

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
11-CVS-18040

JOHN DOE 1K AND JOHN DOE 2K,)
)
 Plaintiffs,)
)
 v.)
)
 ROMAN CATHOLIC DIOCESE OF)
 CHARLOTTE, NC,)
)
 Defendant.)
)
)
)
)
)

COMPLAINT
(Jury Trial Demanded)

FILED
2011 SEP 23 PM 3:26
CLERK OF SUPERIOR COURT
MECKLENBURG COUNTY, NC

NOW COME the plaintiffs who allege the following:

PARTIES AND JURISDICTION

1. The allegations in this complaint are based upon knowledge and/or information and belief.
2. Plaintiff John Doe 1K is a resident of Georgia and is filing this action as a "John Doe" complaint because he is the victim of childhood sexual abuse. His identity has previously been made known to defendant. Plaintiff John Doe 1K was a minor during the entire time of the abuse alleged in this complaint.
3. Plaintiff John Doe 2K is a resident of North Carolina and is filing this action as a "John Doe" complaint because he is the victim of childhood sexual abuse. His identity has previously been made known to defendant. Plaintiff John Doe 2K was a minor during the entire time of the abuse alleged in this complaint.

4. Defendant Roman Catholic Diocese of Charlotte, NC (hereinafter "Diocese") at all times mentioned herein was and is an unincorporated religious association with its principal place of business and existence in Mecklenburg County, North Carolina.

5. Defendant Diocese was established in 1972 when the Roman Catholic Diocese of Raleigh (hereinafter "Raleigh Diocese"), which was comprised of all Catholic churches, schools and other religious entities throughout the state of North Carolina, was divided to form two separate dioceses. The territory of defendant extends throughout the western half of North Carolina and the Raleigh Diocese maintains its territory in the eastern half of the state.

6. Defendant has had oversight responsibility for Belmont Abbey since 1973, when Belmont Abbey ceased being an independently operated diocese.

7. Joseph Kelleher (hereinafter "Kelleher") is a resident of Winston-Salem, North Carolina.

8. From 1972 until July 2010 Kelleher was a priest in good standing with defendant and had his priestly faculties (permission by his diocesan bishop to perform the sacraments of the Catholic Church). Kelleher was removed from active ministry due to allegations that he sexually abused John Doe 1 K.

9. During the time that Kelleher was performing priestly functions, and at all times relevant to the allegations of the complaint, Kelleher was an employee, agent, apparent agent and/or servant of defendant and was under its complete control and/or supervision, employed as a spiritual advisor, counselor and mentor. Kelleher served and/or resided at parishes within the Charlotte Diocese, including but not limited to St. John's Catholic Church in Waynesville; Our Lady of the Annunciation in Albemarle, Our Lady of the Assumption in Charlotte, St. Lawrence Catholic Church in Asheville, Immaculate Conception Church in Hendersonville,

Our Lady of the Rosary Catholic Church in Lexington, and St. Dorothy Catholic Church in Lincolnton. He retired in July 1999 and he served at Bishop McGuinness High School during retirement until July 2010.

10. Before joining defendant Diocese, Kelleher was employed as a priest with the Raleigh Diocese from 1966 to 1971 and served at the following parishes: St. Gabriel Catholic Church in Greenville, Cathedral of St. Patrick in Charlotte, Immaculate Heart of Mary Catholic Church in High Point, Our Lady of Lourdes Catholic Church in Raleigh, St. Joseph Catholic Church in Asheboro, St. John's Catholic Church in Waynesville. Before coming to the Raleigh Diocese, Kelleher served in Ireland and New Zealand.

11. Kelleher also served at Catholic schools within the Charlotte Diocese, including, but not limited to, Our Lady of the Assumption Catholic School in Charlotte, NC and Bishop McGuinness High School in Kernersville, NC.

12. At all times relevant to this complaint, any person named in this complaint and employed by defendant, including but not limited to Kelleher, Bishop Michael J. Begley (hereinafter "Bishop Begley"), Bishop John F. Donoghue (hereinafter "Bishop Donoghue"), Bishop William G. Curlin (hereinafter "Bishop Curlin"), Bishop Peter J. Jugis (hereinafter "Bishop Jugis"), Chancellor Joseph Kerin (hereinafter "Chancellor Kerin"), Chancellor John McSweeney, Chancellor Mauricio West (hereinafter "Chancellor West"), David Hains (hereinafter "Hains") and any other individual who was an employee, agent, apparent agent, and/or representative of defendant, was acting within the course and scope of said capacity, agency, apparent agency, representation and/or employment with defendant and was acting within the course and scope of his/her authority, whether actual or apparent, except for such times when Kelleher or any other person was abusing children.

