

CAUSE No. CC-19-05279-B

JOHN DOE,

Plaintiff,

v.

THE JESUIT PREPARATORY SCHOOL OF DALLAS, INC.; THE JESUIT PREPARATORY SCHOOL OF DALLAS FOUNDATION, INC.; ROMAN CATHOLIC DIOCESE OF DALLAS; ROMAN CATHOLIC DIOCESE OF CORPUS CHRISTI; ROMAN CATHOLIC ARCHDIOCESE OF SAN ANTONIO; ROMAN CATHOLIC ARCHDIOCESE OF GALVESTON-HOUSTON; and CATHOLIC SOCIETY OF RELIGIOUS AND LITERARY EDUCATION d/b/a JESUITS OF THE NEW ORLEANS PROVINCE,

Defendants.

IN COUNTY COURT AT LAW

No. ____

DALLAS COUNTY, TEXAS

JOHN DOE’S ORIGINAL PETITION, REQUEST FOR DISCLOSURE,
AND DEMAND FOR A JURY TRIAL

“The current crisis of sexual abuse by clergy, the cover-up by leaders in the church and the lack of fidelity of some have caused great harm.”

- F. Edward J. Burns, Bishop of the Diocese of Dallas, August 29, 2018

“The sexual abuse of children and young people by some priests and bishops, and the ways in which we addressed these crimes and sins, have caused enormous pain, anger, and confusion. Innocent victims and their families have suffered terribly. In the past, secrecy has created an atmosphere that has inhibited the healing process and, in some cases, enabled sexually abusive behavior to be repeated.”

- Preamble to the *Charter for the Protection of Children and Young*, United States Conference of Catholic Bishops, 2002

Plaintiff John Doe brings this lawsuit for the lifelong and life-altering damage resulting from being sexually assaulted at Jesuit College Preparatory School of Dallas (“the School”) by Jesuit priest Patrick J. Koch, who had been the Principal and President of the School but is now deceased.

But this case is not just about the ruinous effect this extreme violation has had on John Doe’s life. The case is yet another attempt to seek accountability and justice for the massive systemic cover-up of sexual abuse that has been occurring in the Roman Catholic Church (the “Church”) for decades—and likely centuries—and that has ruined the life of innumerable young children. It is a conspiracy that goes to the highest seat in the Church. Confronted with irrefutable evidence of the conspiracy of silence that both facilitated the on-going crisis and tried to hide it, the Church has repeatedly claimed that it will be transparent—only to find that, like the layers of an onion, more is hidden underneath each forced revelation.

There can be no healing without accountability and complete transparency. Empty words of apologies do nothing when misconduct continues to be hidden and full accountability denied.

One of the defining characteristics of the Church is the “Sacrament of Penance and Reconciliation” or what is commonly called “confession,” and the Church teaches that only through confession can sins be absolved. The Sacrament has four elements:

1. Contrition—the sorrowful renunciation of one’s sin;
2. Confession—the public admission of the nature and full extent of the sin;
3. Satisfaction—the actions needed to account for the sin; and
4. Upon fulfilment of the first three, Absolution—the forgiveness of the sin.

There can be no meaningful argument but that the systemic abuse and covering up of that abuse by the Roman Catholic Church is its greatest sin. The Church at times has issued statements claiming contrition. But the Church has not fully confessed and publicly admitted the full extent of what has occurred, but instead has hidden it. And when it comes to victims like John Doe, the Church has vigorously fought against “satisfaction” and resisted being held to account for its misconduct.

Through the power to award exemplary damages, juries in Texas have the solemn ability to send a message through its verdict to the Church – whose misconduct is outrageous – in an effort to put an end to the misconduct and prevent it from happening again. For this reason, John Doe brings suit and demands a jury trial to send such a message to the Church for the reasons that follow:

I.
FACTUAL BACKGROUND

It would be impossible in the context of a simple legal pleading to fully set forth the factual background of the history of the Church, the horrors of the abuse of children at its hands, and the systemic cover-up of that abuse. Books upon books are still being written to try to do that. However, to understand the factual background and basis of the claims in this case, it is necessary to understand in a summary fashion the structure of the Church, an overview of the sexual abuse crisis, the policies of secrecy that allowed the crisis to continue, as well as the intentional cover-up of the crisis.

From that context, the actions of the Defendants in this case are understandable as merely part of and a continuation of that systemic conspiracy in the Church, and the harm caused by Patrick J. Koch becomes foreseeable and inevitable.

Finally, the story of John Doe and his violation is seen in the proper context.

A. The Relevant Structure and History of the Roman Catholic Church.

The Roman Catholic Church is an international religious denomination and the largest Christian church. The first official legal designation of the Church dates back to Emperor Constantine's Edict of Milan in 313 A.D., but the Church's tradition traces its origins to the first century as being a continuation of the teaching of Jesus Christ and his disciples, primarily Saint Peter and then Saint Paul. The Church though is different than any other religion or denomination of Christianity. Beyond advocating a religious way of life, the Church is a hierarchical structured institution with its own laws and is recognized as a political entity or country by the community of nations. Commonly referred to as the Roman Catholic Church, a political entity with membership in the community of nations, the Church is known as the Holy See. The seat of the Church's government and the residence of its head is a geographic entity known as Vatican City, which exists as a separate country within the boundaries of Rome, Italy.

The political status of the Church is of fundamental importance because it explains the structure, control, and legal relationship of its constituent parts. The governmental system of the Church is defined officially variously as a hierarchy or an "absolute monarchy" in that power is vested in an individual person who has absolute control of the three essential functions of government in the Catholic Church.

The papacy is the highest governmental and religious office in the Catholic Church. The incumbent is known as the Pope and commonly addressed as “the Holy Father.” The Pope is the supreme judge, executive, legislator and teacher for the entire Catholic Church. His authority and power is absolute.¹ The Pope answers to no human power. He is elected by the College of Cardinals, but once he accepts the election, he is the Pope from that moment on. One of the legislative powers of the Pope is to promulgate laws governing the whole Church which are referred to as “canon law.”

While the Church is a monarchy headed by the Pope, the basic governmental office in the Catholic Church is the office of “bishop.” A bishop is the head of a diocese, and in that diocese, he has nearly absolute power, subject only to the limitations of canon law or those imposed by the Pope. In fact historically, the Pope was originally the bishop of the diocese of Rome and is still referred to as, among other things², the Bishop of Rome. The diocesan model of having a bishop with authority over the entire diocese has spread internationally as the Church has grown and formed new dioceses, but the Bishop of Rome/Pope has always maintained primacy among bishops and dioceses as the monarch of the Church. He still is known as the Bishop of Rome; however, his duties as bishop are carried out by an appointed representative.

Extending this model, the international Church is divided into sections called dioceses, a word that is derived from the Greek word *diokesis* meaning “administration” because dioceses are divisions of the church for administrative purposes. Canon law defines a diocese as the “portion of the people of God which is entrusted to a bishop for him to shepherd” and it is the area in which the Church is “present and operative”³. To accomplish the international administration of the Church, geographical regions of the world in which the Church is operative are divided by the Pope into dioceses. Thus within a particular geographical region of the world, the diocese and its sovereign bishop has control and duties to ensure compliance with teachings of the Church and its canon law.

¹ See Matthew 16:18-19. (“I tell you, you are Peter, and on this rock I will build my church, and the gates of Hades shall not prevail against it. I will give you the keys of the kingdom of heaven, and whatever you bind on earth shall be bound in heaven, and whatever you loose on earth shall be loosed in heaven.”)

² The Pope’s formal title is “Bishop of Rome, Vicar of Jesus Christ, Successor of the Prince of the Apostles, Supreme Pontiff of the Universal Church, Primate of Italy, Archbishop and Metropolitan of the Roman Province, Sovereign of the Vatican City State, Servant of the servants of God.”

³ 1983 Code of Canon Law, canon 369.

An “archdiocese” is identical to a diocese in governmental structure, such that it has a sovereign—an “archbishop” or “metropolitan”—who presides over a geographical region called a “province.” A province is a grouping of dioceses within the same geographical region, and the dioceses within the geographical province are subordinate to the archdiocese. The archbishop on behalf of the archdiocese is tasked with leading all of the constituent parts of the Church and presiding over all bishops that are within the archdiocese’s geographical region. Canon law states that within the archdiocese’s geographical areas including its suffragan dioceses, the archbishop is required to ensure that the practice of the religion and the discipline of priests is carefully observed and to take action if there are any abuses.⁴ Thus, by canon law the archbishop must exercise vigilance on behalf of the Holy See to assure the suffragan dioceses are observing and exercising the faith including canonical law properly and to counsel and report neglect of that standard.

In addition to geographical divisions, the clergy of the Church is compromised by various “orders” or “congregations” which define what set of vows the clergy choose to follow. These vows are in addition to the requirements of the Church’s canon law. Among these orders is the Society of Jesus, whose members are called “Jesuits”, who follow the spirituality and teachings of St. Ignatius of Loyola. Each order has an administrator called a “superior general” and orders like the Jesuits can be divided into administrative regions. However, orders like the Jesuits do not have a geographical boundary or territory in the same manner as dioceses. Rather, if priests of an order seek to work in a particular parish or school, they are required to obtain an assignment from the local diocese and be subject to that diocese’s oversight.

1. Canon law.

The term “Canon law” is derived from the Greek word *kanon*, which means a rule or a straight line, and the Church’s Canon Law is called the oldest continuously functioning legal system in the world. Canon law as a written legal code has its origins in the 4th century when a group of bishops met in southern Spain to enact rules in response to various problems encountered by Church communities in their region. This meeting is referred to as Council/Synod of Elvira in the year 306 A.D. and resulted in the promulgation of 81 canons or rules. Over the centuries, canon law has been added to and formalized in major events, such as Council of Trent, the 1917 Code of Canon Law, and the 1983 Code of Canon Law.

⁴ Code of Canon Law, code 436 § 1.1.

Of particular relevance to this case, when the bishops met at the Council of Elvira as far back as 306 A.D., roughly half of the canons dealt with concerns about sexuality and included penalties for priests who engaged in sexual immorality.⁵ Specifically, canon 18 states that “Bishops, presbyters, and deacons, once they have taken their place in the ministry, shall not be given communion even at the time of death if they are guilty of sexual immorality. Such scandal is a serious offense.”⁶ Canon 33 mandated that clergy abstain from sexual intercourse.⁷ And Canon 71 clearly states: “Those who sexually abuse boys may not commune even when death approaches.”⁸

Thus, from the outset of the formation of canon law, the danger of sexual abuse of young boys and the need to penalize sexual misconduct by priests has been a consideration of importance. It stands to reason that such rules would not have been necessary if there was not a known problem by even those bishops in the 4th century.

The canon law as it has developed over time is required to be followed by all priests and enforced in dioceses among all members of the faith within that geographical region, and dioceses are required to ensure compliance with it among all clergy within its geographical region. Archdioceses are required to ensure that the dioceses within their geographical region are doing what is necessary to ensure compliance with canon law.

Canon law therefore reflects an assumed duty for archdioceses and dioceses to ensure that appropriate actions are taken to prevent misconduct and supervise clergy within the geographical jurisdictions of each.

B. The Sexual Abuse Crisis in the Catholic Church.

To understand why the sexual abuse crisis is so severe, it is necessary to understand how long it has been a crisis and why the abuse is so severe.

1. The long history and breadth of the crisis.

The issue of sexual abuse of minors by Catholic clergy first began to be publicized nationally by news organizations in the United States in the early 1980s, with the National Catholic Report publishing an article on the topic in 1983 and then wider coverage on the allegations of a Catholic

⁵ Canons of the Council of Elvira (306).

⁶ *Id.* at canon 18.

⁷ *Id.* at canon 33.

⁸ *Id.* at 71.

priest named Gilbert Gauthe. Gauthe ultimately admitted to sexually abusing at least 37 children. Since the Gauthe trial, there have been by some estimates over 7,000 civil suits filed in the U.S. and internationally, including Canada, the U.K., Ireland, Australia, New Zealand, Belgium, Italy and the Netherlands. And that is just lawsuits that are known about. What is unknown are the likely even larger number of confidential resolutions of claims that never see the light of day because they were accomplished behind confidentiality agreements. But beyond even those numbers are the tragic number of incidents of abuse that never get reported at all.

But while the story in the United States was not reported by the press until the 1980s, the crisis of sexual abuse of minors by clergy has existed for centuries in the Church and existed in dioceses internationally. As noted above, concerns about sexual activity existed as far back as the Council of Elvira in 306 A.D., and the issue has repeatedly been addressed throughout history since then. For instance, in the *Paenitentiale Bedae* or “Bedeian penitential” which was written around 730 A.D., the Catholic monk Bede, proscribes that clerics who engage in sodomy with young boys be given increasingly severe penances commensurate with their ranks, with bishops receiving harsher penalties. In 1051, St. Peter Damian, a Benedictine monk, wrote *Liber Gomorrhianus* or “Book of Gomorrah” in which he extensively wrote about the vices of clergy, including sodomy, and the need for reform. St. Peter Damian condemned clerics who defiled young boys, the need to dismiss priests who engage in such abuse, and discussed the damage to the church caused by such priests. In the final chapter of the book, St. Peter Damian made an appeal to Pope Leo IX to take action.

This trend has continued ever since. The problem has been discussed and action has been called for to address the sexual abuse crisis, but insufficient action has been taken. As a result, countless victims have suffered at the hands of priests. One study in 2004 offered a conservative estimate that it was able to identify in the United States 10,667 allegations of sexual abuse of a minor against 4,392 priests between 1950 and 2002.⁹

2. The unique severity of the priest sexual abuse on victims.

While any sexual abuse of a minor is severe, the problem is compounded when the abuse is at the hands of a cleric. Catholic teaching holds that the institutional Catholic Church was founded by God. Devout Catholics are taught that the Church was founded by Jesus Christ to save sinful people and the Church is necessary as a bridge to salvation. Devout Catholics are taught that the

⁹ John Jay College of Criminal Justice, *The Nature and Scope of the Problem of Sexual Abuse of Minors by Catholic Priests and Deacons in the United States* (2004).

hierarchical governmental structure of the Church, including the elevated religious place of a priest, is not merely an administrative decision, but rather was directly compelled by the teaching of Jesus Christ. Devout Catholics are taught that the Church is the kingdom of God on earth and the only source for interpreting the Divine Will and that bishops are chosen by God to govern in the kingdom of God on Earth. Thus, Devout Catholics are taught that an offense against the institutional Church or one of its consecrated leaders is an offense against God.

Devout members are taught that priests are superior to lay members, but also that the Church and its priests are *perfect* and therefore incapable of wrong.

Thus, victims of priest abuse are indoctrinated that the actions of the Church and its priests cannot be the source of the humiliation, pain, and doubt that abuse causes. Rather, the victims are forced to think that the fault lies with them; that perhaps they have done something wrong to have earned being punished.

