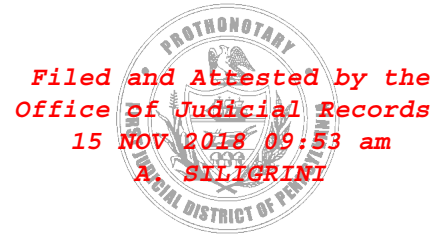


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*Attorneys for Plaintiff*

DANIEL HILLANBRAND, SR. : IN THE COURT OF COMMON PLEAS  
[REDACTED] :  
[REDACTED] : PHILADELPHIA COUNTY  
and :  
LEEANNE NATALI :  
[REDACTED] :  
[REDACTED], : CIVIL ACTION  
Plaintiffs, :  
v. : NO. \_\_\_\_\_  
PENNSYLVANIA CATHOLIC CONFERENCE :  
A/K/A CATHOLIC CONFERENCE OF :  
PENNSYLVANIA :  
223 North Street :  
P.O. Box 2835 :  
Harrisburg, PA 17105 :  
and :  
DIOCESE OF ALLENTOWN :  
4029 West Tilghman Street :  
Allentown, PA 18104 :  
and :  
DIOCESE OF ALTOONA-JOHNSTOWN :  
927 South Logan Boulevard :  
Hollidaysburg, PA 16648 :  
and :

DIOCESE OF ERIE :  
 St. Mark Catholic Center :  
 P.O. Box 10397 :  
 Erie, PA 16514 :  
 and :  
 DIOCESE OF GREENSBURG :  
 723 East Pittsburgh Street :  
 Greensburg, PA 15601 :  
 and :  
 DIOCESE OF HARRISBURG :  
 4800 Union Deposit Road :  
 Harrisburg, PA 17111-3710 :  
 and :  
 ARCHDIOCESE OF PHILADELPHIA :  
 222 North 17<sup>th</sup> Street :  
 Philadelphia, PA 19103-1299 :  
 And :  
 DIOCESE OF PITTSBURGH :  
 111 Boulevard of the Allies :  
 Pittsburgh, PA 15222-1618 :  
 and :  
 DIOCESE OF SCRANTON :  
 300 Wyoming Avenue :  
 Scranton, PA 18503 :  
 Defendants. :

**PLAINTIFFS' COMPLAINT**

Plaintiffs Daniel Hillanbrand and Leeanne Natali, by and through their undersigned counsel, bring this Complaint and set forth as follows:

**PARTIES**

1. Plaintiff Daniel Hillanbrand (“Plaintiff Hillanbrand”) is an adult male resident of the County of Davidson, State of North Carolina.
2. Plaintiff Leanne Natali (“Plaintiff Natali”) is an adult female resident of County of Philadelphia, State of Pennsylvania.

3. Plaintiffs are informed and believe and thereon allege that at all times material hereto, Defendant Pennsylvania Catholic Conference a/k/a Catholic Conference of Pennsylvania (“Pennsylvania Catholic Conference”) was and continues to be an organization or entity which includes, but is not limited to, civil corporations, decision making entities, officials and employees authorized to conduct business and conducting business in the State of Pennsylvania with its principal place of business at 223 North Street, P.O. Box 2835, Harrisburg, Pennsylvania. The Pennsylvania Catholic Conference represents Pennsylvania bishops and archbishops and their dioceses. The Pennsylvania Catholic Conference functions as a business by engaging in activities promoting, advancing, and furthering the policies, practices and interests of Catholic institutions in Pennsylvania. The executive leadership of the Pennsylvania Catholic Conference includes Archbishop Charles Chaput, the Archbishop of the Archdiocese of Philadelphia who serves as Chairman; Bishop Ronald Gainer, the Bishop of the Diocese of Harrisburg who serves as President and Bishop Alfred Schlert, Bishop of the Diocese of Allentown, who serves as Vice President. The Pennsylvania Catholic Conference coordinates its efforts in conjunction with each diocese in Pennsylvania.

4. Plaintiffs are informed and believe and thereon allege that at all times material hereto Defendant Diocese of Allentown was and continues to be an organization or entity which includes, but is not limited to, civil corporations, decision making entities, officials, and employees, authorized to conduct business and conducting business in the State of Pennsylvania with its principal place of business at 4029 West Tilghman Street, Allentown, Pennsylvania. The Diocese of Allentown was created in approximately 1961. The Diocese of Allentown operates its affairs as both a legal entity and as an organization named the Diocese of Allentown, with the Bishop as the top official. Both of these entities and all other entities controlled by the Bishop are

included in this Complaint as being the Diocese of Allentown. The Bishop is the top official of the Diocese and is given authority over all matters within the Diocese of Allentown as a result of his position. The Diocese functions as a business by engaging in numerous revenue producing activities and soliciting money from its members in exchange for its services. The Diocese of Allentown has several programs which seek out the participation of children in the Diocese's activities. The Diocese of Allentown, through its officials, has control over those activities involving children. The Diocese of Allentown has the power to appoint, supervise, monitor and fire each person working with children within the Diocese of Allentown.

