

**COMMONWEALTH OF KENTUCKY
BOONE CIRCUIT COURT
CASE NO: 03-CI-181
JUDGE: JOHN POTTER**

JOHN DOE
(pseudonym)

and

JANE DOE
(pseudonym)

and

RICHARD ROE
(pseudonym)

PLAINTIFFS

And

ROBIN ROE
(pseudonym)

and

FRANK FOE
(pseudonym)

and

FRIEDA FOE
(pseudonym)

and

GEORGE GOE
(pseudonym)

and

GLORIA GOE
(pseudonym)

and

HOWARD HOE
(pseudonym)

and

HARRIET HOE
(pseudonym)

vs.

ROMAN CATHOLIC DIOCESE OF COVINGTON
947 Donaldson Highway
Erlanger, Boone County, Kentucky

and

BISHOP ROGER JOSEPH FOYS
947 Donaldson Highway
Erlanger, Boone County, Kentucky

DEFENDANTS

FOURTH AMENDED CLASS ACTION COMPLAINT AND JURY DEMAND

I. INTRODUCTION

1. Plaintiffs bring this action on behalf of themselves and all other similarly situated males and females against Defendant Roman Catholic Diocese of Covington (Diocese) and Bishop Roger Joseph Foys to obtain injunctive relief and to be compensated for injuries they received resulting from sexual assaults, sexual contact, sexual exploitation, and sexual misconduct they suffered as a direct result of the negligent and intentional conduct of Defendants.

2. This action arises under Kentucky common law.

II. THE PARTIES

3. Plaintiff John Doe is a married male who is a highly placed law enforcement officer in the Northern Kentucky area and resides in the Northern Kentucky area. At all times relevant to the incidents described herein, Plaintiff John Doe was a minor child and was a parishioner at the Mary Queen of Heaven Church in Erlanger,

Kentucky, under the exclusive control of Defendant Diocese. Due to the nature of the allegations, he wishes to utilize the pseudonym John Doe in order to keep his identity confidential.

4. Plaintiff Jane Doe is a grandmother who is a businesswoman in the Greater Cincinnati, Ohio area and resides in the Greater Cincinnati, Ohio area. At most times relevant to the incidents described herein, Plaintiff Jane Doe was a minor child who was a resident at the Diocesan Children's Home in Fort Mitchell, Kentucky, under the exclusive control of Defendant Diocese and was under the care and counseling of a priest of Defendant Diocese. Due to the nature of the allegations, she wishes to utilize the pseudonym Jane Doe in order to keep her identity confidential.

5. Plaintiff Richard Roe is a married male who is a supervisor of security at a large institution in the Greater Cincinnati, Ohio area, and resides in the Northern Kentucky area. At all times relevant to the incidents described herein, Plaintiff Richard Roe was a minor child and was a student at the Newport Catholic High School, Newport, Kentucky, under the exclusive control of Defendant Diocese. Due to the nature of the allegations, he wishes to utilize the pseudonym Richard Roe in order to keep his identity confidential.

6. Plaintiff Robin Roe is a married female who is a homemaker residing in the Dayton, Ohio area and is responsible for the care of her minor children. At most times relevant to the incidents described herein, Plaintiff Robin Roe was a minor child and was a student at the Holy Family High School, Ashland, Kentucky, under the exclusive control of Defendant Diocese. Due to the nature of the allegations, she wishes to utilize the pseudonym Robin Roe in order to keep her identity confidential.

7. Plaintiff Frank Foe is an employee of an automobile company in Milford, Ohio and is a resident of Ohio. At all times relevant to the incidents described herein, Plaintiff Frank Foe was a minor child and was a parishioner at the Sacred Heart Church, Bellevue, Kentucky, under the exclusive control of Defendant Diocese. Due to the

nature of the allegations, he wishes to utilize the pseudonym Frank Foe in order to keep his identity confidential.

8. Plaintiff Frieda Foe is an employee of a large retailer in Ohio, and resides in the Northern Kentucky area. At most times relevant to the incidents described herein, Plaintiff Frieda Foe was a minor child and was a parishioner at the Blessed Sacrament Church, Fort Mitchell, Kentucky, under the exclusive control of Defendant Diocese. Due to the nature of the allegations, she wishes to utilize the pseudonym Frieda Foe in order to keep her identity confidential.

9. Plaintiff George Goe is an attorney in Northern Kentucky, and lives in the Northern Kentucky area. At all times relevant to the incidents described herein, Plaintiff George Goe was a minor child and was a parishioner at the Mary Queen of Heaven Church, Erlanger, Kentucky, under the exclusive control of Defendant Diocese. Due to the nature of the allegations, he wishes to utilize the pseudonym George Goe in order to keep his identity confidential.

10. Plaintiff Gloria Goe is a married female homemaker who resides in the Northern Kentucky area. At all times relevant to the incidents described herein, Plaintiff Gloria Goe was a minor child and was a student at the St. Aloysius School, Covington, Kentucky, under the exclusive control of Defendant Diocese. Due to the nature of the allegations, she wishes to utilize the pseudonym Gloria Goe in order to keep her identity confidential.

11. Plaintiff Howard Hoe is a married male who is a businessman in the Northern Kentucky area, and resides in the Northern Kentucky area. At all times relevant to the incidents described herein, Plaintiff Howard Hoe was a minor child and was a parishioner at the Mary Queen of Heaven Church, Erlanger, Kentucky, under the exclusive control of Defendant Diocese. Due to the nature of the allegations, he wishes to utilize the pseudonym Howard Hoe in order to keep his identity confidential.