Further, victims are taught to believe in the priest because of the priest's elevated position in the eyes of God, so to trust the priests is to know what is right in the eyes of God. Victims are also taught that when they make a mistake, they are to turn to priests and to confess; priests become the ones to open up to and to share sins with. But when the priests commit the abuse, child victims cannot understand whether it is wrong, and if they turn to the priests to whom they are supposed to share concerns, there is a risk of punishment or denial of the victimization. Moreover, since most victims come from devout families, the literature shows that parents have commonly refused to believe children who reveal abuse and even have punished the children out of deference to the Church. This causes even further pain as the victims see the parents as in line with the Church, leaving the victim with no one to turn to and, therefore, they must suppress inside of them the fear, guilt, and shame.

This leads to a painful secondary victimization, often much worse than the initial assault itself, in which victims must live in fear, shame, and doubt with no one to turn to or trust and perpetually doubting all human interactions.

With the thousands, if not tens of thousands, of researched victims, this extreme and lifelong impact is well established. It is why the Church—including in the quotes beginning this Petition—constantly acknowledges the extreme damage done by the abuse. It is undeniable. And the severity of its damage makes the Church's failure to address the crisis all the more inexcusable and cruel.

C. The Systemic Conspiracy to Cover-up and Hide the Crisis.

Given the breadth of the problem, there have been numerous reports on investigations—criminal and academic—into the crisis and the Church’s response to the crisis of sexual abuse of minors by priests. Just some of these include:

Domestic Reports

1. Report of the Westchester County (New York) Grand Jury Concerning Complaints of Sexual Abuse and Misconduct Against Minors by members of the Clergy, 19 June 2002.
2. Grand Jury Report, Suffolk County (New York) Supreme Court, Special Grand Jury Term 1D, May 6, 2002, 17 Jan. 2003.
3. Report on the Investigation of the Diocese of Manchester, New Hampshire. Attorney General of the State of New Hampshire, Jan. 2003.
4. The Sexual Abuse of Children in the Roman Catholic Archdiocese of Boston, Office of the Attorney General (2003) (the “Reilly Report”).
5. Karen Terry, et al., *The Nature and Scope of the Problem of Sexual Abuse of Minors by Priests and Deacons*, prepared by John Jay College of Criminal Justice, United States Conference of Catholic Bishops (2004) (the “John Jay Report I”).
6. Report of the Attorney General of Maine, On the Allegations of Sexual Abuse of Children by Priests and Other Clergy Members Associated with the Roman Catholic Church, 24 Feb. 2004.
7. Report of the Philadelphia Grand Jury, *In Re County Investigating Grand Jury*, MISC. NO. 01-00-89444, Philadelphia, PA, 2001.
8. Report of the Philadelphia Grand Jury, *In Re County Investigating Grand Jury*, MISC. NO. 03-00-239, Philadelphia, PA, 2003.
9. Karen Terry, et al., *The Causes and Context of Sexual Abuse of Minors by Catholic Priests, 1950-2010*, John Jay College of Criminal Justice, United States Conference of Catholic Bishops (2011) (the “John Jay Report II”).
10. Report of the Philadelphia Grand Jury, *In Re County Investigating Grand Jury XXIII*, MISC. No. 0009901-2008, Philadelphia PA, 23 Jan. 2011.
11. Report of the Grand Jury of the Court of Common Pleas of Allegheny County No. CP-02-MD-571-2016, Pennsylvania, 2018.

Non-domestic Reports

12. Report of Royal Commission of Inquiry into the Response of the Newfoundland Criminal System to Complaints (Newfoundland, Canada, 1989) (the “Hughes Report”).
13. Gordon A. Winter, *The Report of the Archdiocesan Commission of Enquiry into the Sexual Abuse of Children by Members of the Clergy* (Archdiocese of St. John’s, Canada, 1990) (the “Winter Commission”).
14. Lord Nolan, *A Programme for Action: Final Report of the Independent Review on Child Protection in the Catholic Church in England and Wales*, Catholic Bishops’ Conference of England and Wales (2001) (the “Nolan Report”).
15. *The Ferns Report*, Presented to the Minister for Health and Children (Dublin: Government Publications, 2005).
16. Julia Cumberlege, *Safeguarding with Confidence – Keeping Children and Vulnerable Adults Safe in the Catholic Church*, The Cumberlege Commission Report (2007) (the “Cumberlege Commission Report”).
17. *The Ryan Report on Irish Residential Institutions*, The Commission to Inquire into Child Abuse, Dublin, Ireland (20 May 2009).
18. *Commission of Investigation: Report into the Catholic Archdiocese of Dublin* (26 Nov. 2009) (the “Murphy Report”).
19. *Child Abuse in Institutions: Ensuring Full Protection of the Victims*, Marlene Rupprecht, Special Rapporteur to the Social, Health and Family Affairs Committee of the Parliamentary Assembly of the Council of Europe, Doc. 12358 (20 Sept. 2010).
20. *Report into the Diocese of Cloyne, Commission of Investigation*, 23 Dec. 2010, released 13 July 2011 (the “Cloyne Report”).
21. Marion Westpfahl, *Central Points of Appraisal Report, Sexual and Other Physical Assaults by Priests, Deacons and Other Pastoral Workers in the Field of Jurisdiction of the Archdiocese of Munich and Freising Between 1945 and 2009* (2010) (the “Munich Report”).
22. *Commissie voor de Behandeling van Klachten Wegens Seksueel Misbruik in Een Pastorale Relatie* [Dutch Commission for Dealing with Complaints of Sexual Abuse in a Pastoral Relationship] (2010) (the “Adriaenssens Report”).

This is just a limited selection of reports that have extensively examined the Church's response to the abuse crisis, and their findings are incorporated into this Petition. Beyond reports, there are volumes of books written on the subject. But what becomes apparent throughout this body of literature is that there has been a systemic cover-up by the Catholic church of abusing priests and the scope of the problem that has both facilitated the crisis and hidden it which has compounded the harm to victims.

Throughout the investigations, what has been uncovered is that established practices of the Church and its institutions—including these Defendants—have been developed over centuries and defined in papal edicts and canon law, as well as unwritten accepted procedures. In the face of allegations of abuse of a child by a priest, the response of the Church and its institutions has not been to report the allegations of abuse to the civil authorities for criminal prosecution or to report the abuse to Child Protective Services, but instead to try to handle the matter internally and confidentially. The Church and its institutions have had more of an interest in protecting the reputation of the Church and its priests than in getting justice for victims.

When handling the matter internally, the Church rejected the policy of removing the offending priests from the church, a process called “laicization.” Instead, offending priests are often merely given reprimands and allowed to continue at their posts. Or, if there are multiple allegations or the abuse is severe enough, the priest is transferred to a new assignment. In some cases, priests are sent to “retreats” at which they are counseled.

This cover-up has been acknowledged by the Church, as evident by the quotes that begin this Petition.

1. The Failure of the Model of “Treating” the Offenders.

The practice of taking offending priests to special facilities for treatment has happened for centuries. But the Church even formalized the plan. The Servants of the Paraclete is the name of a Roman Catholic religious community founded in 1947 by Father Gerald Fitzgerald within the Archdiocese of Santa Fe, New Mexico. The name of the community includes the word “Paraclete” which is derived from a Greek word meaning “advocate” or “helper.” The community was founded for the purpose of providing assistance to priests with substance abuse problems but quickly turned to treating sexually abusive priests.

The volume of priests that Father Fitzgerald saw alarmed him, and he wrote warnings to bishops about the impossibility of treating sexually abusive priests. In a 1952 letter to the Bishop of Reno, Father Fitzgerald wrote:

“I myself would be inclined to favor laicization for any priest, upon objective evidence, for tampering with the virtue of the young, my argument being, from this point onward the charity to the Mystical Body should take precedence over charity to the individual, [...] Moreover, in practice, real conversions will be found to be extremely rare [...] Hence, leaving them on duty or wandering from diocese to diocese is contributing to scandal or at least to the approximate danger of scandal.”¹⁰

In 1957, Father Fitzgerald wrote to the Bishop of Manchester, New Hampshire:

“We are amazed to find how often a man who would be behind bars if he were not a priest is entrusted with the [pastoral care].”¹¹

In a letter written in 1957 to Archbishop Byrne, his ecclesiastical sponsor and co-founder of the Paracletes, Father Fitzgerald suggested that child abusers be assigned to a life of prayer on an island away from society.

2. The “Move” and “Cover-Up” Practice.

Instead of laicization, it became the policy of the Church to simply move offending priests to new assignments. This has been acknowledged by church authorities as the practice of the Church. For instance, Cardinal Roger Mahony—one of the highest ranking bishops in the United States—admitted:

“that in those years ago, decades ago, people didn’t realize how serious this was, and so, rather than pulling people out of ministry directly and fully, they were moved.”¹²

As a result, what can be seen as a hallmark of offending priests is seeing them move from different assignments to different assignments.

However, moving priests is not enough to avoid damage to the Church if the allegations follow the priest. But the allegations did not follow the priests, because they were kept secret. The

¹⁰ Rachel Zoll, *Letters: Catholic bishops warned in ‘50s of abusive priests*, USA Today (March 31, 2009).

¹¹ Laurie Goodstein, *Early Alarm for Church on Abusers in the Clergy*, New York Times (April 2, 2009).

¹² Tom Roberts, *Bishops were warned of abusive priests*, National Catholic Reporter (March 30, 2009).

efforts to conceal allegations were not just wayward members hiding documents. Rather, the documents were kept secret pursuant to canon law. In every diocese for every priest assigned to that diocese, the diocese keeps two sets of books: one public, the other secret. The diocese is specifically required to keep secret files by the explicit terms of canon law.

According to Canon Law 486,

“All documents which regard the diocese or parishes must be protected with the greatest care. In every curia there is to be erected in a safe place a diocesan archive, or record storage area, in which instruments and written documents which pertain to the spiritual and temporal affairs of the diocese are safeguarded after being properly filed and diligently secured. An inventory or catalog of the documents which are contained in the archive is to be kept with a brief synopsis of each written document.”

Canon Law 487 states,

“The archive must be locked and only the bishop and chancellor are to have its key. No one is permitted to enter except with the permission either of the bishop or of both the moderator of the curia and the chancellor.”

Canon Law 488 states,

“It is not permitted to remove documents from the archive except for a brief time only and with the consent of the bishop or of both the moderator of the curia and the chancellor.”

Canon Law 489 states,

“In the diocesan curia there is also to be a secret archive, or at least in the common archive there is to be a safe or cabinet, completely closed and locked, which cannot be removed; in it documents to be kept secret are to be protected most securely. Each year documents of criminal cases in matters of morals, in which the accused parties have died or ten years have elapsed from the condemnatory sentence, are to be destroyed. A brief summary of what occurred along with the text of the definitive sentence is to be retained.”

Canon Law 490 states,

“Only the bishop is to have the key to the secret archive...documents are not to be removed from the secret archive or safe.”

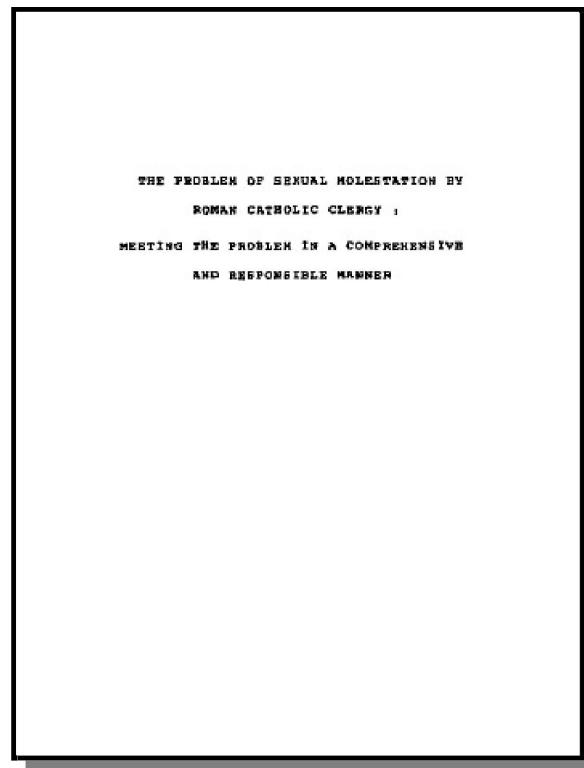
Thus, by operation of canon law, details of misconduct by priests are kept secret from the public. Under that veil of secrecy, offending priests could be moved and the public, to whom the Church would be exposing the dangerous priest, would never know.

In so doing, the Church put its own interest ahead of the safety of its members and concealed damaging information which allowed the problem to continue and hid the truth from victims.

3. Failure to Make Structural Change.

Another hallmark of the cover-up has been the Church's failure to make structural change despite clear knowledge of the problem. Time and time again the issue has been brought to the foreground and the Church has had the opportunity to change its practices and address it, but the Church is always resistant to do so.

A clear example of that came as early as 1984 when a group presented a report entitled *The Problem of Sexual Molestation by Roman Catholic Clergy: Meeting the Problem in a Comprehensive and Responsible Manner* to the National Conference of Catholic Bishops acknowledging the crisis and providing recommendations to take direct actions in response to aggressively prevent abuse.



The report was written by three men involved in the Gauthé case in the early 1980s: Rev. Michael Peterson who worked treating priests at St. Luke Institute where bishops sent offending priests for treatment; Ray Mouton, Gauthé's lawyer in the case; and Rev. Thomas Doyle, a canon lawyer at the Vatican Embassy in Washington, D.C. The report was intended to be a confidential internal document for use by the Council of Bishops in hopes of consideration and passage at the 1985

meeting of the Council. The study outlined the seriousness of the clergy sex abuse issue and potential ramifications should the bishops not face it squarely. The document stated that while help can be provided for abusive priests, there was “no hope” for a certain cure and that a bishop “should suspend immediately” a priest accused of sexual abuse when “the allegation has any possible merit or truth.” The Bishops refused to consider the report and undertake action in response to the warnings contained in it about the nature and extent of the sexual abuse crisis.

Peterson was frustrated by the Council’s inaction as he continued to see offending priests, so he decided on his own to send the report to every diocese in the country in 1985. At that point, no longer could any diocese claim ignorance of the problem. Months later, Peterson mailed an update with additional revisions to the report and continued to advocate for action to occur to address the crisis until his own death from A.I.D.S. in 1987.

By June 7, 1985, the National Catholic Reporter reported on the Peterson-Doyle-Mouton report in a cover story.



The paper included an editorial addressing the obscene molestation by priests of pre-pubescent and pubescent children, and the enabling cover-up by their bishops:

“Yet the tragedy, and scandal, as NCR sees it, is not only with the actions of the individual priests – these are serious enough – but with church structures in which bishops, chanceries and seminaries fail to respond to complaints, or even engage in

cover-ups; sadly, keeping the affair quiet has usually assumed greater importance than any possible effect on the victims themselves.”¹³

After the publication of the article, there was no publicly denying the problem, yet structural change continued to fail to occur.

4. The Cover-up Continues

In the decades since the revelations of the 1980s, the Church has been forced to face revelation after revelation from trials, including in Dallas County the Rudy Kos trial, the scandal in the Boston diocese that was exposed by *The Boston Globe*'s Spotlight team (that was subsequently made into an Academy Award winning movie), a year long investigative series by *The Dallas Morning News*, and countless other trials and public disclosures.