FACTUAL ALLEGATIONS

Pattern and Practice of the Defendant with Respect to Clergy and Employees Alleged to Have Engaged in Sexual Misconduct with Minors

13. Since the Roman Catholic Diocese of Charlotte was established on January 12, 1972, it has been served by four bishops: Bishop Begley (January 1972 - May 1984), Bishop Donoghue (December 1984 - June 1993), Bishop Curlin (April 1994 - September 2002) and Bishop Jugis (October 2003 - present). The bishop of defendant Diocese serves as the chief executive and administrative officer of all the Catholic entities considered part of the diocese, and has the actual and apparent authority to bind the diocese, and these entities, through all of his work-related actions. During the time periods when a bishop was not serving, the Chancellor for defendant Diocese acted as its Administrator, and had the same authority and control over the Diocese as did the bishop. After Bishop Curlin retired, Chancellor West served as Administrator of the Defendant Diocese until the appointment of Bishop Jugis. As Administrator, Chancellor West had the same authority and control of the Defendant Diocese as would a Bishop in charge of the Diocese.

14. Prior to and at all times material herein, defendant was responsible for the creation and staffing of the parishes and parish churches, and was solely and ultimately responsible for assigning, transferring, and/or suspending all parish clergy to and from parish churches and other entities within the Charlotte Diocese. Priests and other parish clergy served at the pleasure of the bishops of the Charlotte Diocese; and the Charlotte Diocese, by and through its bishops, approved the transfers of all Diocese clergy into and out of the Charlotte Diocese.

15. Every bishop, administrator, chancellor and/or vicar general of defendant Diocese has engaged in a pattern and practice of knowingly employing people who committed sexual misconduct.

16. Every bishop, administrator, chancellor and/or vicar general of defendant has engaged in a pattern and practice of protecting priests and other employees who they knew or suspected to have engaged in sexual misconduct with children.

17. At all times relevant, defendant, through its employees and agents, engaged in a pattern and practice of protecting employees who it knew through credible information and reports to have engaged in sexual misconduct. Defendant systematically concealed the danger posed by sexual predators and abusers employed by and within the Charlotte Diocese by doing the following:

- a) enabling and permitting their continued unrestricted access to minors;
- b) transferring sexually abusive priests repeatedly from parishes to other parishes or schools, both within the Diocese and to locations out of North Carolina;
- c) assigning them and/or allowing them to reside and serve in parishes and schools;
- d) allowing them free and unrestricted use of Diocese property for otherwise unchaperoned activities with minors;
- e) assigning them to duties specifically involving minors;
- f) making or allowing offending employees to make false or misleading statements about a priest leaving the Diocese either temporarily or permanently or being assigned to a different parish when said departure was connected to sexual misconduct or similar problems;
- g) creating documents and requesting that others outside of the Diocese create documents that falsely represented the nature of the condition/problem for which the sexually abusing priest was sent for treatment or rehabilitation to make it appear to be something other than for sexual abuse/misconduct;
- h) promoting offending employees and clerics within the church hierarchy;

- i) assuring concerned families that problems with and misconduct of particular offenders employed by the Defendant Diocese would be "taken care of," or similarly handled effectively;
- j) providing and/or subsidizing education, maintenance, living arrangements and/or salaries for offending employees and personnel after removal from their assignments or upon their suspension;
- k) continuing to list offending clerics and other personnel in official directories and/or publications as "absent on leave," "on duty outside Diocese," "advance studies," "on special assignment," "retired" or "on sabbatical" after removal or transfer from their assignments or suspension for sexual abuse or misconduct with children;
- l) making public statements that priests who had sexually abused children were taking sabbaticals or leaves of absence so that they could work on "inner healing", "discern their vocation", be with elderly or infirm family or similar reasons, when said priests had been told by the Defendant Diocese that they needed to leave the Diocese due to their sexual misconduct;
- m) misleading claimants who reported concerns about the behavior of personnel as to the nature of the physical contact which occurred;
- n) misleading victims into believing that defendant was interested in determining the truth and encouraging them to speak with defendant's representatives including, but not limited to Chancellor West, when defendant was trying to obtain information from the victim that could be used against him in civil/criminal legal actions;
- o) transferring abusive priests and other personnel to alternate positions without notifying parishioners of the perpetrator's abusive history, thereby creating new environments for abuse and mistreatment of children within the Diocese;
- p) allowing offending clerics and other personnel within the Diocese to honorably "retire";
- q) accepting as employees, servants, agents and/or apparent agents, and representatives of the Charlotte Diocese, clerics and other staff and personnel who had left or been forced to leave other dioceses and archdioceses of the Roman Catholic Church upon discovery of sexual abuse and misconduct, thereby creating new environments for abuse and mistreatment of children within the Charlotte Diocese;
- r) concealing reports and allegations of abuse within the Charlotte Diocese and its management and avoiding making any report to civil and criminal