5. Plaintiffs are informed and believe and thereon allege that at all times material hereto Defendant Diocese of Altoona-Johnstown was and continues to be an organization or entity which includes, but is not limited to, civil corporations, decision making entities, officials, and employees, authorized to conduct business and conducting business in the State of Pennsylvania with its principal place of business at 927 South Logan Boulevard, Hollidaysburg, Pennsylvania. The Diocese of Altoona-Johnstown was created in approximately 1901. The Diocese of Altoona-Johnstown operates its affairs as both a corporate entity and as an organization named the Diocese of Altoona-Johnstown, with the Bishop as the top official. Both of these entities and all other corporations and entities controlled by the Bishop are included in this Complaint as being the Diocese of Altoona-Johnstown. The Bishop is the top official of the Diocese and is given authority over all matters within the Diocese of Altoona-Johnstown as a result of his position. The Diocese functions as a business by engaging in numerous revenue producing activities and soliciting money from its members in exchange for its services. The Diocese of Altoona-Johnstown has several programs which seek out the participation of children in the Diocese's activities. The Diocese of Altoona-Johnstown, through its officials, has control

over those activities involving children. The Diocese of Altoona-Johnstown has the power to appoint, supervise, monitor and fire each person working with children within the Diocese of Altoona-Johnstown.

6. Plaintiffs are informed and believe and thereon allege that at all times material hereto Defendant Diocese of Erie was and continues to be an organization or entity which includes, but is not limited to, civil corporations, decision making entities, officials, and employees, authorized to conduct business and conducting business in the State of Pennsylvania with its principal place of business at St. Mark Catholic Center, P.O. Box 10397, Erie, Pennsylvania. The Diocese of Erie was created in approximately 1853. The Diocese of Erie operates its affairs as both a corporate entity and as an organization named the Diocese of Erie, with the Bishop as the top official. Both of these entities and all other corporations and entities controlled by the Bishop are included in this Complaint as being the Diocese of Erie. The Bishop is the top official of the Diocese and is given authority over all matters within the Diocese of Erie as a result of his position. The Diocese functions as a business by engaging in numerous revenue producing activities and soliciting money from its members in exchange for its services. The Diocese of Erie has several programs which seek out the participation of children in the Diocese's activities. The Diocese of Erie, through its officials, has control over those activities involving children. The Diocese of Erie has the power to appoint, supervise, monitor and fire each person working with children within the Diocese of Erie.

7. Plaintiffs are informed and believe and thereon allege that at all times material hereto Defendant Diocese of Greensburg was and continues to be an organization or entity which includes, but is not limited to, civil corporations, decision making entities, officials, and employees, authorized to conduct business and conducting business in the State of Pennsylvania

with its principal place of business at 723 East Pittsburgh Street, Greensburg, Pennsylvania. The Diocese of Greensburg was created in approximately 1951. The Diocese of Greensburg operates its affairs as both a corporate entity and as an organization named the Diocese of Greensburg, with the Bishop as the top official. Both of these entities and all other corporations and entities controlled by the Bishop are included in this Complaint as being the Diocese of Greensburg. The Bishop is the top official of the Diocese and is given authority over all matters within the Diocese of Greensburg as a result of his position. The Diocese functions as a business by engaging in numerous revenue producing activities and soliciting money from its members in exchange for its services. The Diocese of Greensburg has several programs which seek out the participation of children in the Diocese's activities. The Diocese of Greensburg, through its officials, has control over those activities involving children. The Diocese of Greensburg has the power to appoint, supervise, monitor and fire each person working with children within the Diocese of Greensburg.

8. Plaintiffs are informed and believe and thereon allege that at all times material hereto Defendant Diocese of Harrisburg was and continues to be an organization or entity which includes, but is not limited to, civil corporations, decision making entities, officials, and employees, authorized to conduct business and conducting business in the State of Pennsylvania with its principal place of business at 4800 Union Deposit Road, Harrisburg, Pennsylvania. The Diocese of Harrisburg was created in approximately 1868. The Diocese of Harrisburg operates its affairs as both a legal entity and as an organization named the Diocese of Harrisburg, with the Bishop as the top official. Both of these entities and all other entities controlled by the Bishop are included in this Complaint as being the Diocese of Harrisburg. The Bishop is the top official of the Diocese and is given authority over all matters within the Diocese of Harrisburg as a result of

his position. The Diocese functions as a business by engaging in numerous revenue producing activities and soliciting money from its members in exchange for its services. The Diocese of Harrisburg has several programs which seek out the participation of children in the Diocese's activities. The Diocese of Harrisburg, through its officials, has control over those activities involving children. The Diocese of Harrisburg has the power to appoint, supervise, monitor and fire each person working with children within the Diocese of Harrisburg.

9. Plaintiffs are informed and believe and thereon allege that at all times material hereto Defendant Archdiocese of Philadelphia was and continues to be an organization or entity which includes, but is not limited to, civil corporations, decision making entities, officials, and employees, authorized to conduct business and conducting business in the State of Pennsylvania with its principal place of business at 222 North 17<sup>th</sup> Street, Philadelphia, Pennsylvania. The Archdiocese of Philadelphia was created in approximately 1808. The Archdiocese of Philadelphia operates its affairs as both a corporate entity and as an organization named the Archdiocese of Philadelphia, with the Archbishop as the top official. Both of these entities and all other corporations and entities controlled by the Archbishop are included in this Complaint as being the Archdiocese of Philadelphia. The Archbishop is the top official of the Archdiocese and is given authority over all matters within the Archdiocese of Philadelphia as a result of his position. The Archdiocese of Philadelphia functions as a business by engaging in numerous revenue producing activities and soliciting money from its members in exchange for its services. The Archdiocese of Philadelphia has several programs which seek out the participation of children in the Archdiocese's activities. The Archdiocese of Philadelphia, through its officials, has control over those activities involving children. The Archdiocese of Philadelphia has the

power to appoint, supervise, monitor and fire each person working with children within the Archdiocese of Philadelphia.

