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Attorneys for Plaintiff

JA DOE 308, representing one (1)
plaintiff,

Plaintiff,

v.

**THEODORE E. MCCARRICK;
ROMAN CATHOLIC
ARCHDIOCESE OF NEWARK a/k/a
ARCHDIOCESE OF NEWARK; St.
JOHN THE APOSTLE; ABC
ENTITY**, its priests, reverends, teachers,
deacons, directors, officers, employees,
agents, servants, representatives and/or
volunteers, is a fictitious name of an
entity believed to have employed former
Cardinal Theodore E. McCarrick and
Father Edward J. Eilert; and **JOHN
DOES 1-5**, individually, and in their
capacity as a former and/or current priest,
reverend, teacher, deacon, director,
officer, employee, agent, servant,
representative and/or volunteer of the
defendants, are persons whose identities
are unknown to Plaintiff,

Defendants.

: SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION - ESSEX COUNTY

:
: DOCKET NO.: _____

:
: CIVIL ACTION

:
: COMPLAINT, JURY DEMAND AND
: DESIGNATION OF TRIAL COUNSEL

Plaintiff JA Doe 308, by and through Plaintiff's attorneys, by way of Complaint against the Defendants, states and alleges as follows:

PARTIES

1. At all times material to this Complaint, Plaintiff resided in the State of New Jersey.
2. At all times material, Defendant Cardinal Theodore E. McCarrick (hereinafter "McCarrick") was an adult male resident of the State of New Jersey and an agent and/or employee of Defendant The Roman Catholic Archdiocese of Newark a/k/a Archdiocese of Newark.
3. At all times material, Defendant The Roman Catholic Archdiocese of Newark a/k/a Archdiocese of Newark (hereinafter "Archdiocese") was and continues to be an organization or entity which includes, but is not limited to, civil corporations, decision making entities, officials, and representatives/agents/employees, authorized to conduct business and conducting business in the State of New Jersey with its principal place of business at 171 Clifton Avenue, NewarkNJ 07104.
4. The Newark Diocese was established in approximately 1853 and erected to an Archdiocese in approximately 1937. At some point, the Archdiocese created a corporation called the Roman Catholic Diocese of Newark and later, the Roman Catholic Archdiocese of Newark, to conduct some of its affairs. The Archdiocese operates its affairs as both a corporate entity and as an organization named the Roman Catholic Archdiocese of Newark. Both of these entities and all other corporations and entities controlled by the Archbishop are included in this Complaint as being the Archdiocese of Newark. The Archbishop is the top official of the Archdiocese and is given authority over all matters within the Archdiocese as a result of his position. The Archdiocese functions as a business by engaging in numerous revenue producing activities and soliciting money from its members in exchange for its services.

5. The Archdiocese of Newark is a resident of the State of New Jersey because its principal place of business is in the state.

6. At all times material, Defendant St. John the Apostle (“St. John’s”) was and continues to be an organization authorized to conduct business and conducting business in the State of New Jersey, with its current principal place of business at 1805 Penbrook Ter., Linden, NJ 07036. St. John’s includes, but is not limited to, St. John’s and any other organizations and/or entities operating under the same or similar name with the same or similar principal place of business.

7. At all times material, St. John’s was and continues to be under the direct authority, control, and province of Defendant Archdiocese of Newark and the Archbishop of Defendant Archdiocese of Newark. Defendant St. John’s includes any school affiliated with St. John’s. At all times material, Defendants St. John’s and Archdiocese of Newark owned, operated, managed, maintained, and controlled St. John’s School.

8. McCarrick, the Archdiocese and St. John’s are collectively referred to as “Defendants” herein.

9. Whenever reference is made to any Defendant entity, such reference includes that entity, its parent companies, subsidiaries, affiliates, predecessors, and successors. In addition, whenever reference is made to any act, deed, or transaction of any entity, the allegation means that the entity engaged in the act, deed, or transaction by or through its officers, directors, agents, employees, or representatives while they were actively engaged in the management, direction, control, or transaction of the entity’s business or affairs.

