

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

SUPERIOR COURT
CIVIL ACTION NO. *21CV1012*

John Doe VI,
Plaintiff)

v.)

ROMAN CATHOLIC ARCHBISHOP OF BOSTON,)
MISSIONARY SOCIETY OF ST. COLUMBAN,)
and DEFENDANT THREE,)
Defendants)

**COMPLAINT AND
JURY TRIAL DEMAND**

CLERK OF THE COURT
NORFOLK COUNTY
2021 NOV -3 AM 10:17
JAMES A. FALLO

A. PARTIES

1. The Plaintiff, John Doe VI, is an individual with a residential address in Norton, Bristol County, Massachusetts.

2. Defendant Roman Catholic Archbishop of Boston, A Corporation Sole (hereinafter referred to as "Defendant RCAB") is a religious corporation organized pursuant to Massachusetts law with a principal place of business at 66 Brooks Drive, Braintree, Norfolk County, Massachusetts. At all relevant times material hereto, the RCAB had a duty to hire, retain, supervise, and direct Father John Connell (hereinafter referred to as "Father Connell"), an individual who at all times material hereto was or had been a Roman Catholic Priest of the RCAB, and Father Brian Gallagher, an individual who at all times material hereto was or had been an order priest with the Missionary Society of St. Columban.

3. Defendant Missionary Society of St. Columban (hereinafter referred to as "Defendant Columbans"), is a religious corporation organized pursuant to Nebraska law with a principal place of business at 1902 N. Calhoun Street, St. Columbans, Nebraska. At all relevant times material hereto, the Columbans had a duty to hire, retain, supervise, and direct Father Gallagher.

4. Defendant Three is an individual the identity of whom is presently unknown to the Plaintiff; therefore, the Plaintiff files the above-captioned action against Defendant Three by such a fictitious name. At relevant and material times, Defendant Three was or had been a supervisor of the RCAB with a duty to hire, retain, supervise, and direct Father Connell and Father Gallagher.

B. STATEMENT OF FACTS

5. In approximately 1965, Father Connell was ordained a Roman Catholic priest of the RCAB.

6. In approximately 1969, Father Connell was assigned to or affiliated with St. Mark's Parish, Dorchester, Suffolk County, Massachusetts, where he served as a priest of the RCAB. At all relevant and material times, St. Mark's Parish was a Roman Catholic parish of the RCAB.

7. Father Connell continued to serve as a priest of the RCAB at St. Mark's Parish through at least 1981, with responsibilities that included, among other things, supervising and otherwise interacting with minor children.

8. In approximately 1959, Father Gallagher was ordained a Roman Catholic priest in the Missionary Society of St. Columban order in Ireland.

9. In approximately 1977 through at least 1978 Father Gallagher was assigned to the St. Columban's Foreign Mission Society in Milton, Norfolk County, Massachusetts and on other occasions Father Gallagher was present in Massachusetts.

10. When Plaintiff was a minor child, Plaintiff was raised Catholic and he attended St. Mark's Church, the Roman Catholic Church of St. Mark's Parish; as well as St. Mark's School, the parochial elementary school of St. Mark's Parish.

11. When Plaintiff was a minor child, Plaintiff met Father Connell at St. Mark's Church.

12. When Plaintiff was a minor child, Plaintiff met Father Gallagher at the house of a friend of Plaintiff's in Dorchester, Norfolk County, Massachusetts.

13. Not until recently did Plaintiff have knowledge or sufficient notice that he had been harmed and that the harm was caused by the explicit sexual behavior and lewd and lascivious conduct of Father Connell and Father Gallagher.

14. In approximately 1980, when Plaintiff was approximately 6 years of age, Father Connell engaged in explicit sexual behavior and lewd and lascivious conduct with Plaintiff, including, among other things, Father Connell fondling Plaintiff's genitals.

15. Father Connell's sexual behavior and lewd and lascivious conduct with Plaintiff took place in St. Mark's Church.

16. From approximately 1979, when Plaintiff was approximately 5 years of age, until approximately 1980, when Plaintiff was approximately 6 years of age, Father Gallagher engaged in explicit sexual behavior and lewd and lascivious conduct with Plaintiff, including, among other things, Father Gallagher reaching down Plaintiff's pants and fondling Plaintiff's genitals.