12. Plaintiff Harriet Hoe is a married female homemaker who resides in the Northern Kentucky area. At all times relevant to the incidents described herein, Plaintiff Harriet Hoe was a minor child and was a member of a youth group that met in the Diocese Cathedral in Covington, Kentucky, under the exclusive control of Defendant Diocese. Due to the nature of the allegations, she wishes to utilize the pseudonym Harriet Hoe in order to keep her identity confidential.

13. Defendant Diocese of Covington is a nonprofit religious association whose principal place of business is located in Boone County, Kentucky. It was, at all times relevant hereto, authorized to operate schools, children's homes and churches in the Commonwealth of Kentucky, including Boone County, Kentucky. Additionally, at all relevant times, Defendant Diocese employed, trained, assigned, and supervised priests to perform teaching, counseling, personal care, and various extracurricular duties at schools and institutions within Defendant Diocese, and to perform other religious and nonreligious duties within Defendant Diocese, including Boone County, Kentucky.

14. Defendant Bishop Foys is the current Bishop of the Diocese of Covington. Defendant Foys continues to pay salaries and benefits to known pedophile priests.

III. JURISDICTION AND VENUE

15. The headquarters of Defendant is located in Boone County, Kentucky. A significant portion of the conduct that is the subject of this Complaint took place in Boone County, Kentucky. The administration of Defendant Diocese is based in Boone County, Kentucky and is conducted by Defendant Bishop Foys in Boone County, Kentucky. Decisions at issue in this case to employ, train, supervise, discipline and assign Roman Catholic priests within Defendant Diocese are and were made in Boone County, Kentucky. Numerous injuries to class representatives occurred within Boone County, Kentucky. Therefore, venue in this action lies in Boone County, Kentucky.

15. The damages resulting from the conduct that is the subject of this Complaint exceed the jurisdictional minimum of this Court.

IV. FACTUAL BACKGROUND

16. Upon information and belief, beginning on or about 1956 and continuing through the present, Defendant Diocese engaged in a pattern or practice of tacitly approving sexual abuse, sexual contact, sexual exploitation, and sexual misconduct against minor children and adults who attended Diocesan schools and parishes or who were employed by Defendant Diocese. Numerous priests subject to supervision and control of Defendant Diocese committed said acts. During this period, Defendant Diocese became fully aware of many incidents of sexual abuse and sexual misconduct committed by numerous Diocesan priests against students and parishioners within Defendant Diocese and against employees of Defendant Diocese.

17. Consistent with the official policy of Defendant Diocese, all information regarding such sexual abuse, sexual contact, sexual exploitation, and sexual misconduct was conveyed to the Bishop of Defendant Diocese and then was concealed in the secret archive files of Defendant Diocese. No one outside Defendant Diocese was given access to these files or information contained therein. Upon information and belief, no one other than the Bishop and the Chancellor of Defendant Diocese was given access to information contained in these files.

18. In furtherance of the official policy of Defendant Diocese, after becoming aware of information regarding such sexual abuse, sexual conduct, sexual exploitation, and sexual misconduct, Defendant Diocese failed and refused to report the incidents to any agency of government as it was obligated to do by law.

19. From on or about 1956 to the present, all information regarding sexual abuse of minors by Diocesan priests was concealed from the public, including parents of children in schools and parishes where the priests/perpetrators were assigned by Defendant Diocese and from family members of employees of Defendant Diocese. As a consequence, the parents and family members of victims were deprived of the

opportunity to take steps to protect their children and loved ones from additional incidents of abuse.

20. From on or about 1956 to the present, Defendant Diocese has engaged in a pattern or practice of failing to properly screen, supervise and discipline priests, especially those priests whom it had reason to believe were engaging in acts of sexual abuse, sexual contact, sexual exploitation, and sexual misconduct. Defendant Diocese knew its priests would be given unsupervised access to minor children in its schools and Parishes, to adult parishioners, and to employees.

21. From on or about 1956 to the present, it has also been the official policy of Defendant Diocese to keep all information of sexual abuse, sexual contact, sexual exploitation, and sexual misconduct by Diocesan priests against children, parishioners, and employees of Defendant Diocese concealed from the priests, nuns, teachers and employees with whom the perpetrators worked so that these individuals were unable to take action to protect other victims from further abuse.

22. Plaintiffs' counsel has specifically requested that Defendant, through its counsel, produce records relating to acts of sexual abuse and sexual misconduct committed by priests in Defendant Diocese. Defendant, through its counsel, refused to produce any such information and Defendant Diocese's concealment of such conduct until ordered to do so by the Court. Defendant produced the information for attorney's eyes only, thus continuing the active concealment of the sexual abuse, sexual contact, sexual exploitation, and sexual misconduct of Diocesan priests and other religious officials. This violation of Defendants' legal, ethical and moral duty to report such misconduct continues through the present.

23. Defendants' ongoing pattern or practice of concealing all information regarding sexual abuse, sexual contact, sexual exploitation, and sexual misconduct by its priests and other religious officials created an atmosphere in which sexually abusive conduct was known to be tolerated by Defendant Diocese, thus having the effect of

encouraging priests and other religious officials to engage in additional sexual abuse, sexual contact, sexual exploitation, and sexual misconduct, without fear of exposure, with children and adults who attended Diocesan schools and parishes or who were employed by Defendant Diocese.

24. Even after the filing of this lawsuit, Defendants continued to employ individuals who have abused class members in teaching positions where they are in contact with minor children.