10. Plaintiffs are informed and believe and thereon allege that at all times material hereto Defendant Diocese of Pittsburgh was and continues to be an organization or entity which includes, but is not limited to, civil corporations, decision making entities, officials, and employees, authorized to conduct business and conducting business in the State of Pennsylvania with its principal place of business at 111 Boulevard of the Allies, Pittsburgh, Pennsylvania. The Diocese of Pittsburgh was created in approximately 1843. The Diocese of Pittsburgh operates its affairs as both a legal entity and as an organization named the Diocese of Pittsburgh, with the Bishop as the top official. Both of these entities and all other entities controlled by the Bishop are included in this Complaint as being the Diocese of Pittsburgh. The Bishop is the top official of the Diocese and is given authority over all matters within the Diocese of Pittsburgh as a result of his position. The Diocese functions as a business by engaging in numerous revenue producing activities and soliciting money from its members in exchange for its services. The Diocese of Pittsburgh has several programs which seek out the participation of children in the Diocese's activities. The Diocese of Pittsburgh, through its officials, has control over those activities involving children. The Diocese of Pittsburgh has the power to appoint, supervise, monitor and fire each person working with children within the Diocese of Pittsburgh.

11. Plaintiffs are informed and believe and thereon allege that at all times material hereto Defendant Diocese of Scranton was and continues to be an organization or entity which includes, but is not limited to, civil corporations, decision making entities, officials, and employees, authorized to conduct business and conducting business in the State of Pennsylvania with its principal place of business at 300 Wyoming Avenue, Scranton, Pennsylvania. The



Diocese of Scranton was created in approximately 1868. The Diocese of Scranton operates its affairs as both a corporate entity and as an organization named the Diocese of Scranton, with the Bishop as the top official. Both of these entities and all other corporations and entities controlled by the Bishop are included in this Complaint as being the Diocese of Scranton. The Bishop is the top official of the Diocese and is given authority over all matters within the Diocese of Scranton as a result of his position. The Diocese functions as a business by engaging in numerous revenue producing activities and soliciting money from its members in exchange for its services. The Diocese of Scranton has several programs which seek out the participation of children in the Diocese's activities. The Diocese of Scranton, through its officials, has control over those activities involving children. The Diocese of Scranton has the power to appoint, supervise, monitor and fire each person working with children within the Diocese of Scranton.

12. Venue in Philadelphia County is appropriate in this case because the Chairman of the Pennsylvania Catholic Conference of Bishops, Philadelphia Archbishop Chaput resides in Philadelphia and regularly conducts business in Philadelphia County, including but not limited to, cooperating and coordinating with each of the named Diocese in this Complaint, and because of the fact that the abuses to the Plaintiffs as set forth more fully above were perpetrated in the County of Philadelphia.

### **FACTS**

13. In approximately 1982, when Plaintiff Hillanbrand was approximately 11 to 12 years old, Father James Dux ("Fr. Dux") engaged in unpermitted sexual contact with Plaintiff Hillanbrand.

14. Fr. Dux was ordained a priest of Defendant Archdiocese of Philadelphia in approximately 1948.

15. Fr. Dux was employed at various parishes in the Archdiocese of Philadelphia from approximately 1948 to 1976.

16. In approximately 1976, Fr. Dux was transferred to St. John the Baptist in Philadelphia in Defendant Archdiocese of Philadelphia.

17. Fr. Dux remained in ministry at St. John the Baptist from approximately 1976 to 1994 during which time Fr. Dux sexually assaulted Plaintiff Hillanbrand.

18. Plaintiff Hillanbrand was raised to trust, revere and respect the Roman Catholic Church, including Defendants and their agents, including Fr. Dux. Plaintiff Hillanbrand and his family came in contact with Fr. Dux as an agent and representative of Defendants.

19. The true nature of Fr. Dux as a sexually abusive priest has not been disclosed publicly by Defendants.

20. In approximately 1975 to 1977, when Plaintiff Natali was approximately 14 to 16 years old, Father Richard McLoughlin (“Fr. McLoughlin”) engaged in unpermitted sexual contact with Plaintiff Natali.

21. Fr. McLoughlin was ordained a priest of Defendant Archdiocese of Philadelphia in approximately 1969.

22. Fr. McLoughlin was employed at various parishes in the Archdiocese of Philadelphia from approximately 1969 to 1994.

23. From approximately 1977 to 1981, Fr. McLoughlin was the Director of Camp Neumann, a camp for Catholic youth under the jurisdiction of Defendant Archdiocese of Philadelphia and located in Jamison, Pennsylvania.

24. During Fr. McLoughlin's tenure as Director of Camp Neumann and while Plaintiff Natali was attending Camp Neumann, Fr. McLoughlin sexually assaulted Plaintiff Natali.

25. Plaintiff Natali was raised to trust, revere and respect the Roman Catholic Church, including Defendants and their agents, including Fr. McLoughlin. Plaintiff Natali and her family came in contact with Fr. McLoughlin as an agent and representative of Defendants.

26. The true nature of Fr. McLoughlin as a sexually abusive priest has not been disclosed publicly by Defendants.

27. Defendants have failed and continue to fail to report known and/or suspected sexual abuse of children by their agents to the police and law enforcement.

28. Defendants have maintained and continue to maintain sexually abusive priests in employment despite knowledge or suspicions of child sex abuse.

29. Defendants hold their leaders and agents out as people of high morals, as possessing immense power, teaching families and children to obey these leaders and agents, teaching families and children to respect and revere these leaders and agents, soliciting youth and families to their programs, marketing to youth and families, recruiting youth and families, and holding out the people that work in their programs as safe.

