

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION

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2016 MAR 14 AM 11:18

Jane Doe 247, )  
)  
Plaintiff, )  
)  
v. )  
)  
Diocese of Newton for the Melkites in the )  
United States of America, Inc. and St. )  
John the Baptist Church in Northlake, )  
Illinois, )  
)  
Defendants. )

2016L002661  
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COMPLAINT

1. Jane Doe 247 is and was at all relevant times a resident of Cook County in the State of Illinois.
2. The Diocese of Newton for the Melkites in the United States of America a/k/a Eparchy of Newton Melkite-Greek Catholic a/k/a The Eparchy of Newton a/k/a Eparchy of Melkites (hereinafter "Eparchy") was and continues to be an organization, entity and province of the Melkite Greek Catholic Church, 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 Illinois, with its headquarters at 3 V.F.W. Parkway, Roslindale, Massachusetts and a principal place of business and agent for service at 200 East North Avenue, Northlake, Illinois 60164. The Eparchy was created in approximately 1976. The Eparchy operates its affairs as both a corporate entity and as an organization named the Eparchy of Newton, with the Eparch or Bishop as the top official. The Eparch or Bishop is the top official of the Eparchy and is given authority over all matters within the Eparchy as a result of his

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

3. St. John the Baptist Northlake a/k/a St. John the Baptist Melkite Church (hereinafter "Parish") was and continues to be an organization authorized to conduct business and conducting business in the State of Illinois, with its principal place of business at 200 East North Avenue, Northlake, Illinois. Defendant Parish was and continues to be under the direct, authority and control of the province of Defendant Eparchy and the Bishop or Eparch of the Eparchy of Newton. At all times material, Defendant Eparchy owned, operated and controlled St. John the Baptist.

#### **Facts Common to All Counts**

4. At all times material, Fr. Albert C. Wehby was a Melkite-Greek Catholic priest under the supervision, employ, agency and control of the Eparchy and St. John the Baptist (hereinafter collectively "Defendants").

5. From 1990 to the present, Wehby has been employed by Defendant Eparchy at various times at the following locations within Defendant Eparchy:

- a. West Paterson, New Jersey: St. Ann Parish
- b. Hammond, Indiana: St. Michael the Archangel Parish
- c. Chicago, Illinois: St. John the Baptist Parish
- d. North Hollywood, California: St. Anne Parish

6. In approximately 1992, Defendant Eparchy assigned Wehby to St. John the Baptist in Northlake, Illinois.

7. Plaintiff was raised in a devout, pious family and attended St. John the Baptist Melkite Church. Plaintiff came into contact with Wehby as an agent and representative of Defendants, and at St. John the Baptist in Northlake in approximately 1992.

8. Plaintiff participated in youth activities and church activities at St. John the Baptist. Plaintiff, therefore, developed great admiration, trust, reverence and respect for the Melkites, including Defendants and their agents, including Wehby.

9. Between approximately 1995 and 1998, when Plaintiff was approximately 14 to 17 years old, Wehby engaged in sexual contact with Plaintiff on hundreds of occasions.

10. Incidents of sexual abuse alleged in this Complaint occurred on property owned by, operated by, or under the control of Defendants.

11. In approximately 2001, following the sexual abuse of Plaintiff, Wehby was moved to St. Anne Parish in North Hollywood, California.

**Special Relationship between Eparchy of Newton, St. John the Baptist  
and the then-minor Plaintiff**

12. Plaintiff's relationship to Defendants and Wehby, as a vulnerable child, parishioner, and participant in church activities was one in which Plaintiff was subject to the ongoing influence of Defendants and Wehby, Plaintiff's abuser. The culture of the Melkite Church over Plaintiff created pressure on Plaintiff not to report Wehby's sexual abuse of her.

13. Prior to the sexual abuse of Plaintiff, Defendants learned or should have learned that Wehby was not fit to work with children.