V. INDIVIDUAL ALLEGATIONS

PLAINTIFF JOHN DOE

25. During the period beginning on or about 1972, when Plaintiff John Doe was 13 years of age, and continuing into 1976, Plaintiff John Doe was subjected to continued sexual abuse, sexual contact, sexual exploitation, and sexual misconduct by Fr. Paul Ciangetti, a priest of Defendant Diocese who was Pastor of Mary Queen of Heaven Church in Boone County, Kentucky. These acts occurred many times in various locations in Boone County, Kentucky, including: Mary Queen of Heaven Church during times when Plaintiff John Doe was performing the functions of alter boy; Plaintiff John Doe's family residence; and Mary Queen of Heaven School. Plaintiff John Doe's first sexual experience in his life was the sexual abuse he suffered from Fr. Ciangetti. The acts of sexual abuse and sexual misconduct included Fr. Ciangetti fondling Plaintiff John Doe's body in a sexual manner, fondling the genitals of Plaintiff John Doe, and masturbating Plaintiff John Doe. The priest/perpetrator was given unsupervised access to Plaintiff by virtue of assignments made by Defendant Diocese. These acts all occurred without Plaintiff's consent and against his will, and as a direct and proximate result of Defendant Diocese's pattern or practice of concealment and toleration of acts of sexual misconduct by its priests and its negligence in assigning, supervising, and disciplining its priests.

PLAINTIFF JANE DOE

26. During the period beginning on or about 1963 and continuing into 1966, Plaintiff Jane Doe was subjected to continued sexual abuse, sexual contact, sexual exploitation, and sexual misconduct by Fr. James Aloysius Browne, a priest of Defendant Diocese who was assigned to counsel children in the Diocesan Children's Home in Fort Mitchell, Ky. These acts occurred many times in various locations in Northern Kentucky, southwestern Ohio, and other geographic locations. Many of these acts occurred at locations in Boone County, Kentucky, including: a motel at the Cincinnati/Northern Kentucky International Airport (Airport); in automobiles while parked or while driving in the vicinity of the Airport and while traveling to restaurants in Boone County, Kentucky. Plaintiff Jane Doe came into contact with Fr. Browne by virtue of her residence at the Diocesan Children's Home. Fr. Browne provided her with alcoholic beverages, seduced her, and engaged in sexual intercourse with her in the boy's infirmary at the Diocesan Children's Home. Fr. Browne rented apartments in Northern Kentucky and in Cincinnati, Ohio, and brought Plaintiff Jane Doe to live in these apartments with him. Eventually, Plaintiff Jane Doe became pregnant. Fr. Browne arranged for an abortion to be performed on Plaintiff Jane Doe outside the United States. Before leaving the United States, Fr. Browne stayed with Plaintiff Jane Doe at a motel adjacent to the Airport in Boone County, Kentucky. He then traveled with her outside the United States, where an abortion was performed on Jane Doe. The priest/perpetrator was given unsupervised access to Plaintiff by virtue of assignments made by Defendant Diocese. These acts all occurred without Plaintiff's consent and against her will, and as a direct and proximate result of Defendant Diocese's pattern or practice of concealment and toleration of acts of sexual misconduct by its priests and its negligence in assigning, supervising, and disciplining its priests.

PLAINTIFF RICHARD ROE

27. During the period beginning on or about 1973, when Plaintiff Richard Roe was 13 years of age, and continuing into 1976, Plaintiff Richard Roe was subjected to continued sexual abuse and sexual misconduct by Fr. Louis Holtz, a priest of Defendant Diocese who was a teacher at Newport Catholic High School, where Plaintiff Richard Roe attended school. Fr. Holtz has sexually abused minor children since 1956, when he was a Boy Scout Leader of Troop 86 affiliated with St. Joseph Church in Cold Spring, Kentucky. Upon information and belief, Defendant Diocese has known about Fr. Holtz's conduct since the late 1950's. Defendant Diocese has made a judicial admission through the March 6, 2003 affidavit of Gerald L. Reinersman, Vicar General, Chancellor and Moderator of Diocesan Services, filed with this Court in case number 02-C1-1797, that Defendant Diocese was specifically informed of Fr. Holtz's sexual abuse and sexual misconduct in October 1974, when the mother of a victim of child abuse reported it to Bishop Ackerman. Defendant Diocese's failure to act on this complaint against Fr. Holtz caused Plaintiff Richard Roe's injuries in 1974, 1975, and 1976. The numerous acts of sexual abuse and sexual misconduct committed against Plaintiff Richard Roe occurred at Fr. Holtz's cabin at Kincaid Lake, Kentucky, at Fr. Holtz's residence at St. Anne's Convent in Melbourne, Kentucky, at Fr. Holtz's residence on Highland Avenue in Fort Thomas, Kentucky, and at Newport Catholic High School in Newport, Kentucky. Plaintiff Richard Roe's first sexual experience in his life was the sexual abuse he suffered from Fr. Holtz. Fr. Holtz seduced Plaintiff Richard Roe by providing him alcoholic beverages and showing him pornographic pictures. The acts of sexual abuse and sexual misconduct included Fr. Holtz fondling Plaintiff Richard Roe's body in a sexual manner, fondling the genitals of Plaintiff Richard Roe, masturbating Plaintiff Richard Roe, and performing oral sex upon Plaintiff Richard Roe. The priest/perpetrator was given unsupervised access to Plaintiff by virtue of

assignments made by Defendant Diocese. These acts all occurred without Plaintiff's consent and against his will, and as a direct and proximate result of Defendant Diocese's pattern or practice of concealment and toleration of acts of sexual misconduct by its priests and its negligence in assigning, supervising, and disciplining its priests.