30. As a result, Defendants' leaders and agents have occupied positions of great trust, respect and allegiance among members of the general public, including Plaintiffs.

31. Defendant Pennsylvania Catholic Conference assembles the Bishops of the Dioceses in Pennsylvania in coordinating, creating, deciding and disseminating the policies, practices and agendas to be implemented in each Diocese of Pennsylvania.

32. Defendant Pennsylvania Catholic Conference functions as a convener for the bishops of each Diocese in Pennsylvania to discuss and respond collectively as a governing body over Catholic institutions and issues in Pennsylvania.

33. Defendant Pennsylvania Catholic Conference, on behalf of each Pennsylvania Diocese, has made representations about the safety of programs in Catholic institutions in Pennsylvania.

34. Defendant Pennsylvania Catholic Conference has repeatedly pledged to restore trust for victims of sexual abuse through accountability and justice. These pledges are inconsistent with Defendants' policies, practices and actions demonstrating secrecy of information about priests who have sexually assaulted children in Pennsylvania.

35. In September 2018, Defendant Pennsylvania Catholic Conference pledged support for a program which would compensate survivors sexually abused by clergy in Pennsylvania. The program allows Defendants to quietly settle claims with survivors without disclosing information or records regarding sexual abuse reports or how they are handled. As a result, children continue to be at risk.

36. Defendants have fraudulently represented and continue to fraudulently represent to the public, including Plaintiffs, that 1) there is no current danger of child sex abuse at their facilities and in their programs; 2) they respond to allegations of sexual abuse promptly and effectively; 3) they cooperate with civil authorities; 4) they discipline offenders; and/or 5) they provide a means of accountability to ensure the problem of clerical sex abuse is effectively dealt with.

37. Defendants have also fraudulently represented and continue to fraudulently represent to the public that any sexual misconduct by its agents is a problem of the past and that its programs and schools do not currently pose any risk to children.

38. Each Defendant has repeatedly and fraudulently represented that it will take action to prevent sexual abuse while simultaneously concealing information about its knowledge of sexual abuse of minors from law enforcement and the general public.

39. Defendants have, for decades, and continue to adopt, policies and practices of covering up criminal activity committed by their agents. These practices continue to the present day.

40. Defendants' practices have endangered numerous children in the past and these practices will continue to put children at risk in the future.

41. Defendants owe a duty to warn all children and their parents that come into contact with their agents or former agents of allegations of sexual misconduct by the agents and former agents because these children and their parents hold many of these agents and former agents in esteemed positions, believe in the infallibility of Defendants' agents, and the trustworthiness of Defendants, all of which give them virtually unlimited access to children.

42. In 2005, the Philadelphia District Attorney's office issued a Report ("the 2005 Grand Jury Report") pertaining to its investigation of sexual abuse of children by priests of the Archdiocese of Philadelphia.

43. The 2005 Grand Jury Report described in shocking terms the Archdiocese of Philadelphia's deficient approach to the problem of clerical sexual abuse of children:

- a. "To protect themselves from negative publicity or expensive lawsuits—while keeping abusive priests active—the Cardinals and their aides hid the priests' crimes from parishioners, police, and the general public. They

employed a variety of tactics to accomplish this end.” (2005 Grand Jury Report p. 31)

- b. “The Archdiocese’s primary goal in dealing with these cases was to reduce the risk of ‘scandal’ to the Church.” (*Id.* p. 34)
- c. Through Cardinal Anthony Bevilacqua, the Archdiocese seriously understated the amount of accused priests in the Archdiocese and “misled the public when [Bevilacqua] announced in April 2002 that no Philadelphia priest with accusations against him was still active in ministry—when in fact several still were.” (*Id.* p. 53-54)
- d. Through Cardinal Bevilacqua, the Archdiocese “repeatedly was not forthright with the Grand Jury.” (*Id.* p. 54) “[Cardinal Bevilacqua] certainly was not credible when he claimed before this Grand Jury that protecting children was his highest priority—when in fact his only priority was to cover up sexual abuse against children.” (*Id.* p. 54)
- e. “[T]he abuses that Cardinal Bevilacqua and his aides allowed children to suffer—the molestations, the rapes, the lifelong shame and despair—did not result from failures or lapses, except of the moral variety. They were made possible by purposeful decisions, carefully implemented policies, and calculated indifference.” (*Id.* p. 55)
- f. Vicar of Administration, Auxiliary Bishop Edward R. Cullen, “explained that the Secretary for Clergy could, in fact, recommend [priests who had sexually abused minors] as suitable for assignment if: (1) there was no definitive proof by Archdiocese standards (for example, an explicit admission or a conviction) or (2) the priest was ‘rehabilitated’ (again by Archdiocese standards—for example, if he had a letter saying ‘not a pedophile’ on file) or, sometimes, (3) if the allegation was old enough.” (*Id.* p. 152)

44. Defendant Archdiocese of Philadelphia responded publicly to the 2005 Grand Jury Report. Through its agents, using statements Archbishop Justin Rigali knew at the time to be false, Defendant Archdiocese of Philadelphia represented to the public that the content of the 2005 Grand Jury Report was not to be regarded as accurate. Defendant Archdiocese of Philadelphia publicly stated that the report was “reckless rhetoric, dispensed from any burden of proof,” and “not responsible law enforcement.” Defendant Archdiocese of Philadelphia held a press conference at which Archbishop Rigali falsely stated the extent of Defendant Archdiocese

of Philadelphia's cooperation with the 2005 Grand Jury and its commitment to protect children from sexual abuse. The tactics used by Defendant Archdiocese of Philadelphia in 2005 were deliberately misleading, and were used specifically to dissuade the public, including persons such as Plaintiff, from pursuing legal action against Defendant Archdiocese and other potential defendants.

