

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT
CIVIL ACTION NO.

13-4393 G

JOHN DOE,
Plaintiff

v.

FATHER SEAN ROONEY, S.D.B.,
FATHER RICHARD J. MCCORMICK, S.D.B.,
FATHER DOMINIC DEBLASE, S.D.B.,
and DEFENDANT FOUR,
Defendants

COMPLAINT AND
JURY TRIAL DEMAND

2013 DEC 16 PM 1:37
MICHAEL JOSEPH DONOVAN
CLERK/MAGISTRATE
SUFFOLK SUPERIOR COURT
STATE STREET OFFICE

A. PARTIES

1. The Plaintiff, John Doe, is an individual with a residential address in the State of New York.

2. Defendant Father Sean Rooney, S.D.B. (hereinafter referred to as "Defendant Father Rooney") is an individual who at times material hereto was or has been a religious priest of the Salesians of St. John Bosco, Province of St. Philip the Apostle, also known as the Eastern Province in the USA (hereinafter referred to as "the Province of St. Philip the Apostle") and whose last known residential address is at 148 Main Street, New Rochelle, New York.

3. Defendant Father Richard McCormick, S.D.B. (hereinafter referred to as "Defendant Father McCormick") is an individual who at times material hereto was or has been a religious priest of the Province of St. Philip the Apostle or a religious brother of the Province of St. Philip the Apostle and whose residential address is at 174 Filors Lane, Stony Point, New York. From approximately 1977 to approximately 1980, Defendant

Father McCormick served as Director of the Salesian Junior Seminary, Goshen, New York, and had a duty to hire, supervise, direct, and retain Defendant Father Rooney.

4. Defendant Father Dominic DeBlase, S.D.B. (hereinafter referred to as "Defendant Father DeBlase") is an individual who at times material hereto was or has been a religious priest of the Province of St. Philip the Apostle or a religious brother of the Province of St. Philip the Apostle and whose residential address is at 174 Filors Lane, Stony Point, New York. From approximately 1974 to approximately 1979, Defendant Father DeBlase served as Provincial Enconomer of the Province of St. Philip the Apostle, and from approximately 1979 to approximately 1985, Defendant Father DeBlase served as Provincial of the Province of St. Philip the Apostle; and had a duty to hire, supervise, direct, and retain Defendant Father Rooney.

5. Defendant Four is an individual or individuals, the identity of whom are presently unknown to the Plaintiff; therefore, the Plaintiff files the above-captioned action against Defendant Four by such fictitious name. The Plaintiff will amend this Complaint to show the true name or names of Defendant Four when said name or names have been ascertained. The Plaintiff alleges that Defendant Four was also responsible for the hiring, supervision, direction, and retention of Defendant Father Rooney.

B. STATEMENT OF FACTS

6. From approximately 1979 to at least approximately 1981, Defendant Father Rooney was assigned to or affiliated with Salesian Junior Seminary, Goshen, New York (hereinafter referred to as "Salesian Junior Seminary") as a teacher, and had duties and responsibilities that included, among other things, supervising, interacting with, and counseling children who attended Salesian Junior Seminary as residential students.

7. Not until recently did the Plaintiff have knowledge or sufficient notice that he had been harmed and that that harm was caused by the explicit sexual behavior and lewd and lascivious conduct of Defendant Father Rooney as explained below.

8. From approximately 1979 to approximately 1981, the Plaintiff was a minor child who attended Salesian Junior Seminary as a residential student.

9. In approximately 1980, when the Plaintiff was approximately 14 years old, Defendant Father Rooney engaged in explicit sexual behavior and lewd and lascivious conduct with the Plaintiff by, among other things, Defendant Father Rooney fondling and masturbating the Plaintiff's genitals, over the Plaintiff's clothing. Defendant Father Rooney engaged in this explicit sexual behavior and lewd and lascivious conduct with the Plaintiff while Defendant Father Rooney and the Plaintiff were on a bus traveling from Don Bosco Technical High School, Boston, Massachusetts to Sacred Heart Retreat House, Ipswich, Massachusetts, for a school trip for students from Salesian Junior Seminary, where Defendant Father Rooney was supervising, interacting with, and counseling the Plaintiff.

10. As a result of Defendant Father Rooney'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, anxiety, panic attacks, problems with sleep, difficulty concentrating, crying, and problems with alcohol.