14. Defendants knew or should have known that Wehby was a danger to children before Wehby sexually abused Plaintiff.

15. By holding Wehby out as safe to work with children, and by undertaking the custody, supervision of, and/or care of the minor Plaintiff, Defendants entered into a fiduciary relationship with the minor Plaintiff. As a result of Plaintiff being a minor, Defendants held a position of empowerment over Plaintiff.

16. By accepting custody of the minor Plaintiff, Defendants established an *in loco parentis* relationship with Plaintiff and in doing so, owed Plaintiff a duty to protect her from injury.

17. Further, Defendants, by holding themselves out as being able to provide a safe environment for children, solicited and/or accepted this position of empowerment. This empowerment prevented the then minor Plaintiff from effectively protecting herself and Defendants thus entered into a fiduciary relationship with Plaintiff.

18. Defendants had a special relationship with Plaintiff.

19. Defendants owed Plaintiff a duty of reasonable care because they had superior knowledge about the risk that Wehby posed to Plaintiff, the risk of sexual abuse in general in their programs and/or the risks that their facilities posed to minor children.

20. Defendants owed Plaintiff a duty of reasonable care because they solicited youth and parents for participation in their youth programs; encouraged youth and parents to have the youth participate in their programs; undertook custody of minor children, including Plaintiff; promoted their facilities and programs as being safe for children; held their agents, including Wehby, out as safe to work with children; encouraged parents and children to spend time with their agents; and/or encouraged their agents, including Wehby, to spend time with, interact with, and recruit children.

21. Defendants owed a duty to Plaintiff to protect Plaintiff from harm because Defendants' actions created a foreseeable risk of harm to Plaintiff. As a vulnerable child participating in the programs and activities Defendants offered to minors, Plaintiff was a foreseeable victim. As a vulnerable child who Wehby had access to through Defendants' facilities and programs, Plaintiff was a foreseeable victim.

22. Defendants breached their duty to Plaintiff by failing to warn Plaintiff and Plaintiff's family of the risk that Wehby posed and the risks of child sexual abuse by clerics. They also failed to warn them about any of the knowledge that Defendants had about child sex abuse.

23. Defendants also breached their duty to Plaintiff by actively maintaining and employing Wehby in a position of power and authority through which Wehby had access to children, including Plaintiff, and power and control over children, including Plaintiff.

24. Defendants knew or should have known that some of its leaders and people working in their institutions were not safe.

25. Defendants knew or should have known that it did not have sufficient information about whether or not their leaders and people working at Melkite institutions within the Eparchy were safe.

26. Defendants knew or should have known that there was a risk of child sex abuse for children participating in its programs and activities within the Eparchy.

27. Defendants knew or should have known that it did not have sufficient information about whether or not there was a risk of child sex abuse for children participating in its programs and activities.

28. Defendants were under an affirmative duty to interfere and intervene when they knew or reasonably should have known of sexually abusive conduct.

29. Defendants held 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 worked in the programs as safe.

30. During the time that Wehby was a priest at St. John the Baptist and as a result of the affiliation Plaintiff had with the Parish, the Eparchy and Wehby, a special fiduciary relationship of trust developed between Plaintiff, Defendants and Wehby.

31. Plaintiff and her parents reasonably relied on the representations and omissions of Defendants.

32. Defendants created the misperception in the mind of Plaintiff and her parents and others that children, including Plaintiff, were safe with priests in general, and Wehby in particular.

33. To the contrary, Plaintiff was a victim of a known and preventable hazard that Defendants created and allowed to continue.

34. Further, as a result of the early instruction and indoctrination as described herein, and as a result of Defendants' concealment about the risk of sexual abuse by its priests including Wehby, Plaintiff and her parents had no reason to believe that Defendants were aware of or involved in facilitating the criminal sexual behavior and efforts to conceal such criminal conduct from them and others.