10. The Defendant ABC ENTITY, its priests, reverends, teachers, deacons, directors, officers, employees, agents, servants, representatives and/or volunteers, is a fictitious name of an

entity believed to have employed McCarrick and/or Fr. Edward Eilert.

11. The Defendant JOHN DOES 1-5, individually, and in their capacity as a former and/or current priest, reverend, teacher, deacon, director, officer, employee, agent, servant, representative and/or volunteer of the defendants, are persons whose identities are unknown to Plaintiff.

JURISDICTION AND VENUE

12. This Court has jurisdiction over this action as Defendants Archdiocese's and St. John's' principal places of business are in New Jersey and because the unlawful conduct complained of herein occurred in New Jersey..

13. Venue is proper in this county pursuant to New Jersey Court Rule 4:3-2 because this County is the principal place of business of Defendant Archdiocese. In addition, events that are relevant to this action occurred within this County.

FACTUAL ALLEGATIONS

14. At all times material, McCarrick was a Roman Catholic cleric employed by the Archdiocese of Newark and remained under the direct supervision, employ, and control of Defendant Archdiocese.

15. Defendant Archdiocese placed McCarrick in positions where McCarrick had access to and worked in a position of authority as an integral part of his work.

16. Plaintiff came in contact with McCarrick as an agent and representative of the Archdiocese.

17. At all times material, Father Edward Eilert ("Fr. Eilert") was a Roman Catholic cleric employed by the Archdiocese of Newark and remained under the direct supervision, employ, and control of Defendant Archdiocese and St. John's.

18. Defendant Archdiocese and St. John's placed Fr. Eilert in positions where he had access to and worked in a position of authority as an integral part of his work.

19. Plaintiff attended St. John's and came in contact with Fr. Eilert as an agent and representative of Defendants Archdiocese and St. John's.

20. Defendant Archdiocese and St. John's held its leaders out as people of high morals, as possessing immense power, and taught families to obey, respect, and revere these leaders and agents, solicited and recruited families to its programs, marketed its programs to families, and held out the people that worked in its programs as safe.

21. Plaintiff developed great admiration, trust, reverence, and respect for the Roman Catholic Church and its agents, including McCarrick and Fr. Eilert.

22. Plaintiff's relationship to Defendants, as a parishioner, and participant in church activities, was one in which Plaintiff was subject to the ongoing influence of Defendants, and Fr. Eilert and McCarrick.

23. In approximately 1978, Fr. Eilert engaged in unpermitted sexual contact with Plaintiff.

24. In approximately 1986, McCarrick engaged in unpermitted sexual contact with Plaintiff.

25. Fr. Eilert and McCarrick exploited their positions of authority over Plaintiff.

26. The culture of the Catholic Church created pressure on Plaintiff not to report the abuse Plaintiff suffered.

27. McCarrick engaged in a similar course of conduct and pattern of sexual predation of devout Catholic youth and young men under his control.

28. In 1958, McCarrick was an ordained a priest of the Archdiocese of New York.

29. From 1959 to 1966, McCarrick was assigned outside of the Archdiocese of New York on special assignment at The Catholic University of America in Washington D.C.

30. From 1967 to 1969, McCarrick was assigned to the Catholic University of Puerto Rico in Ponce, Puerto Rico.

31. From 1970 to 1971, McCarrick was assigned to Blessed Sacrament in New York, New York.

32. From 1972 to 1977, McCarrick was assigned to Cathedral of St. Patrick in New York, New York.

33. Upon information and belief, from approximately 1969 to 1976, McCarrick repeatedly sexually abused James Grein on multiple instances when Grein was a minor. The abuse continued for years into Grein's adulthood.

34. Upon information and belief, in 1971 and 1972, at Christmas Masses in each of those years, McCarrick sexually assaulted a minor altar boy who was 16 and 17 years old, respectively, and who had been selected to assist McCarrick with serving Christmas Mass.

35. In 2018, after these sexual assaults were reported and were investigated, the Archdiocese of New York found the allegations of this sexual abuse by McCarrick against a minor occurring in 1971 and 1972 credible and substantiated.