45. In 2011, the Philadelphia District Attorney's office issued a second Grand Jury Report ("the 2011 Grand Jury Report") pertaining to sexual abuse of children in the Archdiocese of Philadelphia.

46. The 2011 Grand Jury Report reiterated that Defendant Archdiocese of Philadelphia has a long history of sexual abuse of children by Archdiocese priests that was known, tolerated, and hidden by the agents of Defendant Archdiocese, including top officials up to and including Monsignor William Lynn and Cardinal Bevilacqua. Procedures supposedly implemented to help victims of sexual abuse were instead used to assist the abusive priests and the Archdiocese to avoid liability. Victims were assured by Defendant Archdiocese, falsely, of confidentiality for statements made to Defendant Archdiocese, but then the statements were used by counsel to build defenses for Defendant Archdiocese and to impeach victims.

47. The 2011 Grand Jury Report included scathing observations concerning the Archdiocese's failure to adequately address the problem of clerical sexual abuse even following the 2005 Grand Jury Report, as well as the duplicitous approach of Archdiocesan officials who purported to assist victims:

- a. "The present grand jury, however, is frustrated to report that much has not changed. The rapist priests we accuse were well known to the Secretary of Clergy, but he cloaked their conduct and put them in place to do it again. The procedures implemented by the Archdiocese to help victims are in fact designed to help the abusers, and the Archdiocese itself. Worst of all, apparent abusers – dozens of them, we believe – remain on duty in the

Archdiocese, today, with open access to new young prey.” (2011 Grand Jury Report p. 1)

- b. We are very troubled, however, by what we learned about the church’s procedures [which now] are burdened by misinformation and conflict of interest.” (*Id.* p. 7) Victim assistance coordinators “mislead victims into believing that their discussions with the coordinators are protected by confidentiality,” when in reality victims’ statements are turned over to the Archdiocese’s attorneys. (*Id.*)
- c. Victims are pressured to sign releases for records the Archdiocese’s coordinators and attorneys otherwise would not be able to see. “Victims are led to believe that these releases will assist the coordinators in helping them. The church’s position, it appears, is that coordinators must uncover every fact in order to make a determination about whether to refer the case to law enforcement. But that is not true. . . . The only rational explanation for such procedures is not to guarantee the victim’s recovery, but to guard the church against what its highest officials repeatedly refer to as ‘scandal.’” (*Id.* p. 7-8)
- d. “[V]ictims are virtually hounded to give statements. . . . The only possible reason for this tactic would be to use the statements as ammunition to impeach victims, in an effort to make them appear incredible. . . . Such procedures are, to state it softly, one-sided – and the side taken is not that of the victim.” (*Id.* p. 9)

48. In February and May 2011, the Archdiocese of Philadelphia responded publicly to the 2011 Grand Jury Report, as it had done with respect to the 2005 Grand Jury Report. The response by the Archdiocese was again calculated to try to persuade victims, such as Plaintiff, using false statements revealed in 2012 to have been false, that the 2011 Grand Jury Report was inaccurate. The Archdiocese in its public responses to the 2011 Grand Jury Report sought to dissuade victims, such as Plaintiff, from initiating action against the Archdiocese and others responsible for abuse, and to persuade the public that the Archdiocese was not as irresponsible and callous as in fact it actually had been and continued to be. Among other things, documents were withheld from the Grand Jury even as the Archdiocese publicly claimed to have cooperated fully with the Grand Jury.



49. In June 2012, Msgr. William Lynn, the second-highest ranked official of the Archdiocese of Philadelphia, was convicted of felony child endangerment. Throughout his trial, the Archdiocese maintained that Lynn was innocent of the charges against him when the Archdiocese knew the assertion was false.

50. Msgr. Lynn maintained throughout his criminal trial for endangering the welfare of children during the summer of 2012 that he did not endanger children, but rather the bishops were the ones responsible. He asserted that he was simply following orders.

51. During the trial, which culminated in a guilty verdict against Msgr. Lynn, substantial evidence was introduced that the Archdiocese of Philadelphia maintains a policy and practice of concealing sexual abuse and protecting priests who engage in abusive behaviors, while simultaneously representing to victims and the public that there is no basis for claims to be made against the Archdiocese. The Archdiocese continued to maintain through the criminal trial against Msgr. Lynn during the summer of 2012, as it had in response to the 2005 and 2011 Grand Jury Reports, that it did not endanger children. The Archdiocese made those public comments knowing its public comments were disingenuous, misleading, and false.

52. In 2016, the 37<sup>th</sup> Statewide Investigating Grand Jury issued a Report (“the 2016 Grand Jury Report”) pertaining to its investigation of sexual abuse of children by priests of the Diocese of Altoona-Johnstown.

