

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, SS

TRIAL COURT OF MASSACHUSETTS  
SUPERIOR COURT DEPARTMENT  
PLYMOUTH COUNTY DIVISION  
CIVIL ACTION NO: [REDACTED]

[REDACTED]	and	[REDACTED]	)
			)
Plaintiffs,			)
			)
vs.			)
			)
REVEREND BARRY BOSSA,			)
THE ARCHDIOCESE OF BOSTON,			)
and THE ROMAN CATHOLIC ARCHBISHOP			)
OF BOSTON, a corporation sole,			)
			)
Defendants.			)

PLAINTIFFS' FIRST AMENDED COMPLAINT

INTRODUCTION

1. Plaintiffs bring this action against the Defendants for repeated acts of sexual abuse they suffered while grade school parishioners at Saint Thomas Aquinas Parish in Bridgewater. In the 1970s, then-St. Thomas Aquinas Parish Brother Barry Bossa repeatedly molested Plaintiffs when they were approximately ten years old.

PARTIES

2. Plaintiff, [REDACTED] is an individual who resides in [REDACTED]  
[REDACTED]

3. Plaintiff, [REDACTED] is an individual who resides in [REDACTED] and who formally resided in Massachusetts.

4. Defendant, Reverend Barry Bossa is a former resident of Massachusetts who now

resides in the state of New York.

5. Defendant, the Archdiocese of Boston is a Massachusetts non-profit corporation with a principal office located at 2101 Commonwealth Avenue, Brighton, MA.

6. Defendant, the Roman Catholic Archbishop of Boston is a corporation sole with a principal office of 2101 Commonwealth Avenue, Brighton, MA.

#### **JURISDICTION**

7. This Court has personal and subject matter jurisdiction over this action pursuant to Mass. Gen. Laws ch. 223A, § 3 and Mass. Gen. Laws ch. 212, § 4. Venue is proper pursuant to Mass. Gen. Laws ch. 223, §§ 1 and 8 because at least one of the parties maintains a principal place of business in and might sue or be sued within the county.

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

8. At all relevant times hereto, St. Thomas Aquinas Parish ("St. Thomas Aquinas") in Bridgewater was part of the network of Roman Catholic parishes comprising the Archdiocese of Boston ("Archdiocese"). At all times relevant hereto, the Roman Catholic Archbishop of Boston ("Archbishop") for the Archdiocese oversaw and managed the Archdiocese and was the person responsible for assigning and re-assigning Archdiocese employees. The Archbishop, as the head of the Archdiocese, had the authority to control, direct and supervise the actions of Archdiocese employees, including but not limited to the Defendant Reverend Bossa.

9. In the early to mid-1970s, Defendant Reverend Barry Bossa ("Reverend Bossa") was in training to become a priest within the Roman Catholic Church and had achieved the status of a "Brother" within the Church. By the early 1970s, the Archdiocese had assigned Reverend Bossa as a parish Brother to St. Thomas Aquinas Parish in Bridgewater.

10. At St. Thomas Aquinas, Reverend Bossa, as a parish Brother, was assigned to

administer CCD classes, instruct the parish youth choir and oversee the alter boys. In these assigned roles and responsibilities, Reverend Bossa had direct and repeated access to Plaintiffs and other grade school boys who attended CCD classes, participated in the choir or volunteered for service as alter boys. St. Thomas Aquinas was also used as an overflow facility for the local elementary school and via that arrangement, Reverend Bossa also had access to additional grade school boys.

11. The Archdiocese empowered Reverend Bossa to perform all duties attendant to a parish Brother, including but not limited to religious services, education, spiritual, moral and ethical guidance, religious instruction, choir instruction, alter boy training and other duties attendant to his job. At all relevant times hereto, Reverend Bossa was an employee and agent of the Archdiocese who provided religious services to the Plaintiffs and their families, and was at all times acting within the course and scope of his employment or agency in performing duties for and on behalf of the Archdiocese and St. Thomas Aquinas.

12. Together, the Defendants jointly provided religious services, including mass, spiritual guidance, education and other church services to the Plaintiffs and their families.

13. The Archdiocese knew that as part of his duties as a parish Brother, Reverend Bossa would be in a position of trust and confidence with parishioners and their families, including the Plaintiffs in this case.

14. For the purposes of furthering his assigned duties at St. Thomas Aquinas, Reverend Bossa befriended the Plaintiffs and their families, gained their trust and confidence as a spiritual and religious guide, and as a valuable and trustworthy mentor to Plaintiffs; and, aided by the Defendants, sought and gained the parents' authority that the Plaintiffs were to have respect for Reverend Bossa's authority, guidance and to comply with his instructions and requests.

15. For the purpose of furthering Reverend Bossa's duties at St. Thomas Aquinas, he also actively sought and gained the trust, friendship, admiration and obedience of the Plaintiffs in this case. As a result, Plaintiffs were conditioned to comply with Reverend Bossa's direction and view and respect him as a person of authority in spiritual, moral and ethical matters.

16. The above course of conduct, described in the paragraphs 14 and 15 above, leading to the sexual abuse described in the below paragraphs, is hereinafter collectively referred to as "Grooming."

