

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

SUPERIOR COURT DEPARTMENT  
C. A. No.

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JOHN DOE No. 12  
Plaintiff

v.

THE ROMAN CATHOLIC ARCHBISHOP  
OF BOSTON, A CORPORATION SOLE,  
PAUL FITZPATRICK RUSSELL, and  
RONALD J. GARIBOLDI,  
Defendants

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**JURY TRIAL DEMANDED**



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**COMPLAINT**

**INTRODUCTION**

1. This is an action in which the plaintiff seeks compensation for personal injuries and damages suffered by him when he was 12 years old, and was sexually assaulted, abused, and raped by PAUL FITZPATRICK RUSSELL, then a Roman Catholic Priest of the Archdiocese of Boston, which assaults, abuses and rapes occurred because of the negligent supervision of the perpetrator by the supervisory defendant, RONALD J. GARIBOLDI, at the Saint Mary of the Sacred Heart Parish, Lynn, Massachusetts.

**PARTIES**

2. The plaintiff is an individual who brings this action in name of JOHN DOE No. 12. He is identified in an Affidavit, which will be served upon the defendants.

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3. Defendant THE ROMAN CATHOLIC ARCHBISHOP OF BOSTON, A CORPORATION SOLE ("ARCHBISHOP"), is a corporation duly organized under c. 506 of the Acts of 1897 of the laws of the Commonwealth of Massachusetts, with a usual place of business in Boston, Suffolk County, Massachusetts.
4. Defendant PAUL FITZPATRICK RUSSELL ("RUSSELL"), a former Vatican Diplomat who served as Apostolic Nuncio to Turkey, Turkmenistan and Azerbaijan, is the Titular Archbishop of Novi, Montenegro, and is presently an Auxiliary Bishop of the Archdiocese of Detroit, residing at 12 State Street, Detroit, Michigan.
5. Defendant RONALD J. GARIBOLDI ("GARIBOLDI") is an individual residing at 11 Birch Grove Heights, in Rockport, Essex County, Massachusetts.

#### **JURISDICTION**

6. This Court has jurisdiction over defendant RUSSELL under Massachusetts General Laws, Chapter 223A, §3, in that defendant, at all relevant times, (a) transacted business, (b) contracted to supply services, and (c) caused tortious injury by acts and omissions, all in the Commonwealth of Massachusetts.

#### **FACTS COMMON TO ALL COUNTS**

7. At all times relevant to this action, defendant ARCHBISHOP controlled and directed the hiring, training, supervision, and retention of clergy and lay personnel in the Archdiocese of Boston.
8. At all times relevant to this action, defendant RUSSELL was a duly ordained Roman Catholic Priest who was assigned, by defendant ARCHBISHOP, to Saint Mary of the Sacred Heart Parish, Lynn, Massachusetts, in the Archdiocese of Boston, for the purpose of performing the functions of a clergyman.

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9. At all times relevant to this action, defendant GARIBOLDI was a duly ordained Roman Catholic Priest who was assigned, by defendant ARCHBISHOP, to Saint Mary of the Sacred Heart Parish in the Archdiocese for the purpose of performing the functions of a clergyman.
10. At all times relevant to this action, defendant GARIBOLDI was assigned as the pastor at Saint Mary of the Sacred Heart Parish in the Archdiocese.
11. At all times relevant to this action, defendant GARIBOLDI acted in a supervisory role over defendant RUSSELL.
12. When he was 12 years old, plaintiff JOHN was sexually assaulted, abused and raped by defendant RUSSELL.
13. In 1989-1990, JOHN was a member of Saint Mary of the Sacred Heart Parish in Lynn, Massachusetts.
14. During that time, JOHN volunteered to help at the parish food bank and, while working there, he met defendant RUSSELL, who also worked at the food bank.
15. While JOHN was volunteering at the parish food bank, defendant RUSSELL invited him to the Saint Mary of the Sacred Heart Parish Rectory.
16. When JOHN went to the Rectory, defendant RUSSELL began to groom him, and then sexually assaulted him.
17. The sexual assaults began with hugging and kissing, then genital fondling, and proceeded to mutual masturbation, forced oral copulation, and then anal penetration.
18. JOHN was sexually assaulted and raped by defendant RUSSELL approximately twenty-five (25) times.