53. The 2016 Grand Jury Report contained a number of shocking observations and conclusions including:

- a. “The Grand Jury was able to document child sexual abuse by at least 50 different priests or religious leaders within the Diocese of Altoona-Johnstown. The evidence also demonstrated that hundreds of children have been victimized by religious leaders operating within the Diocese. . . . Predator after predator came before the Grand Jury. Each indicated that it

was the first time any law enforcement official had questioned them.” (2016 Grand Jury Report p. 12)

- b. “Bishops James Hogan and Joseph Adamec could have reported these matters to the police. Those same Bishops could have removed these child molesting priests from any and all ministry. Hogan and Adamec could have encouraged the follow priests of these child molesters to report what they saw or heard of this sexual behavior involving children. The Bishops did nothing of the sort. Instead Bishop James Hogan and Bishop Joseph Adamec chose to shield the institution and themselves from ‘scandal’. Because of their choices and failed leadership hundreds of children suffered.” (*Id.*)
- c. “The Grand Jury has learned that euphemisms like ‘sick leave’ and ‘nervous exhaustion’ were code for moving offending priests to another location while possible attention to a recent claim of child molestation ‘cooled off’. Diocese approved treatment centers like Saint Luke’s Institute in Maryland or Saint John Vianney Center in Downingtown, Pennsylvania were used to provide cover for the Bishops as they left child predators in ministry. Reliant entirely on the cooperation and self-reporting of the sexual offender, these ‘treatment’ facilities would often note that they had not diagnosed the offender as a ‘pedophile’. . . . Hiding behind that tissue thin layer of justification, the Bishops returned these monsters to ministry.” (*Id.* p. 12-13)

54. In 2018, the 40<sup>th</sup> Statewide Investigating Grand Jury (“the Statewide Grand Jury”) issued a Report (“the 2018 Grand Jury Report”) pertaining to its two-year investigation of widespread sexual abuse of children within every Diocese in the State of Pennsylvania but the Archdiocese of Philadelphia and the Diocese of Altoona-Johnstown.

55. The Statewide Grand Jury subpoenaed and reviewed half a million pages of internal diocesan documents, which revealed over three hundred sexually abusive priests and over one thousand child victims, although the Statewide Grand Jury opined that the “real number” of child victims “is in the thousands.” (*Id.* p. 1)

56. The 2018 Grand Jury Report contained a number of starting observations and conclusions including:

- a. “While each church district had its idiosyncrasies, the pattern was pretty much the same. The main thing was not to help children, but to avoid ‘scandal.’” (*Id.* p. 2)
- b. “[D]espite some institutional reform, individual leaders of the church have largely escaped public accountability. Priests were raping little boys and girls, and the men of God who were responsible for them not only did nothing; they hid it all. For decades.” (*Id.* p. 7)
- c. “It was hard enough for victims to come forward; but when they did, the complaints were often forgotten about, misplaced, shrugged off, or immediately discounted. The church’s response not only depressed the number of ‘confirmed’ complaints, but discouraged additional victims from reporting, knowing they might be rebuffed or ridiculed.” (*Id.* p. 300)
- d. “[O]ur inside look revealed that there were still discrepancies between the church’s internal behavior and public positions [following the adoption of the Charter for the Protection of Children and Young People in 2002]. Known offenders were still secretly provided financial support. ‘Retired’ child abusers were permitted to live in church-run facilities located near schools. Dioceses resisted calls to release abusers’ names, while heralding their compliance with new mandated reporter laws. And most striking to us were cases in which the dioceses obtained child abuse ‘clearances’ for employees who had no criminal record—because the bishop had never reported prior incidents of abuse.” (*Id.* 301-02)

57. Perhaps most shockingly, the Statewide Grand Jury, after reviewing thousands of internal church documents and relying upon testimony from members of the Federal Bureau of Investigation’s National Center for the Analysis of Violent Crime, discerned “a playbook for concealing the truth.” This “playbook” was employed by each of the six dioceses investigated and encompassed the following strategies:

First, make sure to use euphemisms rather than real words to describe the sexual assaults in diocese documents. Never say “rape”; say “inappropriate contact” or “boundary issues.”

Second, don’t conduct genuine investigations with properly trained personnel. Instead, assign fellow clergy members to ask inadequate questions and then make credibility determinations about colleagues with whom they live and work.

Third, for an appearance of integrity, send priests for “evaluation” at church-run psychiatric treatment centers. Allow these experts to “diagnose” whether the priest

was a pedophile, based largely on the priest's "self-reports," and regardless of whether the priest had actually engaged in sexual contact with a child.

Fourth, when a priest does have to be removed, don't say why. Tell his parishioners that he is on "sick leave," or suffering from "nervous exhaustion." Or say nothing at all.

Fifth, even if a priest is raping children, keep providing him housing and living expenses, although he may be using these resources to facilitate more sexual assaults.

Sixth, if a predator's conduct becomes known to the community, don't remove him from the priesthood to ensure that no more children will be victimized. Instead, transfer him to a new location where no one will know he is a child abuser.

Finally and above all, don't tell the police. Child sexual abuse, even short of actual penetration, is and has for all relevant times been a crime. But don't treat it that way; handle it like a personnel matter, "in house."

*(Id. 2-3)*

58. In approximately August 2018, Defendant Diocese of Allentown publicly admitted that it knew of 46 priests that had been credibly accused of sexual abuse of a minor. Defendant Diocese of Allentown continues to conceal important information about the priests on that list and the names and information about accused priests not on the list. Additional information also has not been disclosed about the credibly accused priests' patterns of grooming and sexual abuse. As a result, children are at risk of being sexually assaulted.

59. In approximately 2016, Defendant Diocese of Altoona-Johnstown publicly admitted that it knew of 28 priests accused of sexual abuse of minors. Defendant Diocese of Altoona-Johnstown identified these priests by name. Defendant Diocese of Altoona-Johnstown continues to conceal important information about the priests on that list and the names and information about accused priests not on that list. Additional information also has not been disclosed about the credibly accused priests' patterns of grooming and sexual abuse. As a result, children are at risk of being sexually assaulted.

