

STATE OF INDIANA)
)SS:
 COUNTY OF MARION)
)

IN THE MARION _____ COURT

CAUSE NO.:

John Doe CT,
 Plaintiffs,

vs.

ARCHDIOCESE OF INDIANAPOLIS,
 ST. CATHERINE PARISH n/k/a GOOD,
 SHEPHERD PARISH, FR. HARRY MONROE,
 and DOES 1-100, inclusive
 Defendants.

49D1005090737304

FILED
 SEP 22 2005

Diana Rose Schaller
 CLERK OF THE
 MARION CIRCUIT COURT

COMPLAINT

Comes now the Plaintiff and based upon information and belief available to Plaintiff at the time of the filing of this Complaint, Plaintiff makes the following allegations:

PARTIES

1. Plaintiff John Doe CT is an adult male. Plaintiff was a minor at the time of the sexual abuse alleged herein. The name used by Plaintiff in this Complaint is not the real name of Plaintiff, but is a fictitious name used to protect the privacy of Plaintiff, a victim of childhood sexual abuse.

2. The Archdiocese of Indianapolis ("Defendant Diocese") is a corporation authorized to conduct business and conducting business in the State of Indiana, with its principal place of business in Indianapolis, Indiana. Defendant Archdiocese has responsibility for Roman Catholic Church operations in Marion County, Indiana. Defendant Archdiocese is the Archdiocese in which the sexual abuse occurred.

3. The St. Catherine Parish in Indianapolis, Indiana ("Defendant Parish") is a

Roman Catholic church. Upon information and belief, St. Catherine's Parish merged with Good Shepherd's Parish. Defendant Parish is the parish where Plaintiff was a member during the period of wrongful conduct.

4. Father Harry Monroe was at all times relevant an ordained priest in the Defendant Diocese. During the dates of abuse, the Defendant Fr. Monroe was a practicing priest assigned to Defendant Diocese, Defendant Parish and Does 1 through 100, and were under the direct supervision, employ and control of Defendant Diocese, Defendant Parish and Does 1 through 100.

5. Defendant Does 1 through 100, inclusive, are individuals and/or business or corporate entities incorporated in and/or doing business in Indiana whose true names and capacities are unknown to Plaintiff who therefore sues such defendants by such fictitious names, and who will amend the Complaint to show the true names and capacities of each such Doe defendant when ascertained. Each such Defendant Doe is legally responsible in some manner for the events, happenings and/or tortuous and unlawful conduct that caused the injuries and damages alleged in this Complaint. Defendant Diocese, Defendant Parish, and Does 1 through 100 are some times hereinafter referred to as the "Defendants."

6. Each Defendant is the agent, servant and/or employee of other Defendants, and each Defendant was acting within the course and scope of his, her or its authority as an agent, servant and/or employee of the other Defendants. Defendants, and each of them, are individuals, corporations, partnerships and other entities which engaged in, joined in and conspired with the other wrongdoers in carrying out the tortuous and unlawful activities described in this Complaint, and Defendants, and each of them, ratified the acts

of the other Defendants as described in this Complaint.

7. The applicable statutes of limitations were tolled because the Plaintiff was employed by the Defendants placing him under duress and incapable of filing a lawsuit against the Defendants.

BACKGROUND FACTS APPLICABLE TO ALL COUNTS

8. In approximately 1977, Plaintiff, a minor at that time, attended Defendant Parish. During this time Plaintiff was sexually abused by Fr. Monroe.

9. The sexual abuse and exploitation of Plaintiff and the circumstances under which it occurred caused Plaintiff to develop various psychological coping mechanisms, including not recognizing the extent of the injuries he experienced as a result of the sexual abuse described herein.

10. As a direct result of the wrongful conduct alleged herein, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiffs' daily activities and obtaining the full enjoyment of life; has sustained and continues to sustain loss of earnings and earning capacity; and/or has incurred and continues to incur expenses for medical and psychological treatment, therapy, and counseling.

FIRST CAUSE OF ACTION

CHILDHOOD SEXUAL ABUSE

11. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

12. In approximately 1977, the Defendant Fr. Monroe engaged in unpermitted, harmful and offensive sexual conduct and contact upon the person of Plaintiff in violation of Indiana law. Said conduct was undertaken while the Defendant Fr. Monroe was an employee and agent of Defendant Diocese, Defendant Parish, and Does 1 through 100, while in the course and scope of employment with Defendant Diocese, Defendant Parish, and Does 1 through 100, and/or was ratified by Defendant Diocese, Defendant Parish, Does 1 through 100.