With each revelation, the Church promises to make the needed changes and to provide complete transparency, yet the Church's actions do not meet its words.

As recently as May 14, 2019, the Dallas Police Department obtained and executed unannounced warrants (or what was called in the press, “a raid”) on the Dallas Diocese and its off-site storage facility to obtain files the Dallas Diocese was hiding regarding priests accused of sexual abuse. According to the Affidavit in Support of the Warrant, despite an on-going criminal investigation of priests, the Diocese was still withholding files:

“Despite assurances from the Diocese’ attorneys the priests’ files were complete and accurate, I also detailed specific examples where those files were not complete and accurate. Additionally, my efforts to receive claimant files, which likely contain relevant material regarding child sexual abuse allegations, were thwarted.”¹⁴

So it continues as of a few months prior to this legal filing that the Dallas Diocese continues to hide material regarding sexual abuse by priests even in the face of on-going criminal investigations.

D. The Defendants and their Position in the Conspiracy.

The broader understanding of the Church, the Church's sexual abuse crisis, and the policies of covering up abuse are necessary to understanding the liability of the Defendants, the source of the allegations in this case following recent disclosures about the conduct of their agent, Patrick Koch.

¹³ *Editorial*, National Catholic Reporter (June 7, 1985).

¹⁴ See *Affidavit Support Issuance of Warrants to Search: 3725 Blackburn Street, Dallas, Texas; 1809 West Davis Street, Dallas, Texas; and 4601 West Ledbetter Driver, Dallas, Texas*, filed in the 292nd Judicial District Court of Dallas County, Texas by Detective David Clark (May 15, 2019).

1. Patrick Koch and the Recent Disclosures

Koch, who is deceased, falls into a pattern of an abusive priest whose misconduct was intentionally and wilfully covered-up.

a. Patrick Koch's background.

Patrick Koch was born in 1927 and ordained by the Jesuits in 1957. He entered the education field and was at a catholic school within the Corpus Christi Diocese from 1960 to 1966. For unknown reasons, he was re-assigned to a school in New Orleans where he remained for five years from 1966 to 1971. He was then reassigned to the Dallas Diocese where he was at Jesuit, the School, from 1972 to 1980, during which time he served as a teacher, principal and president. After 1980, he remained at the School as a director of alumni services, and until his death in 2006, was an associate pastor at St. Rita's Parish which is adjacent to the School's campus.

b. Public Acknowledgment of Credible Accusations of Sexual Abuse by Koch.

On January 31, 2019, the Diocese of Corpus Christi released a list of "the names of the Roman Catholic clerics who have been credibly accused of sexually abusing a minor within the Diocese of Corpus Christi."¹⁵ The letter went on to note:

"An Independent Committee comprised of outside legal professionals reviewed all cleric files to determine whether an allegation was credible. This Committee reviewed approximately 1500 priests' files and 180 deacons' files. In some cases, files were also reviewed by the Diocesan Review Board. The Diocese of Corpus Christi accepted all recommendations from the Independent Committee and the Diocesan Review Board regarding the names to be included on this list. The list of names is arranged and grouped into the following: Religious Order Clerics & Extern Clerics and Clerics From or Incardinated into the Diocese of Corpus Christi."¹⁶

Under the heading "RELIGIOUS ORDER CLERICS & EXTERN CLERICS (Clerics not from the Diocese of Corpus Christi)", Koch is listed:

¹⁵ See Exhibit 1, January 31, 2019 letter from Bishop Michael Mulvey to Members of the Diocese of Corpus Christi on list of priests credibly accused (available online at <https://list.diocesec.org/>).

¹⁶ *Id.*

Name: Rev. Patrick Koch, SJ Date of Birth: 11/8/1927 Ordination & Prior Status: Ordination: 6/12/1957 (Society of Jesus) Current Status: Left Diocese of Corpus Christi 1966 Deceased 9/9/2006
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This list is an acknowledgment that there was one or more credible accusations of sexual abuse of a minor against Koch while he was at the school within the Corpus Christi Diocese between 1960-66. Based on the known pattern and practices in the Church, the reasonable conclusion is that Koch was moved to New Orleans as a result of an accusation or accusations of abuse of a minor while in Corpus Christi. However, he was not reported to the police or charged, consistent with documented practice.

On the same day, the Dallas Diocese released a similar list. Dallas Bishop Edward Burns wrote to the members of the Dallas Diocese:

“Today, I am following through on a commitment I made in October to provide the names of those priests who have been the subject of a credible allegation of sexual abuse of a minor in the Diocese during the period from 1950 to the present. A “credible allegation” is one that, after review of reasonably available, relevant information in consultation with the Diocesan Review Board or other professionals, there is reason to believe is true.

The process to compile this list began with an outside group of former state and federal law enforcement officers that reviewed the files of the 2,424 priests who have served in this diocese since 1950. Those investigators identified files which contained credible allegations of the sexual abuse of minors. The Diocesan Review Board, which includes local experts in law enforcement, clinical psychology, law, and medicine, then reviewed those allegations. The list of names I have provided you reflects the recommendations of our Diocesan Review Board, and I am grateful for their diligence, integrity, and expertise...

*I pledge to you that we will do our best to do what is right.*¹⁷

¹⁷ See Exhibit 2, January 31, 2019 Letter from Bishop Edward Burns regarding list of names of priests who are credibly accused.

The Dallas Diocese then includes Koch on that list, directly above Vincent Malatesta who was a priest at Jesuit during the same time.

Patrick Koch	Deceased	Society of Jesus (the Jesuits)
Vincent Malatesta	Unknown	Society of Jesus (the Jesuits)

Of particular importance is that the Dallas Diocese does not say when the abuse by Koch occurred. Was it in 1972 when Koch arrived at the School? Was it in 1978 when Koch was Principal of the School before moving to President of the School? Was it in 1979-1980 during the suspiciously brief term of Koch¹⁸ as President of the School before he was removed? If so, was that the reason he was removed as president? And if Koch was removed because of allegations of abuse, why was he permitted to remain at the School with access to children and an office on campus as director of alumni? The intentional vagueness of the Dioceses' lists is consistent with the history and practice of covering up information and failing to fully disclose it.

Confusingly, however, the Jesuits released their list of credibly accused a month earlier in December 2018, but they chose not to list Koch on the list of credibly accused and have not updated the Jesuit list to include him.¹⁹ Given that the Jesuit list focuses on members of the Jesuit Order as opposed to conduct within a particular geographical region, it is an impossibility that both the Dallas and Corpus Christi dioceses have acknowledged at least one credible accusation each against Koch while he was in those jurisdictions—meaning there are at least two credible accusations if not more against him—and yet the Jesuits refuse to acknowledge any against Koch. The only logical explanation is that there is a cover-up. Either the Jesuits have knowledge of the accusations and are covering them up, or the Dioceses had knowledge of the accusations but covered them up even from the Order of which Koch was a member.

¹⁸ Koch was only President for 1 school year. Of the seven prior Presidents of the School, five of the seven served a term of 6 years, and one served a term of 8 years. Even Thomas Naughton, who has been credibly accused of multiple acts of sexual abuse at Jesuit and who was President immediately preceding Koch, served for six years. Per a report in *The Dallas Morning News*, former President Phillip Postell said that six years was “a typical term of service.” See Egerton, Brooks, “Jesuit Leader’s Exit Was Sudden”, DALLAS MORNING NEWS (April 17, 2002).

¹⁹ Exhibit 3, December 7, 2018 Statement from Provincial Ronald A. Mercier on the List of Accused Jesuits.

Alarming, these lists make no effort to quantify how many credible accusations against Koch there have been. It could be just two; it could be twenty. The lists included Koch because there is at least “a” credible allegation against him. Koch is treated the same way as Rudy Kos, whom we know had at least 11 credible allegations by virtue of a public verdict following a trial and possibly more. Thus, Koch could have as many victims as Kos—the list makes no differentiation.

c. The School admits there were multiple priests at the School who abused children, but still hides Koch.

On January 15, 2019, the School publicly acknowledged that there were 11 priests who have been credibly accused of engaging in sexual abuse of children during the time period the priests were at the School.²⁰ However, the School did not publicly acknowledge Koch’s credible allegations at that time. This would be consistent with the School’s pattern and practice of ignoring credible allegations and hiding them from disclosure. It was not until the Diocese acknowledged it that the School finally acknowledged that there were credible allegations against Koch, as well as three other priests at the School.²¹

Beyond the issue of not disclosing Koch, what stands out about the acknowledgments of the School is that during the time period of the late 1970’s and early 1980’s, there were at least eight priests who have been credibly accused of sexual abuse who were at the School:

1. Patrick Koch;
2. Thomas Naughton;
3. Don Dickerson;
4. Vincent Malatesta;
5. Vincent Orlando;
6. Claude Ory
7. Ben Smylie; and
8. Thomas Haller.

The School is not that large. To have at least eight different priests all present around the same years, all of whom have had acknowledged credible allegations of sexual abuse of minors, is almost

²⁰ Exhibit 4, January 15, 2019, Letter of President Michael A. Earsing to the Jesuit Community regarding abuse by Jesuit Priests.

²¹ Exhibit 5, July 31, 2019 Letter from the President of Jesuit acknowledging credible allegations against Koch.

impossible to comprehend. The eight acknowledged priests during that period does not foreclose the possibility there were additional offending priests at this one School who simply have not been formally acknowledged.

This raises questions: how could it be possible that the School or the Dallas Diocese were unaware of a problem at Jesuit? Presumably some priests present did not condone such conduct, so where was the training, oversight, and supervision that would have ensured that the misconduct was reported? Or was it reported but not acted upon?

Or, is it simply the case that the School and the Diocese knew, but they both just followed the established pattern and practice of hiding it?

The presence and story of Thomas Naughton is particularly telling because from publicly available reports, he fits the classic practice of the Church to sweep allegations under the rug and move around abusive priests. His history of assignments are:

YEARS	ASSIGNMENT	CITY
1968	Jesuit High School	El Paso, TX
1969-1970	Jesuit High School	Tampa, FL
1970-1972	St. Louis University	St. Louis, MO
1972-1973	Loyola University	New Orleans, LA
1973-1979	Jesuit College Preparatory School	Dallas, TX
1979-1980	Jesuit School of Theology	Berkeley, CA
1980-1982	??	??
1982-1989	Manresa House of Retreats	Covent, LA
1989-1990	Strake Jesuit Preparatory School	Houston, TX
1990-1991	Immaculate Conception	New Orleans, LA
1991-1995	Montserrat Retreat House	Lake Dallas, TX

Naughton fits the classic pattern of a priest with a history of abuse problems, moved from assignment to assignment with brief intervals at retraining. And they made Naughton the President of the School while Koch was Principal. But even Naughton lasted for six years as President at the School; Koch only lasted one.

Through discovery, this lawsuit will expose what the School and the Dioceses knew—answers which to this point have been hidden from the public and John Doe.

2. The Defendants' Culpability in this Matter.

Patrick Koch was the sexual abuser, but he did not and could not have acted alone. He was in the position to abuse John Doe because of the actions of the Defendants in this case and their cover-up of the dangers at the School, the danger of Patrick Koch, and the systemic crisis.

The Jesuits are who ordained Koch and were responsible for investigating, supervising, punishing, and otherwise controlling him to ensure that he was not a danger to the community and was acting consistent with their policies. Thus, throughout Koch's ordination in the Jesuit Order, the Jesuits were vicariously liable for his conduct and had the duty to protect the public and warn of any danger he presented.

Being a Jesuit just means that Koch was a member of a particular order; it did not put him in a place to commit abuse. Pursuant to canon law, the dioceses have territorial jurisdiction over priests who are assigned to Catholic institutions within the diocese's territory.

From 1960-1966, the Jesuits obtained the consent and approval of the Corpus Christi Diocese who assigned Koch to an unknown school there. And during his time at the school within the Corpus Christi Diocese, Koch sexually abused a child. There is no publicly known evidence that the Corpus Christi Diocese reported this to the authorities or undertook any action against Koch. Instead, consistent with the Church's practices, he was reassigned to another school in New Orleans. It was the Corpus Christi Diocese's duty to have policies in place and that are enforced to report a danger such as Koch. Because they failed to do so, Koch was allowed to continue his predation. Further, because the Corpus Christi Diocese is a suffragan diocese and subject to the control of the Archdiocese of Houston-Galveston, the Archdiocese of Houston-Galveston failed to ensure that the Corpus Christi Diocese acted appropriately in the formation of policies for dealing with and reporting abusive priests.

In 1972, the Jesuits obtained the consent and approval of the Dallas Diocese who assigned Koch to the School. The Jesuits should have ensured that Koch was safe to be at another school, and they knew or should have known about the previous allegations which would have precluded Koch's placement in another school with minors. But the Jesuits still placed Koch there. The Jesuits were obligated to supervise Koch and the other Jesuit priests at the School, ensure that they were acting

appropriately and consistent with canon law, and ensure that they could recognize signs and patterns of abuse and report it appropriately. The Jesuits failed in that task.

The School was originally incorporated in 1941 as a Catholic school resident in the Dallas Diocese. It specifically stated it would operate pursuant to canon law which places it under the control and oversight of the Dallas Diocese:

Purposes for which Corporation Formed:

The purposes for which this Corporation is formed is to support and conduct a Catholic High School and/or College, agreeable to and in accordance with the Canon Law of the Roman Catholic Church as now existing, or as said Laws and Canons of the Roman Catholic Church may be in the future amended, changed or modified; as provided under Article 1408, of the Revised Statutes of Texas, 1925.

By virtue of its location in the Dallas Diocese and the Jesuit's need for consent for the assignment of Koch, the Dallas Diocese was liable to ensure that the School and the priests assigned there acted consistent with canon law, within the bounds of the law, and that students at the School were safe. The Dallas Diocese failed to do so. Further, because the Dallas Diocese is a suffragan diocese and subject to the control of the Archdiocese of San Antonio, the Archdiocese of San Antonio failed to ensure that the Dallas Diocese acted appropriately in the formation of policies for dealing with and reporting abusive priests and that the Dallas Diocese operated consistent with the canon law. Because of the failure of the Dallas Diocese and the oversight of the San Antonio Archdiocese, Koch and other priests were able to abuse children at the School without criminal consequence or the knowledge of the public, the students at the school, or the parents who entrusted their children to be there.

The School itself is liable in its own right. It created and fostered a community where abuse would occur and the School did nothing to prevent the problem despite its obviousness. Also the School's principal, president, and director for whom the School is liable as a matter of law, engaged in abuse. The School failed to protect John Doe and failed to disclose information known about the dangers at the School and Koch to John Doe in a manner that would have allowed him to avoid the problem or address it after it occurred. Further, as will be shown below, the Foundation has unique liability in this instance given its role in the school as the provider and controller of financial aid and students who are in the Foundation's work grant program.