17. The Grooming was committed in direct connection with and for the purposes of fulfilling Reverend Bossa's employment and agency with the Archdiocese; was committed within the time and space limits of his employment and agency as a parish Brother; and was done directly in the performance of his duties as a parish Brother; and, was done at the direction of, and pursuant to the power vested in him by the Archdiocese. Reverend Bossa used the Grooming process to accomplish his acts of sexual molestation of the Plaintiff, and the Grooming contributed causally to the molestation.

*Sexual Abuse* [REDACTED]

18. Reverend Bossa, while acting within the course and scope of his employment and agency, and using his authority and position of trust as a parish Brother for the Archdiocese, and through the Grooming process described above, sexually molested Plaintiff [REDACTED] and manipulated, induced and directed [REDACTED] to engage in various sexual acts with him.

19. Over the course of approximately one year, while he was serving the Archdiocese and St. Thomas Aquinas, Reverend Bossa molested [REDACTED] approximately a dozen times at the Parish Center. The molestation of [REDACTED] started when Reverend Bossa pulled [REDACTED] out of

CCD class to meet with him in his office. While in the confines of his office, Reverend Bossa made [REDACTED] sit on his lap while he had an erection and requested that [REDACTED] touch his erect penis. Over time, Reverend Bossa's molestation became more and more severe as he performed oral sex on [REDACTED] and directed and induced [REDACTED] to perform oral sex on him.

20. On one occasion, Reverend Bossa, after returning from Italy on a trip, called [REDACTED] family requesting that [REDACTED] come over to Reverend Bossa's apartment for a souvenir from Italy. [REDACTED] rode his bicycle to Reverend Bossa's apartment. While there, Reverend Bossa again molested [REDACTED]

21. Throughout a year long episode of sexual abuse, Reverend Bossa discouraged [REDACTED] from telling anyone about the abuse by making him vow that it was their "secret."

*Sexual Abuse of [REDACTED]*

22. Reverend Bossa, while acting within the course and scope of his employment and agency, and using his authority and position of trust as a parish Brother for the Archdiocese, and through the Grooming process described above, sexually molested Plaintiff [REDACTED] and manipulated, induced and directed [REDACTED] to engage in various sexual acts with him.

23. [REDACTED] was elementary school student at and alter boy at St. Thomas Aquinas from 1973-1978. Starting in 1973, when he was 8 years old, Reverend Bossa sexual abused [REDACTED] 2 to 3 times per week throughout the 4th and 5th grades.

24. The molestation of [REDACTED] started when Reverend Bossa pulled [REDACTED] out of elementary school classes to office at the Parish. While in the confines of his office, Reverend Bossa made [REDACTED] sit on his lap, touch his erect penis and masturbate him. Over time, Reverend Bossa's molestation became more and more severe as he performed oral sex on [REDACTED]

25. Throughout a year long episode of sexual abuse, Reverend Bossa discouraged

██████████ from telling anyone about the abuse by making him vow that it was their “secret.”

*Failure to Disclose Child Abuse and Ratification of Reverend's Bossa's Behavior*

26. Defendants, the Archdiocese and the Archbishop became directly aware, knew or reasonably should have known of Reverend Bossa's abuse of young boys. Defendants had a policy and practice at the time of not investigating, reprimanding, or removing from the Church or from further contact with young boys, clergy, like Reverend Bossa, who had committed sexual abuse. The Defendants therefore knowingly allowed, permitted, or encouraged child abuse.

27. Defendants decided not to disavow Reverend Bossa's actions to St. Thomas Aquinas parishioners. Defendants merely transferred Reverend Bossa from one parish to another, thereby allowing Reverend Bossa access to other young boys.

28. Defendants also decided not to disclose or inform Plaintiffs or other St. Thomas Aquinas parishioners of their knowledge of complaints of abuse against Reverend Bossa and the potential for other victims. Likewise, Defendants made an affirmative decision not to mitigate the harm caused by Reverend Bossa by offering counseling to parishioners and their parents.

29. All of these acts and omissions by the Archdiocese and the Archbishop created a culture in the Archdiocese that fostered child abuse and served to ratify Reverend Bossa's actions and behaviors.

*Plaintiffs' Knowledge of Causal Connection Between the Abuse and Their Injuries*

30. In May of 2002, ██████████ first discovered the causal connection between his abuse and the injuries he suffered as a result thereof. Prior to May of 2002, ██████████ did not discover, and could not reasonably have discovered, the causal connection between the sexual abuse and the damages he suffered as a result of the abuse and manipulations because of the psychological phenomenon known as denial, wherein as a result of the trust he had placed in

Bossa, and the actual and apparent authority granted to Bossa by the Archdiocese, [REDACTED] reasonably did not realize the abuses of trust or the extent of the abuses of trust.

31. In 2002, [REDACTED] first discovered the causal connection between his abuse and the injuries he suffered as a result thereof. Prior to 2002, [REDACTED] did not discover, and could not reasonably have discovered, the causal connection between the sexual abuse and the damages he suffered as a result of the abuse and manipulations because of the psychological phenomenon known as denial, wherein as a result of the trust he had placed in Bossa, and the actual and apparent authority granted to Bossa by the Archdiocese, [REDACTED] reasonably did not realize the abuses of trust or the extent of the abuses of trust.