13. Prior to or during the abuse alleged above, Defendants knew, had reason to know, or were otherwise on notice of the unlawful sexual conduct by the Defendant Fr. Monroe. Defendants failed to take reasonable steps and failed to implement reasonable safeguards to avoid acts of unlawful sexual conduct in the future by the Defendant Fr. Monroe, including, but not limited to, preventing or avoiding placement of the Defendant Fr. Monroe in functions or environments in which contact with children was an inherent part of those functions or environments. Furthermore, at no time during the periods of time alleged did Defendants have in place a system or procedure to supervise and/or monitor employees, volunteers, representatives, or agents to insure that they did not molest or abuse minors in Defendants' care, including the Plaintiff.

14. As a result of the above-described conduct, Plaintiff has suffered, and

continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiffs' daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

SECOND CAUSE OF ACTION

NEGLIGENCE

15. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

16. Defendants had a duty to protect the minor Plaintiff when he was entrusted to their care by Plaintiff's parents. Plaintiff's care, welfare, and/or physical custody was temporarily entrusted to Defendants. Defendants voluntarily accepted the entrusted care of Plaintiff. As such, Defendants owed Plaintiff, a minor child, a special duty of care, in addition to a duty of ordinary care, and owed Plaintiff the higher duty of care that adults dealing with children owe to protect them from harm.

17. Defendant Diocese, Defendant Parish, and Does 1 through 100, by and through their agents, servants and employees, knew or reasonably should have known of the Defendant Fr. Monroe's dangerous and exploitive propensities and/or that the Defendant Fr. Monroe were unfit agents. It was foreseeable that if Defendants did not adequately exercise or provide the duty of care owed to children in their care, including but

not limited to Plaintiff, the children entrusted to Defendants' care would be vulnerable to sexual abuse by the Defendant Fr. Monroe.

18. Defendants breached their duty of care to the minor Plaintiff by allowing the Defendant Fr. Monroe to come into contact with the minor Plaintiff without supervision; by failing to adequately hire, supervise, or retain the Defendant Fr. Monroe who they permitted and enabled to have access to Plaintiff; by failing to investigate or otherwise confirm or deny such facts about the Defendant Fr. Monroe; by failing to tell or concealing from Plaintiff, Plaintiff's parents, guardians, or law enforcement officials that the Defendant Fr. Monroe was or may have been sexually abusing minors; by failing to tell or concealing from Plaintiff's parents, guardians, or law enforcement officials that Plaintiff was or may have been sexually abused after Defendants knew or had reason to know that the Defendant Fr. Monroe may have sexually abused Plaintiff, thereby enabling Plaintiff to continue to be endangered and sexually abused, and/or creating the circumstance where Plaintiff was less likely to receive medical/mental health care and treatment, thus exacerbating the harm done to Plaintiff; and/or by holding out the Defendant Fr. Monroe to the Plaintiff and his parents or guardians as being in good standing and trustworthy. Defendants cloaked within the facade of normalcy Defendants' and/or the Defendant Fr. Monroe's contact and/or actions with the Plaintiff and/or with other minors who were victims of the Defendant Fr. Monroe, and/or disguised the nature of the sexual abuse and contact.

19. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually;

was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

THIRD CAUSE OF ACTION

NEGLIGENT SUPERVISION/FAILURE TO WARN

20. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

21. Defendant Diocese, Defendant Parish, and Does 1 through 100 had a duty to provide reasonable supervision of the Defendant Fr. Monroe; to use reasonable care in investigating the Defendant Fr. Monroe; and to provide adequate warning to the Plaintiff, the Plaintiffs' family, minor students, and minor parishioners of the Defendant Fr. Monroe's dangerous propensities and unfitness.

22. Defendant Diocese, Defendant Parish and Does 1 through 100, by and through their agents, servants and employees, knew or reasonably should have known of the Defendant Fr. Monroe's dangerous and exploitive propensities and/or that the Defendant Fr. Monroe was an unfit agent. Despite such knowledge, Defendant Diocese, Defendant Parish, Defendant and Does 1 through 100 negligently failed to supervise the Defendant Fr. Monroe in the position of trust and authority as Roman Catholic Priests, religious instructors, counselors, school administrators, school teachers, surrogate parents, spiritual mentors, emotional mentors, and/or other authority figures, where he was able to commit the wrongful acts against the Plaintiff. Defendant Diocese, Defendant Parish, and

Does 1 through 100 failed to provide reasonable supervision of the Defendant Fr. Monroe, failed to use reasonable care in investigating the Defendant Fr. Monroe, and failed to provide adequate warning to Plaintiff and Plaintiffs' family of the Defendant Fr. Monroe's dangerous propensities and unfitness. Defendant Diocese, Defendant Parish, and Does 1 through 100 further failed to take reasonable measures to prevent future sexual abuse.

23. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

FOURTH CAUSE OF ACTION

NEGLIGENT FAILURE TO WARN, TRAIN, OR EDUCATE PLAINTIFFS

24. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

25. Defendants breached their duty to take reasonable protective measures to protect Plaintiff and other minor parishioners and/or students from the risk of childhood sexual abuse by the Defendant Fr. Monroe, such as the failure to properly warn, train, or educate Plaintiff and other minor parishioners and/or students about how to avoid such a risk.

26. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

FIFTH CAUSE OF ACTION

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

27. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

28. Defendants' conduct was extreme and outrageous and was intentional or done recklessly.

29. As a result of Defendants' conduct, Plaintiff has experienced and continues to experience severe emotional distress.

30. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiffs' daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of

earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

SIXTH CAUSE OF ACTION

PREMISES LIABILITY

31. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

32. At all times herein mentioned, Defendant Diocese, Defendant Parish, and Does 1 through 100 were in possession of the property where the Plaintiff was groomed and assaulted by the Defendant Fr. Monroe, and had the right to manage, use and control that property.

33. At all times herein mentioned, Defendant Diocese, Defendant Parish, and Does 1 through 100 knew that the Defendant Fr. Monroe had a history of committing sexual assaults against children, and that any child at, among other locations, Defendant Parish, was at risk to be sexually assaulted by the Defendant Fr. Monroe.

34. Defendant Diocese, Defendant Parish, and Does 1 through 100 knew or should have known that Defendant Parish had a history of sexual assaults against children committed by the Defendant Fr. Monroe and that any child at, among other locations, the Defendant Parish, was at risk to be sexually assaulted. It was foreseeable to Defendant Diocese, Defendant Parish, Does 1 through 100 that the Defendant Fr. Monroe would sexually assault children if they continued to allow the Defendant Fr. Monroe to teach, supervise, instruct, care for, and have custody and control of and/or contact with children.

35. At all times herein mentioned, Defendant Diocese, Defendant Parish,

and Does 1 through 100 knew or should have known the Defendant Fr. Monroe was repeatedly committing sexual assaults against children.

36. It was foreseeable to Defendant Diocese, Defendant Parish, and Does 1 through 100 that the sexual assaults being committed by the Defendant Fr. Monroe would continue if Defendant Diocese, Defendant Parish, and Does 1 through 100 continued to allow the Defendant Fr. Monroe to teach, supervise, instruct, care for, and have custody of and/or contact with young children.

37. Because it was foreseeable that the sexual assaults being committed by the Defendant Fr. Monroe would continue if Defendant Diocese, Defendant Parish, and Does 1 through 100 continued to allow them to teach, supervise, instruct, care for, and have custody of and/or contact with young children, Defendant Diocese, Defendant Parish, and Does 1 through 100 owed a duty of care to all children, including Plaintiff, exposed to the Defendant Fr. Monroe. Defendant Diocese, Defendant Parish, and Does 1 through 100 also owed a heightened duty of care to all children, including Plaintiff, because of their young age.

38. By allowing the Defendant Fr. Monroe to teach, supervise, instruct, care for, and have custody of and/or contact with young children, and by failing to warn children and their families of the threat posed by the Defendant Fr. Monroe, Defendant Diocese, Defendant Parish, and Does 1 through 100 breached their duty of care to all children, including Plaintiff.

39. Defendant Diocese, Defendant Parish, and Does 1 through 100 negligently used and managed Defendant Parish, and created a dangerous condition and an unreasonable risk of harm to children by allowing the Defendant Fr. Monroe to teach,

supervise, instruct, care for and have custody of and/or contact with young children at, among other locations, Defendant Parish.

40. As a result of the dangerous conditions created by Defendant Diocese, Defendant Parish, and Does 1 through 100, numerous children were sexually assaulted by the Defendant Fr. Monroe.

41. The dangerous conditions created by Defendant Diocese, Defendant Parish, and Does 1 through 100 were the proximate cause of Plaintiff's injuries and damages.

42. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiffs' daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling

WHEREFORE, Plaintiff prays for damages; costs; interest; statutory/civil penalties according to law; and such other relief as the court deems appropriate and just.

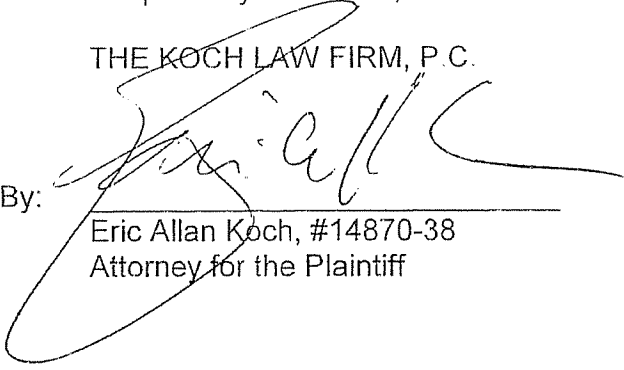
JURY DEMAND

Plaintiff demands a jury trial on all issues so triable.

Respectfully submitted,

THE KOCH LAW FIRM, P.C.

By:



Eric Allan Koch, #14870-38
Attorney for the Plaintiff

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