Abuse such as that caused by Koch and other priests at the School cannot occur at the level it has just by a few bad actors such as Koch, Dickerson, and Naughton. Rather, it takes a systemic failure amongst all of the Defendants to cover-up for such dangerous priests. It takes all of the Defendants conspiring and working together to cover-up misconduct which also facilitates and encourages misconduct. And when the Defendants acted in the manner they did, it became foreseeable and an inevitability that Koch would abuse children and students at the School would be victims of abuse, including John Doe. John Doe was a victim of abuse by Koch, but even more so, he was a foreseeable victim of the Defendants' cover-ups.

E. John Doe - A Victim of Abuse; A Victim of the Cover-Up.

John Doe is a 54 year old man living in Tarrant County.

Before Jesuit, his early life was happy and filled with promise. He was a happy boy, got good grades, had big ambitions, and was a devout and faithful member of the Catholic Church. He had aspirations to go to Notre Dame for college, and even applied for admission when he was twelve years old.

But his life dramatically changed after his first two years at Jesuit. Following that, his life has been filled with difficulty with grades and struggle with trust and maintaining personal relationships. He has struggled with drug and alcohol abuse. He has had a decades-long crisis of faith during which he rejected Catholicism.

John Doe has had suppressed memories of what happened to him at Jesuit that was the turning point for him. When he learned about the recent disclosures by the Church about Patrick Koch, including the disclosures from the Corpus Christi and Dallas Dioceses in 2019, his memories have—at times reluctantly and at times overwhelmingly—partially lifted the veil of suppression through flashbacks. John Doe can now tie the turning point in life to one morning when he was called to Koch's office and a violation occurred.

1. John Doe's background and arrival at the School.

John Doe came from a staunchly Catholic family in Dallas, who were very involved in the Dallas Diocese. John Doe and other children in his family attended Catholic schools, and throughout his young life, John Doe was a devout practicing Catholic, along with his parents and siblings. His family wanted John Doe to go the all-boys Jesuit College Preparatory School, but the School was expensive, and the cost of tuition would place a strain on the family's resources.

The Foundation stepped in and provided John Doe financial aid to attend the School. The majority of students at the School received some form of financial assistance. John Doe was given assistance under a “work grant” program. Under that program, John Doe was required by the Foundation to work and perform 200 hours of service at the School after school hours in his Freshman and Sophomore year, and in return, John Doe got the tuition assistance that afforded him the ability to attend the School.

The School instructed John Doe in what jobs he must do in order to fulfil his work obligation. He was, in effect, an employee of the School and the Foundation, as they directed his work. John Doe initially was asked to perform janitorial-type jobs such as vacuuming classrooms after hours.

For the boys in the work grant program, one of the preferred jobs was assisting on the telephone switchboard at the entrance of the school. The regular secretary would leave for the day at 3 p.m., and financial aid students would answer the phones from 3 p.m. to 6 p.m. John Doe eventually got the opportunity to perform this job, and he felt like he was given a special role or being rewarded with that job.

2. The Grooming Process

It is well-established in the literature that sexual predators will often groom their victims. The process of grooming is a purposefully slow one, as predators methodically take steps to ingratiate themselves to children and gain trust. Predators are masters at manipulation and can appear kind and helpful to mask their ulterior motives, taking advantage of a child’s needs and innocence.

As one author described it:

“Grooming is a series of actions designed to obtain the trust and compliance of a potential victim in order to eventually engage them in sexual behavior. In many instances, sexual offenders “groom” their victims by providing them with attention, bribes, treats, and privileges in order to gain their trust and affection. A sexual offender may test limits and boundaries with a potential victim by initially involving him or her in minor nonsexual “rule violations” (e.g., allowing him to violate curfew) and/or noncontact sexually inappropriate behavior. Sexual offenders sometimes engage in these “minor” infractions in order to see whether the child will tell an adult about it or “keep it a secret” prior to engaging them in contact sexual offenses. Sometimes the “rule violations” are an attempt by the perpetrator to enlist the child in misbehavior in order to manipulate him into secrecy about the abuse.”²²

²² Springer, Craig PhD, *Game-Based Cognitive Therapy for Child Sex Abuse* 395 (2014)

Predators often target vulnerable children, such as those who are emotionally vulnerable or those without parental oversight. The first interactions are pleasant and include light conversations to lure them in, making the child feel important. Many times, the predator tries to fill some sort of need that the child has—many times, it is an emotional need, like a child’s desire for attention or to feel special. They meet it by paying them compliments, listening to them, or giving them special rewards. At this point, as the predator is deepening the relationship, he will gauge the level of threat he is facing. A predator will then look for opportunities to spend time with the child in private and gauge the child’s reaction to inappropriate things.

3. The Grooming of John Doe.

John was a small boy for his grade. Indeed, he believes he was one of the smallest in his class, which was the youngest grade in the School.

A small, innocent, and devout child from a family that fully believed that priests occupied an elevated place closer to God.

When John Doe first arrived at the School, he noticed that Priests were almost overwelcoming. Dickerson—who had no teaching capacity and who was on the list of those credibly accused of sexual assault by multiple victims at Jesuit—would walk up behind John Doe in the halls, put his hands on his shoulders and neck, and massage the shoulders and neck while asking John Doe how things were going. On one occasion, Dickerson tackled John Doe in a crowded hallway, got on John Doe’s back, and rode him like a horse. Another student made Dickerson stop.

Father Koch was an extroverted man. Using that as cover, Koch would often see John Doe and pull him into his side, like a side hug, and ask John Doe how things are going. This made John Doe uncomfortable because he could not pull away.

To a small, devout child, to receive that robust attention from these elevated priests generates a feeling of “specialness” and was a source of pride to be recognized by a priest and president of the School.

The switchboard job led to further grooming. After manning the front or main switchboard from 3 to 6 p.m., John Doe was told to close down the switchboard and transfer the calls to the back or secondary switchboard. This one was not on campus, but back in the priests’ residence that was on the same grounds. John Doe was required to man that phone from 6 p.m. until 9 p.m. Here again, being invited back into the priests’ residence is a sign of “specialness,” of being invited into a place that was supposed to only be for these holy priests.

But it was in that residence that John Doe's boundaries were tested by the groomers.

It began with a first step, and then boundaries were pushed slowly.

The first step was that the cooks for the priests would bring John a meal from what was prepared for the priests since he was working so late and leave it with him to eat at the desk.

Then, after awhile, one of the priests would carry out the meal to John and leave it with him to eat.

A little further after more time: a priest would bring him the meal and then sit down across the desk from him while he ate and engage in a discussion with John Doe.

Over time, pushed further: a priest would bring him the meal and sit on the same side of the desk as John Doe and ask him about his day and how things were going.

After this boundary was normalized, John Doe was invited to go back into the residence to take his dishes back and go into the kitchen to get a dessert. The priests and scholastics would visit with John Doe and keep him from returning to the desk he was supposed to be operating.

Going back into the priests' dining hall and residences, John Doe was tested further. He was shown glimpses of transgressions or rule violations. He would see priests appearing to be intoxicated. Priests engaged in social behavior and taking boys out at night. Specifically, John remembers walking by a partially closed door and catching a glimpse into a room with a student on a Lazy-Boy and a priest sitting on the arm of it, too close.

Soon John Doe was "entrusted" with open access to the residence.

John Doe recognized that things were going on in the residence that should not happen.

But by then, John Doe was locked into the mentality of a victim of grooming. John Doe knew that if he said anything, and there was any indication he shared the secrets of the priests, he would be speaking out against religious figureheads and he would lose his financial aid and maybe have to leave the School or be expelled.

John Doe had his boundaries tested and did not push back. John Doe had been entrusted with knowledge of inappropriate behavior and did not tell. The Priests knew he could be trusted.

4. The Sexual Victimization of John Doe by Fr. Patrick Koch.

Through therapy, John Doe has begun to have flashback memories of his sexual abuse by Father Koch. Some parts of the memories are still repressed, but like the slow blooming of a flower, John Doe's therapy is helping him confront his assault.

What John Doe knows is in his sophomore year, John Doe was scheduled for an appointment during class time to occur at Koch's office back toward the priests' residence. John Doe thought it was for a counseling session but did not know why.

John Doe entered the office, and he was about to sit down in the visitor's chair.

Koch got up from his desk and came around the desk and turned off the lights.

Koch told John Doe thanks for coming and that Koch just wanted to talk about some things.

Koch told John Doe to get comfortable and suggested that they sit on the floor. John Doe was confused so he waited for Koch to sit down.

Koch sat down cross-legged. John Doe followed the lead and sat cross-legged across from him.

Koch scooted closer so they were kneecap to kneecap.

Koch reached out his hands. John Doe reached out and placed his hands in Koch's hands.

Koch began rubbing the top of John Doe's hands with his thumbs.

Koch told John Doe, "We are going to do an exercise. Close your eyes. I just want you to be comfortable. I want you to count down from ten. Just take a deep breath and let it out and try to relax."

John Doe was nervous about closing his eyes but did so.

The details of what Father Koch did to John Doe has been suppressed in John Doe's memory. He cannot remember the meeting ending or leaving the office. But the consequences of what occurred during that dark period has haunted John Doe.

5. John Doe's lifelong struggles.

Despite being a good student before his assault, John Doe's life quickly turned for the worse after what happened in Koch's office. John Doe began having issues with grades. He had violent outbursts, including physical altercations with some of the other priests and scholastics at the School, including Fr. Fran Pistorius and Mr. LeBlanc. John Doe ended up being suspended. John Doe talked with friends about running away and committing suicide. After the assault during his sophomore year, John Doe became involved in acting out, drinking, and doing drugs. And in college, John fell deeper into drugs and alcohol that plagued him for decades. John Doe was never able to obtain his college degree and had to drop out.

John Doe is still in therapy working through his suppressed memories. Whether he will remember the full details of what happened to him in that room remains to be seen. But because of

the recent revelations and the flashbacks that has caused, John Doe now knows he was sexually assaulted in that room. That physical assault and emotional violation was and still remains devastating. John Doe was further victimized by the fact he was unable to tell anyone or have the assault remedied, instead he was forced to go through the psychological trauma of having it repressed deep in his memory.

John Doe's story is not unique. Thousands of victims have had their lives ruined by the same type of violations by priests. The historical record and literature demonstrates the same life-altering impacts of it; official publications and statements of Bishops and the Church acknowledge the inarguable damage that this causes. And like thousands of other victims, John Doe's victimization and the despicable conduct of Patrick Koch was hidden by the veil of secrecy that the Church enforced. It was not until the Church was forced to acknowledge the credible allegations against Dickerson, Koch, and 11 other priests at the School that John Doe was able to appreciate what happened to him and bring his own victimization to the light of day.

It is for these reasons, John Doe now brings this case and seeks a jury trial.

II. DISCOVERY CONTROL PLAN

1. Pursuant to TEXAS RULE OF CIVIL PROCEDURE 190, Plaintiff requests that this action be conducted pursuant to Level 3 of TEXAS RULE OF CIVIL PROCEDURE 190.4 and asks that the Court enter an order consistent with same.

III. PARTIES

2. Plaintiff John Doe, a victim of sexual assault and a minor at the time of incident, is an individual residing in Tarrant County, Texas.
3. Defendant The Jesuit Preparatory School of Dallas, Inc. (the "School") is a Texas corporation. Its principal place of business is located at 12345 Inwood Rd., Dallas, Texas in Dallas County. The School may be served with process by serving its registered agent:

Michael A. Earsing, President
12345 Inwood Rd.
Dallas, TX 75244-8024

4. Defendant The Jesuit College Preparatory School of Dallas Foundation, Inc. (the “Foundation”) is a Texas corporation. Its principal place of business is located at 12345 Inwood Rd., Dallas, Texas in Dallas County. The Foundation may be served with process by serving its registered agent:

**William L. Antes II
12345 Inwood Road
Dallas, Texas, 75244-8024**

5. Defendant Roman Catholic Diocese of Dallas (the “Dallas Diocese”) is a Texas corporation. Its principal place of business is located in Dallas County, Texas. The Dallas Diocese may be served with process by serving its registered agent:

**CT Corporation System
1999 Bryan Street, Suite 900
Dallas, Texas 75201-3136**

6. Defendant Roman Catholic Diocese of Corpus Christi (the “Corpus Christi Diocese”) is an unincorporated diocese of the Roman Catholic Church with a principal place of business at 555 N. Carancahua, Suite 750, Corpus Christi, TX. Because the Corpus Christi Diocese has failed to register an agent for service of process with the Texas Secretary of State, it may be served process by service on:

**Bishop Wm. Michael Mulvey
or
David Campa, Chief of Staff / General Counsel
Roman Catholic Diocese of Corpus Christi
555 N. Carancahua, Suite 750
Corpus Christi, TX 78401**

7. Defendant Roman Catholic Archdiocese of San Antonio (the “San Antonio Archdiocese”) is an unincorporated archdiocese of the Roman Catholic Church with a principal place of business at 2718 Woodlawn, San Antonio, Texas 78228. Because the San Antonio Archdiocese has failed to register an agent for service of process with the Texas Secretary of State, it may be served process by service on:

Jane Ann Slater, Chancellor
or
Logan Underdown, Agency Director
Roman Catholic Archdiocese of San Antonio
2718 W. Woodlawn
San Antonio, Texas 78228

8. Defendant Roman Catholic Archdiocese of Galveston-Houston (the “Galveston Archdiocese”) is an unincorporated archdiocese of the Roman Catholic Church with a principal place of business at 1700 San Jacinto, Houston TX 77002. Because the Galveston Archdiocese has failed to register an agent for service of process with the Texas Secretary of State, it may be served process by service on:

George A. Shetz, Secretariat Director
or
Frank B. Rynd, General Counsel
Roman Catholic Archdiocese of Galveston-Houston
1700 San Jacinto
Houston, TX 77002

9. Defendant Catholic Society of Religious and Literary Education d/b/a Jesuits of the New Orleans Province (the “Jesuits”) is a Louisiana non-profit corporation under the New Orleans Province (now U.S. Central and Southern Province of the Jesuit Order) with a principal place of business at Leo Brown Jesuit Community 3550 Russell Blvd., St. Louis, MO 63104-1549. Defendant the Jesuits may be served with process by serving the Texas Secretary of State as follows:

Service of Process
Secretary of State
P.O. Box 12079
Austin, Texas 78711-2079

The Secretary of State is the authorized agent for substituted service of process under TEXAS CIVIL PRACTICE AND REMEDIES CODE § 17.044(a)(1) and (b) as the Jesuits engage in business in Texas and the allegations arose from the Jesuits’ business in this state, yet the Jesuits do not maintain a regular place of business in Texas nor have the Jesuits designated a resident agent for service of process in this State. Upon receipt, the Secretary of State will be able to forward process

to the Jesuits to: Ronald A. Mercier, President / Director, Leo Brown Jesuit Community, 3550 Russell Blvd., St. Louis, MO 63104-1549.