authorities, thereby permitting defendant to conceal misconduct and prevent negative publicity, which was contrary to the publicly declared policies and procedures of defendant as described in subsequent paragraphs of this complaint;

- s) upon information and belief, failing to report to, or withholding from, the Diocese Review Board and other entities established to review allegations of sexual misconduct by Diocesan employees, information regarding allegations of sexual abuse made against priests in the Diocese, in order to protect abusive priests;
- t) upon information and belief, withholding medical records and other important information pertaining to priests who had been accused of sexually abusing a minor or other sexual misconduct from the various entities, such as the Diocese Review Board, established to review allegations of sexual misconduct by Diocesan employees;
- u) deliberately discarding, destroying, and/or fraudulently concealing documents to protect priests, employees and agents of defendant, as well as defendant;
- v) failing to properly investigate allegations of child abuse by priests, employees and agents of defendant;
- w) discouraging employees, agents or others acting on behalf of defendant from learning the names of any victims of child abuse by priests and from reporting the sexual abuse to civil authorities;
- x) insisting on confidential settlements that prohibited the victim, families and lawyers for the claimant from discussing the claim with anyone, including police;
- y) discouraging priests, employees and/or agents of defendant from taking steps to protect children;
- z) discouraging victims of priest abuse from bringing criminal charges or making the abuse known;
- aa) attempting to convince victims of priest abuse that the sexual abuse felt good and did not cause any damage to the victim;
- bb) instructing victims to go to confession after they had been sexually abused and having priests assign penances to victims, thereby attempting to convince victims that they bore responsibility and guilt for the sexual abuse;
- cc) failing to produce and/or identify documents in both civil and criminal litigation as required by law;

- dd) writing on behalf of clergy to potential future employers or other individuals letters of recommendation that were favorable to the employee and that concealed knowledge by defendant of sexual misconduct or abuse by these clergy;
- ee) entering into joint defense agreements with lawyers for other dioceses and with lawyers who represented dioceses and accused perpetrators in both civil and criminal actions, while, through its statements and actions, leading the public to believe that defendant was not assisting the accused priests in their criminal defense;
- ff) repeatedly making false and fraudulent statements concerning its knowledge of priests of defendant who retained faculties with the Charlotte Diocese but resided in another state;
- gg) repeatedly making statements that were intended to convince the public that defendant did not protect child abusers and that all clergy of the Charlotte Diocese could be trusted;
- hh) refusing to investigate allegations of sexual abuse that were made anonymously, orally or which defendant deemed to be uncorroborated; and
- ii) in other ways not specifically alleged, but to be identified through discovery and proven at trial.

18. Even when defendant terminated an employee after credible allegations of sexual abuse had been made against that employee, it refused to release the name of the employee, in an effort to conceal information from victims' families, parishioners, other victims, law enforcement agencies, the Department of Social Services (hereinafter, "DSS") and the public. Defendant knew that if it revealed the identity of the accused, other victims of the accused were more likely to come forward and assert claims against it

19. As an example of the conduct described in the preceding paragraph, defendant terminated the employment of Benjamin Korb, a teacher at Bishop McGuinness High School (hereinafter "BMHS") in or around 2000 after two or more female students came forward and reported that he had exposed himself, made sexually explicit comments and written

inappropriate remarks to them. The decision to terminate Korb was made by Chancellor West, with the full knowledge and consent of Bishop Curlin and others.

20. After the female students reported Mr. Korb's sexual misconduct to the Dean of Students at BMHS, a priest and other agents of defendant met with the girls, apologized for the incidents and assured them that Korb had been fired.

21. Neither BMHS nor defendant ever publicly revealed Korb's involuntary termination, nor the reasons therefore. Defendant and BMHS concealed Korb's alleged crimes because they knew that if the allegations were made public, it would increase the likelihood of other victims coming forward and could expose defendant to liability for damages. They also knew that if the allegations were made public, it would expose Mr. Korb to criminal charges.

22. Defendant and BMHS failed to tell potential and/or subsequent employers of the reason for Korb's termination, thereby endangering other minors.