36. According to the Vatican's Report on the Holy See's Institutional Knowledge and Decision-making Related to Theodore E. McCarrick. (Available at http://www.vatican.va/resources/resources_rapporto-card-mccarrick_20201110_en.pdf; last viewed November 18, 2021) (the "Report"), while McCarrick was working in the Archdiocese of New York, McCarrick grew close to several large Catholic families and was referred to as "Uncle Ted." McCarrick also began to travel with the teenagers from these families, whom he called his

“nieces” and “nephews.”

37. In approximately 1976, McCarrick was on a fishing trip in the Bahamas with teenagers from some of these New York Catholic families when he received a telegram from Cardinal Terence Cooke of New York asking him to return immediately to New York because Karol Cardinal Wojyla, the future Supreme Pontiff John Paul II, was visiting. McCarrick joked with Cardinal Wojyla that he had ruined McCarrick’s vacation.

38. From 1978 to 1980, McCarrick was assigned to St. Francis De Sales in New York, New York.

39. In 1978, McCarrick was appointed Auxiliary Bishop of the Archdiocese of New York where he served until 1981.

40. In 1981, McCarrick was assigned to the New York Foundling Hospital in New York, New York.

41. In November 1981, McCarrick was appointed Bishop of the Diocese of Metuchen in New Jersey, where he served until 1986.

42. While Bishop of Metuchen, McCarrick used seminarians to drive him to events in the Tri-State area. He also invited seminarians to spend time with him at a beach house in Sea Girt, New Jersey, purchased by the Metuchen Diocese in 1985.

43. McCarrick traveled with teenage boys and young men of the families he grew close to while in New York, introducing them as “nephews.” Some of these young men shared a bed with McCarrick at the Bishop’s Residence in Metuchen.

44. From approximately 1982 to 1983, McCarrick sexually abused a minor boy at a house on the Jersey Shore.

45. In approximately 1985, McCarrick engaged in inappropriate sexual conduct with

a seminarian (Priest 4 in the Report) at the beach house in Sea Girt, New Jersey. Priest 4 reported the incident to Monsignor Gambino, the Diocese of Metuchen's Vocations Director. In 1989, Priest 4 reported the incident to Bishop Hughes, then Bishop of the Diocese of Metuchen who indicated he would "take care of it."

46. In the mid-1980s, a mother (Mother 1 in the Report) sent a letter to each Cardinal in the United States as well as the Papal Nuncio, Archbishop Pio Laghi, to warn them about McCarrick's tendencies. In her letters, Mother 1 used the word "children" and "mentioned something about 13- or 14-year-old boys" and indicated that she was "trying to explain that McCarrick had an attraction to boys." Mother 1 added that she had witnessed McCarrick "'inappropriately touching' boys." According to the Report, no original or copies of the letters were located.

47. In the late 1980s, McCarrick engaged in inappropriate conduct with a seminarian (Priest 1 in the Report) who then reported the incidents to the Bishop of Metuchen in 1993 verbally and then again by letter in 1994. Bishop Hughes communicated the allegations to the Nuncio in 2000.

48. In 1986, McCarrick was appointed Archbishop of the Archdiocese of Newark in New Jersey, where he served until 2000.

49. In the 1980s, McCarrick engaged in unwanted contact with a seminarian who later was ordained a priest (Priest 2) of the Diocese of Metuchen while McCarrick was in both in the Diocese of Metuchen and then Archbishop of Newark. Priest 2 also had to share a bed with McCarrick, and McCarrick brought Priest 2 on trips and vacations.

50. In the late 1980s, when Fr. Boniface Ramsey, O.P., who was teaching at Immaculate Conception Seminary, reported his concerns about McCarrick's inappropriate conduct

with seminarians to the rector of the seminary. At the time, McCarrick was Archbishop of Newark and Immaculate Conception was his seminary.