PLAINTIFF ROBIN ROE

28. During the period beginning on or about 1979, when Plaintiff Robin Roe was 13 years of age, and continuing into 1983, Plaintiff Robin Roe was subjected to continued psychological abuse, sexual abuse, sexual conduct, sexual exploitation, and sexual misconduct by Father Steven Gallenstein, a priest who was assigned to the Holy Family Parish in Ashland, Kentucky and who was principal of the school during a portion of this period. Beginning when she was in the sixth grade, Fr. Gallenstein visited her family's house on numerous occasions. When she was in the eighth grade, Fr. Gallenstein began kissing and touching her inappropriately. He psychologically abused Plaintiff Robin Roe by convincing her she could not trust or confide in her parents. He told her that he loved her and would take care of her forever. Using his unique position as a priest and a school official, he seduced her into engaging in sexual activity. This conduct occurred in various locations throughout Northern Kentucky for a period of several years. Fr. Gallenstein wrote love letters to Plaintiff Robin Roe mentioning their sexual activity and signed them "Father." He stalked her by trespassing on her parent's property where she resided and looking in their windows. During this time, Plaintiff Robin Roe sought help from the school principal, Sr. Mary Karen Bahlman. She told her to say "no," but did nothing further. Later, her mother complained of this situation to several Diocesan officials, including Bishop William Hughes. Fr. Gallenstein was made principal of the high school. The Diocese refused to replace Fr. Gallenstein as principal.

Plaintiff Robin Roe was told she would have to either change schools or move to live with family in another state. As a result, she was forced to leave the school that she had attended since first grade. Fr. Gallenstein continued to contact her at her new school. On September 11, 1980, when Plaintiff Robin Roe was a 15-year old freshman in high school, her mother wrote a detailed complaint letter and sent it to Bishop Hughes. The Bishop responded to her mother in writing. There is no record of these written or oral complaints in the documents submitted to Plaintiff's counsel by the Diocese, nor has the Diocese included Fr. Gallenstein in the list of priests about whom it has received complaints. Despite her family's complaints about Fr. Gallenstein, the Diocese invited him to give the commencement address in 1981. Fr. Gallenstein continued to make efforts to contact Plaintiff Robin Roe until she was 25 years of age. Despite its knowledge of Fr. Gallenstein's abuse of this minor child, the Diocese assigned him to positions of responsibility, where he would have close contact with children. When the Diocese of Lexington was created, Defendants failed to warn said Diocese of Fr. Gallenstein's abusive conduct and he was assigned to additional positions of responsibility, where he would have close contact with children. Gallenstein was assigned to churches in Ravenna, Kentucky, Pikeville, Kentucky, Middlesboro, Kentucky, Morehead, Kentucky, Salyersville, Kentucky, and Frankfort, Kentucky during the years 1982 through 2003. Gallenstein was finally suspended after he was identified in this lawsuit as a sexual abuser in September 2003.

PLAINTIFF FRANK FOE

29. During the period beginning on or about 1964, when Plaintiff Frank Foe was 14 years of age, and continuing into 1966, Plaintiff Frank Foe was subjected to

psychological abuse, sexual abuse, sexual contact, sexual exploitation, and sexual misconduct by Father Robert Klein, a priest who was assigned to the Sacred Heart Parish in Bellevue, Kentucky. In 1964, when Plaintiff Frank Foe was 14 years of age, Fr. Klein would have Plaintiff Frank Foe and three other boys wash Fr. Klein's car. Afterwards, Fr. Klein would take the boys for a ride. While Plaintiff was sitting in the front seat, Fr. Klein would touch Plaintiff's genital area. Although Plaintiff pushed Fr. Klein's hand away, he continued to fondle Plaintiff. In 1966, when Plaintiff was 16 year of age, Fr. Klein told Plaintiff and three other boys he wanted to see them for sexual education at the rectory. Fr. Klein questioned Plaintiff about erections and wet dreams and wanted information about whether Plaintiff had touched girls and other boys. On Plaintiff's second visit, Fr. Klein asked to see Plaintiff's penis. Fr. Klein also talked about masturbation and circumcision. Fr. Klein then showed Plaintiff his penis and asked Plaintiff to have oral sex. When Plaintiff refused, Fr. Klein told Plaintiff not to tell anyone about what happened. Fr. Klein told Plaintiff that if he reported the priest, Plaintiff would be ridiculed and not believed. Because of this intimidation, Plaintiff was afraid to report the abuse by Fr. Klein. Despite receiving complaints about Fr. Klein's sexual abuse of minor boys at least as early as 1963, the Diocese continued to assign him to positions where he would have contact with minors. Furthermore, the Diocese appointed Fr. Klein as its investigator of sexual abuse allegations against Fr. Earl Bierman in the late 1980's. Klein interviewed between 30 and 40 sexual abuse victims on behalf of the Diocese. When they reported sexual abuse, he told them not to let it happen again and to pray for Fr. Bierman. He took no further action on behalf of the Diocese, thus participating in the cover-up of Bierman's conduct. Klein testified at

Bierman's civil trial on behalf of the Diocese, as its investigator. Klein was not suspended from the priesthood until October 2002. Defendants permitted him to retain all his benefits after he was suspended for sexual abuse.