11. At all times material hereto, Defendant Father Rooney misrepresented and concealed from the Plaintiff the wrongful nature of the explicit sexual behavior and lewd

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

12. As a result of the said explicit sexual behavior and lewd and lascivious conduct in which Defendant Father Rooney engaged with the Plaintiff, the Plaintiff is unable at this time to fully disclose in complete detail to what degree Defendant Father Rooney did abuse the Plaintiff emotionally and physically.

13. On other occasions in approximately 1980, when the Plaintiff was approximately 14 years old, Defendant Father Rooney repeatedly engaged in explicit sexual behavior and lewd and lascivious conduct with the Plaintiff at Salesian Junior Seminary by, among other things, Defendant Father Rooney removing the Plaintiff's clothing, Defendant Father Rooney touching and fondling the Plaintiff's naked buttocks and genitals, skin-on-skin, and Defendant Father Rooney masturbating on the Plaintiff.

14. In approximately 1978, when the Plaintiff was approximately 12 years old, a religious priest of the Province of St. Philip the Apostle, Father Joseph Maffei, S.D.B., also repeatedly engaged in explicit sexual behavior and lewd and lascivious conduct with the Plaintiff at the Marian Shrine in New Rochelle, New York, by, among other things, Father Joseph Maffei, S.D.B. masturbating the Plaintiff's penis, skin-on-skin.

15. In approximately 1981, when the Plaintiff was approximately 15 years old, a religious brother of the Province of St. Philip the Apostle, Brother Alan Scheneman, S.D.B., also repeatedly engaged in explicit sexual behavior and lewd and lascivious conduct with the Plaintiff at the Salesian Junior Seminary by, among other things, Brother Alan Sheneman, S.D.B. masturbating the Plaintiff's penis, skin-on-skin.

C. CLAIMS FOR RELIEF

Count I: Plaintiff v. Defendant Father Rooney
Assault

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

17. By engaging in the explicit sexual behavior and lewd and lascivious conduct described above, Defendant Father Rooney acted intentionally so as to cause harmful and offensive contact with the Plaintiff.

18. By engaging in the explicit sexual behavior and lewd and lascivious conduct described above, Defendant Father Rooney placed the Plaintiff in imminent and reasonable apprehension of said harmful and offensive contact.

19. As a direct and proximate result of Defendant Father Rooney placing the Plaintiff in imminent and reasonable apprehension of harmful and offensive contact, the Plaintiff suffered and will continue to suffer in the future: severe and permanent mental distress and emotional injuries; financial expenses for medical and therapeutic care and treatment; long term lost earning capacity; anxiety; as well as other damages.

Count II: Plaintiff v. Defendant Father Rooney
Battery

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

21. By engaging in the explicit sexual behavior and lewd and lascivious conduct described above, Defendant Father Rooney acted intentionally so as to cause unjustified harmful and offensive physical contact and touching of the Plaintiff, and repeatedly performed such unjustified harmful and offensive physical contact and touching.

22. As a direct and proximate result of Defendant Father Rooney 's unjustified harmful and offensive physical contact and touching, the Plaintiff suffered and will continue to suffer in the future: severe and permanent mental distress and emotional injuries; financial expenses for medical and therapeutic care and treatment; long term lost earning capacity; as well as other damages.

Count III: Plaintiff v. Defendant Father Rooney
Intentional Infliction of Emotional Distress

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

24. By engaging in the explicit sexual behavior and lewd and lascivious conduct described above, Defendant Father Rooney intended to inflict emotional distress upon the Plaintiff, or he knew or should have known that emotional distress was the likely result of his conduct.

25. The conduct of Defendant Father Rooney in engaging in the explicit sexual behavior and lewd and lascivious conduct described above is extreme and outrageous, beyond all possible bounds of decency, and utterly intolerable in a civilized community.

26. As a direct and proximate result of the conduct of Defendant Father Rooney in engaging in the explicit sexual behavior and lewd and lascivious conduct described above, the Plaintiff suffered and will continue to suffer in the future: severe and permanent 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.

27. The mental distress and emotional injuries which the Plaintiff suffered and will continue to suffer were severe, and of a nature that no reasonable person could be expected to endure them.

Count IV: Plaintiff v. Defendant Father Rooney
Negligent Infliction of Emotional Distress

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

29. In his capacity as a teacher at the residential school the Plaintiff attended as a minor student, Salesian Junior Seminary, Defendant Father Rooney had a duty of care to properly and safely supervise, interact with, and counsel the Plaintiff.

