Parish, Winchester, Middlesex County, Massachusetts, where he served as a priest of the RCAB. At all relevant and material times, St. Eulalia Parish was a Roman Catholic parish of the RCAB.

8. Father Haddad continued to serve as a priest of the RCAB at St. Eulalia Parish through at least approximately 1985, with responsibilities that included, among other things, supervising and otherwise interacting with minor children.

9. When the Plaintiff was a minor child, Plaintiff was raised Catholic and he attended St. Eulalia Church, the Roman Catholic church of St. Eulalia Parish.

10. When the Plaintiff was a minor child, Plaintiff attended CCD classes at St. Eulalia Church.

11. At times when Plaintiff attended St. Eulalia Church and CCD classes at St. Eulalia Church when Plaintiff was a minor child, Plaintiff met Father Haddad at St. Eulalia Church and interacted with Father Haddad at St. Eulalia Church.

12. 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 Haddad.

13. From approximately 1977, when Plaintiff was approximately 13 years of age, to approximately 1978, when Plaintiff was approximately 14 years of age, Father Haddad repeatedly engaged in explicit sexual behavior and lewd and lascivious conduct with Plaintiff, including, among other things, Father Haddad raping Plaintiff by performing oral sex on Plaintiff and by digitally penetrating Plaintiff's anus; and Father Haddad making Plaintiff perform oral sex on Father Haddad.

14. Father Haddad's explicit sexual behavior and lewd and lascivious conduct with the Plaintiff took place in and around St. Eulalia Church, as well as in other locations in Massachusetts.

15. As a result of Father Haddad'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, sleep problems; depression; sadness; crying; anger; and problems with drugs and alcohol.

16. At all times material hereto, Father Haddad misrepresented and concealed from Plaintiff the wrongful nature of Father Haddad's explicit sexual behavior and lewd and lascivious

conduct and that such explicit sexual behavior and lewd and lascivious conduct could harm Plaintiff.

17. 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 Haddad did abuse Plaintiff.

C. CLAIMS FOR RELIEF

Count I: Plaintiff v. Defendant Father Smyth, Defendant Monsignor McGann, Defendant Father McLaughlin, and Defendant Four Negligent Hiring, Retention, Direction, and Supervision

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

19. At all relevant and material times to this action, the responsibilities of Defendant Father Smyth, Defendant Monsignor McGann, Defendant Father McLaughlin, and Defendant Four (hereinafter collectively referred to as the "Supervisory Defendants") included the hiring, retention, direction, and supervision of RCAB priests at St. Eulalia Parish, where those priests would be supervising and otherwise interacting with minor children.

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

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

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

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

24. 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. Eulalia Parish.

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

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

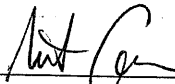
27. As a direct and proximate result of the Supervisory Defendants' negligent conduct, Plaintiff has suffered and will continued to suffer in the future: severe and permanent mental distress and emotional injuries, including objective corroboration of said mental distress and emotional injuries as outlined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



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