#### **Defendants' Knowledge of Sexual Abuse**

35. On information and belief, at the time of the formation of the Eparchy of Newton in 1976, the hierarchy of the Melkite Church, including the officials of the Eparchy of Newton, had actual knowledge that priests sexually abused children.

36. In the alternative, by at least 1976, the Eparchy of Newton had constructive knowledge that priests sexually abused children, with such knowledge coming from church documents that dealt with the subject.

37. In the alternative, as of 1976, Defendants should have known that priests were sexually abusing children.

38. The top officials of the Eparchy of Newton never warned Plaintiff of her parents or others similarly situated, of the problem of sexually abusive priests in active ministry in the Eparchy.

39. The top officials of the Eparchy of Newton had a pattern and practice of hiding and not disclosing facts that sexually abusive priests served in active ministry.

40. On information and belief, Defendants knew or should have known of Wehby's sexual abuse of minors prior to the time he was assigned to St. John the Baptist and began sexually abusing Plaintiff, but did not act on that knowledge.

#### **Sexual abuse of Plaintiff**

41. Plaintiff first met Wehby at St. John the Baptist in approximately 1992.

42. Wehby used his position as a priest to isolate and manipulate children, including Plaintiff.

43. Plaintiff and her family were very involved at St. John the Baptist and had regular interaction with its clergy, including Wehby.

44. Wehby gained access to Plaintiff solely by virtue of his employment with Defendants.

45. Notwithstanding Wehby's intentions to spend time with Plaintiff, his interactions with Plaintiff were openly observable to Defendants, and its agents and employees.

46. While Plaintiff was alone with Wehby, parish staff and parishioners observed Wehby with Plaintiff at the rectory where Wehby resided.

47. Moreover, the Bishop at the time, Bishop John Elya, was aware that Plaintiff was spending time only with Wehby at the rectory and spent nights there with him.

48. On information and belief, for a period of time while the abuse of Plaintiff occurred at least one other adult resided in the rectory with Wehby.

49. On information and belief, Wehby's inappropriate conduct with children was known to parish employees and parishioners.

50. Despite Wehby's observed and observable interactions with Plaintiff, and despite Defendants' knowledge of the risk of sexual abuse and by its priests, Wehby was able to sexually abuse Plaintiff.

51. On hundreds of occasions between 1995 and 1998, Wehby sexually abused Plaintiff on the premises of St. John the Baptist.

#### **Fraudulent Misrepresentation and Non-disclosure of Knowledge**

52. On information and belief, Defendants, through their bishops, eparchs, agents and officials had actual knowledge of sexual abuse by its priests at all relevant times between 1976 and 1995.

53. Armed with that actual knowledge, Defendants hid the information from its parishioners, including Plaintiff and her parents.



54. In each of the years between 1976 and the date of the filing of this Complaint in 2016, Defendants have misrepresented and underreported the true nature of the problem of sexual abuse of children by its clerics.

55. Defendants have had and presently have a financial incentive to misrepresent and withhold the true nature and scope of this problem, and its contribution to and responsibility for the problem and resulting harm to children like Plaintiff.

56. Because of Defendants' special relationship and assumed duty described above, Defendants had a duty to disclose all that they knew, or reasonably should have known, about sexual abuse by its priests.

57. Defendants had a duty to Plaintiff and her parents to warn them about the problem of sexual abuse by its priests, and had a similar duty not to downplay, underreport, or otherwise misinform or withhold facts regarding these issues to Plaintiff or her parents.

58. On information and belief, the failure of Defendants to take action regarding Wehby's sexual abuse of Plaintiff is consistent with its practice of failing to respond to credible allegations of sexual abuse.

59. On information and belief, Defendants engaged in a pattern and practice of purposefully hiding allegations of sexual abuse, by transferring priests who sexually abuse children to protect its reputation and avoid the scandal that would result if parishioners and the public were aware of the problem of sexual abuse by its priests.

60. On information and belief, Defendants transferred priests accused of inappropriate sexual behaviors with minors from one assignment to another, without disclosing any information about the priest's behavior to law enforcement or the public.