*Defendants' Fraudulent Concealment of Plaintiffs' Claims*

32. Plaintiffs sought the trust and confidence of Defendants as spiritual advisors and leaders. Defendants sought and encouraged that trust and confidence. Defendant Bossa specifically sought the trust and confidence of Plaintiffs in his assigned roles as CCD administrator, choir teacher and altar boy instructor. Defendants encouraged and established a fiduciary duty with Plaintiffs where Plaintiffs placed their total trust and confidence in the Defendants. Moreover, Defendant Bossa was the agent of the Archdiocese and the Archbishop and his fiduciary obligation with the Plaintiffs ran to the Archdiocese and the Archbishop.

33. As fiduciaries, Defendants had a duty to disclose to the Plaintiffs and the minor Plaintiffs' parents, their knowledge of Reverend Bossa's sexual abuse of young boys, including the Plaintiffs. Defendants, including Reverend Bossa, breached the fiduciary duty they owed to the Plaintiffs by failing to disclose to Plaintiff and Plaintiffs' parents information about Reverend Bossa's sexual abuse. Without these disclosures, the Plaintiffs -- who were approximately ten years old at the time of the abuse and who thereafter were in psychological denial of Reverend

Bossa's sexual abuse -- and the Plaintiffs' parents were incapable of pursuing claims against the Defendants for lack of vital information regarding the existence of the sexual abuse.

34. In addition, the Plaintiffs claims were inherently unknowable at the time the child abuse occurred. Plaintiffs, who were approximately ten years old at the time, were told by Reverend Bossa to keep the abuse a secret. Plaintiffs, at such a young age, could not appreciate that they had legal claims against the Defendants. Due to the Plaintiffs' tender age and the total trust and confidence they placed in Reverend Bossa, coupled with their overwhelming fear and confusion, it was impossible for them to expose the abuse to their parents. Defendants were the only ones capable of providing Plaintiffs' parents with the knowledge of the sexual abuse of their sons. Since the Defendants adopted a policy of secrecy about child abuse allegations, vital information concerning Plaintiff's claims was hidden from the Plaintiffs' parents, thereby causing key information regarding Plaintiffs' claims to become inherently unknowable.

35. Defendants also worked to affirmatively conceal the truth about Reverend Bossa's abuse from the Plaintiffs and their parents, thereby preventing them from obtaining vital information about their claims against the Defendants. Specifically, Reverend Bossa, in his position of trust and confidence with the Plaintiffs, affirmatively instructed the Plaintiffs to keep the abuse a secret. The Archdiocese and the Archbishop, upon learning of complaints of child abuse by Reverend Bossa, covered-up the complaints by failing to adequately investigate, failing to notify law enforcement authorities, failing to notify St. Thomas Aquinas parishioners, including the Plaintiffs and their parents, and transferring Reverend Bossa to another parish without ever telling the Plaintiffs and their parents the true reason for Reverend Bossa's transfer.

36. Defendants undertook these acts of fraudulently concealing the truth of Reverend Bossa's sexual abuse of young, male parishioners in an effort to prevent and conceal potential



claims against the Roman Catholic Church, including the claims of the Plaintiffs and their parents, and to prevent embarrassment to the Roman Catholic Church.

**COUNT I**

**(Assault and Battery Against Reverend Bossa)**

37. Plaintiffs repeat and re-allege the allegations contained in paragraphs 18-21 of this Complaint as to Plaintiff [REDACTED] and paragraphs 22-25 as to Plaintiff [REDACTED]

38. Reverend Bossa repeatedly sexually molested both Plaintiffs in the early to mid-1970s when they were young parishioners at St. Thomas Aquinas Parish.

39. Each instance of Reverend Bossa's molestation of the Plaintiffs constituted an intentional un-consented to, harmful and offensive touching.

40. As a direct and proximate result of Reverend Bossa's sexual abuse, Plaintiffs suffered severe and debilitating physical and emotional injury, pain and suffering, physical and emotional trauma, and permanent psychological damage.

41. As an additional result and consequence of Reverend Bossa's sexual abuse, Plaintiffs have incurred or will incur in the future, costs of counseling, and psychiatric and psychological medical treatment, in an amount to be proven at trial. Also, Reverend Bossa's sexual abuse has resulted in the inability of Plaintiffs to achieve economic success as they otherwise would have resulting in loss wages in an amount to be proven at trial.

WHEREFORE, Plaintiffs request that the Court enter judgment in their favor on this count, award them damages, interest thereon, attorney's fees, costs and such other relief as the Court deems just and proper.

**COUNT II**

**(Negligence Against Reverend Bossa)**

42. *Plaintiffs incorporate by reference paragraphs 8-36 above.*

43. The Archdiocese empowered Reverend Bossa to perform all duties attendant to a parish Brother, including but not limited to religious services, education, spiritual, moral and ethical guidance, religious instruction, choir instruction, altar boy training and other duties attendant to his job. Reverend Bossa was an employee and agent of the Archdiocese who provided religious services to the Plaintiffs and their families, and was at all times acting within the course and scope of his employment or agency in performing duties for and on behalf of the Archdiocese and St. Thomas Aquinas.