PLAINTIFF FRIEDA FOE

30. During the period beginning on or about 1959, when Plaintiff Frieda Foe was 10 years old, and continuing into 1966, Plaintiff Frieda Foe was subjected to continued psychological abuse, sexual abuse, sexual contact, sexual exploitation, and sexual misconduct by Father James Kleman, a priest who was assigned to Blessed Sacrament Church and Rectory in Ft. Mitchell, Kentucky during portions of this time. Plaintiff's older brother, now deceased, was also abused psychologically and sexually by Fr. Kleman from the time he was 12 years old until he was in high school. In 1961, Plaintiff and her brother were required to visit with Kleman at Jenkins, Kentucky, where he said he was working on an Appalachian project for the Diocese. During these visits, Kleman sexually abused Plaintiff Frieda Foe and her brother. Plaintiff and her brother were also required to visit with Kleman at his family's farm located near Independence, Kentucky. During these visits, Kleman sexually abused Plaintiff and her brother. In 1961, Plaintiff was also abused by Kleman at a rectory where he was living in Lancaster, Kentucky. When Plaintiff was 12 years old, she told a trusted former Catholic Social Services employe about the abuse. When she was 13 years old, Plaintiff learned that Kleman was sent away for treatment for sexual abuse. When Kleman returned, he began abusing Plaintiff and her brother again. When Plaintiff was 14, the Catholic Social Services employee reported the continuing abuse to Fr. Hellmann. However, Fr. Hellmann did nothing to stop the abuse nor did he remove

Kleman from his position. In the spring of 1966, Plaintiff reported the continuing abuse to Fr. John W. Goeke, the chaplain at LaSalette Academy, Covington, Ky. Goeke said he would look into the matter. However, nothing was done to stop the abuse. Plaintiff was not then aware that Goeke was himself sexually abusing young girls. Despite its knowledge of Fr. Kleman's abuse of minor children and despite the fact that he was sent for treatment for sexual abuse a number of times, the Diocese continued to assign him to numerous positions of responsibility where he would have close contact with children, at churches in Versailles, Kentucky, Jenkins, Kentucky, Covington, Kentucky Lancaster, Kentucky, Ft. Thomas, Kentucky and Newport, Kentucky during the years 1961 through 1973.

PLAINTIFF GEORGE GOE

31. During the period beginning on or about 1963, when Plaintiff George Goe was 7 years of age, and continuing into 1968, when he was 12 years of age, Plaintiff George Goe was subjected to continued psychological abuse, sexual abuse, sexual contact, sexual exploitation, and sexual misconduct by Father Paul Ciangetti, a priest assigned to the Mary Queen of Heaven Parish in Erlanger, Kentucky. Plaintiff came into contact with Fr. Ciangetti on a regular basis as an altar boy and lector. Fr. Ciangetti sexually abused Plaintiff at every available opportunity. Fr. Ciangetti would abuse Plaintiff on the school playground, in school buildings, the church sacristy, the rectory, the church and school grounds, and the woods located near the church. Fr. Ciangetti would physically restrain Plaintiff so he was unable to run away and then fondle Plaintiff's genitals. Fr. Ciangetti's abuse of Plaintiff often occurred on the school playground in full view of the nuns and lay teachers who were playground monitors.

Nothing was done to stop Fr. Ciangetti's abuse. The abuse finally stopped when Plaintiff reached the age of 13 and was physically strong enough to escape Fr. Ciangetti's restraint.

PLAINTIFF GLORIA GOE

32. During the period beginning on or about 1963, when Plaintiff Gloria Goe was 11 years of age, and continuing into 1964, Plaintiff Gloria Goe was subjected to continued psychological abuse, sexual abuse, sexual contact, sexual exploitation, and sexual misconduct by Father John Goeke, a priest who was assigned to the St. Aloysious Church in Covington, Kentucky. Beginning when she was in fifth grade, Fr. Goeke would take Plaintiff Gloria Goe and her girlfriend into the school gym after hours. He would place mats on the ground and roll around with the two young girls. While wrestling with Plaintiff, Fr. Goeke would put his hands inside Plaintiff's pants and touch her genitals. Fr. Goeke took Plaintiff into St. Claire's Hall, tied her hands behind her back and forced her hands to touch his genitals. Fr. Goeke also took Plaintiff to his parents' farm in Edgewood, Kentucky. He took her to the barn's hayloft. Once there, he rolled around in the hay with Plaintiff and put his hands inside her pants, touching her genitals. He also forced Plaintiff up against the wall of the hayloft and groped her. During the 1980's, when she became an adult, Plaintiff reported the abuse to Sr. Madonna, but nothing was done. The Diocese received numerous reports of Goeke's sexual abuse of female children, young women, and adult women, but continued to assign him to positions where he had contact with children. When Goeke was charged with criminal sexual abuse in the mid-1990's, and the concept of a fund to compensate his victims was presented to the Bishop, the Bishop stated that he had the duty to

protect the assets of the Diocese from the sexual abuse victims. Goeke was informally suspended in 1994, but was not formally suspended until October 2002. The Diocese continued to pay Goeke's salary and benefits during both of these suspensions.

HOWARD HOE

33. During the period beginning on or about 1967, when Plaintiff Howard Hoe was 12 years of age, and continuing into 1969, when Plaintiff Howard Hoe was 14 years of age, he was subjected to continued psychological abuse, sexual abuse, sexual contact, sexual exploitation, and sexual misconduct by Father Paul Ciangetti, a priest assigned to the Mary Queen of Heaven School and Church in Erlanger, Kentucky. Plaintiff had contact with Fr. Ciangetti as an altar boy at Mary Queen of Heaven Church. Fr. Ciangetti invented various excuses to convince Plaintiff visit Fr. Ciangetti's home. Fr. Ciangetti then led Plaintiff to the basement, where there was a couch. He sat on the couch and placed Plaintiff in front of him. Fr. Ciangetti loosened Plaintiff's belt, put his hands inside Plaintiff's pants, and fondled Plaintiff's genitals. Fr. Ciangetti's abuse of Plaintiff Howard Hoe occurred normally on a weekly basis. The abuse finally stopped when Plaintiff's father discovered the abuse and removed Plaintiff from Mary Queen of Heaven School.