61. Had Defendants and its agents not misrepresented and concealed its knowledge of the dangers posed to Plaintiff by its priests, including Wehby and thus, Defendants' role in causing the abuse and later-resulting injuries, Plaintiff would have discovered this information earlier, and within the limitations period; and therefore would have filed her cause of action against Defendants earlier than she did without the aid of any applicable Discovery Rule.

62. Because of threats and intimidation by Wehby, Plaintiff was afraid to tell anyone about the abuse she suffered.

63. Further, because of Defendants' misrepresentation and concealment, Plaintiff (a) was unaware of her claim against Defendants when she turned 18; (b) did not know that Defendants had done something wrong at any time before 2015; and (c) because of the misrepresentation and concealment of Defendants, was otherwise not aware that the acts of Defendants caused her injuries.

#### **Detrimental Reliance**

64. Before, during and after 1995 – 1998, Plaintiff and her parents detrimentally relied on the false statements and nondisclosure of Defendants regarding sexual abuse by its priests.

65. If Plaintiff's parents were told at any time prior to or during 1995 and 1998 what Defendants knew or reasonably should have known at that time about sexual abuse by its priests or Wehby, as more particularly described above, Plaintiff's parents would not have permitted Plaintiff to be alone or live with any priest, including Wehby.

66. Plaintiff did not learn of Defendants' involvement in her sexual abuse until 2015 when she learned of information regarding Defendants' noncompliance with policies and procedures to prevent sexual abuse against children.

67. At no time before 2015 did Plaintiff know or reasonably should have known that she had been the victim of any wrongful conduct by Defendants, or that such wrongful conduct resulted in or caused injuries.

### **Damages**

68. As a direct result of Defendants' conduct described herein, 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. 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.

### **Equitable Estoppel**

69. As more particularly described above, on information and belief, Defendants concealed material facts about the true nature of sexual abuse by its priests, including Wehby.

70. Defendants knew that by concealing its knowledge of sexually abusive priests, including Wehby, that it was misrepresenting facts to the public regarding the existence and extent of sexual abuse by its priests and the safety and protection of children.

71. At no time before 2015, did Plaintiff know that the representations made by Defendants were untrue.

72. Defendants intended or reasonably expected the representations to be acted upon by Plaintiff, an abused person, her parents, or by other victims of priest sexual abuse.

73. Plaintiff and her parents reasonably relied upon the representations of Defendants in good faith and to their detriment; and

74. Plaintiff has been prejudiced by her reliance on the representations of Defendants and fraudulent misrepresentations of Defendants described above when she was sexually abused and thereafter prevented from discovering the causes of the abuse she suffered, including Defendants' wrongful conduct, and from bringing this lawsuit prior to 2015.

75. Defendants have denied knowledge of Wehby's inappropriate behavior with children and made no efforts to notify parents, parishioners or the public when it learned that Wehby had engaged in sexual misconduct with children.

76. As a result, Defendants should be equitably estopped from asserting a statute of limitations defense.

77. Based on the foregoing allegations, any statute of limitations defenses are also precluded by the application of 735 ILCS 5/13-215 which tolled Plaintiff's cause of action against Defendants.

### **Count I Negligence**

1-77. Plaintiff incorporates Paragraphs 1 through 77 of this Complaint as if fully set forth herein.

78. Prior to the time that Plaintiff was sexually abused, Defendants were aware or should have been aware that they had a problem with priests sexually abusing children, and was further aware of the methods and behaviors used by such priests to sexually abuse children.

79. Based on this knowledge, Defendants also knew that children were at great risk of harm if inadequate measures were not taken, and proper vigilance was not used to observe

priests' interactions with children and to limit the ability for priests to easily seclude, gain improper influence over, and sexually abuse children.