17. Father Gallagher's sexual behavior and lewd and lascivious conduct with Plaintiff took place at a friend's house in Dorchester, Massachusetts and a Nursing Home in Dorchester, Massachusetts.

18. As a result of Father Connell's and Father Gallagher's explicit sexual behavior and lewd and lascivious conduct with the Plaintiff, Plaintiff suffers, has suffered, and will continue to suffer in the future severe emotional distress and physical harm manifested by objective symptomatology, including, but not limited to, sleep problems; nightmares; depression; and crying.

19. At all times material hereto, Father Connell and Father Gallagher misrepresented and concealed from the Plaintiff the wrongful nature of Father Connell's and Father Gallagher's explicit sexual behavior and lewd and lascivious conduct and that such explicit sexual behavior and lewd and lascivious conduct could harm Plaintiff.

20. As a result of said explicit sexual behavior and lewd and lascivious conduct, Plaintiff is unable at this time to fully disclose in complete detail to what degree Father Connell and Father Gallagher did abuse the Plaintiff.

C. CLAIMS FOR RELIEF

Count I: Plaintiff v. Defendant RCAB, and Defendant Three Negligent Hiring, Retention, Direction, and Supervision

21. Plaintiff repeats, realleges, and incorporates by reference herein each and every allegation heretofore pleaded in this Complaint.

22. At all relevant and material times to this action, the responsibilities of Defendant RCAB, and Defendant Three (hereinafter collectively referred to as the "Supervisory Defendants") included hiring, retention, direction, and supervision of RCAB priests at St. Mark's Parish, where those priests would be supervising and otherwise interacting with minor children.

23. At all relevant and material times to this action, the responsibilities of the Supervisory Defendants included hiring, retention, direction, and supervision of priests who were working and visiting the RCAB, where those priests would be supervising and otherwise interacting with minor children.

24. At all relevant and material times to this action, the responsibilities of the Supervisory Defendants included hiring Father Connell to St. Mark's Parish; retaining Father Connell in his position at St. Mark's Parish; directing Father Connell in his position at St. Mark's Parish,

including his interactions with minor children; and supervising Father Connell in his position at St. Mark's Parish, including his interactions with minor children.

25. At all relevant and material times to this action, the responsibilities of the Supervisory Defendants included hiring Father Gallagher; retaining Father Gallagher; directing Father Gallagher, including his interactions with minor children; and supervising Father Gallagher, including his interactions with minor children.

26. At all relevant and material times to this action, the Supervisory Defendants knew or should have known that Father Connell would interact with and was interacting with minor children in his position at St. Mark's Parish, including more specifically, the Plaintiff.

27. At all relevant and material times to this action, the Supervisory Defendants knew or should have known that Father Gallagher would interact with and was interacting with minor children, including more specifically, the Plaintiff.

28. At all relevant and material times to this action, the Supervisory Defendants had a special relationship with Father Connell.

29. At all relevant and material times to this action, the Supervisory Defendants had a special relationship with Father Gallagher.

30. At all relevant and material times to this action, the Supervisory Defendants had a special relationship with the Plaintiff.

31. At all relevant and material times to this action, the Supervisory Defendants had a duty of care to properly hire, retain, direct, and supervise individuals of good reputation and character who would be asked to interact with minor children at St. Mark's Parish.

32. At all relevant and material times to this action, the Supervisory Defendants had a duty of care to properly hire, retain, direct, and supervise individuals of good reputation and character who would be asked to interact with minor children as priests within the RCAB.

33. At all relevant and material times to this action, the Supervisory Defendants negligently breached their duty of care to properly hire, retain, direct, and supervise individuals of good reputation and character who would be asked to interact with minor children at St. Mark's Parish, by hiring Father Connell to his position at St. Mark's Parish; by retaining Father Connell in Father Connell's position at St. Mark's Parish; and by their failure to exercise the care of a reasonable person in their direction and supervision of Father Connell's interactions with minor children at St. Mark's Parish, including, more specifically, Plaintiff, and that Father Connell engaged or was engaging in the intentional and negligent conduct with the Plaintiff as described above.