PLAINTIFF HARRIET HOE

34. During the period beginning on or about 1971, when Plaintiff Harriet Hoe was 15 years of age, Plaintiff Harriet Hoe was subjected to psychological abuse, sexual abuse, sexual contact, sexual exploitation, and sexual misconduct by Fr. John Goeke, a priest who was assigned to conduct a youth group at the Diocesan Cathedral in Covington, Kentucky. Plaintiff was a member of the youth group. One evening, after

the regular youth group meeting, Fr. Goeke asked Plaintiff to return to the rectory with him to discuss youth group business. Fr. Goeke insisted that Plaintiff prove her trustworthiness by allowing him to blindfold her. Once Plaintiff had been blindfolded, Fr. Goeke then placed her head into his lap and tied her hands behind her back. He then unzipped Plaintiff's pants and fondled her genitals, penetrating her with his fingers. Once she was able to leave, Plaintiff avoided Goeke thereafter. However, this one incident of sexual abuse has had a devastating emotional effect upon Plaintiff.

35. Prior to the sexual assaults and other sexual misconduct perpetrated against the class members, Defendant Diocese entered into a fiduciary relationship with them. This fiduciary relationship was characterized by the Diocese indoctrinating the class members through religious teachings and tenets, beginning when they were very young, that its priests were highly placed religious figures that deserved the utmost trust and were the moral leaders of the Diocese. Plaintiffs and class members were taught by the Diocese that the priests' instructions about moral conduct were to be followed. The Diocese encouraged Plaintiffs and class members to spend time alone with priests, inside and outside the confines of the Church or school. Through these and other acts, the Diocese created a special relationship of trust and confidence between class members and the Diocese and its priests. The Diocese occupied a superior position of influence and authority over the class members. Thus, the Diocese owed the class members a duty of care, including a duty to investigate sexually abusive conduct by its priests when it first learned of it prior to 1956 and to warn or inform class members and their parents or guardians so as to prevent or alleviate harm to additional victims.

36. Defendant Diocese was or should reasonably have been aware of

unlawful and immoral tortious sexual abuse, sexual contact, sexual exploitation, and sexual misconduct of its priests against minor children within the Diocese or at Diocesan approved events. Upon information and belief, Defendant Diocese solicited and permitted troubled priests from seminaries and from other Dioceses to transfer to Defendant Diocese. Defendant Diocese was, or should reasonably have been aware of the sexual predatory propensities of its priests and the environment of tolerance it created, which encouraged such propensities. Nevertheless, Defendant Diocese did nothing to intervene and prevent such misconduct from occurring in spite of its duty to intervene and its duty to report such conduct to the proper authorities. Instead, Defendant Diocese purposely concealed sexual assaults and misconduct against minor children, parishioners, and employees by its priests.

37. Diocesan priests and religious officials were able to have access to, and to sexually abuse the class members as a direct and proximate result of assignments to positions of trust given to them by the Diocese; as a direct and proximate result of Defendants' failure to properly screen, train, supervise and discipline priests and religious officials; as a direct and proximate result of failing to take reasonable steps to protect children committed to its care from such abuse; as a direct result of Defendants' failure to remove its sexually abusing priests and religious officials from its employ; as a direct and proximate result of Defendants' assignment of sexually abusive priests and religious officials to positions where they were in close contact with class members; direct and proximate result of Defendants' failure to warn its parishioners of the danger it created and fostered; and as a direct and proximate result of Defendant's concealing their knowledge of the sexual predatory propensities and conduct of its priests and

religious officials. As a direct and proximate result of such conduct, each class member was seriously emotionally injured.

38. Upon information and belief, officials of Defendant Diocese have responded to complaints by numerous class members throughout the years by using its influence as a powerful religious organization to discourage them from taking legal action against Defendant, including informing them that no legal claim could be made at the time of their complaints to the Diocese, and entering into secret settlements with certain victims for small amounts in order to prevent all victims from learning about and seeking compensation from the Diocese. Only after the commencement of this class action lawsuit have Defendants entered into substantial settlements with victims in an effort to prevent this lawsuit from going forward and to prevent class members from being compensated. Defendant Diocese's discouragement of legal action helped maintain the concealment of such complaints from the general public, thus discouraging others from coming forward.

VI. CLASS ALLEGATIONS

39. Plaintiffs maintain this action on behalf of themselves and a class of all other male and female students and parishioners of Defendant Diocese who were subjected to sexual abuse and sexual misconduct by Diocesan priests and other religious officials when they were minors as a direct result of the negligent and intentional conduct of Defendant in concealing, tolerating, failing to report, and encouraging sexual abuse, sexual contact, sexual exploitation, and sexual misconduct by its priests and other religious officials. The class is defined as follows:

All persons who, while still minors at anytime during the period January 1, 1956 through the present, were subjected to acts of sexual abuse, sexual contact, sexual exploitation, and sexual misconduct by priests or members of religious

orders who, at the time of such abuse or misconduct, were assigned to or employed by the Diocese of Covington.