60. In approximately April 2018, Defendant Diocese of Erie publicly admitted that it knew of 76 priests and laypersons who worked in the Diocese that had been credibly accused of actions that, in the Diocese's judgment, disqualified them from working with children. Defendant Diocese of Erie identified these clerics and laypersons by name. Defendant Diocese of Erie continues to conceal important information about its agents on that list and the names and information about accused agents not on the list. Additional information has also not been disclosed about the agents' pattern of grooming and sexual abuse. As a result, children are at risk of being sexually assaulted.

61. In approximately 2004, Defendant Diocese of Greensburg publicly admitted that it knew of 21 clerics who were accused of sexually abusing minors. In approximately August 2018, Defendant Diocese of Greensburg released the names of 21 clergy with credible and substantiated allegations of child sexual abuse. Defendant Diocese of Greensburg continues to conceal important information about the clerics on that list and the names and information about accused clerics not publicly disclosed. Additional information has also not been disclosed about the credibly accused priests' patterns of grooming and sexual abuse. As a result, children are at risk of being sexually assaulted.

62. In approximately August 2018, Defendant Diocese of Harrisburg publicly admitted that it knew of 72 clerics and seminarians who were accused of sexual abuse of a child since the 1940s. Defendant Diocese of Harrisburg identified these priests by name. Defendant Diocese of Harrisburg continues to conceal important information about the clerics and seminarians on that list and the names and information about accused clerics and seminarians not publicly disclosed. Additional information has also not been disclosed about the accused clerics

and seminarians' patterns of grooming and sexual abuse. As a result, children are at risk of being sexually assaulted.

63. Since approximately 2005, Defendant Archdiocese of Philadelphia has publicly admitted that it knew of 73 clerics credibly accused of sexual abuse of a minor. Defendant Archdiocese of Philadelphia identified these clerics by name. Defendant Archdiocese of Philadelphia continues to conceal important information about the clerics on that list and the names and information about accused clerics not publicly disclosed. Additional information has also not been disclosed about the credibly accused clerics' patterns of grooming and sexual abuse. As a result, children are at risk of being sexually assaulted.

64. In approximately August 2018, Defendant Diocese of Pittsburgh publicly admitted that it knew of 84 clerics accused of child sexual abuse. Defendant Diocese of Pittsburgh identified these clerics by name. Defendant Diocese of Pittsburgh continues to conceal important information about the clerics on that list and the names and information about accused clerics not publicly disclosed. Additional information has also not been disclosed about the accused clerics' patterns of grooming and sexual abuse. As a result, children are at risk of being sexually assaulted.

65. In approximately August 2018, Defendant Diocese of Scranton publicly admitted that it knew of 73 priests, religious, and lay employees for whom allegations of sexual abuse of a minor have been admitted, established or determined to be credible. Defendant Diocese of Scranton continues to conceal important information about the individuals on that list and the names and information about accused priests, religious and lay employees not publicly disclosed. Additional information has also not been disclosed about the accused individuals' patterns of grooming and sexual abuse. As a result, children are at risk of being sexually assaulted.

66. As a direct result of Defendants' conduct described herein, each Plaintiff has suffered and will continue to suffer great pain of mind and body, severe and permanent emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, humiliation, physical, personal and psychological injuries. Each Plaintiff was prevented and will continue to be prevented from performing normal daily activities and obtaining the full enjoyment of life; and/or has incurred and will continue to incur expenses for psychological treatment, therapy and counseling and, on information and belief, has and/or will incur loss of income and/or loss of earning capacity.

**COUNT I: NUISANCE (COMMON LAW AND 18 PA. STAT. § 6504)**  
**AGAINST ALL DEFENDANTS**

Plaintiffs incorporate all consistent paragraphs of this Complaint as if fully set forth under this Count.

67. Defendants continue to conspire and engage and/or have conspired and engaged in efforts to: 1) conceal from the general public the sexual assaults committed by, the identities of, and the pedophilic/ephebophilic tendencies of Fr. Dux, Fr. McLoughlin and Defendants' other accused priests; and/or 2) conceal from proper civil authorities sexual assaults and abuse committed by Fr. Dux, Fr. McLoughlin and Defendants' other agents against minor children; and/or 3) attack the credibility of victims of Defendants' agents; and/or 4) protect Defendants' agents from criminal prosecution for their sexual assaults and abuse against children; and/or 5) allow known child molesters to live freely in the community without informing the public; and/or 6) after receiving reports or notice of misconduct by clerics such as Fr. Dux, Fr. McLoughlin and Defendants' other agents, transfer them to new parishes without any warning to parishioners of the threat posed by such clerics, in violation of law; and/or 7) make affirmative

representations regarding Fr. Dux, Fr. McLoughlin's and Defendants' other pedophilic and/or ephebophilic agents' fitness for employment, in positions that include working with children, while failing to disclose negative information regarding sexual misconduct by such clerics.

68. The negligence and/or deception and concealment by Defendants constitutes an unreasonable interference with a right common to the general public in that Defendants' conduct involves a significant interference with the public health, the public safety, the public peace, the public comfort, and/or the public convenience of members of the general public including, but not limited to, children and residents in the Roman Catholic Dioceses in the State of Pennsylvania and other members of the general public who live in communities where Defendants' agents who molested children live. Defendants' failure to report multiple allegations of sexual assault and abuse of children to proper authorities, as well as its failure to inform the public about sexual abuse, or priests accused of sexual abuse of minors has prevented the public from knowing of a real danger, and has thereby significantly interfered with the health, safety, peace, comfort, and/or convenience of the general public by allowing child molesters to avoid prosecution and remain living freely in unsuspecting communities and working with and around children. These child molesters, known to Defendants but not to the public, pose a threat of additional abuse to members of the public.