80. Prior to Plaintiff sexual abuse, Defendants also knew or should have known that Wehby had sexually abused children and/or had engaged in recognizable and observable behaviors which indicated that he posed a risk of harm to children.

81. When Plaintiff was at St. John the Baptist, she was at all relevant times within the exclusive custody and control of Defendants.

82. Defendants were also in exclusive control of the church premises where Plaintiff was sexually abused, and in exclusive control of its priest, Wehby, who resided and worked at St. John the Baptist.

83. Defendants, by and through their agents, servants, employees and officers, owed a duty to exercise reasonable care under the circumstances, to exercise the utmost care for welfare and well-being of minor parishioners, and to refrain from careless and negligent conduct against such minors, including Plaintiff. This duty included, but is not limited to, a duty to supervise Wehby in his activities with minors, including Plaintiff.

84. Defendants' breach of their duties include, but are not limited to: failure to have sufficient policies and procedures to prevent child sex abuse, failure to properly implement their policies and procedures to prevent child sex abuse, failure to take reasonable measures to make sure that the policies and procedures to prevent child sex abuse were working, failure to adequately inform families and children of the risks of child sex abuse, failure to investigate risks of child molestation, failure to properly train the workers at institutions and programs within Defendants' geographical confines, failure to have any outside agency test their safety procedures, failure to protect the children in their programs from child sex abuse, failure to

adhere to the applicable standard of care for child safety, failure to investigate the amount and type of information necessary to represent the institutions, programs, leaders and people as safe, failure to train their employees properly to identify signs of child molestation by fellow employees, failure by relying upon mental health professionals, and/or failure by relying on people who claimed that they could treat child molesters.

85. Defendants failed to use ordinary care in determining whether their facilities were safe and/or to determine whether they had sufficient information to represent their facilities as safe. Defendants' failures include, but are not limited to: failure to have sufficient policies and procedures to prevent abuse at their facilities, failure to investigate risks at their facilities, failure to properly train the workers at their facilities, failure to have any outside agency test their safety procedures, failure to investigate the amount and type of information necessary to represent their facilities as safe, failure to train their employees properly to identify signs of child molestation by fellow employees, failure by relying upon mental health professionals, and/or failure by relying upon people who claimed that they could treat child molesters.

86. As a direct and proximate result of one or more of the aforementioned negligent and/or willful and wanton acts and/or omissions, Plaintiff was subject to sexual abuse and exploitation by Wehby, and was caused to suffer the injuries described herein and such other damages to which experts in this case may testify.

87. The employment of Wehby at Defendants' Parish created a dangerous condition to which Plaintiff was exposed.

88. Allowing a minor child to be left alone in the rectory at St. John the Baptist and to be exposed to a person that sexually abuses minors is something that does not ordinarily occur in the absence of negligence.

WHEREFORE, Plaintiff demands judgment against Defendants jointly and severally in an amount in excess of the jurisdictional limits of this Court, and any other such relief as the Court deems just and equitable.

**Count II**  
**Negligence Regarding Actions Outside the Scope of Employment**  
**Restatement of Torts (Second) §317**

1-77. Plaintiff incorporates Paragraphs 1 through 75 of this Complaint as if fully set forth herein.

89. It was the duty of Defendants, through the acts of its employees and agents, to exercise reasonable care for the protection and benefit of minor children, including Plaintiff.

90. In the alternative, the actions of Wehby described above were outside the scope of Wehby's employment with Defendants, but were such acts for which Defendants have legal responsibility.

91. Defendants, as master, were under a duty to exercise reasonable care so as to control their servant, Wehby, while acting outside the scope of his employment as to prevent him from intentionally harming others, or from so conducting himself as to create an unreasonable risk of bodily harm to others while on premises owned, operated and controlled by Defendants.

92. Defendants knew or should have known that they had the ability to control their servant, Wehby, and knew or should have known of the necessity and opportunity for exercising such control.

93. Wehby used the church premises in possession of Defendants, and the instruments of his employment as a priest, including his status, authority and influence as a priest, to access and sexually abuse Plaintiff.