44. For the purposes of furthering his assigned duties at St. Thomas Aquinas, Reverend Bossa befriended the Plaintiffs and their families, gained their trust and confidence as a spiritual and religious guide, and as a valuable and trustworthy mentor to Plaintiffs; and, aided by the Defendants, sought and gained the parents' authority that the Plaintiff was to have respect for Reverend Bossa's authority, guidance and to comply with his instructions and requests.

45. For the purpose of furthering Reverend Bossa's duties at St. Thomas Aquinas, he also sought and gained the trust, friendship, admiration and obedience of the Plaintiffs in this case. As a result, Plaintiffs were conditioned to comply with Reverend Boss's direction and view and respect him as a person of authority in spiritual, moral and ethical matters.

46. By virtue of his position at St. Thomas Aquinas, Reverend Bossa owed the Plaintiffs a duty of utmost care. Reverend Bossa breached that duty by repeatedly sexually abusing both Plaintiffs in the early to mid-1970s.

47. As a direct and proximate result of Reverend Bossa's negligence, Plaintiffs suffered severe and debilitating physical and emotional injury, pain and suffering, physical and emotional trauma, and permanent psychological damage.

48. As an additional result and consequence of Reverend Bossa's negligence, Plaintiffs have incurred or will incur in the future, costs of counseling, and psychiatric and psychological medical treatment, in an amount to be proven at trial. Also, Reverend Bossa's sexual abuse has resulted in the inability of Plaintiffs to achieve economic success as they otherwise would have resulting in loss wages in an amount to be proven at trial.

WHEREFORE, Plaintiffs request that the Court enter judgment in their favor on this count, award them damages, interest thereon, attorney's fees, costs and such other relief as the Court deems just and proper.

### COUNT III

#### **(Intentional Infliction of Emotional Distress Against Reverend Bossa)**

49. Plaintiffs incorporate by reference paragraphs 8-36 above.

50. Reverend Bossa, while employed by the Archdiocese as a parish Brother at St. Thomas Aquinas Parish, used his position within the church to gain the trust and admiration of Plaintiffs and their immediate families. Reverend Bossa Groomed Plaintiffs and their families into a false sense of comfort, respect and confidence in him, all the while intending to gain access to Plaintiffs so he could sexually molest them.

51. Reverend Bossa's plan succeeded. He sexually molested both Plaintiffs repeatedly in the early to mid-1970s.

52. Reverend Bossa's conduct was extreme and outrageous, and the emotional distress sustained by Plaintiffs is severe, and of a nature that no reasonable person should be expected to endure. Moreover, Defendant's conduct was beyond all bounds of decency and utterly intolerable in a civilized community.

53. The emotional trauma experienced by Plaintiff as a result of Defendant's conduct

has manifested itself in physical injuries.

54. As a direct and proximate result of Reverend Bossa's extreme and outrageous behavior, Plaintiffs suffered severe and debilitating physical and emotional injury, pain and suffering, physical and emotional trauma, and permanent psychological damage, including but not limited to severe stress, depression, an inability to sleep, and nightmares.

55. As an additional result and consequence of Reverend Bossa's extreme outrageous behavior, Plaintiffs have incurred or will incur in the future, costs of counseling, and psychiatric and psychological medical treatment, in an amount to be proven at trial. Also, Reverend Bossa's sexual abuse has resulted in the inability of Plaintiffs to achieve economic success as they otherwise would have resulting in loss wages in an amount to be proven at trial.

WHEREFORE, Plaintiffs request that the Court enter judgment in their favor on this count, award them damages, interest thereon, attorney's fees, costs and such other relief as the Court deems just and proper.

#### COUNT IV

##### **(Negligent Infliction of Emotional Distress Against Reverend Bossa)**

56. Plaintiffs incorporate by reference paragraphs 8-36 above.

57. Reverend Bossa, while employed by the Archdiocese as a parish Brother at St. Thomas Aquinas Parish, used his position within the church to gain the trust and admiration of Plaintiffs and their immediate family. Reverend Bossa Groomed Plaintiff and his family into a false sense of comfort, respect and confidence in him all the while gaining access to Plaintiffs so he could sexually molest them.

58. Reverend Bossa's plan succeeded. He sexually molested both Plaintiffs repeatedly in the early to mid-1970s. Reverend Bossa's abuse of the Plaintiffs constituted a

breach of the duty of trust and care owed to the Plaintiffs.

59. Reverend Bossa's negligent conduct was extreme and outrageous, and the emotional distress sustained by Plaintiffs is severe, and of a nature that no reasonable person should be expected to endure. Moreover, Defendants' conduct was beyond all bounds of decency and utterly intolerable in a civilized community.

60. The emotional trauma experienced by Plaintiff as a result of Defendant's conduct has manifested itself in physical injuries.

61. As a direct and proximate result of Reverend Bossa's extreme and outrageous behavior, Plaintiffs suffered severe and debilitating physical and emotional injury, pain and suffering, physical and emotional trauma, and permanent psychological damage, including but not limited to increased stress, depression, an inability to sleep, and nightmares.