30. Defendant Father Rooney negligently breached such duty by failing to exercise the care of a reasonable person in his supervision, interaction with, and counseling of the Plaintiff, in that he violated boundaries concerning appropriate and inappropriate touching and interactions by engaging in the explicit sexual behavior and lewd and lascivious conduct described above.

31. At all relevant times to this action, Defendant Father Rooney knew or should have known that violating boundaries concerning appropriate and inappropriate touching and interactions by engaging in the conduct described above would result in severe mental and emotional suffering by the Plaintiff.

32. As a direct and proximate result of the conduct of Defendant Father Rooney's negligent conduct, the Plaintiff suffered and will continue to suffer in the future: severe and permanent mental distress and emotional injuries as outlined above, including objective corroboration of said mental distress and emotional injuries; financial

expenses for medical and therapeutic care and treatment; long term lost earning capacity; as well as other damages.

33. A reasonable person in the Plaintiff's position would have suffered extreme mental distress and emotional injuries under these circumstances.

**Count V: Plaintiff v. Defendant Father McCormick, Defendant Father DeBlase,
and Defendant Four
Negligent Hiring, Retention, Direction, and Supervision**

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

35. At all relevant times to this action, the responsibilities of Defendant Father McCormick, Defendant Father DeBlase, and Defendant Four (hereinafter referred to as "Supervisory Defendants") included the hiring, retention, direction, and supervision of Defendant Father Rooney.

36. At all relevant times to this action, the responsibilities of the Supervisory Defendants included hiring Defendant Father Rooney at Salesian Junior Seminary, or approving Defendant Father Rooney's affiliation with Salesian Junior Seminary; retaining Defendant Father Rooney in his employment at or affiliation with Salesian Junior Seminary; directing Defendant Father Rooney in his employment at or affiliation with Salesian Junior Seminary, including in his interactions with minor children; and supervising Defendant Father Rooney in his employment at or affiliation with Salesian Junior Seminary, including in his interactions with minor children.

37. At all relevant times to this action, the Supervisory Defendants knew or should have known that Defendant Father Rooney would interact and was interacting with minor children at Salesian Junior Seminary, including, more specifically, the Plaintiff.

38. At all relevant times to this action, the Supervisory Defendants had a special relationship with Defendant Father Rooney, a religious priest of the Province of St. Philip the Apostle assigned to or affiliated with Salesian Junior Seminary with responsibilities that included supervising, interacting with, and counseling minor children at Salesian Junior Seminary.

39. At all relevant times to this action, the Supervisory Defendants had a special relationship with the Plaintiff, a minor child who was a residential student at Salesian Junior Seminary.

40. At all relevant 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 Salesian Junior Seminary.

41. At all relevant times to this action, the Supervisory Defendants negligently breached their duty of care to properly hire and retain individuals of good reputation and character who would be asked to supervise, interact with, and counsel minor children at Salesian Junior Seminary, by hiring Defendant Father Rooney at or approving Defendant Father Rooney's affiliation with Salesian Junior Seminary; by retaining Defendant Father Rooney in Defendant Father Rooney's employment at or affiliation with Salesian Junior Seminary; and by their failure to exercise the care of a reasonable person in their direction and supervision of Defendant Father Rooney's interaction with minor children at Salesian Junior Seminary, including the Plaintiff, as the Supervisory Defendants knew or should have known that Defendant Father Rooney was of bad character and reputation and unfit to properly interact with minor children at Salesian Junior Seminary, including,

more specifically, the Plaintiff, and that Defendant Father Rooney engaged or was engaging in the intentional and negligent conduct with the Plaintiff as described above.

42. At all relevant times to this action, the Supervisory Defendants knew or should have known that Defendant Father Rooney'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.

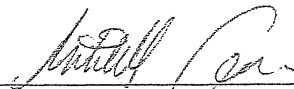
43. As a direct and proximate result of the Supervisory Defendants' negligent conduct, the Plaintiff has suffered and will continued to suffer in the future: severe and permanent mental distress and emotional injuries, including objective corroboration of said mental distress and emotional injuries as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

WHEREFORE, the Plaintiff respectfully demands judgment against the Defendants on each count 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

PLAINTIFF DEMANDS A TRIAL BY JURY ON ALL CLAIMS.

By Plaintiff's Attorney,



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