19. Defendants, by their respective acts, both intentionally and negligently inflicted severe emotional distress upon JOHN.
20. JOHN is under 53 years of age and brings this action against defendant RUSSELL pursuant to G.L. c. 260, § 4C.
21. JOHN did not understand he had been harmed by the conduct of defendants ARCHBISHOP and GARIBOLDI until 2021, and brings this action against those defendants pursuant to G.L. c. 260, § 4C½.
22. As a result of the acts committed by the several defendants, JOHN sought psychological treatment and therapy and will continue to need treatment and therapy in the future.
23. Defendants ARCHBISHOP and GARIBOLDI knew or, in the exercise of reasonable care, should have known of the prior and/or ongoing sexual assaults by defendant RUSSELL.
24. Defendants ARCHBISHOP and GARIBOLDI knew or, in the exercise of reasonable care, should have known that defendant RUSSELL was not fit to be retained in a position in which he would have access to young children.
25. Defendants ARCHBISHOP and GARIBOLDI knew or, in the exercise of reasonable care, should have known that defendant RUSSELL was engaged in illegal and inappropriate sexual conduct with the young children under their supervision.
26. Defendants ARCHBISHOP and GARIBOLDI failed to train and supervise defendant RUSSELL to properly perform their duties as supervisors of young children.
27. At various times during the past sixty years, defendants ARCHBISHOP and GARIBOLDI knew multiple acts of sexual abuse by priests of the Archdiocese were

occurring but conspired to keep this from becoming public knowledge, and said conspiracy made it possible for defendant RUSSELL to commit and continue to commit of sexual abuse, sexual assault, and rape upon JOHN.

28. As a result of the assault upon JOHN by defendant RUSSELL and the negligence of defendants ARCHBISHOP and GARIBOLDI, JOHN has been seriously and permanently injured, and, at the present, continues to suffer from a psychological disease that impairs and affects all aspects of his life.

#### **COUNT 1**

29. The plaintiff realleges and incorporates herein the allegations contained in each and every other paragraph of this Complaint.
30. Defendant RUSSELL battered plaintiff JOHN DOE No. 12 by committing acts of genital fondling, masturbation, forced oral copulation, and anal penetration.

#### **COUNT 2**

31. The plaintiff realleges and incorporates herein the allegations contained in each and every other paragraph of this Complaint.
32. Defendant RUSSELL assaulted plaintiff JOHN DOE No. 12 by threatening to commit other acts of genital fondling, masturbation, forced oral copulation, and anal penetration.

#### **COUNT 3**

33. The plaintiff realleges and incorporates herein the allegations contained in each and every other paragraph of this Complaint.
34. Defendant RUSSELL negligently inflicted emotional distress upon plaintiff JOHN DOE No. 12 by sexually abusing and assaulting the plaintiff.

#### **COUNT 4**

35. The plaintiff realleges and incorporates herein the allegations contained in each and every other paragraph of this Complaint.
36. Defendant RUSSELL intentionally inflicted emotional distress upon plaintiff JOHN DOE No. 12 by sexually abusing and assaulting the plaintiff.

#### **COUNT 5**

37. The plaintiff realleges and incorporates herein the allegations contained in each and every other paragraph of this Complaint.
38. Defendant RUSSELL had a fiduciary duty to plaintiff JOHN DOE No. 12 to provide spiritual guidance and religious instruction but RUSSELL breached that duty when he sexually abused JOHN.

#### **COUNT 6**

39. The plaintiff realleges and incorporates herein the allegations contained in each and every other paragraph of this Complaint.
40. Defendant RUSSELL interfered with plaintiff JOHN DOE No. 12's rights under the constitution and laws of the United States, and under the constitution and laws of the Commonwealth of Massachusetts by threats, intimidation, and coercion.
41. Defendant RUSSELL's conduct deprived plaintiff JOHN of his constitutional rights to bodily integrity, and to be free from sexual harassment which constitutes discrimination, based upon his gender, under both Article 1 of the Declaration of Rights, and the Equal Protection clause of the Fourteenth Amendment to the United States Constitution. He is liable to the plaintiff in accordance with G.L. c. 12, §§11H & 11I.