40. Upon information and belief, there are in excess of 500 (five hundred) members of the proposed class and there are approximately 46 priests who victimized the class members for a period of more than five decades. Accordingly, the members of the class are so numerous that joinder is impracticable. Despite the size of the class, the identities of many of the class members can be ascertained from Defendant's files and records. Plaintiffs and their counsel do not anticipate any difficulties in the management of this case as a class action.

41. The interests of Plaintiffs are consistent with and not antagonistic to those of the other class members.

42. There are significant questions of fact and law common to the members of the class, including, but not limited to, the following:

a. Whether or not Defendant Diocese engaged in the practice of concealment of sexual abuse and sexual misconduct of its priests in violation of Kentucky common law;

b. Whether or not Defendant Diocese engaged in a continuing pattern or practice of failing to report incidents of sexual abuse and sexual misconduct of its priests in violation of Kentucky common law;

c. Whether or not Defendant Diocese engaged in a continuing pattern or practice of tacitly tolerating sexual abuse and sexual misconduct of its priests in violation of Kentucky common law;

d. Whether or not Defendant Diocese engaged in a continuing pattern or practice of exposing children, parishioners, and employees to priests who were known sexual predators in violation of Kentucky common law;

e. Whether or not Defendant Diocese engaged in a continuing pattern or practice of failing to properly screen, supervise and discipline priests, especially those priests whom it had reason to believe were engaging in acts of sexual abuse and misconduct in violation of Kentucky common law;

f. Whether or not it has been the official policy of Defendant Diocese to keep all information regarding sexual abuse and sexual misconduct by Diocesan priests against children, parishioners, and employees of Defendant Diocese concealed from the priests, nuns, teachers and employees with whom the perpetrators worked and from law enforcement authorities so that these individuals would be unable to take action to protect other victims from further abuse in violation of Kentucky common law.

43. The claims of the named individual and representative Plaintiffs are typical of the claims of the class. The named Plaintiffs have been the victims of the same negligent and intentional practices that affect each class member. Plaintiffs and each class member sustained and continue to suffer injury arising from Defendant's wrongful conduct.

44. The named Plaintiffs have been actively engaged in the preparation of this lawsuit, including insisting that the case proceed as a class action so that all victims of the Defendant's agents can be protected from and, where appropriate, recover for Defendant Diocese's misconduct. The proposed class representatives will fairly and adequately represent the class, because they have sworn to do so, they have the class's interests in mind, and because they are represented by well-qualified counsel experienced in class action litigation and cases arising from acts of sexual abuse and sexual misconduct. Thus, the named and representative Plaintiffs will fairly and adequately protect the interests of the class.

45. Defendant has acted or refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive and declaratory relief with respect to the class as a whole.

46. A class action is superior to other available methods for the fair and efficient adjudication of this litigation since individual joinder of all members of the class is impracticable. Most members of the class cannot afford to pursue individual litigation

against Defendant Diocese. Even if some class members could themselves afford individual litigation, it would be unduly burdensome to the courts in which the individual litigation would proceed. Individual litigation magnifies the delay and expense of resolving controversies surrounding Defendant's practices. Individual litigation would also subject individual class members to the severe stress and humiliation that necessarily attends litigation relating to sexual abuse. Many victims of the Defendant's agents have failed to come forward for fear of being publicly identified. By contrast, the class action device presents far fewer management difficulties and provides the benefits of unitary adjudication, economies of scale, and comprehensive supervision by a single court, and can protect the privacy of many class members who otherwise would not come forward.

47. The class, as defined herein, may be certified pursuant to Rule 23.02(a)(1) of the Kentucky Rules of Civil Procedure in that inconsistent or varying adjudications with respect to individual class members would establish incompatible standards of conduct for Defendant Diocese to follow.

48. The class, as defined herein, may be certified pursuant to Rule 23.02(b) of the Kentucky Rules of Civil Procedure in that Defendant has acted or refused to act on grounds generally applicable to the class, thereby making final injunctive relief and corresponding declaratory relief appropriate with respect to the class and the primary relief sought by the class.

49. The class, as defined herein, may also be certified pursuant to Rule 23.02(c) of the Kentucky Rules of Civil Procedure in that the questions of law and fact common to the class members will predominate over questions affecting individual

members and a class action is superior to other methods for fairly and efficiently adjudicating the controversies and causes of action described in this Complaint.

**COUNT I - NEGLIGENCE/GROSS NEGLIGENCE/BREACH OF FIDUCIARY DUTY
UNDER KENTUCKY COMMON LAW**

50. Plaintiffs incorporate by reference all paragraphs set out above.

51. At all times relevant hereto, Defendant acted negligently and maliciously, intentionally and oppressively, and in a grossly negligent, reckless and careless fashion in the manner described above in allowing its priests and other religious officials to use their positions as trusted teachers and religious advisors to sexually and physically assault, abuse and exploit Plaintiffs and each class member.

52. At all times relevant hereto, Defendant through its Bishops, agents, servants and employees, acted negligently and maliciously, intentionally and oppressively, and in a grossly negligent, reckless and careless fashion, by failing to properly screen, supervise, assign, and discipline its priests; by failing to take reasonable steps to protect children, parishioners, and employees from known risks of sexual abuse, sexual contact, sexual exploitation, and sexual misconduct, by concealing information regarding the sexual abuse and misconduct of its priests and other religious officials; and by failing to act with respect to its knowledge of sexual abuse and misconduct by its priests, including failing to report such conduct to the appropriate authorities and to the parents, guardians, or families within the Diocese so that they could protect their children.