62. As an additional result and consequence of Reverend Bossa's sexual abuse, Plaintiffs have incurred or will incur in the future, costs of counseling, and psychiatric and psychological medical treatment, in an amount to be proven at trial. Also, Reverend Bossa's sexual abuse has resulted in the inability of Plaintiffs to achieve economic success as they otherwise would have resulting in loss wages in an amount to be proven at trial.

WHEREFORE, Plaintiffs request that the Court enter judgment in their favor on this count, award them damages, interest thereon, attorney's fees, costs and such other relief as the Court deems just and proper.

#### COUNT V

**(Assault and Battery/Respondeat Superior Against  
the Archdiocese and the Archbishop)**

63. Plaintiffs incorporate by reference paragraphs 8-36 above.

64. At all times relevant hereto, the Archdiocese was a non-profit corporation run by the Archbishop. The Archbishop is a "corporation sole", a special type of corporation consisting of only one person whose successor becomes the corporation on his death or resignation. The Archbishop and Reverend Bossa were employed by the Archdiocese. The Archbishop for the Archdiocese at the time, Cardinal Humberto Medeiros, oversaw and managed the Archdiocese and was the person responsible for assigning and re-assigning Archdiocese employees. The Archbishop, as the head of the Archdiocese, had the ability to control, direct and supervise the actions of Archdiocese employees, including but not limited to the Defendant Reverend Bossa and Archdiocese employees working at St. Thomas Aquinas.

65. A master-servant relationship existed between Reverend Bossa and the Archdiocese and the Archbishop at all times relevant hereto.

66. The Archdiocese and the Archbishop empowered Reverend Bossa to perform all duties attendant to a parish Brother, including but not limited to religious services, education, spiritual, moral and ethical guidance, religious instruction, choir instruction, altar boy training and other duties attendant to his job. Reverend Bossa was an employee and agent of the Archdiocese who provided religious services to the Plaintiffs and their families, and was at all times acting within the course and scope of his employment or agency in performing duties for and on behalf of the Archdiocese and St. Thomas Aquinas.

67. For the purposes of furthering his assigned duties at St. Thomas Aquinas, Reverend Bossa befriended the Plaintiffs and their families, gained their trust and confidence as a spiritual and religious guide, and as a valuable and trustworthy mentor to Plaintiffs; and, aided by the Defendants, sought and gained the parents' authority that the Plaintiff was to have respect for Reverend Bossa's authority, guidance and to comply with his instructions and requests.

68. For the purpose of furthering Reverend Bossa's duties at St. Thomas Aquinas, he also sought and gained the trust, friendship, admiration and obedience of the Plaintiffs in this case. As a result, Plaintiffs were conditioned to comply with Reverend Boss's direction and view and respect him as a person of authority in spiritual, moral and ethical matters.

69. As alleged in detail in paragraphs 18-25, Defendants employee, Reverend Bossa repeatedly molested Plaintiffs while working for the Defendants.

70. Each instance of Reverend Bossa's molestation of the Plaintiffs constituted an intentional un-consented to, harmful and offensive touching.

71. Defendants knew or reasonably should have known of Reverend Bossa's sexual molestation of young boys and ratified Bossa's acts and behavior.

72. Once Defendants had knowledge of Bossa's problems with molesting young boys, they failed to adequately investigate the incidents, notify law enforcement authorities, reprimand Reverend Bossa, disavow his actions and behavior, notify the St. Thomas Aquinas parishioners and mitigate the damage he had caused to the Plaintiffs and other parishioners. To the contrary, Defendants actively worked to cover-up complaints made against Reverend Bossa by transferring Reverend Bossa from St. Thomas Aquinas without revealing the true reason for his transfer. Defendants failure to disclose the complaints and their efforts at covering-up the complaints further ratified Bossa's actions.

73. As a direct and proximate result of Reverend Bossa's sexual abuse, Plaintiffs suffered severe and debilitating physical and emotional injury, pain and suffering, physical and emotional trauma, and permanent psychological damage.

74. As an additional result and consequence of Reverend Bossa's sexual abuse, Plaintiffs have incurred or will incur in the future, costs of counseling, and psychiatric and

psychological medical treatment, in an amount to be proven at trial. Also, Reverend Bossa's sexual abuse has resulted in the inability of Plaintiffs to achieve economic success as they otherwise would have resulting in loss wages in an amount to be proven at trial.

WHEREFORE, Plaintiffs request that the Court enter judgment in their favor on this count, award them damages, interest thereon, attorney's fees, costs and such other relief as the Court deems just and proper.

#### **COUNT VI**

##### **(Negligence/Respondeat Superior Against the Archdiocese and the Archbishop)**

75. Plaintiffs incorporate by reference paragraphs 8-36 above.

76. At all times relevant hereto, the Archdiocese was a non-profit corporation run by the Archbishop. The Archbishop is a "corporation sole", a special type of corporation consisting of only one person whose successor becomes the corporation on his death or resignation. The Archbishop and Reverend Bossa were employed by the Archdiocese. The Archbishop for the Archdiocese at the time, Cardinal Humberto Medeiros, oversaw and managed the Archdiocese and was the person responsible for assigning and re-assigning Archdiocese employees. The Archbishop, as the head of the Archdiocese, had the ability to control, direct and supervise the actions of Archdiocese employees, including but not limited to the Defendant Reverend Bossa and Archdiocese employees working at St. Thomas Aquinas.