23. The decision to conceal the reason for Korb's termination was made by Chancellor West, with the approval of Bishop Curlin, George Repass (principal of BMHS) and others who were fully aware of the conduct and decisions by defendant with regard to Korb.

24. Following his termination from BMHS and the Charlotte Diocese, Korb was convicted of indecent exposure in Guilford County in 2003 and in Brunswick County in 2009. He currently faces a felony charge of indecent exposure in Holden Beach, NC, which could result in prison time and his being registered as a sex offender if he is convicted this third time.

25. In 2008, defendant suspended a teacher, Michael Streich, from working at BMHS after an allegation was made that he had sexually abused a minor in 2002.

26. Administrators at the school had known at least as early as 1994 that Streich would have children in his residence in the evenings, would serve them alcohol and would give them backrubs.

27. After conducting an investigation into the allegation of sexual abuse, which included meetings at the chancery with the accuser and then Streich, defendant announced that it had terminated the teacher who was the subject of the allegations. Defendant refused to release the name of the teacher to the public and has never done so. The decision not to release Streich's name was made by Chancellor West, Bishop Jugis and others associated and affiliated with defendant, was made for the purpose of preventing other victims of Streich from learning that they were not alone and from making claims against defendant..

28. The late Father Corbin was ordained in 1961 in Palmer, MA by Bishop Waters of the Raleigh Diocese. By 1962, the Raleigh Diocese had placed Father Corbin on sick leave, where he remained until 1964. Before being placed on sick leave, Father Corbin was assigned to the following locations: Our Lady of Guadalupe, Newton Grove, NC (1961-62); St. Mary's Mission, Mount Olive, NC (1961-62); Sacred Heart Mission, Goldsboro, NC (1961-62). The sick leave was so that Corbin could receive treatment for sexually abusing boys. The Raleigh Diocese knew in the early – mid 1960's, if not earlier, that Corbin was a child abuser as Bishop Waters of the Raleigh Diocese wrote Bishop Weldon of the Springfield, Massachusetts Diocese (hereinafter "Springfield Diocese") to warn him about Corbin. In that letter (copy attached hereto as Exhibit 1), Bishop Waters wrote:

I found that he needed psychiatric treatment. The difficulty is boyology....

P.s. Destroy the inclosed [sic] letter when you have read it please.

29. On January 30, 1963, Corbin wrote Bishop Waters and told him he had spoken with Monsignor Begley (who later became the first Bishop of the Charlotte Diocese) as well as with Father James McSweeney of the Raleigh Diocese. Both Father James McSweeney and Monsignor/Bishop Begley were fully aware of Corbin's problems and treatment, all while he continued to serve in positions of trust in the Roman Catholic Church. In his letter (copy attached hereto as Exhibit 2), Corbin wrote:

As perhaps Father McSweeney has mentioned, I am continuing to see Father Hayden each week. I have also been helping out in some local parishes on weekends...

He continued by asking Bishop Waters, during the same time that he was receiving treatment in Massachusetts for being a child molester, if he could be assigned to a parish in the Springfield Diocese.

30. Notwithstanding Corbin being a child molester, Bishop Waters then allowed him to return to the Raleigh Diocese where he was assigned to the following locations: St. Lawrence Catholic Church, Asheville, NC (1964-66); St. Barnabas Mission, Arden, NC (1964-66); St. Genevieve of the Pines Elementary School, Gibbons Hall (1966); Sacred Heart Catholic Church, Brevard, NC (1966-67); Our Lady of Fatima, Winston-Salem, NC (1967-69); Bishop McGuinness Memorial High School, Winston-Salem, NC (1969-70); on leave 1970-72 (Raleigh Diocese) and then placed on leave from the Charlotte Diocese from 1972 – 1993. During that time, he served in various capacities in several churches in Massachusetts. He was stripped of priestly faculties in 1988 by the Defendant.

31. In 1966, after his sick leave and treatment for being a child molester, Corbin sexually assaulted an eighth grade student after telling the boy, during the preparation for a school play, that he was looking for live models to depict the crucifixion of Christ .

32. Corbin was then transferred to Brevard and sexually abused a high school student at St. John Vianney Hall in Asheville, NC. Corbin took the boy on trips to New York City and Miami, Florida with no other adults present. He sexually fondled this victim at Vianney Hall, Our Lady of Fatima (to which he was again transferred in 1967) and in Miami.