IV.
JURISDICTION AND VENUE

10. Venue is proper in Dallas County, Texas under TEXAS CIVIL PRACTICE & REMEDIES CODE § 15.002(a)(1) because Dallas County is the county in which all or a substantial portion of the claims arose. Venue is also proper under TEXAS CIVIL PRACTICE & REMEDIES CODE § 15.002(a)(3) because several of the Defendants maintain a principal place of business in the state in Dallas County.
11. The Court has jurisdiction over the underlying lawsuit because the amount in controversy exceeds this Court's minimum jurisdictional requirements.

V.
CAUSES OF ACTION

- A. **CAUSE NO. 1: Assault and Sexual Assault by the Jesuits, the School, the Foundation, the Dallas Diocese and the San Antonio Archdiocese.**
12. Plaintiff incorporates all prior paragraphs in support of this cause.
13. At all relevant times, Koch was under the Defendants' supervision and control directly or by virtue of the shared control among all Defendants in the operation of the Church and the School. Koch was imbued with delegated authority from the School, the Jesuits, and the Dioceses such that they are responsible for the assault of John Doe by Koch.
14. These Defendants' agent and vice principal, Koch, engaged in assault, sexual assault, and aggravated sexual assault of John Doe as those terms are defined under the TEXAS PENAL CODE for which these Defendants are liable under civil law. These Defendants aided, abetted, and assisted before and after the fact to allow Koch to engage in such assault, and these Defendants ratified Koch's conduct by failing to do anything about it.
15. Defendants' agent Koch's acts or omissions were a proximate cause of John Doe's injuries and damages, and by operation of law, these Defendants are liable for that conduct and those damages. Plaintiff prays that, following a verdict, all such damages asserted below be awarded against Defendants.

B. CAUSE NO. 2: Negligence and Gross Negligence by the Jesuits, the School, the Foundation, the Dallas Diocese and the San Antonio Archdiocese.

16. Plaintiff incorporates all prior paragraphs in support of this cause.
17. These Defendants owed a duty to John Doe and other members to act with reasonable care and protect its members, especially children, from foreseeable dangers. This duty arises by virtue of its employment, agency, joint liability with, or control of employees, including Patrick Koch; out of the foreseeability of the risks involved in taking care of children; by application of the risk-utility test; and by contract.
18. These Defendants negligently and grossly negligently breached their duties to John Doe by acting or failing to act as reasonably prudent entities would act under the same or similar circumstances, including but not limited to the following:
 - a. failing to investigate, report, and take action in the face of criminal conduct by Father Koch and other abusive priests assigned by the Church to the School;
 - b. negligently supervising, training, or retaining Koch and other abusive priests assigned by the Church to the School;
 - c. implementing policies to keep priest misconduct secret instead of reporting it to criminal authorities;
 - d. failure to supervise, manage, monitor, or oversee the safety of children at the School to prevent sexual predation or sexual assault;
 - e. failure to formulate, adopt, and oversee adequate rules, policies, and procedures with respect to inappropriate conduct by priests;
 - f. failing to employ priests who did not tolerate inappropriate conduct and would take action against it, or at the very least, failing to train priests on how to spot the warning signs and to intervene to prevent inappropriate conduct; and
 - g. failure to prevent the sexual assault of John Doe by their employee Koch.
19. As a direct and proximate result of these Defendants' acts or omissions as set forth above, it was foreseeable to a person of ordinary prudence that a child, including John Doe, would be exposed to danger, injury, or harm, such that these Defendants' acts or omissions were a proximate cause of John Doe's injuries and damages. Plaintiff prays that, following a verdict, all such damages asserted below be awarded against these Defendants.

C. CAUSE NO. 3: Negligent Undertaking under RESTATEMENT (SECOND) OF TORTS § 323 by the Jesuits, the School, the Foundation, the Dallas Diocese and the San Antonio Archdiocese.

20. Plaintiff incorporates all prior paragraphs in support of this cause.
21. These Defendants undertook, for pecuniary benefit, to operate the School and to invite, supervise, employ and protect children who were placed into their exclusive care and thus assumed a duty under the RESTATEMENT (SECOND) OF TORTS § 323, *inter alia*, to select, train, monitor, regulate, supervise, and control employees with access to children, as well as to promulgate sufficient policies and procedures to adequately protect children.
22. Additionally, uniquely the School and the Foundation undertook to determine which jobs John Doe would have to perform under the work study program, including the job that resulted in him being groomed and ultimately assaulted.
23. Further, these Defendants undertook to select, approve, and employ particular priests to work at Jesuit, and therefore assumed the duty to fully investigate the background of such priests including complaints about them, take corrective action for employee misconduct, or warn or protect children from foreseeable dangers under the RESTATEMENT (SECOND) OF TORTS § 323.
24. Having assumed those duties, these Defendants were negligent as set forth in the preceding causes.
25. John Doe suffered harm as a result of these Defendants' failure to exercise reasonable care in providing their services. The Defendants' failures increased the risk of harm to John Doe, or in the alternative, John Doe was harmed in reliance upon the Defendants' representations about providing a safe environment for children.
26. The above acts or omissions by these Defendants were a proximate cause of Plaintiff's injuries and the resulting damages Plaintiff seeks in this suit. Plaintiff prays that, following a verdict, all such damages asserted below be awarded against these Defendants jointly and severally.

D. CAUSE NO. 4: Breach of Fiduciary Duty by the Jesuits, the School, the Foundation, the Dallas Diocese and the San Antonio Archdiocese.

27. Plaintiff incorporates all prior paragraphs in support of this cause.

28. At all relevant times, John Doe had a special relationship with these Defendants arising from his status as a student under their control in the work grant program. John Doe was a minor and student with these Defendants acting both *in loco parentis* in charge of John Doe's well-being and also as the grantor of financial aid that gave them the right and control over John Doe to compel him to perform whatever tasks these Defendants required. This relationship was rooted in a moral, social, religious, or personal relationship of trust and confidence between John Doe and these Defendants, and these Defendants had a dominance over John Doe who was dependent on their control. John Doe reasonably relied on these Defendants to act in his best interest. This special relationship gives rise to a fiduciary relationship between these Defendants and John Doe.
29. Further, at all relevant times, John Doe had a special relationship with these Defendants arising from their status as a religious institution. Entrusted with special privileges and immunities, these Defendants demand complete loyalty, fealty, and trust from individuals like John Doe and specifically instruct individuals like John Doe such that they are granted with special power to determine right and wrong. Religious students are taught that they must adhere to the teachings and instructions by these Defendants, and the failure to do so will result not just in discipline but also an offense against God. This extreme power imbalance mandates that individuals like John Doe place an extreme degree of trust and confidence in these Defendants to act as "the shepherd" and determine what is in the best interest of individuals like John Doe. This psychological power over John Doe caused him to justifiably—and indeed mandated that he—rely on the commands of these Defendants.
30. Given the existence of their status as a fiduciary over John Doe, these Defendants owed John Doe the highest duty of care at law, including but not limited to: (1) duty of loyalty and utmost good faith; (2) duty of candor; and (3) duty to act with integrity of the strictest kind; and (4) duty of full disclosure.
31. These Defendants breached their fiduciary duties by, among others, hiding and keeping secret the fact that there were priests at the School to whom John Doe would be subjected that engaged in sexual abuse of minors, by failing to disclose both before and after the events at issue in this case these Defendants' knowledge of the abuse and the abusers, failing to disclose the policy of covering-up past incidents of abuse, and putting the interest of these Defendants ahead of students and victims like John Doe by continuing to this day to hide the

full extent of the problem. These breaches caused harm to John Doe and other student victims like him and benefitted these Defendants who sought to protect their reputation from public knowledge of the rampant misconduct occurring by these Defendants.

32. The above acts or omissions by these Defendants were a proximate cause of Plaintiff's injuries and the resulting damages Plaintiff seeks in this suit. Plaintiff prays that, following a verdict, all such damages asserted below be awarded against these Defendants jointly and severally.

E. CAUSE NO. 5: Premises Liability by the School and the Dallas Diocese.

33. Plaintiff incorporates all prior paragraphs in support of this cause.

34. At all relevant times, the School owned the property upon which Koch assaulted John Doe. Further, by operation of canon law, the Diocese had jurisdiction over the area and therefore control of the operation of the property upon which Koch assaulted John Doe.

35. At all relevant times, John Doe was an invitee into the premises where Koch assaulted John Doe.

36. These Defendants provided inadequate security and supervision over the premises despite the existence of unreasonable risk of harm from abusive priests. The risk of harm from abusive priests was foreseeable and these Defendants knew or had reason to know that abuse of minors would occur given previous abuse, proximity of other abuse, the recency of other abuse, frequency of abuse, the similarity of other abuse, and their actual knowledge of this abuse by priests known to be on the premises.

37. The above acts or omissions by these Defendants were a proximate cause of Plaintiff's injuries and the resulting damages Plaintiff seeks in this suit. Plaintiff prays that, following a verdict, all such damages asserted below be awarded against these Defendants jointly and severally.

F. CAUSE NO. 6: Negligence and Gross Negligence by the Corpus Christi Diocese and the Galveston Archdiocese.

38. Plaintiff incorporates all prior paragraphs in support of this cause.

39. These Defendants owed a duty to John Doe and the rest of the members of the Catholic Church to act with reasonable care and protect its members, especially children, from foreseeable dangers arising from priests known to be abusive. This duty arises by virtue of

- its employment, agency, joint liability with, or control of their employees, including Patrick Koch; out of the foreseeability of the risks involved; and by application of the risk-utility test.
40. The Defendants negligently and grossly negligently breached their duties to John Doe by acting or failing to act as reasonably prudent entities would act under the same or similar circumstances, including but not limited to the following:
- a. failing to investigate, report, and take action in the face of criminal conduct by Father Koch while he was under their control;
 - b. negligently supervising, training, or retaining Father Koch;
 - c. implementing policies to keep priest misconduct secret instead of reporting it to criminal authorities; and
 - d. allowing Patrick Koch to go to other assignments without warning of his behavior.
41. As a direct and proximate result of these Defendants' acts or omissions as set forth above, it was foreseeable to a person of ordinary prudence that a child, including John Doe, would be exposed to danger, injury, or harm, such that these Defendants' acts or omissions were a proximate cause of John Doe's injuries and damages. Plaintiff prays that, following a verdict, all such damages asserted below be awarded against Defendants.
- G. CAUSE NO. 7: Negligent Undertaking under RESTATEMENT (SECOND) OF TORTS § 323 by the Corpus Christi Diocese and the Galveston Archdiocese.**
42. Plaintiff incorporates all prior paragraphs in support of this cause.
43. These Defendants undertook, for pecuniary benefit, to recommend particular priests to be reassigned, and therefore assumed the duty to fully investigate the background of such priests including complaints about them, report misconduct, or warn or protect children from foreseeable dangers under the RESTATEMENT (SECOND) OF TORTS § 323.
44. Having assumed those duties, these Defendants were negligent as set forth in the preceding causes.
45. John Doe suffered harm as a result of the these Defendants' failure to exercise reasonable care in providing their services. The Defendants' failures increased the risk of harm to John Doe, or in the alternative, John Doe was harmed in reliance upon the Defendants' representations about providing a safe environment for children.

46. The above acts or omissions by these Defendants were a proximate cause of Plaintiff's injuries and the resulting damages Plaintiff seeks in this suit. Plaintiff prays that, following a verdict, all such damages asserted below be awarded against these Defendants jointly and severally.

H. CAUSE NO. 8: Fraud and Fraud by Nondisclosure of All Defendants.

47. Plaintiff incorporates all prior paragraphs in support of this cause.

48. At all relevant times, these Defendants represented to the public and to John Doe that the Church was safe, that the School was safe, that priests such as Koch were safe and acted in the best interest of the church's members, and that priests such as Koch were celibate and therefore did not pose a sexual threat. Such representations were material and false, and the Defendants knew they were false given their long term knowledge of the sexual abuse crisis in the Church generally and the prior allegations against Koch specifically. Such representations were made by Defendants with the intention that church members such as John Doe and his family would rely on such representations. John Doe and his family did reasonably rely on those representations in placing John Doe under the care, custody, and control of the School, the Foundation, the Jesuits, and the Dallas Diocese. As such, the false representations were the proximate cause of injury to John Doe.

49. Moreover, at all relevant times to the present, all of the Defendants have concealed from and failed to disclose facts to the public including John Doe regarding the nature, extent, and prevalence of sexual abuse by its priests at Jesuit and within their dioceses. Further, all of the Defendants have concealed from and failed to disclose full information regarding allegations of abuse by Patrick Koch.

50. These Defendants had a duty to disclose these facts because of the special relationship and trust that is placed in them by the public and by John Doe. Further, or in the alternative, these Defendants had a duty to disclose these facts because earlier representations about the fitness for duty of Koch was misleading or untrue. Further, or in the alternative, these Defendants had a duty to disclose because these Defendants made a partial disclosure about Koch, other priests, or the crisis itself that was a partial disclosure that created a false impression about the problem, and the public and John Doe did not have the opportunity to discover the whole truth because of Defendants' conspiracy of silence. Further, or in the alternative, the Defendants had a duty to disclose because they voluntarily disclosed some

information and therefore had a duty to disclose the whole truth. Finally, or in the alternative, the Defendants had a duty to disclose the whole truth because they assumed that duty through repeated public pronouncements guaranteeing full disclosure.

51. The failure to disclose facts that these Defendants had a duty to disclose is the same as a false representation.
52. These Defendants knew that the public and John Doe did not have full information about the extent of the sexual abuse crisis or acts of Koch because Defendants deliberately concealed that information.
53. These Defendants knew that the public and John Doe, as well as other victims, would rely on these Defendants' silence, and that reliance would cause severe harm. Such harm arises from the subjecting of students and minors such as John Doe to dangerous priests for further abuse. Further, the silence harms the victims of abuse because there is secondary victimization and psychological damage arising from victimization not being fully acknowledged and damage not being treated. These Defendants were aware at all relevant times of the severe, lifelong psychological damage from sexual abuse at the hands of priests and the need for victims to know about abusers in order to get help.
54. All of the foregoing actions of fraud proximately caused Plaintiff's injuries and the resulting damages Plaintiff seeks in this suit. Plaintiff prays that, following a verdict, all such damages asserted below be awarded against these Defendants jointly and severally.

I. Cause No. 9: Conspiracy of All Defendants.

55. Plaintiff incorporates all prior paragraphs in support of this cause.
56. At all relevant times, the Defendants acted together with the purpose of covering up the sexual abuse crisis generally and specifically as to what was occurring at the School and with Koch. This purpose was unlawful and intentional as it both facilitated sexual abuse and then illegally covered-up sexual abuse in a fraudulent manner. The Defendants mutually understood and intended to engage in a cover-up for the benefit of themselves and the Church broadly, and they accomplished the conspiracy by, *inter alia*, covering up allegations against Koch and other priests at the School.
57. The conspiracy of all Defendants was a proximate cause of John Doe's damages, and for that reason, all Defendants should be jointly and severally liable for the conduct of Koch and each other.