51. In 1990, Monsignor Dominic Bottino, a priest of the Diocese of Camden, New Jersey, Auxiliary Bishop John Smith of Newark, New Jersey, and Bishop James McHugh of Camden, New Jersey, all attended a dinner with McCarrick and another young cleric. At the dinner, Bottino witnessed McCarrick touch the young cleric's "crotch" for several seconds. Bottino indicated that both Bishop Smith and Bishop McHugh witnessed McCarrick's behavior and they all abruptly left the dinner. According to the Report, Bottino indicated that Bishop McHugh stated that sometimes McCarrick said and did things that were "very different."

52. Upon information and belief, from approximately 1970 to 1990, McCarrick sexually assaulted at least 8 minor boys.

53. In 1992 and 1993, a series of six anonymous letters and one pseudonymous letter were sent to the National Conference of Catholic Bishops, the Apostolic Nuncio and various United States Cardinals accusing McCarrick of pedophilia. One of the letters also indicated that authorities in Rome had known about McCarrick's "proclivity for young boys" for decades.

54. In 1993, Fr. Ramsey expressed concerns to his friend the Archbishop of Louisville, Kentucky Thomas Kelly, O.P. regarding McCarrick's conduct with seminarians. Archbishop Kelly responded, "we all know."

55. Upon information and belief, in 1993, the Diocese of Metuchen was informed about McCarrick's sexual exploitation of a young seminarian.

56. In 1994, a priest of the Diocese of Metuchen wrote to the Bishop of the Diocese of Metuchen, Edward T. Hughes, that McCarrick had inappropriately touched him when he was a seminarian.

57. According to the Report, in the mid-1990s a priest who worked closely with McCarrick indicated that McCarrick received a phone call from Archbishop of New York, Cardinal O'Connor, regarding McCarrick sharing beds with seminarians at the beach house.

58. Upon information and belief, in 1994, Robert Hoatson, a former New Jersey priest, as a young religious brother, expressed concern about McCarrick sleeping with seminarians to an official in the Archdiocese of Newark.

59. In 1997, McCarrick, a founding member of The Papal Foundation, began serving as its President. The Papal Foundation provided funds to the Vatican and Catholic Missions.

60. In October 1999, Cardinal O'Connor drafted a letter to the Apostolic Nuncio that was shared with Supreme Pontiff John Paul II. The letter indicated that a priest had observed McCarrick attempting to engage in sexual activity with another priest in 1987, that a series of anonymous letters was sent to the National Conference of Catholic Bishops and the Apostolic Nuncio and other cardinals in the 1990s accusing McCarrick of pedophilia with his nephews, and that McCarrick was known to have shared a bed with young men at his residence and adult seminarians at a beach house.

61. In August 2000, McCarrick wrote a letter to Bishop Dziwisz, Supreme Pontiff John Paul II's secretary. The letter was intended to refute Cardinal O'Connor's 1999 letter. In his letter, McCarrick denied having sexual relations with any person.

62. In 2000, McCarrick began serving as a Board member of Catholic Relief Services. He served on that Board until 2014. Catholic Relief Services provided funds to the Vatican and Catholic Missions.

63. In 2000, Fr. Ramsey sent a letter to Nuncio Archbishop Gabriel Montalvo expressing his concerns about McCarrick and his inappropriate behavior with seminarians.

64. In 2001, McCarrick was appointed Cardinal Archbishop of Washington, D.C. McCarrick served as Cardinal Archbishop of Washington, D.C. until his retirement in 2006.

65. Upon information and belief, in 2002, McCarrick announced the new Vatican policy on sexual abuse by priests from Rome. McCarrick outlined a multi-step process in which an accused priest would be put on administrative leave and removed from clerical duties while a case was investigated.

66. Upon information and belief, in the early to mid-2000s, two former priests (Priests 1 and 2 in the Report), were paid settlements for harassment and sexual abuse by McCarrick in the 1980s when they were seminarians.

67. In 2008, Richard Sipe, a former monk, released an open letter about systemic sexual abuse within the Catholic Church, indicating that when he was a professor at St. Mary's Seminary in Baltimore, seminarians approached him with concerns about McCarrick's behavior. At the time, McCarrick was Bishop of Metuchen.

68. After this, Carlo Maria Viganò, Titular Archbishop of Ulpiana and former Apostolic Nuncio in the United States, wrote a memorandum in 2008 regarding McCarrick for the Congregation of Bishops including reference to Sipe's open letter.