94. In addition, Wehby was on the premises of St. John the Baptist, solely because of his appointment to the Church by Defendants. Defendants knew it had the ability to control Wehby, and knew that Wehby was, or was likely to be, alone with minors as a result of the access given by Defendants.

95. Defendants knew or reasonably should have known that allowing sexually abusive priests to be in remote or private locations outside the presence of other adults, and allowing sexually abusive priests unfettered access to children created a risk of harm to those children.

96. Such harm occurred in the form of sexual abuse of Plaintiff by a priest of Defendants that was neither supervised nor controlled for such wrongful conduct.

97. Defendants' breach of their duties include, but are not limited to: failure to have sufficient policies and procedures to prevent child sex abuse, failure to properly implement the policies and procedures to prevent child sex abuse, failure to take reasonable measures to make sure that the policies and procedures to prevent child sex abuse were working, failure to adequately inform families and children of the risks of child sex abuse, failure to investigate risks of child molestation, failure to properly train the workers at institutions and programs within Defendants' geographical confines, failure to have any outside agency test their safety procedures, failure to protect the children in their programs from child sex abuse, failure to adhere to the applicable standard of care for child safety, failure to investigate the amount and type of information necessary to represent the institutions, programs, leaders and people as safe, failure to train their employees properly to identify signs of child molestation by fellow employees, failure by relying upon mental health professionals, and/or failure by relying on people who claimed that they could treat child molesters.



98. Defendants failed to use ordinary care in determining whether their facilities were safe and/or to determine whether they had sufficient information to represent their facilities as safe. Defendants' failures include, but are not limited to: failure to have sufficient policies and procedures to prevent abuse at their facilities, failure to investigate risks at their facilities, failure to properly train the workers at their facilities, failure to have any outside agency test their safety procedures, failure to investigate the amount and type of information necessary to represent their facilities as safe, failure to train their employees properly to identify signs of child molestation by fellow employees, failure by relying upon mental health professionals, and/or failure by relying upon people who claimed that they could treat child molesters.

99. As a direct and proximate result of one or more of the foregoing wrongful acts and omissions, Plaintiff suffered injuries and damages more particularly described above; and other damages to which experts in this case may testify.

WHEREFORE, Plaintiff demands judgment against Defendants jointly and severally in an amount in excess of the jurisdictional limits of this Court, and any other such relief as the Court deems just and equitable.

**Count III**  
**Fraudulent Misrepresentation or Non-Disclosure of Facts**  
**Restatement of Torts (Second) §557A and §310**

1-77. Plaintiff incorporates Paragraphs 1 through 75 of this Complaint as if fully set forth herein.

100. It was Defendants' duty to refrain from making fraudulent misrepresentations to Plaintiff and her parents before 1995; and between 1995 and 2016.

101. Because of the special relationship that Defendants had with Plaintiff, as more particularly described above, Defendants had a duty to Plaintiff and her parents to disclose all it knew or reasonably should have known about sexual abuse by its priests.

102. Defendants breached the duty of care owed to Plaintiff, a minor, and her parents, and was guilty of one or more of the foregoing acts or omissions and/or was guilty of fraudulent misrepresentations and nondisclosure that will come out during the course of discovery in this case.

103. Plaintiff and her parents, during the time she was a minor, detrimentally relied upon the fraudulent misrepresentations and non-disclosure of Defendants as more particularly described in paragraphs 51 to 61 above.

104. As a direct and proximate result of the foregoing wrongful acts and omissions, Plaintiff suffered injuries and damages more particularly described above, and such other damages to which experts in this case may testify.

WHEREFORE, Plaintiff demands judgment against Defendants jointly and severally in an amount in excess of the jurisdictional limits of this Court, and any other such relief as the Court deems just and equitable.

#### **JURY DEMAND**

Plaintiff hereby demands a jury trial.

  
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