VI.
PARTICIPATORY AND VICARIOUS LIABILITY

58. At all relevant times, the respective employees or agents of the Defendants, whose conduct is implicated in this Petition, were in the course and scope of their employment or of agency such that the Defendants are liable for the conduct of those employees or agents.
59. At all relevant times, the Dallas Diocese was subordinate to and subject to the control and oversight of the Archdiocese of San Antonio by virtue of the Dallas Diocese's status as a suffragan diocese of the Archdiocese of San Antonio. This status created the assumed or nondelegable duty to ensure that the Dallas Diocese is operating consistent with the rules of the Holy See and canon law. By virtue of this control, the Archdiocese of San Antonio is vicariously liable for the negligent policies and systematic practices of the Dallas Diocese at issue in this litigation.
60. At all relevant times, the Corpus Christi Diocese was subordinate to and subject to the control and oversight of the Archdiocese of Galveston-Houston by virtue of the Corpus Christi Diocese's status as a suffragan diocese of the Archdiocese of Galveston-Houston. This status created the assumed or nondelegable duty to ensure that the Corpus Christi Diocese is operating consistent with the rules of the Holy See and canon law. By virtue of this control, the Archdiocese of Galveston-Houston is vicariously liable for the negligent policies and systematic practices of the Corpus Christi Diocese at issue in this litigation.
61. At all relevant times, the Defendants had a nondelegable duty to protect minors in their custody and care from danger and utilize reasonable care and skill, and therefore the Defendants are vicariously responsible for the acts of Koch.
62. At all relevant times, Koch was a vice principal, as that term is defined under the law, for the School and Foundation.
63. At all relevant times, Defendants aided and abetted or were accessories before and after the fact in assisting Koch and therefore have joint and several participatory liability for the actions of Koch.
64. At all relevant times, the Defendants were engaged in a concert of action, joint venture or joint enterprise in the operation of the Church, the School and work of Koch such that they are all jointly and severally liable. In the alternative, the School is an alter ego of the Dallas Diocese, the San Antonio Archdiocese, or the Jesuits.

VII.
EXCEPTIONS AND COUNTER-DEFENSES TO
ANY ASSERTED DEFENSE OF STATUTE OF LIMITATIONS

65. Publicly—and indeed in another act of fraud in furtherance of the conspiracy—the Church and its agents routinely proclaim the desire for transparency and accountability. The intention of such proclamations is to try to buy goodwill with the public and defuse the righteous condemnation that the public has for the actions of the Church. For instance, in the same Charter issued by the Bishops in the United States that is quoted on the first page of this Petition, the Bishops go on to say:

“As bishops, we acknowledge our mistakes and our role in that suffering, and we apologize and *take responsibility* for too often failing victims and our people in the past. We also *take responsibility* for dealing with this problem strongly, consistently, and effectively in the future. From the depths of our hearts, we bishops express great sorrow and profound regret for what the Catholic people are enduring.

The damage caused by sexual abuse of minors is devastating and long-lasting. *We reach out to those who suffer, but especially to the victims of sexual abuse and their families.* We apologize to them for the grave harm that has been inflicted upon them, and *we offer them our help for the future.* In the light of so much suffering, healing and reconciliation are beyond human capacity alone. Only God’s grace, mercy, and forgiveness can lead us forward, trusting Christ’s promise: “for God all things are possible” (Mt 19:26). The loss of trust becomes even more tragic when its consequence is a loss of the faith that we have a sacred duty to foster. We make our own the words of our Holy Father: that sexual abuse of young people is “by every standard wrong and rightly considered a crime by society; it is also an appalling sin in the eyes of God”.

We hear these words of the Lord as prophetic for this moment. *With a firm determination to resolve this crisis, we bishops commit our-selves to a pastoral outreach to repair the breach with those who have suffered sexual abuse and with all the people of the Church...* We pledge ourselves *to act in a way that manifests our accountability to God, to his people, and to one another in this grave matter.* We commit ourselves to *do all we can to heal the trauma that victims/survivors and their families are suffering* and the wound that the whole Church is experiencing. By these actions, *we want to demonstrate to the wider community that we comprehend the gravity of the sexual abuse of minors.*”²³

²³ United States Conference of Catholic Bishops, *Charter for the Protection of Children and Young People* (2002), p. 1-4.

But too often these public proclamations about accepting responsibility and accountability and wanting to do right by victims are proven to be not just hollow words, but outright fabrications. In the vast majority of civil claims by survivors of priest abuse who seek justice and help for their abuse, the Church tries to avoid accountability, responsibility, and doing what it is right by the victims by trying to avail themselves of legal technicalities afforded by civil statutes of limitations that time bar claims. At the latest by 1985, the Conference of Bishops considered recommendations to develop uniform legal strategies to protect the Church from civil litigation, and the reliance on statutes of limitations is just one of those strategies.

66. The despicability and unjust nature of the Church's reliance on statutes of limitations compelled a 2018 grand jury in Pennsylvania to cry out in trenchant words that must be quoted at length:

Until the day we got our summons, none of us even really knew what a grand jury does. We wound up having to interrupt our lives for a period of two full years. We were told to appear for court several times a month, which meant traveling considerable distances to hear long days of testimony. We did it because we understood it was our duty. In performing that duty, we have been exposed to, buried in, unspeakable crimes committed against countless children. Now we want something to show for it. *Courtesy of the long years of coverup, we can't charge most of the culprits.* What we can do is tell our fellow citizens what happened, and try to get something done about it.

This grand jury exists because Pennsylvania dioceses *routinely hid reports of child sex crimes while the statutes of limitations for those crimes expired.* We just do not understand why that should be allowed to happen. If child abusers knew they could never become immune for their crimes by outrunning the statute of limitations, maybe there would be less child abuse.

Victims don't just need sex criminals prosecuted; they need care and compensation for harm done by the abusers and the institutions that empowered them. The way you get that is by suing.

Until not too long ago, the church was actively and systematically concealing clergy sex abuse. Victims didn't know if their attackers had a history of abuse, and they didn't know the diocese had been enabling that abuse. *You can't very well exercise your right to sue when the people responsible are doing their best to cover up.*

We've heard [extending the SOL] has been tried before in Pennsylvania, several times. And every time it is opposed by representatives of the church and its insurance companies. They say it would cost too much to let these child sex abuse victims get back their right to sue.

We wonder how they decide how much is "too much." Maybe they should meet with Al, as we did. Al was abused in sixth grade by a priest who put him in a locked room, made him take off the pants of his Catholic school

uniform, and rubbed his penis. He managed to slip away and tried hiding under a desk, but the priest found him and told him he would go to hell if he ever told anyone. Afterward, Al flunked the sixth grade and had to repeat it. He began drinking, working up to as much as a bottle of whiskey a day. He started scratching his genitals so hard they would bleed. He thought he must be gay, which made him a mortal sinner. He tried joining the Navy, but was diagnosed with PTSD and eventually discharged. He tried to kill himself on multiple occasions, most recently by hanging himself with a coaxial cable. He was institutionalized in the locked ward of a psychiatric hospital. He wanted to keep going to church, but he would become nauseous and have to throw up when he entered the building.

Maybe, if he'd had money for good medical and psychological resources, Al's life wouldn't have been quite so hard after that priest knocked it off track. Maybe, if he could file a lawsuit now, he could make up for some of the pain and suffering. We wonder what people would think is "too much" money if it had been one of their kids. Al should get his right to sue back.

We remember a letter we found in the church files from a victim named Joey. He was forcibly raped as a boy, became addicted to drugs, and died of an overdose as an adult. Before his death he wrote this to the bishop: Pennsylvania law does not, for one moment, bar the Diocese of Allentown from making financial settlements with persons who were abused as minors, even though they might not report the abuse until they become adults. Pennsylvania's so-called statute of limitations is merely a defense, a legalistic prescription which the Diocese of Allentown may choose to invoke in civil litigation when it wishes. If Joey could figure that out, we think the leaders of the church can figure it out too. They don't *have* to hide behind the statute of limitations.²⁴

This grand jury, of average citizens, investigated and found over three hundred priests and more than a thousand victims and became "sick over all the crimes that will go unpunished and uncompensated"²⁵ as "a consequence of the coverup"²⁶ by "church leaders who preferred to protect the abusers and their institution above all."²⁷

67. Because the Catholic Church's strategy is to avoid the responsibility and accountability it publicly claims to accept, and because the Catholic church so often "chooses to invoke in

²⁴ CP-02-MD-571-2016, *In re: 40th Statewide Investigating Grand Jury*, the Court of Common Pleas of Allegheny County, Pennsylvania, 2018 Report of the Grand Jury, p. 307-10.

²⁵ *Id.* at 5.

²⁶ *Id.* at 4.

²⁷ *Id.*

civil litigation” the “legalistic proscription” of a statute of limitations instead of doing what the Conference of Bishops said they intended to “do all they can to help victims of trauma”, it is anticipated that in this case the Defendants will try to hide behind a defense of a statute of limitations instead of doing the right thing.

68. Or will they?
69. Will they instead live up to the moral and spiritual imperative in a way that “manifests their accountability to God, to his people, and to one another in this grave matter”? Will they depart from their history of hiding behind the statute of limitations?
70. The statute of limitations is an affirmative defense which is called a “plea in avoidance.” It is defined by BLACK’S LAW DICTIONARY as “[a] defendant’s assertion of facts and arguments that, if true, will defeat the plaintiff’s or prosecution’s claim, even if all the allegations in the complaint are true.”²⁸ Asserting a limitations defense is a way for the Defendants to try to avoid John Doe’s claim “even if all the allegations in the complaint are true.” What these Defendants would therefore be arguing is that John Doe’s claims of sexual assault and the lifelong damage it has caused may be true, but they do not want to be held accountable or help him heal the trauma he is facing even if the allegations are true. Will these Defendants take that position?
71. How these Defendants defend themselves in this case will be the latest chapter in whether the Church lives up to its words or again takes the action that protects itself (and its insurers) above all else, including a victim in need.
 - A. **Any statute of limitations defense is legally defective.**
72. If the Defendants do assert a statute of limitations defense, it will be legally defective for a number of reasons.
73. First, the cause of action has never accrued because of the continuing-tort doctrine. Under this doctrine, if a defendant commits a continuing tort, a cause of action never begins accruing until the tortious conduct ceases. Here, these Defendants’ continuing torts of negligently, intentionally, and fraudulently—as well as in violation of their fiduciary duty to disclose all relevant information—concealing information about the sexual abuse crisis in general and specifically as to Koch and the School, as well as the continuing tort of

²⁸ BLACK’S LAW DICTIONARY 509 (10th ed. 2009).

- conspiracy that is the cover-up, have never ceased. Indeed, as recently as the recent police raid, it is apparent that the Church continues the pattern of cover-up. Given that these torts are on-going, the limitations period for Plaintiff's causes of action has never begun accruing.
74. Second, in the alternative, even if the limitations has begun accruing, the running of any applicable limitations period has been deferred because of the discovery rule. The discovery rule defers a cause of action's accrual when a plaintiff cannot discover the nature and source of his injury. Here, John Doe could not discover the nature and source of his injuries because of deep psychological repression of memories. Recent disclosures regarding Koch and the abuse at the School has triggered additional memories through John Doe's therapy with both a psychologist and a psychiatrist, but he has not fully unearthed the full nature of the injuries to him because of the repression. As such, the discovery rule deferred the running of any applicable limitations period.
75. Third, in the alternative, even if limitations has begun accruing, the running of any applicable limitations period has been deferred by fraudulent concealment. Fraudulent concealment defers a cause of action's accrual because Defendants cannot be allowed to avoid liability for their actions by deceitfully concealing wrongdoing until the limitations period has run. As set forth more fully above, there was a massive fraudulent concealment and cover-up that prevented John Doe from knowing about the Defendants' wrongdoing, and therefore the running of the statute of limitations has been deferred.
76. Fourth, in the alternative, even if the statute applicable statute of limitations had accrued and run, these Defendants must be equitably estopped and barred from asserting the statute of limitations because of the material misrepresentations and failure to disclose facts as set forth above. As a matter of basic equity, the Defendants cannot be allowed to engage in a decades long—if not centuries long—scheme to systemically cover-up sexual abuse, including abuse by Koch, in an effort to run out the clock on the statute of limitations and then only release relevant information after the statute of limitations has expired. Had Defendants been truthful at the outset about what was occurring at Jesuit to minors, including John Doe, abuse would have been discovered earlier and within the limitations period. Instead, these Defendants engaged in a fraudulent cover-up, and equity demands the Defendants not profit from their cover-up and bars their defense of limitations.

77. Finally, in the alternative, Plaintiff's claims cannot be dismissed because of the open-courts provision of the Texas Constitution, article 1 § 13. The Constitution of the State of Texas guarantees that John Doe should have a remedy for his injuries by due course of law, and a statute that unreasonably restricts a plaintiff's right to obtain a remedy for injuries caused by another's wrongful act is an unconstitutional denial of due process. John Doe has cognizable common law causes of action, and the restriction of the claims is unreasonable and arbitrary when balanced against the purpose of the open-courts provision. Given the facts of this case, application of a statute of limitations is unreasonable as it cuts off John Doe's right to sue before he had a "reasonable opportunity" to discover the wrong and file suit. The law applies this in cases that are exceedingly difficult and impossible to discover, like a retained sponge in a medical malpractice case. Much like a retained sponge, the damaging violation of John Doe when he was a minor has been locked in his psyche and he has been unable to discover it despite efforts. Indeed, much of the relevant information is difficult to discover because of his psychological suppression of it, or outright impossible for him to discover because of the Church's policies of secreting the information. Finally, this claim is filed in a reasonable time after the time of public disclosures which unlocked a portion of John Doe's memory.
78. The Church and its Dioceses are well aware of the fact that victims of sexual abuse often suppress memories and that it is by the release of information that those memories can be brought to the surface and healing can begin. As one Bishop acknowledged in the face of criminal investigation of his Diocese:

"Some are concerned that publicizing these names will open old wounds. Very importantly, we are actually publishing the names in the hope of helping the victims/survivors move one step closer to healing those same wounds. It is important they know they are not alone.

We encourage victims of sexual abuse by people affiliated with the Catholic Church to come forward for their own benefit and to help us have an even more comprehensive understanding of the past. We know that with their help, the list of names may grow.

We understand that victims' memories may be incomplete. We want to tell victims not to be concerned if they do not have exact dates or locations of their abuse. We are willing to listen to them and accompany them as we all search for the truth. We do not know when the grand jury report will be forthcoming, but I am sure it will be a sobering moment for all of us. I encourage the wide distribution of the information you'll find at the end of

this statement in the hope that all victims who feel locked in darkness will consider coming forward to begin the healing process.”²⁹

The Church is aware that, when it releases names acknowledging that specific priests did engage in abuse, other victims will be able to face their suppressed memories and come forward, and this is likely one reason why so much effort is put into concealing such reports. More victims coming forward means more costly civil claims and more bad press. As such, this foreseeable result is a reason for the institutional cover-up in the first instance. Regardless, because John Doe did not have a reasonable opportunity to discover the wrong and file suit, the open-courts provision bars application of the statute of limitations in this case.