69. According to the Report, Viganò's Superiors, Secretary of State Cardinal Bertone and Substitute Archbishop Sandri, presented the matter to Supreme Pontiff Benedict XVI directly, but canonical penalties were not imposed.

70. According to the Report, without canonical sanctions or explicit instructions from the Supreme Pontiff, McCarrick continued to be active in public ministry, continued to travel to Rome, and remained a member of Holy See dicasteries, among other things.

71. The Report indicates, in the alternative, that Supreme Pontiff Francis, prior to

2017, allegedly had only heard “rumors related to immoral conduct with adults occurring prior to McCarrick’s appointment to Washington” and that the Supreme Pontiff Francis believed the rumors had been addressed and rejected by Supreme Pontiff John Paul II.

72. In 2018, Fr. Ramsey released an October 2006 letter that he had received from a top official of the Vatican Secretariat of State. In the letter, then-Archbishop Leonardo Sandri acknowledged receipt of the allegations regarding McCarrick in 2000.

73. In 2018, Archbishop Viganò released a letter indicating that the Holy See had been informed in at least 2000 of McCarrick’s “gravely immoral behavior with seminarians and priests.”

74. Archbishop Viganò indicated in his 2018 letter that he informed Supreme Pontiff Francis of McCarrick’s inappropriate behavior and history of abuse in 2013: “Holy Father, I don’t know if you know about Cardinal McCarrick, but if you ask the Congregation for Bishops there is a dossier this thick about him. He corrupted generations of seminarians and priests and Pope Benedict ordered him to withdraw to a life of prayer and penance.”

75. Supreme Pontiff Francis remained complicit in the cover-up of McCarrick and did not take action as to McCarrick or accept McCarrick’s resignation from the College of Cardinals until July 2018 after several accusations that McCarrick had sexually abused minors became public.

76. In 2018, Supreme Pontiff Francis directed an investigation to be conducted into McCarrick as a result of allegations of sexual misconduct made against him.

77. In January 2019, the Congregation of the Doctrine of Faith of Defendant Holy See issued a decree finding McCarrick guilty of solicitation during the Sacrament of Confession and sins against the Sixth Commandment with minors and adults, “with the aggravating factor of the abuse of power.” (available at

<https://press.vatican.va/content/salastampa/it/bollettino/pubblico/2019/02/16/0133/00272.html#en>; last visited November 18, 2021).

78. Upon information and belief, on February 13, 2019, McCarrick was defrocked.

79. Upon information and belief, in August 2019, Seton Hall Seminary announced findings from a report they had commissioned for an independent review.

80. The independent review found that, “McCarrick created a culture of fear and intimidation that supported his personal objectives. McCarrick used his position of power as then-Archbishop of Newark to sexually harass seminarians.”

81. The review further found that the Title IX policies in place “were not always followed at Immaculate Conception Seminary and St. Andrew’s Seminary, which resulted in incidents of sexual harassment going unreported to the University.”

82. On November 10, 2020, the Vatican released its Report on the Holy See’s Institutional Knowledge and Decision-making Related to Theodore E. McCarrick.

83. The Report discussed McCarrick’s pattern of accessing and grooming his victims, including that:

- a. McCarrick used his authority to gain and maintain access to them;
- b. McCarrick often initiated physical contact with them, such as back rubs or embraces, and would sometimes initiate non-consensual or unwanted sexual contact with them;
- c. McCarrick often established a relationship with their families, befriending male children as they reached the age of 12 or 13 years old. McCarrick also used this technique with seminarians or young adult males;

- d. That McCarrick frequently took these individuals on trips, that McCarrick took “an extraordinary number of trips with minors and young adults,” and that McCarrick isolated them;
- e. That McCarrick sometimes furnished those who were underage with alcohol as a strategy to lower their inhibitions; and
- f. That McCarrick arranged to share beds with others and that he wore his underwear and encouraged his bedmate to do the same.

84. Upon information and belief, from 1994 to 2008, multiple reports about McCarrick’s transgressions with seminarians were made to American bishops, the Pope’s representative in Washington, and Pope Benedict XVI.