53. As a direct and proximate result of Defendant's conduct as described above, Plaintiffs and each class member suffered serious psychological and emotional injuries including, without limitation, depression, anxiety, anger, insomnia, and other sleeping disorders, sexual disorders, difficulties concentrating, and post-traumatic stress

disorder, all to their damage in an amount that exceeds the jurisdictional minimum of this court.

54. As a direct and proximate result of Defendant's conduct as described above, Plaintiffs and each class member will in the future require psychological counseling and therapy, the costs of which exceed the jurisdictional minimum of this Court.

55. As a direct and proximate result of Defendant's conduct as described above, Plaintiffs and each class member have suffered loss in income and earning capacity and will in the future suffer such additional losses in an amount which exceeds the jurisdictional minimum of this Court.

**COUNT II – TORT OF OUTRAGE
UNDER KENTUCKY COMMON LAW**

56. Plaintiffs incorporate by reference all paragraphs set out above.

57. Defendant's conduct as described above constitutes intentional or reckless conduct that was intended to inflict severe emotional distress upon Plaintiffs and each class member. Alternatively, Defendant intentionally engaged in a course of conduct as above described and knew or should have known that such conduct would cause severe emotional distress to Plaintiffs and each class member. The conduct of Defendant was outrageous and intolerable in that it violates generally accepted standards of decency and morality.

58. As a direct and proximate result of Defendant's conduct as described above, Plaintiffs and each class member suffered serious psychological and emotional injuries including, without limitation, depression, anxiety, anger, insomnia, and other sleeping disorders, sexual disorders, difficulties concentrating, and post-traumatic stress disorder, all to their damage in an amount that exceeds the jurisdictional minimum of this Court.

59. As a direct and proximate result of Defendant's conduct as described above, Plaintiffs and each class member will in the future require psychological counseling and therapy, the costs of which exceed the jurisdictional minimum of this Court.

60. As a direct and proximate result of Defendant's conduct as described above, Plaintiffs and each class member suffered loss in income and earning capacity and will in the future suffer such additional losses in an amount which exceeds the jurisdictional minimum of this Court.

**COUNT III – ASSAULT AND BATTERY
UNDER KENTUCKY COMMON LAW**

61. Plaintiffs incorporate by reference all paragraphs set out above.

62. Defendant's conduct as alleged above constitutes aiding and abetting such assaults and batteries against Plaintiffs and each class member and acting as an accessory after the fact by concealing said crimes and tortious conduct.

63. As a direct and proximate result of Defendant's conduct as described above, Plaintiffs and each class member suffered serious psychological and emotional injuries including, without limitation, depression, anxiety, anger, insomnia, and other sleeping disorders, sexual disorders, difficulties concentrating, and post-traumatic stress disorder, all to their damage in an amount that exceeds the jurisdictional minimum of this court.

64. As a direct and proximate result of Defendant's conduct as described above, Plaintiffs and each class member will in the future require additional psychological counseling and therapy, the costs of which exceed the jurisdictional minimum of this Court.

65. As a direct and proximate result of Defendant's conduct as described above, Plaintiffs have suffered loss in income and earning capacity and will in the future

suffer such additional losses in an amount which exceeds the jurisdictional minimum of this Court.

PUNITIVE DAMAGES

66. Plaintiffs incorporate by reference all paragraphs set out above.

67. Defendant's conduct as described above, occurred in malicious, wanton, reckless and intentional disregard of the rights of Plaintiffs and each class member as protected by the laws of the Commonwealth of Kentucky, thus entitling Plaintiffs and each class member to an award of punitive damages in an amount to be determined by the evidence at trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray that this Court:

a. Maintain the class certification of this action so that it may proceed as a class action on behalf of the class defined herein;

b. Order trial by jury in two phases, as described in the Class Certification Order;

c. Declare that Defendant Diocese's conduct violates Kentucky common law regarding negligence, gross negligence, outrage, and assault and battery;

d. Permanently enjoin Defendant from continuing the abuses described above and order that Defendant:

1. Require its management and supervisory employees and agents to employ a nationally recognized firm that provides sensitivity training regarding child abuse, sexual abuse, and sexual misconduct and require all its management and supervisory employees, including priests and all their superiors, to undergo such sensitivity training;

2. Require its management and supervisory employees and all employees to make a written commitment to report all incidents of sexual abuse and sexual misconduct to appropriate law enforcement authorities;
 3. Require its management and supervisory employees to institute a formal program encouraging all students, parishioners, and employees to report all incidents of sexual abuse and sexual misconduct to Defendant Diocese;
 4. Require psychological screening for all priests, including incumbents, prior to assigning them to contact with minor children, parishioners, or employees;
 5. Establish an effective grievance system for minor children, students, parishioners, and employees;
 6. Require full and complete disclosure of all records, wherever located, in the possession and/or control of Defendant Diocese, relating to sexual abuse and sexual misconduct by its priests.
 7. Retain an outside monitor that specializes in cases of child abuse, sexual abuse, and sexual misconduct to monitor Defendant Diocese's practices for a period of five years and to report any misconduct to Plaintiff's class counsel;
- e. Establish a fund sufficient to compensate all class members identified through discovery in this case, and establish a confidential claims process for victims to apply for and receive compensation.
 - f. Award prejudgment interest.
 - g. Award Plaintiffs and each class member compensatory damages in an amount consistent with the evidence in this case;

h. Award Plaintiffs and each class member punitive damages in an amount consistent with the evidence in this case;

i. Award class counsel reasonable attorney's fees, costs, and expenses;
and

j. Award such other and further relief as the Court may deem just and proper.

Respectfully submitted,

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