VIII. JOHN DOE’S DAMAGES

79. As a direct and proximate result of the negligent acts or omissions of the Defendants as set out above, John Doe has suffered in the past, and in all probability will, for the remainder of his life, continue to suffer from catastrophic, life-altering damages for which Plaintiff now pleads, including:
- a. Physical pain and suffering sustained in the past;
 - b. Physical pain and suffering that, in reasonable probability, John Doe will sustain in the future;
 - c. Mental anguish sustained in the past;
 - d. Mental anguish that, in reasonable probability, John Doe will sustain in the future;
 - e. Physical impairment or loss of the enjoyment of life sustained in the past;
 - f. Physical impairment or loss of the enjoyment of life that, in reasonable probability, John Doe will sustain in the future;
 - g. Reasonable and necessary medical expenses incurred in the past; and

²⁹ CP-02-MD-571-2016, *In re: 40th Statewide Investigating Grand Jury*, the Court of Common Pleas of Allegheny County, Pennsylvania, 2018 Report of the Grand Jury, p. 308 (Statement of Bishop Persico).

- h. Reasonable and necessary medical care expenses that, in reasonable probability, John Doe will incur in the future.
80. All of the above damages are singularly and collectively within the jurisdictional limits of this Court, for which Plaintiff now pleads against Defendant.

IX.
EXEMPLARY DAMAGES

81. Plaintiff alleges that each and every negligent act or omission of Defendants and their agents as set forth above, when viewed objectively from the standpoint of policymakers, involved an extreme degree of risk, considering the probability and magnitude of the physical harm to others. Further, Defendants and their agents had actual subjective awareness of those risks involved, but nevertheless proceeded with conscious indifference to the rights, safety or welfare of John Doe and other children like him. The conduct of Defendants and their agents amounts to gross negligence or malice, as those terms are defined by law, so as to give rise to an award of exemplary or punitive damages. By reason of such conduct, Plaintiff is entitled to and therefore asserts a claim for punitive and exemplary damages in an amount sufficient to punish and deter Defendants, and other entities like them, from such conduct in the future.
82. Additionally, the conduct of Defendants' agent in assaulting John Doe was intentional and with malice and independently constitutes a sexual assault under Chapter 22 of the TEXAS PENAL CODE. Defendants are liable for the criminal act of their employee because the Defendants had actual knowledge Koch was unfit to be around children, but Defendants intentionally permitted, authorized, or ratified his conduct against underage boys at the School. Such criminal conduct of Defendants' employee warrants the imposition of punitive and exemplary damages, and due to the criminal nature of the conduct, there is no limitation on the amount of recovery of exemplary damages pursuant to TEXAS CIVIL PRACTICE & REMEDIES CODE §41.008(c)(5).

X.
PRE-JUDGMENT AND POSTJUDGMENT INTEREST

83. John Doe prays for pre-judgment and post-judgment interest to be awarded at the maximum legal interest rates allowable under the laws of the State of Texas.

XI.
REQUEST FOR A JURY TRIAL

84. John Doe requests a jury trial on all triable issues within a year of this filing and contemporaneously with the filing of this Petition submits the applicable fee.

XII.
REQUEST FOR DISCLOSURE

85. Pursuant to TEXAS RULE OF CIVIL PROCEDURE 194, Defendants are requested to disclose all of the information and materials described in Rule 194.2. The written responses to the above requests for disclosure should conform to Rule 194.3 and the materials, documents, and/or copies of same should be produced in compliance with Rule 194.4. The written responses, materials, and documents are to be delivered to the ALDOUS \ WALKER^{LLP}, 4311 Oak Lawn Avenue, Suite 150, Dallas, Texas 75219, as required following receipt of this request.

XIII.
PRAYER

86. John Doe respectfully prays that Defendants be cited to appear and answer this suit, and that upon final determination of these causes of action, John Doe receives a judgment against Defendants awarding him damages as follows:
- a. Actual, compensatory, consequential, exemplary, and punitive damages, in an amount in excess of the minimal limits of the Court;
 - b. Costs of Court;
 - c. Prejudgment interest at the highest rate allowed by law from the earliest time allowed by law;

- d. Interest on judgment at the highest legal rate from the date of judgment until collected; and
- e. All such other and further relief at law and in equity to which the Plaintiff may show himself to be justly entitled.

Respectfully submitted,

/s/ Charla G. Aldous _____

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ATTORNEYS FOR PLAINTIFF JOHN DOE



Downloaded May 23, 2019

Originally Posted January 31, 2019

<https://list.diocesecc.org/>

To the Members of the Diocese of Corpus Christi,

In an effort to restore trust where it has been damaged, I am presenting the names of the Roman Catholic clerics who have been credibly accused of sexually abusing a minor within the Diocese of Corpus Christi.

An Independent Committee comprised of outside legal professionals reviewed all cleric files to determine whether an allegation was credible. This Committee reviewed approximately 1500 priests' files and 180 deacon's files. In some cases, files were also reviewed by the Diocesan Review Board. The Diocese of Corpus Christi accepted all recommendations from the Independent Committee and the Diocesan Review Board regarding the names to be included on this list.

The list of names is arranged and grouped into the following: *Religious Order Clerics & Extern Clerics* and *Clerics From or Incardinated into the Diocese of Corpus Christi*. If a cleric is a member of a religious order, the initials of the order follow the name. If a cleric was originally ordained for a religious order, that is also indicated. The Diocese has worked diligently to be accurate with the information presented. If any information is found to be incorrect, please contact Mrs. Stephanie Bonilla, Victim Assistance Coordinator at 361-693-6686.

Historically, a small part of the Diocese of Victoria, part of the Dioceses of Brownsville and Laredo belonged to the Diocese of Corpus Christi. It is important to note that some of the clerics on the attached list served in what is now either the Diocese of Brownsville or Laredo.

Any person with knowledge of a cleric member who is suspected of sexually abusing a minor within the Diocese of Corpus Christi should report such allegation to local law

enforcement. Please report such information to Mrs. Stephanie Bonilla, Victim Assistance Coordinator at 361-693-6686.

Sincerely yours in Christ,

+Most Reverend Michael Mulvey, STL, DD
Bishop of Corpus Christi

N.B. A determination that an allegation against a member of the clergy is credible is not equivalent to a finding by a judge or jury that the cleric is liable or guilty of the sexual abuse of a minor under canon, civil or criminal law.

RELIGIOUS ORDER CLERICS & EXTERN CLERICS
(Clerics not from the Diocese of Corpus Christi)

Name:

Bishop Joseph V. Sullivan

Date of Birth:

8/15/1919

Ordination & Prior Status:

Ordination: 6/1/1946 (Diocese of Kansas City-St. Joseph)

Episcopal ordination: 4/3/1967 (Diocese of Kansas City-St. Joseph; Diocese of Baton Rouge)

Extern cleric who visited the Diocese of Corpus Christi

Current Status:

Deceased 9/4/1982

Name:

Rev. Russell Gerard Appleby, MSF

Date of Birth:

10/3/1934

Ordination & Prior Status:

Ordination: 3/26/1966 (Missionaries of the Holy Family)

Current Status:

Removed from ministry in Diocese of Corpus Christi, September 1983

Laicized & Dismissed from the Missionaries of the Holy Family Order 3/18/1995

Deceased 2005 in Pinella County Jail

Name:

Rev. Robert J. Bedrosian, MSF

Date of Birth:

7/7/1937

Ordination & Prior Status:

Ordination: 3/26/1965 (Missionaries of the Holy Family)

Current Status:

Left Diocese of Corpus Christi 1979

Left Missionaries of the Holy Family order 1985

Deceased 10/1/2014

Name:

Rev. John M. Fiala, SOLT

Date of Birth:

10/14/1960

Ordination & Prior Status:

Ordination: 6/2/1984 (Society of Our Lady of the Most Holy Trinity)

Current Status:

Criminal conviction (I): 5/17/12

Criminal conviction (II): 12/2/2014

Deceased 2017

Name:

Rev. Edward J. Horan, SOLT

Date of Birth:

3/1/1918

Ordination & Prior Status:

Ordination: 6/27/1987 (Society of Our Lady of the Most Holy Trinity)

Current Status:

Retired 1996

Deceased 1997

Name:

Rev. Patrick Koch, SJ

Date of Birth:

11/8/1927

Ordination & Prior Status:

Ordination: 6/12/1957 (Society of Jesus)

Current Status:

Left Diocese of Corpus Christi 1966

Deceased 9/9/2006

Name:

Rev. Eusebio ("Chevy") Pantoja, CMF

Date of Birth:

Unknown

Ordination & Prior Status:

Ordination: 1968 (Claretian Missionaries)

Current Status:

Removed from ministry in Diocese of Corpus Christi 1980

Expelled from Claretian Order 1980

Name:

Rev. Alfredo Prado, OMI

Date of Birth:

1930

Ordination & Prior Status:

Ordination: 1958 (Oblate of Mary Immaculate)

Current Status:

Suspended 1991

Name:

Rev. Christopher Joseph Springer, CSSR

Date of Birth:

11/7/1925

Ordination & Prior Status:

Ordination: 6/26/1952 (Congregation of the Most Holy Redeemer)

Current Status:

Left Diocese of Corpus Christi 1971

CLERICS FROM OR INCARDINATED INTO THE DIOCESE OF CORPUS CHRISTI**Name:**

Rev. Jerome Caponi

Date of Birth:

9/15/1925

Ordination & Prior Status:

Ordination: 6/11/1960 (Order of St. Benedict)

Incardinated into Diocese of Corpus Christi 1971

Excardinated from Diocese of Corpus Christi 1982

Current Status:

Left Diocese of Corpus Christi 1982

Deceased 2/27/2009

Name:

Msgr. Hugh Clarke

Date of Birth:

12/30/1924

Ordination & Prior Status:

Ordination: 7/16/ 1950 (Dublin, Ireland)

Incardinated into Diocese of Corpus Christi 8/15/1975

Current Status:

Retired 1997

Deceased 12/16/2002

Name:

Rev. William Daly

Date of Birth:

4/21/1924

Ordination & Prior Status:

Ordination: 6/17/1957 (Ordained in Dublin, Ireland for the Diocese of Corpus Christi)

Current Status:

Left Diocese of Corpus Christi 1971

Deceased 11/9/1982

Name:

Rev. Domingo De Llano

Date of Birth:

10/19/1939

Ordination & Prior Status:

Ordination: 5/28/1966 (Ordained in Laredo, TX for the Diocese of Corpus Christi)

Current Status:

Retired 1999

Deceased 5/4/2013

Name:

Rev. Steven T. Dougherty

Date of Birth:

10/11/1956

Ordination & Prior Status:

Ordination: 6/14/2003 (Society of Our Lady of the Most Holy Trinity)

Incardinated into Diocese of Corpus Christi 7/8/2008

Current Status:

Removed from ministry 12/16/2011

Criminal conviction: 2/28/2018

Name:

Rev. John J. Feminelli

Date of Birth:

10/12/1946

Ordination & Prior Status:

Ordination: 6/6/1987 (Corpus Christi, TX)

Current Status:

Retired 4/16/2007

Name:

Rev. Adelhard M. Francois

Date of Birth:

Unknown

Ordination & Prior Status:

Ordination: 2/24/1935, Wuerzburg, Bavaria (Mariannahill Missionary Society)

Incardinated into Diocese of Corpus Christi: 1/14/1950

Current Status:

Left Diocese of Corpus Christi 1959

Name:

Rev. J. Frank Gomez

Date of Birth:

10/28/1928

Ordination & Prior Status:

Ordination: 5/27/1961 (Corpus Christi, TX)

Excardinated from Diocese of Corpus Christi 1965

Current Status:

Left Diocese of Corpus Christi 1965

Name:

Rev. Clement Hageman

Date of Birth:

Unknown

Ordination & Prior Status:

Ordination: 6/10/1930, St. Meinrad, IN

Current Status:

Removed from ministry in Diocese of Corpus Christi April 1939

Deceased 7/2/1975

Name:

Msgr. Michael Heras

Date of Birth:

6/7/1958

Ordination & Prior Status:

Ordination: 6/15/1984 (Corpus Christi, TX)

Current Status:

Removed from ministry 6/24/2014

Name:

Rev. Jesus Garcia Hernando

Date of Birth:

10/7/1957

Ordination & Prior Status:

Ordination: 6/2/1984, Burgos, Spain

Incardinated into Diocese of Corpus Christi: 12/17/1983

Excardinated from Diocese of Corpus Christi: 2/11/2000

Current Status:

Removed from ministry 7/15/2011

Name:

Rev. Flover Antonio Osorio Herrera

Date of Birth:

10/7/1954

Ordination & Prior Status:

Ordination: 3/19/1985 (Diocese of Villavicencio, Meta, Columbia)

Incardinated into Diocese of Corpus Christi 12/4/2003

Current Status:

Removed from ministry 10/29/2007

Name:

Rev. Peter J. Hughes

Date of Birth:

Unknown

Ordination & Prior Status:

Ordination: 6/10/1956 (Ordained in Carlow, Ireland for the Diocese of Corpus Christi)

Current Status:

Left Diocese of Corpus Christi 1963

Deceased 12/7/1990

Name:

Msgr. William J. Kelly

Date of Birth:

10/11/1916

Ordination & Prior Status:

Ordination: 6/24/1944 (Ordained in Dublin, Ireland for the Diocese of Corpus Christi)

Current Status:

Deceased 3/12/1983

Name:

Msgr. William C. Kinlough

Date of Birth:

8/29/1918

Ordination & Prior Status:

Ordination: 6/20/1943 (Ordained in Ireland for the Diocese of Corpus Christi)

Current Status:

Retired 1999

Deceased 9/29/2000

Name:

Rev. Msgr. Thomas Meany

Date of Birth:

5/12/1928

Ordination & Prior Status:

Ordination: 5/31/1955 (Corpus Christi, TX)

Current Status:

Retired 2004

Deceased 7/20/2008

Name:

Rev. Robert Trevino

Date of Birth:

11/10/1958

Ordination & Prior Status:

Ordination: 12/28/1985 (Corpus Christi, TX)

Current Status:

Removed from ministry 1995

Laicized 12/6/2012

Prayer for Healing & Strength for the Church & the Diocese of Corpus Christi

Father of Mercy and Source of consolation, we adore you and give you thanks. We acknowledge that we have sinned and offended you by our disrespect and neglect for the life and dignity of the most innocent among us.

Lord Jesus Christ, though sinless, you suffered for the sins of the world. Now, we unite ourselves with you on the Cross to help bring your redemption and peace to all who are seeking you.

Come, Holy Spirit, heal us and make us holy by the transforming grace of your seven-fold gifts. Renew us in hope. Help us to live our vocations faithfully, chastely, and joyfully, according to our states in life.

Strengthen us to be your presence for those who have been hurt or forgotten. May we become beacons of faith, hope, and love to all. Let no one be lost because of the lack of our love.

*St. Michael the Archangel, defend us in battle;
Be our safeguard against the wickedness and the snares of the devil.
May God rebuke him, we humbly pray;
And do thou, O Prince of the heavenly hosts, by the power of God,
Cast into hell, Satan and all the evil spirits
Who prowl about the world seeking the ruin of souls. Amen.*

St. Joseph, patron of the Universal Church, protect us as you protected Jesus and Mary.