### **COUNT 7**

42. The plaintiff realleges and incorporates herein the allegations contained in each and every other paragraph of this Complaint.
43. Defendant ARCHBISHOP had a duty to properly supervise defendant RUSSELL but failed to do so.
44. As a direct and proximate result of defendant ARCHBISHOP's breach of its duty, plaintiff JOHN DOE No. 12 was sexually assaulted and raped by defendant RUSSELL.
45. As a result, JOHN suffered bodily harm, humiliation, severe emotional distress, and permanent psychological damages, as such he has incurred expenses and/or will likely incur future expenses for medical and psychological treatment and has suffered loss of income.

### **COUNT 8**

46. The plaintiff realleges and incorporates herein the allegations contained in each and every other paragraph of this Complaint.
47. Defendant ARCHBISHOP's breach of duty was the result of willful or wanton misconduct, acts or omissions that were intentionally designed to harm, and grossly negligent acts or omissions.

### **COUNT 9**

48. The plaintiff realleges and incorporates herein the allegations contained in each and every other paragraph of this Complaint.
49. Defendant ARCHBISHOP negligently inflicted emotional distress upon plaintiff JOHN DOE No. 12.

**COUNT 10**

50. The plaintiff realleges and incorporates herein the allegations contained in each and every other paragraph of this Complaint.
51. Defendant GARIBOLDI had a duty to properly supervise defendant RUSSELL but failed to do so.
52. As a direct and proximate result of defendant GARIBOLDI's breach of his duty, plaintiff JOHN DOE No. 12 was sexually assaulted and raped by defendant RUSSELL.
53. As a result, JOHN suffered bodily harm, humiliation, severe emotional distress, and permanent psychological damages, as such he has incurred expenses and/or will likely incur future expenses for medical and psychological treatment and has suffered loss of income.

**COUNT 11**

54. The plaintiff realleges and incorporates herein the allegations contained in each and every other paragraph of this Complaint.
55. Defendant GARIBOLDI negligently inflicted emotional distress upon plaintiff JOHN DOE No. 12.

**COUNT 12**

56. The plaintiff realleges and incorporates herein the allegations contained in each and every other paragraph of this Complaint.
57. Defendant ARCHBISHOP is vicariously liable for the negligent acts that defendant GARIBOLDI committed against plaintiff JOHN DOE No. 12, which led to JOHN being injured.



### **COUNT 13**

58. The plaintiff realleges and incorporates herein the allegations contained in each and every other paragraph of this Complaint.
59. During the past sixty years, at various times, defendants ARCHBISHOP and GARIBOLDI intentionally, and fraudulently, hid the existence of acts of sexual abuse by priests of the Archdiocese of Boston, conspired to keep this information from becoming public knowledge, and protected the offending priests from criminal prosecution.
60. Said acts of abuse and conspiracy were not acts which were undertaken in furtherance of the charitable purposes of defendant ARCHBISHOP.
61. By virtue of said conspiracy, defendants ARCHBISHOP and GARIBOLDI are jointly and severally liable to the plaintiff JOHN DOE No. 12 for the injuries which JOHN suffered due to the acts of defendant RUSSELL, who was thereby liable to commit and continue to commit sexual abuse, sexual assault, and rape upon JOHN.

### **DEMAND**

Plaintiff demands judgment against the defendants on each of the Counts stated in an amount which is fair, just, and adequate for the injuries and damages sustained, the pain and suffering the plaintiff endured, plus interest and costs, and attorney's fees as allowed by law.

**PLAINTIFF DEMANDS A TRIAL BY JURY ON ALL COUNTS**

By his Attorney,

/s/ Carmen L. Durso

CARMEN L. DURSO, ESQUIRE

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August 1, 2022

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