33. While Corbin served as director and chaplain at BMHS in 1969-70, he sexually abused a student in his office. The student reported the abuse to his parents, who immediately reported it to Sister Martin, the school principal. As a result of that complaint, Corbin was again put on a leave of absence by the Raleigh Diocese from 1970-1972. When the Charlotte Diocese was formed in 1972, it continued Father Corbin's leave of absence until at least 1988. Defendant had full knowledge of Father Corbin's treatment history, and his prior sexual abuse of multiple children.

34. In 1981 a man who claimed to have been a victim of abuse by Corbin reported the abuse to then-Chancellor Kerin. According to the victim, Chancellor Kerin admitted he knew of the allegations. The victim claimed that he asked Chancellor Kerin to warn the Springfield Diocese about Father Corbin but that Chancellor Kerin refused to do so. Chancellor Kerin denied that the victim had made this request of him. In 1985, this victim again called Chancellor Kerin, asking him to notify authorities in Massachusetts. Instead of doing so, Chancellor Kerin, who knew Corbin's phone number and address, called Corbin to ask if he was molesting children and Corbin assured him that he was not. Chancellor Kerin took no further action despite his knowledge that Corbin was a serial child abuser.

35. On May 14, 1986, Chancellor John McSweeney of the Charlotte Diocese called Chancellor Dupre of the Springfield Diocese to warn him about another victim of Corbin. Chancellor Dupre prepared the following file memo (copy attached hereto as Exhibit 3) :

I received a call from the Chancellor of the Diocese of Charlotte, North Carolina, today. He wished to inform us that there is a priest living in our area – Andre Corbin at 64 Temple Street, Springfield 01105.

Father Corbin was ordained for the Diocese of Raleigh, North Carolina, in 1961. In 1966, he was given a leave of absence by the Bishop of Raleigh, and in 1972 the Diocese of Charlotte, North Carolina, was created and Father Corbin was assigned to it, although still on leave of absence. **He still has the faculties of Charlotte, North Carolina. The reasons for his leave of absence were – first, for his homosexuality, and second, charges of molestation of eighth grade boys.** He was relieved of his assignment and sent for counseling and was cooperative. In the twenty years since this has taken place there are no indications that the problem continues.

The Chancery in Charlotte wished to notify us following reason:

[VICTIM], who now lives in Asheville, North Carolina, and who is thirty-four years old with a wife and two children, called recently and said twenty years ago he had been molested by Andre. He did not report it to his mother at that time, and when he finally did, his mother did not report it to the Chancery. Today, he feels after reading articles about child molestation that assert that this is a disease which is never cured but lasts a lifetime, that he feels a moral obligation to check on Andre to see if he is truly reformed. He will be coming to Massachusetts in the near future and may be contacting us.

There have been no indications or reports of any problems in this area. At present, Mr. Corbin is teaching at STCC. He is still acting as a priest on weekends, however, helping out in Osterville on Cape Cod. The Chancery in Fall River will also be contacted with this same message.

All of the above information was transmitted to Bishop Maguire. It is our understanding that Father Andre Corbin has never been in contact with this Chancery or Diocese in an official manner and, therefore, is not our responsibility. He is living and working as a layman in this area. We, therefore, have no control over him. **However, should any problem surface, the matter will be dealt with immediately by contacting his superiors in North Carolina.**

(Emphasis added.)

36. On November 30, 1987 the victim who had come forward in 1986 called Chancellor Dupre to find out about Father Corbin. Chancellor Dupre prepared a memo (copy attached hereto as Exhibit 4), which stated:

[VICTIM] called from North Carolina to find out about the status and activities of Father Corbin. **He claims he was told by the Chancery in Charlotte that we were supervising Father Corbin.** I told him we had no contact with him, nor he with us. As far as we are concerned, he is like a layman living in our midst. We have not given him any assignment, nor do we intend to. **We certainly would never put him in a situation where he is in proximity to children.**

[VICTIM] seemed relieved and emphasized that he was not trying to be vindictive. He only wants to make sure that Father Corbin is never in a position to repeat the harm he once did to him. He indicated that he would call the Fall River Chancery also, since he understands that Father Corbin is doing weekend work there.

(Emphasis added.)

37. On December 9, 1987, Chancellor Dupre prepared another memo (copy attached hereto as Exhibit 5) after speaking with Chancellor John McSweeney. In that memo he stated:

First, I spoke to Jack Egan and he said that my response to [VICTIM] is correct. We should not indicate to anyone that we are taking supervisory responsibility for Father Corbin.