O Mary, Seat of Wisdom, Virgin of Guadalupe, and Patroness of our diocese, accompany us with your prayers and maternal affection now and always. Amen.



CREDIBLE ALLEGATIONS OF SEXUAL ABUSE OF MINORS SINCE 1950

Letter from Bishop Burns



Office of the Bishop

Dear Brothers and Sisters in Christ:

These have been very difficult days within the Church and the Diocese of Dallas. In October, the Diocese held a special Ceremony of Sorrow, a prayer service to express shame and deep remorse over the egregious sexual misconduct committed by some within the Church. Since that time, I have continued to pray for guidance, met personally with victims of abuse, held public listening sessions, worked with our Diocesan Review Board and our Victims Assistance Coordinator, and taken other steps to begin what I believe can be a process of healing and repentance.

Today, I am following through on a commitment I made in October to provide the names of those priests who have been the subject of a credible allegation of sexual abuse of a minor in the Diocese during the period from 1950 to the present. A “credible allegation” is one that, after review of reasonably available, relevant information in consultation with the Diocesan Review Board or other professionals, there is reason to believe is true.

The process to compile this list began with an outside group of former state and federal law enforcement officers that reviewed the files of the 2,424 priests who have served in this diocese since 1950. Those investigators identified files which contained credible allegations of the sexual abuse of minors. The Diocesan Review Board, which includes local experts in law enforcement, clinical psychology, law, and medicine, then reviewed those allegations. The list of names I have provided you reflects the recommendations of our Diocesan Review Board, and I am grateful for their diligence, integrity, and expertise. To view the list and get more information please visit www.cathdal.org/response.

Although I have also provided this list of names to law enforcement, inclusion on this list does not indicate that a priest is guilty of, been convicted of, or has admitted to the alleged abuse.

As we look back at the Church’s history, our failure to protect our most vulnerable from abuse, and hold accountable those who preyed on them, fills me with both sorrow and shame. But the painful yet necessary process that began in 2002 in this Diocese has also led to much-needed reforms that we continue to rigorously implement today. Going forward, we must remain vigilant.

I pledge to you that we will do our best to do what is right.

While we have gone to great lengths to ensure that this list is exhaustive, we know there could be more victims who have not reported their abuse. I encourage them to come forward and report to law enforcement, or by calling the Texas Abuse Hotline at 1-800-252-5400. Please also contact Victims Assistance Coordinator, Barbara Landregan, at 214-379-2812 or blandregan@cathdal.org. The Church continues to offer our prayers and support to the victims, survivors, and their families for the suffering they have endured.

As I look to the future, I am encouraged that an overwhelming majority of the priests in this Diocese are, and have been, good and holy men, and I remain thankful for their witness. As well as the wonderful men who are in our seminaries – let us pray for these men.

To those of you who have experienced family or friends who have walked away from the faith because of this scandal in the Church, please remind them that we must never separate ourselves from Jesus because of Judas. As your shepherd, I pray that you stay strong in the faith and continue

to grow in your relationship of our Lord, who is the Way, the Truth, and the Life. We pray through the intercession of Our Lady of Guadalupe that God our Father will guide us through these difficult days.

Thank you for your time and may God bless you and your loved ones.

Eternally yours in Christ,



Most Reverend Edward J. Burns

Bishop of Dallas



List of Priests

Click name for details

Incardinated in Diocese of Dallas

Name	Status	Diocese of Incardination / Religious Order
Matthew Bagert	Laicized	Diocese of Dallas
Richard Brown	Absent on leave	Diocese of Dallas
Alejandro Buitrago	Retired with faculties suspended	Diocese of Dallas
Robert Crisp	Retired with faculties suspended	Diocese of Dallas

List of All Priests with Credible Allegations of Sexual Abuse of Minors Since 1950

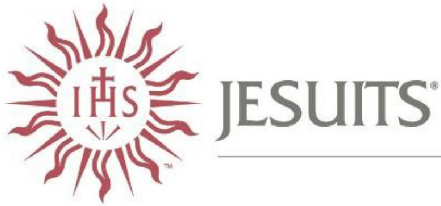
Paul Detzel	Laicized	Diocese of Dallas
John Duesman	Deceased	Diocese of Dallas
James Fitzpatrick	Deceased	Diocese of Dallas
Michael Flanagan	Deceased	Diocese of Dallas
Timothy Heines	Suspended, Pending lawsuit alleging abuse of minor	Diocese of Dallas
William Hoover	Deceased	Diocese of Dallas (1969 - Diocese of Fort Worth)
William Hughes	Laicized	Diocese of Dallas
Richard Johnson	Deceased	Diocese of Dallas
Rudy Kos	Laicized Incarcerated	Diocese of Dallas
William Lane	Deceased	Archdiocese of Port of Spain (Trinidad - 1933) Diocese of Dallas (1958)
Justin Lucio	Deceased	Diocese of Dallas
Patrick Lynch	Deceased	Diocese of Dallas
Henry McGill	Deceased	Diocese of Mobile (1941) Diocese of Dallas (1954)
Jeremy Myers	Suspended	Order of St. Benedict (1984) Diocese of Dallas (1996)
Edmundo Paredes	Suspended	Diocese of Dallas
Robert Peebles	Laicized Deceased	Diocese of Dallas
James Reilly	Deceased	Diocese of Dallas Diocese of Fort Worth (1969)
Kenneth Roberts	Deceased	Diocese of Dallas

Jose Saldana	Laicization Pending	Diocese of Dallas
Raymond (John) Scott	Deceased	Diocese of Dallas

Incardinated in Other Diocese / Religious Order

Name	Status	Diocese of Incardination / Religious Order
Michael Barone	Retired	Diocese of Tyler
Peter Barousseau	Believed to be deceased	Diocese of Ajaccio
Thomas Behnke	Deceased	Order of Discalced Carmelites
Gabriel Hentrich	Deceased	Order of Discalced Carmelites
Patrick Koch	Deceased	Society of Jesus (the Jesuits)
Vincent Malatesta	Unknown	Society of Jesus (the Jesuits)
Anthony Nwaogu	Unknown	Diocese of Umuahia, Nigeria
Benjamin Smylie	Deceased	Society of Jesus (the Jesuits)

While the Diocese has endeavored to make a complete and accurate disclosure, the information on this page is subject to change as additional information is received.



December 7, 2018

Statement from Fr. Ronald Mercier on the Release of List of Accused Jesuits

The storm that the Church experiences today calls forth from us an unprecedented and yet needed response. Silence in the face of the events of recent months cannot be an option.

Our first response must be directed to those who have survived abuse at the hands of a member of the Society of Jesus when they were minors, a terrible evil that wounds the soul. Words cannot possibly suffice to express our sorrow and shame for what occurred, our promise of prayers for healing, and our commitment to work with them. Caring for these survivors – and preventing any such future events – must be our focus as we move forward.

The People of God, including our companions in mission, who have experienced a blow to the trust they place in the Society, similarly deserve a response marked by openness and contrition, one that recognizes our history and seeks to create a new way forward. We deeply regret the pain this causes our colleagues as they share with us the mission given by the Lord.

Over the last three months, I have discussed our response with a broad range of people. One consistent theme has emerged, the need for transparency through publishing this list of Jesuits with credible accusations of abuse of a minor, painful as it may be. I have heard too the voices that call, rightly, for attention to the standards of justice in any such revelations. I am grateful to all those who participated in these conversations. In the end, though, the decision is mine.

The province staff has worked tirelessly to put together a list of those credibly accused of having abused a minor. That has meant reviewing the processes used in decisions over the last four decades. Since 2002, we have had the benefit of Province Review Boards including lay men and women versed in law, medicine, and psychology who have provided us excellent advice in deciding cases. Earlier, the province staffs investigated allegations, giving the results to the provincial for his decision. We have reviewed all those files, relying as well on the careful research done in the former Missouri and New Orleans Provinces as they prepared for initial accreditation by Praesidium, Inc.

While we are confident in the provisional list we provide today, we wish a greater degree of certainty and transparency and so have contracted with Kinsale Management Consulting to review all files for anyone who was a member of the Missouri and New Orleans Provinces and the Puerto Rico Region after December 31, 1954, roughly 2500 files in total. We also include those Jesuits from other provinces who were assigned to one of those entities. This audit will begin in March and will provide us with results in the late spring. If necessary, we will then update the list.

The list we are releasing today will no doubt surprise or shock many. This represents a sinful part of our history, one that calls the Society of Jesus to repentance and to a renewed commitment both to create a safe space in our ministries for all God's people and to provide the openness that can become the foundation for renewed trust.

I would make two notes of caution. First, inclusion on this list does not imply that the allegations are true and correct or that the accused individual has been found guilty of a crime or liable for civil claims. In many instances, the allegations were made several years or decades after the alleged events, which makes it difficult to be assured the truth is known.

Second, while a list of each man's assignments is included, it is important to note that the allegations do not necessarily stem from any of the listed assignments.

I must say a word of thanks to the members of the Society who continue to minister so well, who provide true witness to our charism. They provide a reason to believe because of the care they show to so many people.

As always, we urge anyone who has experienced abuse as a minor by a Jesuit to please contact our Coordinator of Pastoral Support and Outreach, Carol Brescia, Licensed Clinical Social Worker, at 314-915-7168 or UCSOutreach@jesuits.org. She will respond with compassion and confidentiality

As I close, again I express the sorrow of the Society of Jesus for the abuse and the breach of trust people have experienced. Much has changed; we have learned how to provide safer spaces and better ways of responding to allegations. Nevertheless, these steps cannot take away the pain so many know. We pray that God may provide healing and peace and we stand ready to assist.

I began by noting the storm buffeting the Church today. While we Jesuits must do all that lies in our power to respond, ultimately this is God's work and we trust that God's mercy and wisdom will help the healing of the wounds suffered and provide a light for a way forward for all of us.

Sincerely yours in the Lord,

A handwritten signature in black ink that reads "Ronald A. Mercier, S.J." The signature is written in a cursive, flowing style.

Ronald A. Mercier, S.J.
Provincial



JAN 15 2019

Important Message to the Jesuit Dallas Community

December 7, 2018

Dear friends of Jesuit Dallas,

I write this to you with an overwhelming sense of personal anguish and revulsion.

As expected, the Jesuits' Central and Southern Province today released a preliminary list of Jesuits and former Jesuits against whom there were credible allegations of abuse of a minor since 1955. I am saddened to report that the list contains 11 names with some connection to our School, mostly in the 1960s, 1970s, or 1980s.

The list includes four past members of the Jesuit Dallas community who were the subject of credible accusations of inappropriate conduct with a minor during their tenure here. They are:

- Don Dickerson (1980-81)
- Thomas Naughton (1973-79)
- Claude Ory (1966-67; 1987-94)
- Vincent Malatesta (1981-85)

There are seven others who were accused of misconduct with a minor elsewhere, but who had been assigned for a certain period of time by the New Orleans Province Office to Jesuit Dallas:

- Claude Boudreaux (1967-73)
- Charles Coyle (1959-60)

- Tom Hidding (1982-83)
- Francis Landwermeier (1958-59; 1960-61)
- Vincent Orlando (1968-71; 1975-79)
- Norman Rogge (1958-60)
- Benjamin Wren (1955-58; 1962-63)

First, please join me in prayers for the health and well-being of all victims of sexual misconduct and abuse, be they students here or elsewhere. Having said that, I am painfully aware that prayers are not enough and that is why we fully support the Province's commitment to transparency and reform. Enhanced screening and background checks have been in place for several years and the Province is now accredited by Presidium Inc., an independent firm that advises organizations working to prevent sexual abuse.

Again, these allegations involve heinous acts committed many years ago. I personally know of no credible reports of sexual misconduct with a minor occurring here in more than 20 years. I invite you to review our specific Safe Environment zero tolerance policy at <https://www.jesuitdallas.org/about/safe-environment>.

We pledge to continue providing a safe environment for every student. That includes consistent and constant vigilance, prompt investigation and reporting. Therefore, if anyone in our community has experienced abuse by any priest or layperson, please do not hesitate to contact me directly (972-387-8700 x324; mearsing@jesuitcp.org) or by reaching out to the Province (314-361-7765; UCSOutreach@jesuits.org).

Finally, please know that I am committed to doing everything possible to cooperate with this ongoing investigation. The independent agency retained to review all Provincial personnel files is expected to complete its full report for release in the Spring of 2019. In the meantime, please review [the letter from the Provincial](#) and feel free to contact me should you have any questions.



Michael A. Earsing



GIVE



JUL 31 2019

A Letter From The President

January 31, 2019

Dear friends of Jesuit Dallas,

The Diocese of Dallas has released its list of clergy who were credibly accused of sexual abuse of a minor during the past 60 years. A link to that list can be found at the bottom of this letter. Just as we were saddened for the victims and repulsed as a community by the findings of the Jesuit Provincial office in December of last year, we are once again filled with pain as we contemplate such behavior and the victims who suffered and may still suffer.

I need to note for our community the additional names included on the list from the Diocese of Dallas but not contained on the list from the provincial.

It is with great dismay to see the appearance on the list of Father Patrick H. Koch, S.J. A 1944 graduate of Jesuit, Fr. Koch later served as principal (1972-79), president (1979-80), and director of alumni (1980-86). He remained a part of the Jesuit community until his death in 2006. Please know that our administration will seek spiritual guidance as we further consider the School's response to this news.

The Diocesan report also includes the name of Fr. Ben Smylie, S.J., who was assigned to Jesuit in the 1980s.

In addition, the Maryland Province has released a list which states that an allegation was made against Fr. Robert B. Cullen, S.J., who was assigned to Jesuit Dallas for one year in 1960, while a list released by the Midwest Province includes Fr. Thomas R. Haller, S.J., who worked at Jesuit Dallas in the 1980s. With respect to Fr. Cullen, the Maryland

Province reports that the alleged conduct was estimated to have occurred in the Maryland Province in the 1960s-1980s. With respect to Fr. Haller, the Midwest Province states that the allegations relate to actions that occurred in the 1950s and/or 1960s in Wisconsin and Nebraska. Both men are deceased.

As I have stated previously, the health and well-being of all victims of sexual misconduct is our highest priority. We have significant protections in place to safeguard our students and to provide a means to investigate any reports of misconduct. Our staff, faculty and students are thoroughly versed in these processes that support a safe environment for every individual who steps on our campus.

Please know that I remain steadfast in my commitment to work with the proper authorities to protect our former and current students from any wrongdoing, and will make myself available to discuss any questions or concerns.

If anyone in our community has ever experienced abuse by any priest or layperson, I urge you to contact me directly (972-387-8700 x324; mearsing@jesuitcp.org) or by reporting to the Province (314-361-7765; UCSOutreach@jesuits.org). If you have any questions about the most recent allegations, please contact the Diocese of Dallas.



Michael A. Earsing

President

[Diocese of Dallas Report](#)



GIVE

VISIT

APPLY