77. A master-servant relationship existed between Reverend Bossa and the Archdiocese and the Archbishop at all times relevant hereto.

78. The Archdiocese and the Archbishop empowered Reverend Bossa to perform all duties attendant to a parish Brother, including but not limited to religious services, education,



spiritual, moral and ethical guidance, religious instruction, choir instruction, altar boy training and other duties attendant to his job. Reverend Bossa was an employee and agent of the Archdiocese who provided religious services to the Plaintiffs and their families, and was at all times acting within the course and scope of his employment or agency in performing duties for and on behalf of the Archdiocese and St. Thomas Aquinas.

79. For the purposes of furthering his assigned duties at St. Thomas Aquinas, Reverend Bossa befriended the Plaintiffs and their families, gained their trust and confidence as a spiritual and religious guide, and as a valuable and trustworthy mentor to Plaintiffs; and, aided by the Defendants, sought and gained the parents' authority that the Plaintiff was to have respect for Reverend Bossa's authority, guidance and to comply with his instructions and requests.

80. For the purpose of furthering Reverend Bossa's duties at St. Thomas Aquinas, he also sought and gained the trust, friendship, admiration and obedience of the Plaintiffs in this case. As a result, Plaintiffs were conditioned to comply with Reverend Bossa's direction and view and respect him as a person of authority in spiritual, moral and ethical matters.

81. Reverend Bossa owed the Plaintiffs a duty of utmost care. Reverend Bossa breached that duty by repeatedly sexually molesting both Plaintiffs in the early to mid-1970s. Defendants are vicariously liable for the actions of Reverend Bossa pursuant to the doctrine of respondeat superior.

82. Defendants knew or reasonably should have known of Reverend Bossa's sexual molestation of young boys and ratified Bossa's acts and behavior.

83. Once Defendants had knowledge of Bossa's problems with molesting young boys, they failed to adequately investigate the incidents, notify law enforcement authorities, reprimand Reverend Bossa, disavow his actions and behavior, notify the St. Thomas Aquinas parishioners

and mitigate the damage he had caused to the Plaintiffs and other parishioners. To the contrary, Defendants actively worked to cover-up complaints made against Reverend Bossa by transferring Reverend Bossa from St. Thomas Aquinas without revealing the true reason for his transfer. Defendants failure to disclose the complaints and its efforts at covering-up the complaints further ratified Bossa's actions.

84. As a direct and proximate result of Reverend Bossa's sexual abuse, Plaintiffs suffered severe and debilitating physical and emotional injury, pain and suffering, physical and emotional trauma, and permanent psychological damage.

85. As an additional result and consequence of Reverend Bossa's sexual abuse, Plaintiffs have incurred or will incur in the future, costs of counseling, and psychiatric and psychological medical treatment, in an amount to be proven at trial. Also, Reverend Bossa's sexual abuse has resulted in the inability of Plaintiffs to achieve economic success as they otherwise would have resulting in loss wages in an amount to be proven at trial.

WHEREFORE, Plaintiffs request that the Court enter judgment in their favor on this count, award him damages, interest thereon, attorney's fees, costs and such other relief that the Court deems just and proper.

#### COUNT VII

##### **(Negligent Infliction of Emotional Distress/Respondeat Superior Against the Archdiocese and the Archbishop)**

86. Plaintiffs incorporate by reference paragraphs 8-36 above.

87. At all times relevant hereto, the Archdiocese was a non-profit corporation run by the Archbishop. The Archbishop is a "corporation sole", a special type of corporation consisting of only one person whose successor becomes the corporation on his death or resignation. The

Archbishop and Reverend Bossa were employed by the Archdiocese. The Archbishop for the Archdiocese at the time, Cardinal Humberto Medeiros, oversaw and managed the Archdiocese and was the person responsible for assigning and re-assigning Archdiocese employees. The Archbishop, as the head of the Archdiocese, had the ability to control, direct and supervise the actions of Archdiocese employees, including but not limited to the Defendant Reverend Bossa and Archdiocese employees working at St. Thomas Aquinas.

88. A master-servant relationship existed between Reverend Bossa and the Archdiocese and the Archbishop at all times relevant hereto.

89. The Archdiocese and the Archbishop empowered Reverend Bossa to perform all duties attendant to a parish Brother, including but not limited to religious services, education, spiritual, moral and ethical guidance, religious instruction, choir instruction, altar boy training and other duties attendant to his job. Reverend Bossa was an employee and agent of the Archdiocese who provided religious services to the Plaintiffs and their families, and was at all times acting within the course and scope of his employment or agency in performing duties for and on behalf of the Archdiocese and St. Thomas Aquinas.

90. For the purposes of furthering his assigned duties at St. Thomas Aquinas, Reverend Bossa befriended the Plaintiffs and their families, gained their trust and confidence as a spiritual and religious guide, and as a valuable and trustworthy mentor to Plaintiffs; and, aided by the Defendants, sought and gained the parents' authority that the Plaintiff was to have respect for Reverend Bossa's authority, guidance and to comply with his instructions and requests.