Secondly, at the suggestion of Jack Egan, I called Father McSweeney, the Chancellor of the Charlotte, North Carolina, Diocese to inform him both of the call of [VICTIM] and my response. I also reiterated to him that we had not been in contact with Father Corbin nor he with us, nor did we intend to give him an assignment in this diocese.

38. On April 5, 1988, Chancellor John McSweeney called and wrote a letter to Chancellor Dupre (copy attached hereto as Exhibit 6) with information, and with an urgent message for Corbin. A sexual abuse victim of Corbin, believed to be the victim referred to in the preceding paragraphs, had come forward through an attorney, and contacted defendant.

Chancellor McSweeney then wrote Chancellor Dupre of the Springfield Diocese that Father Corbin had “**been on a leave of absence from the Diocese of Charlotte since 1969**”, and further stated that Corbin’s faculties would now be suspended while the matter was pending.

39. Notwithstanding defendant’s long-standing knowledge that Corbin was a serial child abuser, defendant represented to the public that the receipt of this letter from the victim’s attorney was the first that Bishop Donoghue knew of child abuse allegations against Corbin. This statement was false and made with knowledge of its falsity.

40. In 1988, Father Corbin was receiving treatment for sexual problems at St. Luke’s Institute in Maryland. This facility frequently treated clergy who had sexually abused children. While at St. Luke’s, he was criminally charged in Asheville, NC with sexually abusing a student in or about 1966. Corbin pleaded guilty to taking indecent liberties with a minor and served six months in prison. He was ordered to continue his treatment at St. Luke’s. After Corbin pled guilty, Chancellor Kerin stated:

I personally felt that this was a matter between Ed (the victim) and Father Corbin. The church doesn’t have control over the personal actions of an individual - only over the official representative of the church.

41. Richard Lucey, in his official capacity as attorney for defendant, also spoke to the media about this case, to present defendant’s position regarding allegations of child sexual abuse. He stated that the first written request that defendant do something about Corbin was when this victim’s attorney wrote the Diocese the preceding March. Lucey added:

I don’t care if there were complaints relating to sexual abuse. The preference is that that complaint be given to us in writing. If someone is going to make accusations against someone, you’d like to have it in black and white.

42. In 2004 a suit was filed in Springfield, Massachusetts (hereinafter “Springfield suit”) by another person alleging sexual abuse by Corbin. This abuse allegedly took place when the victim was between eight and ten years old and came about after Corbin told the victim that he needed to measure him for a crucifixion garment for a school play.

43. When the Springfield suit was filed, defendant’s spokesman Hains stated that defendant could not account for Corbin’s whereabouts after he took a leave of absence from the Charlotte Diocese in 1972. In truth, it has always been the policy of defendant to know the address, phone number and employment of all priests who had faculties from the Charlotte Diocese. Hains made this misrepresentation in an effort to make it appear as if defendant had no knowledge about or control over Corbin during all of the years he was on a leave of absence from the Diocese, during which time defendant knew he was a serial child abuser. This public statement was also made as part of defendant’s ongoing efforts to reassure the public and parishioners that it did not employ or protect clergy sex abusers, that defendant could be trusted, that it was safe to entrust one’s children to defendant and that the priests of the defendant Diocese were holy. The Springfield suit was subsequently settled.

44. In 2008, yet another alleged victim of Corbin filed suit against the Fall River, Massachusetts Diocese and others, claiming he had been sexually abused by Corbin in 1974 while Corbin had been asked by a priest on Cape Cod to help serve at a church there. That suit was also settled.

45. The actions of the Raleigh and Charlotte Dioceses, in protecting and assisting Corbin as described above, resulted in numerous children being sexually abused and endangered by Corbin wherever he worked or lived.

46. Other instances of defendant hiring and protecting sexual abusers and other persons completely unfit to serve as a priest or in another capacity where the individual would have exposure to children include the following:

- a. **FATHER RICHARD FARWELL.** Prior to becoming ordained in 1981, Farwell was a brother at Belmont Abbey (hereinafter, "the Abbey"). On many weekends, Farwell and others, including students, would volunteer at a home for abandoned and neglected children. While at this Children's Home, the students and other brothers would take the children outside to play sports or games. Farwell did not join those activities but would spend time alone with teen aged boys in their rooms. Other brothers at the Abbey were aware of Farwell's activities. He was found to be engaging in inappropriate sexual activity with a student of the Abbey. This was immediately reported to the Abbot, Peter Stragand, who summoned Farwell to his office. As a result of this meeting, Farwell left the Abbey and moved to Charlotte. After approximately one year, defendant hired Farwell and allowed his ordination as a priest. Father James McSweeney, who was vocational director of the Diocese, and Bishop Begley knew about Farwell's misconduct at the Abbey. Defendant thus knew that Farwell was unfit to be priest before it ever ordained him. Defendant knew or had reason to know that Farwell was a child predator, a sex addict, unable to observe boundaries, and posed a danger to children. In 1983 and 1984, Farwell sexually molested two teenaged boys, John Doe 1F and John Doe 2F, at St. Ann's Catholic Church in Charlotte, and at Sacred Heart Catholic Church in Salisbury. In May 1985, defendant sent Farwell to the House of Affirmation, a Massachusetts treatment center for clergy who had sexually abused minors. Upon his sudden departure, Father Allen, on behalf of defendant, announced to Farwell's congregation that "Father Ric" had been granted leave for assignment to a priestly ministry program in Providence, Rhode Island. During the ensuing three years, Farwell made it known to defendant that he had serious problems of sex addiction, alcoholism, and depression, and needed to live in an urban environment to receive appropriate treatment for these conditions. Yet in 1988, defendant appointed Farwell as Parochial Vicar at Saint Aloysius Parish in Hickory, North Carolina, where few, if any, such services were available. After Farwell served at Saint Aloysius, he was moved to several other churches. In 1999 defendant received a report that Farwell had sexually abused John Doe 2F in the past. Defendant's representatives met with John Doe 2F numerous times yet failed to report the allegations to any civil authorities as required by law. In 2004, Farwell pled "no contest" to a charge of contributing to the delinquency of a minor in connection with allegations of sexual assault made by John Doe 2F.

- b. **FATHER JAMES O'NEILL.** In April 2002, Father James O'Neill, who was serving as priest at St. Paul the Apostle Catholic Church in Greensboro, was relieved of his duties by defendant. Defendant's officials stated that O'Neill was removed due to allegations of "inappropriate behavior" that allegedly occurred before he came to the Charlotte Diocese. Defendant refused to say that the allegations against O'Neill involved sexual misconduct, yet it knew at the time that O'Neill was alleged to have sexually abused a child. The victim alleged that he was sexually abused by O'Neill over a nine-year period while O'Neill was the principal of the Salesianum School. The victim alleged that O'Neill visited his home to tutor him but would have the victim sit on his lap so he could fondle him. He also alleged that O'Neill molested him on family vacations, at O'Neill's residence and in the school office. Father O'Neil gave sworn testimony in which he admitted sexually abusing this boy. On May 15, 2008 the man who made the allegations against O'Neill settled his suit against the Catholic Diocese of Wilmington (after previously settling his claims against the Salesianum School and the Oblates of St. Francis de Sales, the religious order to which O'Neill belonged). In addition to a monetary payment, the settlement with the Diocese of Wilmington included an apology and O'Neill was permanently removed from ministry to live at the Oblates retirement community in Childs, Maryland.
- c. **FATHER ROBERT YURGEL.** In or about February 1999, defendant did not suspend or remove Father Robert Yurgel when it learned that he had violated boundaries and had a sexual encounter with a married male parishioner whom he had married into the Catholic Church at St. Matthew Catholic Church. Defendant never revealed to parishioners at St. Matthew Catholic Church, Our Lady of Consolation, St. Michael Catholic Church in Gastonia nor Charlotte Catholic High School where Yurgel served that this violation of church policy had occurred. Defendant continued to allow Yurgel to work with parishioners and to head youth groups. After Yurgel was allowed to continue in his position without any additional supervision, he again violated boundaries and sexually molested a 14-year-old altar boy at St. Matthew, Our Lady of Consolation and at St. Michael. Despite defendant having received a copy of an inappropriate email between the minor victim and Yurgel, and numerous other behaviors by Yurgel that raised red flags with other employees of defendant, defendant failed to tell the boy's parents about the email and neither interviewed the boy nor confronted Yurgel about his conduct. Defendant also failed to report to DSS the relationship between the boy and Yurgel. In February 2009, Yurgel pled guilty to felony sex offenses involving this boy and was sentenced to 7 - 10 years in prison.
- d. **FATHER DAMION LYNCH.** In 1991, Damion Lynch was ordained and in 1992 he was assigned to St. Elizabeth Catholic Church in Boone, North Carolina, under the jurisdiction of defendant.. Starting in 1991, Lynch spent a great deal of time with a family in Boone (hereinafter