85. Defendants Archdiocese and St. John’s knew or should have known that Fr. Eilert and McCarrick were a danger before Fr. Eilert and McCarrick sexually assaulted Plaintiff.

86. Prior to the sexual abuse of Plaintiff, Defendants Archdiocese and St. John’s learned or should have learned that Fr. Eilert and McCarrick were not fit to work in positions of authority. Defendants Archdiocese and St. John’s, by and through their agents, servants and/or employees, became aware, or should have become aware of Fr. Eilert’s and McCarrick’s propensity to commit sexual assault and of the risk to Plaintiff’s safety. At the very least, Defendants Archdiocese and St. John’s knew or should have known that they did not have sufficient information about whether or not its leaders and people working at Catholic institutions within the Archdiocese were safe.

87. Defendants Archdiocese and St. John’s knew or should have known that there was a risk of sex assault for those participating in Catholic programs and activities within the Archdiocese. At the very least, Defendants Archdiocese and St. John’s knew or should have known

that it did not have sufficient information about whether or not there was a risk of sex abuse for those participating in Catholic programs and activities within the Archdiocese.

88. Defendants Archdiocese and St. John's knew or should have known that it had numerous agents who were sexual molesters. Defendants Archdiocese and St. John's knew or should have known that sexual predators have a high rate of recidivism. Defendants Archdiocese and St. John's knew or should have known that some of the leaders and people working in Catholic institutions within the Archdiocese were not safe and that there was a specific danger of sex abuse for those participating in their programs.

89. Instead, Defendants Archdiocese and St. John's negligently deemed that Fr. Eilert and McCarrick were fit to work with others and/or that any previous problems were fixed or cured and/or that Fr. Eilert and McCarrick would not sexually assault and/or that Fr. Eilert and McCarrick would not injure people.

90. Defendants Archdiocese and St. John's owed Plaintiff a duty of slight care and/or diligence because they had superior knowledge about the risk that Fr. Eilert and McCarrick posed to Plaintiff, the risk of abuse in general in its programs and/or the risks that its facilities posed to participants.

91. Defendants Archdiocese and St. John's owed a duty to Plaintiff to protect Plaintiff from harm because its actions created a foreseeable risk of harm to Plaintiff. As a Catholic participating in the programs and activities Defendants Archdiocese and St. John's offered, Plaintiff was a foreseeable victim. As a vulnerable person who Fr. Eilert and McCarrick had access to through Defendants Archdiocese's and St. John's facilities and programs, Plaintiff was a foreseeable victim.

92. Defendants Archdiocese and St. John's breached their duty to Plaintiff by actively

maintaining and employing Fr. Eilert and McCarrick in positions of power and authority through which Fr. Eilert and McCarrick had access to parishioners, including Plaintiff, and power and control over parishioners, including Plaintiff.

93. Defendants Archdiocese and St. John's breached their duties to Plaintiff. Defendants Archdiocese and St. John's failed to use slight care and/or diligence in determining whether its facilities were safe and/or determining whether it had sufficient information to represent its facilities as safe. Defendants Archdiocese's and St. John's breach of their duties include, but are not limited to: failure to protect Plaintiff from a known danger, failure to have sufficient policies and procedures to prevent sex abuse, failure to properly implement policies and procedures to prevent sex abuse, failure to take reasonable measures to make sure that policies and procedures to prevent sex abuse were working, failure to adequately inform parishioners of the risks of sex abuse, failure to investigate risks of sex abuse, failure to properly train the employees at institutions and programs within the Archdiocese's geographical confines, failure to train parishioners within the Archdiocese's geographical confines about the risk of sexual abuse, failure to have any outside agency test their safety procedures, failure to protect those in their programs from sex abuse, failure to adhere to the applicable standard of care for 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 sexual abuse by fellow employees, failure by relying upon mental health professionals, and/or failure by relying on people who claimed that they could treat sexual predators.