91. For the purpose of furthering Reverend Bossa's duties at St. Thomas Aquinas, he also sought and gained the trust, friendship, admiration and obedience of the Plaintiffs in this case. As a result, Plaintiffs were conditioned to comply with Reverend Boss's direction and

view and respect him as a person of authority in spiritual, moral and ethical matters.

92. Reverend Bossa, while employed by the Archdiocese as a parish Brother at St. Thomas Aquinas Parish, used his position within the church to gain the trust and admiration of Plaintiffs and their immediate family. Reverend Bossa Groomed Plaintiff and his family into a false sense of comfort and respect all the while intending gain access to Plaintiffs so he could sexually molest them.

93. Reverend Bossa's plan succeeded. He sexually molested both Plaintiffs repeatedly in the early to mid 1970s and negligently breached the duty of trust and care owed to the Plaintiffs.

94. Defendants knew or reasonably should have known of Reverend Bossa's sexual molestation of young boys and ratified Bossa's acts and behavior.

95. Once Defendants had knowledge of Bossa's problems with molesting young boys, they failed to adequately investigate the incidents, notify law enforcement authorities, reprimand Reverend Bossa, disavow his actions and behavior, notify the St. Thomas Aquinas parishioners and mitigate the damage he had caused to the Plaintiffs and other parishioners. To the contrary, Defendants actively worked to cover-up complaints made against Reverend Bossa by transferring Reverend Bossa from St. Thomas Aquinas without revealing the true reason for his transfer. Defendants failure to disclose the complaints and its efforts at covering-up the complaints further ratified Bossa's actions.

96. Reverend Bossa's negligent conduct was extreme and outrageous, and the emotional distress sustained by Plaintiffs is severe, and of a nature that no reasonable person should be expected to endure. Moreover, Defendants' conduct was beyond all bounds of decency and utterly intolerable in a civilized community. Defendants are vicariously liable for

the actions of Reverend Bossa pursuant to the doctrine of respondeat superior.

97. The emotional trauma experienced by Plaintiff as a result of Defendants' conduct has manifested itself in physical injuries.

98. As a direct and proximate result of Reverend Bossa's extreme and outrageous behavior, Plaintiffs suffered severe and debilitating physical and emotional injury, pain and suffering, physical and emotional trauma, and permanent psychological damage, including but not limited to increased stress, depression, and inability to sleep, and nightmares.

99. As an additional result and consequence of Reverend Bossa's sexual abuse, Plaintiffs have incurred or will incur in the future, costs of counseling, and psychiatric and psychological medical treatment, in an amount to be proven at trial. Also, Reverend Bossa's sexual abuse has resulted in the inability of Plaintiffs to achieve economic success as they otherwise would have resulting in loss wages in an amount to be proven at trial.

WHEREFORE, Plaintiffs request that the Court enter judgment in their favor on this count, award them damages, interest thereon, attorney's fees, costs and such other relief that the Court deems just and proper.

### COUNT VIII

#### **(Negligence Against the Archdiocese and the Archbishop)**

100. Plaintiffs incorporate by reference paragraphs 8-36 above.

101. At all times relevant hereto, the Archdiocese was a non-profit corporation run by the Archbishop. The Archbishop is a "corporation sole", a special type of corporation consisting of only one person whose successor becomes the corporation on his death or resignation. The Archbishop and Reverend Bossa were employed by the Archdiocese. The Archbishop for the Archdiocese at the time, Cardinal Humberto Medeiros, oversaw and managed the Archdiocese

and was the person responsible for assigning and re-assigning Archdiocese employees. The Archbishop, as the head of the Archdiocese, had the ability to control, direct and supervise the actions of Archdiocese employees, including but not limited to the Defendant Reverend Bossa and Archdiocese employees working at St. Thomas Aquinas.

102. The Archdiocese and the Archbishop had a duty to its parishioners to act in a reasonable and prudent manner. Defendants knew or reasonably should have known that *Reverend Bossa had abused or had a propensity to abuse young boys.*

103. At the time of the abuse, the Defendants maintained a policy and practice within the Archdiocese of not investigating, reprimanding, or removing from the Church or from further contact with young boys clergy, like Reverend Bossa, who had committed sexual abuse.

104. Defendants policy and practice fostered a culture of child abuse by clergy within the Archdiocese and provided a safe harbor for child molesters who otherwise would have suffered harsh criminal punishment in the non-secular community.

105. Defendants knowingly allowed, permitted, or encouraged child abuse, were negligent and breached their duty to plaintiff in one of the following ways: a) maintaining an Archdiocese-wide child abuse policy and practice that fostered a culture of clergy child abuse and allowed pedophiles repeated access to young boys; b) failing to investigate potential past victims of child abuse by Reverend Bossa and offer counseling after they became aware of his deviant sexual interest in boys; c) failing to supervise Reverend Bossa in his position as parish Brother after becoming aware of his propensities to use his position as a parish Brother to engage in acts of sexual abuse; d) after receiving reports of sexual abuse by Reverend Bossa, failing to report the sexual abuse to law enforcement authorities or otherwise remove him from his position; e) failing to undertake an adequate sexual offender evaluation; provide sexual offender

treatment and/or obtain a psychiatric evaluation and treatment of Reverend Bossa, after they knew or should have known of his propensities to use his position to engage in acts of sexual abuse; f) failing to notify the parents and parishioners of St. Thomas Aquinas after they knew or should have known of Reverend Bossa's propensities to use his position as a priest to engage in acts of sexual abuse; g) failing to adopt or enforce a consistent policy of zero tolerance toward church employees who engage in the molestation of children.