69. The negligence and/or deception and concealment by Defendants caused Plaintiffs to suffer significant and particular harm, of a different kind from that suffered by other members of the public, as Plaintiffs were sexually assaulted by Defendants' agents, Fr. Dux and Fr. McLoughlin.

70. The negligence and/or deception and concealment by Defendants also caused Plaintiffs to suffer significant and particular harm, of a different kind from that suffered by other



members of the public, in that when Plaintiffs finally discovered the negligence and/or deception and concealment of Defendants, Plaintiffs experienced mental, emotional and/or physical distress that they had been victims of Defendants' negligence and/or deception and concealment.

71. Each Plaintiff has suffered and/or continue to suffer significant and particular psychological and emotional harm and/or particular pecuniary harm, different in kind from the general public, after learning of Defendants' concealment of names and information about priests accused of sexually assaulting minors and as a result of the dangerous condition maintained and/or permitted by Defendants, which continues as long as decisions are made and actions are taken to keep the information about the abuse and/or the accused priests concealed. As a result of the negligence and/or deception and concealment, each Plaintiff has suffered and continues to suffer lessened enjoyment of life, and/or impaired health, and /or emotional distress, and/or physical symptoms of emotional distress and/or pecuniary loss including medical expenses and/or wage loss.

72. Each Plaintiff's injuries are also particular to him or her and differ from certain members of the public who have not been harmed by the nuisance. People who have not been harmed by the nuisance include those who have not suffered any injury at all, those who are unaware of the nuisance, those who do not believe that Defendants ever concealed anything about child sex abuse, and those who think that any concealment only occurred decades ago.

73. The continuing public nuisance created by Defendants was, and continues to be, the proximate cause of each Plaintiff's special injuries and damages as alleged.

74. In doing the aforementioned acts, Defendants acted negligently and/or intentionally, maliciously and with conscious disregard of Plaintiffs' rights.

75. As a result of the above-described conduct, each Plaintiff has suffered the injuries and damages described herein.

## **COUNT II: CIVIL CONSPIRACY**

Plaintiffs incorporate all consistent paragraphs of this Complaint as if fully set forth under this Count.

76. Each Defendant entered into an agreement with the common purpose of concealing from the public the true nature and scope of the sexual abuse of minors in the Dioceses across the State of Pennsylvania.

77. Each Defendant took overt acts in pursuance of the common purpose including, but not limited to, the following: 1) concealing the sexual assaults of and the identities and patterns of its sexually abusive agents; 2) concealing sexual assaults and abuse committed by its agents from proper civil authorities; 3) attacking the credibility of victims of Defendants' agents; 4) protecting Defendants' agents from criminal prosecution for sexual assaults and abuse against children; 5) allowing known child molesters to live freely in the community without informing the public; 6) after receiving reports or notice of sexual misconduct by clerics, transferring them to new locations without warning parishioners or the public of the threat posed by such sexual abusers; 7) making affirmative representations regarding Defendants' agents' fitness for employment in positions that include working with children, while failing to disclose negative information regarding sexual misconduct by clerics; and 8) concealing Defendants' actions and their agents' actions from survivors of past abuse, thereby causing separate, current harm.

78. Each Defendant intentionally entered into the agreement and performed the overt actions described above in furtherance of a common purpose.

79. Each Defendant acted with malice in performing the overt actions set forth above in that each Defendant intentionally chose to protect the reputation of the Roman Catholic Church to the peril of children and other members of the general public across the State of Pennsylvania who would come in contact with Defendants' sexually abusive agents, including Plaintiff.

80. As a proximate result of Defendants' actions, each Plaintiff has suffered the injuries and damages described herein.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs request an injunction restraining and enjoining Defendants from continuing the acts of unlawful, unfair and/or fraudulent practices set forth above by discontinuing their current practice and policy of dealing with allegations of child sexual abuse by their agents, and that they work with civil authorities to create, implement and follow a policy for dealing with such molesters that will better protect children and the general public from harm.

To abate the continuing nuisance, Plaintiffs further request an order requiring that each Diocese Defendant publicly release the names of all agents, including priests, accused of child molestation, each agents' history of abuse, each such agents' pattern of grooming and sexual behavior, and his or her last known address. This includes the release of each Defendants' documents on the agents.

Plaintiffs demand judgment in an amount to exceed the minimum required jurisdiction of this Court against Defendants in an amount to be determined at trial, plus costs, disbursements, reasonable attorneys' fees, interest, and such other relief that the Court deems just and equitable.

Date: November 15, 2018

By: *Jeffrey R. Anderson* /S/  
Jeffrey R. Anderson, Esquire  
Attorney for Plaintiffs

By: *Daniel F. Monahan* /S/  
Daniel F. Monahan, Esquire  
Attorney for Plaintiffs

VERIFICATION

DANIEL F. MONAHAN, ESQUIRE, hereby states that he is the attorney for the Plaintiffs in this action and verifies that the statements made in the foregoing Complaint are true and correct to the best of his knowledge, information and belief.

The undersigned understands that the statements made herein are subject to the penalties of 18 Pa.C.S.A. Section 4904 relating to unsworn falsification to authorities.

Date: November 15, 2018

*Daniel F. Monahan /S/*  
DANIEL F. MONAHAN, ESQUIRE