94. Defendants Archdiocese and St. John's also breached its duty to Plaintiff by failing to warn Plaintiff of the risk that Fr. Eilert and McCarrick posed and the risks of sexual abuse in Catholic institutions. Defendants Archdiocese and St. John's also failed to warn Plaintiff about

any of the knowledge that Defendants Archdiocese and St. John's had about sexual abuse.

95. Defendants Archdiocese and St. John's additionally violated a legal duty by failing to report known and/or suspected abuse by Fr. Eilert, McCarrick and/or its other agents to police and law enforcement.

96. Defendant Archdiocese ratified McCarrick's sexual abuse of Plaintiff.

97. As a result of the conduct 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.

**COUNT I: PLAINTIFF v. DEFENDANT MCCARRICK –
SEXUAL BATTERY**

Plaintiff incorporates all consistent paragraphs of this Complaint as if fully set forth under this count.

98. In approximately 1986, Defendant McCarrick inflicted unpermitted harmful and offensive bodily sexual contact upon the person of Plaintiff.

99. Plaintiff did not consent to the harmful bodily contact.

100. As a direct and proximate result of the foregoing, Plaintiff sustained physical, emotional and psychological injuries, along with pain and suffering.

COUNT II: PLAINTIFF v. DEFENDANTS ARCHDIOCESE AND ST. JOHN'S- GROSS NEGLIGENCE

Plaintiff incorporates all consistent paragraphs of this Complaint as if fully set forth under this count.

101. Defendants Archdiocese and St. John's owed Plaintiff a duty of slight care and/or diligence to protect the Plaintiff from injury.

102. Defendants Archdiocese and St. John's owed Plaintiff a duty of care because Defendants had a special relationship with Plaintiff.

103. Defendants Archdiocese and St. John's owed Plaintiff a duty to protect Plaintiff from harm because Defendants also had a special relationship with Fr. Eilert and McCarrick.

104. Defendants Archdiocese and St. John's breached its duties to Plaintiff by failing to use slight care or diligence. Defendants Archdiocese and St. John's failures include, but are not limited to, failing to properly supervise Fr. Eilert and McCarrick, failing to properly supervise Plaintiff, and failing to protect Plaintiff from a known danger.

105. As a direct result of the foregoing, Plaintiff sustained physical, emotional, and psychological injuries, along with pain and suffering.

COUNT III: PLAINTIFF v. DEFENDANTS ARCHDIOCESE AND ST. JOHN'S - GROSSLY NEGLIGENT TRAINING AND SUPERVISION

Plaintiff incorporates all consistent paragraphs of this Complaint as if fully set forth under this count.

106. At all times material, Fr. Eilert was employed by Defendants Archdiocese and St. John's and was under Defendant Archdiocese's direct supervision, employ, and control when he committed the wrongful acts alleged herein. Fr. Eilert engaged in the wrongful conduct while acting in the course and scope of his employment with Defendants and/or accomplished the sexual

abuse by virtue of his job-created authority.

107. At all times material, McCarrick was employed by Defendant Archdiocese and was under Defendant Archdiocese's direct supervision, employ, and control when he committed the wrongful acts alleged herein. McCarrick engaged in the wrongful conduct while acting in the course and scope of his employment with Defendant Archdiocese and/or accomplished the sexual abuse by virtue of his job-created authority.

108. Defendants had a duty, arising from their employment of Fr. Eilert and McCarrick, to ensure that Fr. Eilert and McCarrick did not commit sexual assault.

109. Further, Defendants owed a duty to train and educate employees and administrators and establish adequate and effective policies and procedures calculated to detect, prevent, and address inappropriate behavior and conduct of clerics.

110. Defendants were grossly negligent in the training, supervision, and instruction of its employees. Defendants failed to timely and properly educate, train, supervise, and/or monitor its agents or employees with regard to policies and procedures that should be followed when sexual abuse is suspected or observed.

111. Defendants was additionally grossly negligent in failing to supervise, monitor, chaperone, and/or investigate Fr. Eilert and McCarrick and/or in failing to create, institute, and/or enforce rules, policies, procedures, and/or regulations to prevent Fr. Eilert's and McCarrick's sexual abuse of Plaintiff.