106. As a direct and proximate result of Defendants' negligence, Defendants caused Plaintiffs to suffer further damages as alleged in paragraphs 84 and 85 above, instead of commencing Plaintiff's healing and reconciliation process.

WHEREFORE, Plaintiffs request that the Court enter judgment in their favor on this count, award them damages, interest thereon, attorney's fees, costs and such other relief as the Court deems just and proper.

#### COUNT IX

##### **(Negligent Infliction of Emotional Distress Against the Archdiocese and the Archbishop)**

107. Plaintiffs incorporate by reference paragraphs 8-36 above.

108. The Archdiocese and the Archbishop assigned Reverend Bossa to positions at St. Thomas Aquinas where he had direct day-to-day involvement with young boys. Reverend Bossa administered the CCD program, instructed the choir and oversaw the altar boys. In these roles, Reverend Bossa came into contact with numerous young boys prior to his transfer out of St. Thomas Aquinas.

109. At the time Reverend Bossa was a Brother at St. Thomas Aquinas, the Archdiocese and the Archbishop were aware of the existence of a problem with pedophile priests working within the Archdiocese. The Archdiocese was also aware that pedophiles by nature

typically preyed upon not one, but numerous young victims through the process of Grooming described above.

110. The Archdiocese and the Archbishop knew or reasonably should have known that Reverend Bossa had a propensity to abuse and did in fact abuse young boys while assigned to St. Thomas Aquinas.

111. The Archdiocese and the Archbishop also knew that young child abuse victims often do not come forward with complaints of child abuse because they are in denial and/or are afraid of coming forward and, as a result, repress their experiences and memories of child abuse.

112. Charged with this knowledge, the Archdiocese and the Archbishop had a duty to Plaintiffs and other parishioners to disclose that Reverend Bossa had sexually abused boys while at St. Thomas Aquinas.

113. Despite this knowledge, the Archdiocese and the Archbishop breached the duty they owed to parishioners by maintaining a policy and practice of covering-up the complaints of child abuse against Reverend Bossa and other clergy through one or more of the following acts and omissions: a) failing to adequately investigate allegations of abuse; b) failing to report the alleged complaints to law enforcement; c) failing to disclose the sexual abuse to parishioners and the parishioners' parents; d) failing to offer counseling to parishioners so they could come forward with allegations of sexual abuse and e) transferring known child abusers instead of properly reprimanding them and dealing with the problem.

114. The Archdiocese's and the Archbishop's cover-up continues to this day as they still have not reported Reverend Bossa to law enforcement or disclosed Reverend's Bossa's child abuse to present and past St. Thomas Aquinas parishioners, including the Plaintiffs.

115. The Archdiocese's and the Archbishop's cover-up of the child abuse complaints



against Reverend Bossa, which was part of the Archdiocese-wide policy and practice of covering-up child abuse, is extreme and outrageous, and the emotional distress sustained by Plaintiffs is severe, and of a nature that no reasonable person should be expected to endure. Moreover, Defendants' conduct was beyond all bounds of decency and utterly intolerable in a civilized community.

116. Plaintiffs could have begun the healing process years ago if it were not for the Defendants cover-up of Reverend Bossa's child abuse. Defendants' cover-up has caused years of mental torment for the Plaintiffs.

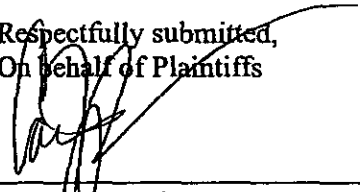
117. In addition, as a direct and proximate result of the Defendant's extreme and outrageous behavior, Plaintiffs suffered severe and debilitating physical and emotional injury, pain and suffering, physical and emotional trauma, and permanent psychological damage, including but not limited to increased stress, depression, and inability to sleep, and nightmares.

118. As an additional result and consequence of Defendant's extreme and outrageous conduct, Plaintiffs have incurred or will incur in the future, costs of counseling, and psychiatric and psychological medical treatment, in an amount to be proven at trial. Also, Reverend Bossa's sexual abuse has resulted in the inability of Plaintiffs to achieve economic success as they otherwise would have resulting in loss wages in an amount to be proven at trial.

WHEREFORE, Plaintiffs request that the Court enter judgment in their favor on this count, award them damages, interest thereon, attorney's fees, costs and such other relief as the Court deems just and proper.

**PLAINTIFFS REQUEST A TRIAL BY JURY**

Respectfully submitted,  
On behalf of Plaintiffs



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Dated: October 21, 2002

**CERTIFICATE OF SERVICE**

I, Carlin J. Phillips, attorney for the Plaintiffs, hereby certify that on this 21 day October, 2002, I served the attached documents by delivering a copy by first class mail, postage prepaid, to the following party(ies):

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