34. At all relevant and material times to this action, the Supervisory Defendants negligently breached their duty of care to properly hire, retain, direct, and supervise individuals of good reputation and character who would be asked to interact with minor children, by hiring Father Gallagher, by retaining Father Gallagher; and by their failure to exercise the care of a reasonable person in their direction and supervision of Father Gallagher's interactions with minor children while Father Gallagher was present within the Archdiocese of Boston, including, more specifically, Plaintiff, and that Father Gallagher engaged or was engaging in the intentional and negligent conduct with the Plaintiff as described above.

35. At all relevant and material times to this action, the Supervisory Defendants knew or should have known that Father Connell's and Father Gallagher's intentional and negligent conduct as described above would result in severe mental and emotional suffering by a victim of such conduct, including the Plaintiff.

36. As a direct and proximate result of the Supervisory Defendants' negligent conduct, Plaintiff has suffered and will continue to suffer in the future: severe and permanent mental distress and emotional injuries, including objective corroboration of said mental distress and emotional injuries as outlined above; financial expenses for medical and therapeutic care and treatment; long term earning capacity; as well as other damages.

Count II: Plaintiff v. Defendant Columbans
Negligent Hiring, Retention, Direction, and Supervision

37. Plaintiff repeats, realleges, and incorporates by reference herein each and every allegation heretofore pleaded in this Complaint.

38. At all relevant and material times to this action, the responsibilities of Defendant Columbans included hiring, retention, direction, and supervision of Columban priests, where those priests would be supervising and otherwise interacting with minor children.

39. At all relevant and material times to this action, the responsibilities of Defendant Columbans included hiring Father Gallagher; retaining Father Gallagher in his position, including in his interactions with minor children; and supervising Father Gallagher in his position, including in his interactions with minor children.

40. At all relevant and material times to this action, Defendant Columbans knew or should have known that Father Gallagher would interact with and was interacting with minor children, including, more specifically, the Plaintiff.

41. At all relevant and material times to this action, Defendant Columbans knew or should have known that Father Gallagher would interact with and was interacting with minor children, including more specifically, the Plaintiff.

42. At all relevant and material times to this action, Defendant Columbans had a special relationship with Father Gallagher.

43. At all relevant and material times to this action, Defendant Columbans had a special relationship with the Plaintiff.

44. At all relevant and material times to this action, Defendant Columbans had a duty of care to properly hire, retain, direct, and supervise individuals of good reputation and character who would be asked to interact with minor children.

45. At all relevant and material times to this action, Defendant Columbans negligently breached their duty of care to properly hire, retain, direct, and supervise individuals of good reputation and character who would be asked to interact with minor children, by hiring Father Gallagher to his position; and by retaining Father Gallagher in his position; and by their failure to exercise the care of a reasonable person in their direction and supervision of Father Gallagher's interactions with minor children, including the Plaintiff, as the Defendant Columbans knew or should have known Father Gallagher was of bad character and reputation and unfit to properly interact with minor children, including, more specifically, Plaintiff, and that Father Gallagher engaged or was engaging in the intentional and negligent conduct with the Plaintiff as described above.

46. At all relevant and material times to this action, Defendant Columbans knew or should have known that Father Gallagher's intentional and negligent conduct as described above would result in severe mental and emotional suffering by a victim of such conduct, including the Plaintiff.

47. As direct and proximate result of Defendant Columbans' negligent conduct, Plaintiff has suffered and will continue to suffer in the future: severe and permanent mental distress and emotional injuries, including objective corroboration of said mental distress and emotional

injuries as outlined above; financial expenses for medical and therapeutic care and treatment; long term lost earning capacity; as well as other damages.

WHEREFORE, Plaintiff respectfully demands judgment against Defendants on each claim in an amount to be determined by a jury, plus costs, interest, attorneys' fees, and such other and further relief as this Court deems just and equitable.

JURY TRIAL DEMANDED

PLAINTIFF DEMANDS A TRIAL BY JURY ON ALL CLAIMS.

By Attorney for Plaintiff John Doe VI



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