112. In failing to properly supervise Fr. Eilert and McCarrick, and in failing to establish such training procedures for employees and administrators, Defendants failed to exercise slight care and/or diligence.

113. As a direct and proximate result of the foregoing, Plaintiff sustained physical,

emotional, and psychological injuries, along with pain and suffering.

**COUNT IV: PLAINTIFF v. DEFENDANTS ARCHDIOCESE AND ST. JOHN'S –
GROSSLY NEGLIGENT RETENTION**

Plaintiff incorporates all consistent paragraphs of this Complaint as if fully set forth under this count.

114. At all times material, Fr. Eilert was employed by Defendants and was under Defendants' direct supervision, employ, and control when he committed the wrongful acts alleged herein.

115. At all times material, McCarrick was employed by Defendant Archdiocese and was under Defendant Archdiocese's direct supervision, employ, and control when he committed the wrongful acts alleged herein.

116. Defendants became aware or should have become aware of Fr. Eilert's and McCarrick's propensity for sexual abuse, and failed to take any further action to remedy the problem and failed to investigate or remove Fr. Eilert and McCarrick from working in positions of authority.

117. Defendants were grossly negligent in retaining Fr. Eilert and McCarrick with knowledge of Fr. Eilert's and McCarrick's propensity for the type of behavior which resulted in Plaintiff's injuries in this action.

118. Defendants were grossly negligent in retaining Fr. Eilert and McCarrick in positions where they had access to and could foreseeably cause harm which Plaintiff would not have been subjected to had Defendants taken slight care and/or diligence.

119. In failing to timely remove Fr. Eilert and McCarrick from working in positions of authority or terminate the employment of Fr. Eilert and McCarrick, Defendants failed to exercise

slight care and/or diligence.

120. As a direct and proximate result of the foregoing, Plaintiff sustained physical, emotional, and psychological injuries, along with pain and suffering.

COUNT V: PLAINTIFF v. DEFENDANT ARCHDIOCESE– VICARIOUS LIABILITY

Plaintiff incorporates all consistent paragraphs of this Complaint as if fully set forth under this count.

121. At all times material, McCarrick acted on behalf of Defendant Archdiocese.

122. McCarrick acted as the Archdiocese of Newark’s surrogate in the day-to-day management of Defendant Archdiocese.

123. Defendant Archdiocese delegated its authority to McCarrick.

124. Plaintiff relied upon McCarrick’s apparent authority as the Archbishop of Newark.

125. McCarrick was aided in accomplishing the sexual abuse of Plaintiff by the existence of his agency relation to the Archdiocese.

126. McCarrick abused his delegated authority, resulting in the sexual abuse of Plaintiff.

127. As a direct and proximate result of the foregoing, Plaintiff sustained physical, emotional, and psychological injuries, along with pain and suffering.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment against Defendants, jointly and/or severally for compensatory damages, and for punitive damages, together with interest and costs in an unspecified amount, plus costs, disbursements, reasonable attorneys’ fees, interest, and such other and further relief as the court deems just and equitable.

DEMAND FOR JURY TRIAL

The Plaintiff demands a trial by jury on all of the triable issues of this Complaint, pursuant

to New Jersey Court Rules 1:8-2(b) and 4:35-1(a).

RULE 4:5-1 CERTIFICATION

I hereby certify that the matter in controversy is not the subject of any other pending and/or contemplated action or pending and or contemplated proceeding. I know of no other parties who should be joined in this action at this time.

JEFF ANDERSON & ASSOCIATES PA

/s/ Jeffrey R. Anderson
Jeffrey R. Anderson, Esq.
Trusha P. Goffe, Esq.
Rita Gribko, Esq.
Attorneys for Plaintiff

Dated: November 19, 2021

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, Plaintiff hereby designates Jeffrey R. Anderson, Esq. as trial counsel for Plaintiff.

JEFF ANDERSON & ASSOCIATES PA

/s/ Jeffrey R. Anderson
Jeffrey R. Anderson, Esq.
Trusha P. Goffe, Esq.
Rita Gribko, Esq.
Attorneys for Plaintiff

Dated: November 19, 2021