referred to as “Family”, which included two teenage boys (hereinafter referred to as “SC” and “GC”). The boys sometimes spent the night at the rectory, or residence of the priests. In 1995, Lynch told Bishop Curlin of an “indiscretion” involving a boy and that he had undergone psychological testing. In November 1995, Bishop Curlin removed Father Lynch from St. Elizabeth and placed him on an extended leave of absence which defendant called a “sabbatical to pursue inner healing.” This leave of absence was at the order of Bishop Curlin, so that Lynch could get treatment at a facility in Jemez Springs, New Mexico. This facility was run by the Servants of the Paracletes and was known for treating clergy who had engaged in sexual misconduct or had abused children. Defendant then paid \$77,489 to the parents (hereinafter referred to as “Parents”) in response to claims by the Parents that Lynch had fondled their son, GC, while he was in his early teens and while Lynch was a priest at St. Elizabeth. Later, in 1997, Lynch was reassigned by Bishop Curlin to Our Lady of Consolation in Charlotte, North Carolina after psychological testing purportedly revealed “no evidence of pedophilia.” Lynch’s sexual abuse of children and his subsequent treatment were concealed by Bishop Curlin, Chancellor West and others working for or on behalf of defendant when he returned to active service at Our Lady of Consolation. After allegations were made in 1998 that Lynch had sexually molested the other son of the Family, SC, Lynch was removed from the ministry. A civil lawsuit was filed in Watauga County Superior Court in 1998 by the Parents, as well as their two sons, against Lynch, Bishop Curlin and defendant. Defendant subsequently settled the claims for a sum in excess of \$600,000. The settlement required that all the terms of the settlement be strictly confidential and barred attorneys for SC from discussing the case or providing documents to anyone.

- e. **REV. GEORGE BERTHOLD.** In November 1996, Cardinal Law of Boston learned of allegations by a seminarian that he had been sexually abused by a priest, George Berthold, of the Boston Archdiocese,. In 1997, Cardinal Law wrote letters to defendant recommending that Berthold serve in the Charlotte Diocese and at the Abbey. Before writing the letter, Cardinal Law's delegate, Father William Murphy, spoke with Bishop Curlin's assistant, Father Anthony Marcaccio, and told him about the abuse allegation. The Abbey hired Berthold. In 1998, another sexual abuse allegation about Berthold was made to the Boston Archdiocese, alleging that Berthold had molested an 11-year-old boy. In 2002, the *Boston Globe* reported that Cardinal Law had recommended Berthold to the Abbey and to defendant despite knowing of the allegation of improper sexual contact by Berthold with one or more seminarians. Officials of the Abbey and defendant publicly stated to the *Charlotte Observer* that they had no knowledge of the allegations until the story broke in 2002. Yet later articles in both the *Charlotte Observer* and *Boston Globe* quoted a spokesperson for the Boston Archdiocese as saying that Boston church

officials had notified defendant of Berthold's past before the Abbey hired him. Next, the *Charlotte Observer* reported that Father Marcaccio had now admitted that defendant knew about the allegations of Berthold's abuse when they hired him. Marcaccio's admission came one day after defendant's officials had insisted that the Boston Archdiocese had not provided them with information regarding Berthold.

- f. **MARK DOHERTY.** Boston Cardinal Bernard Law fought the transfer of Mark Doherty (hereinafter "Doherty") to the Charlotte Diocese and repeatedly warned Bishop Curlin about allegations of sexual abuse in his personnel file. Two men accused Doherty of molesting them on a 1977 camping trip and a mother accused Doherty of molesting her three sons in 1994. Despite having this information, including the fact that the Boston Archdiocese had refused to ordain Doherty as a priest, Bishop Curlin and Chancellor West actively worked to bring Doherty to Charlotte for consideration to be ordained into the priesthood there.. Doherty began teaching at Charlotte Catholic High School (hereinafter "CCHS") in 1997. That same year, Cardinal Law wrote Bishop Curlin, "I am not in a position to recommend to any bishop that he accept Mark Doherty in light of the information which I have shared with you." Notwithstanding this communication from Cardinal Law, Bishop Curlin said in 1999 that he wanted to formally bring Doherty into the Charlotte Diocese. Boston Cardinal Law responded, "I note that you have made your decision with the full knowledge and understanding of what I have communicated to you earlier." In 2001, Bishop Curlin told Cardinal Law that Doherty had been successfully teaching at CCHS under the eye of Chancellor Mauricio West since 1997. He stated, "Mark is viewed by the school administration as a committed and very competent catechist who teaches by both Word and good example." In early February 2003, Doherty requested administrative leave after the prior allegations were disclosed. The following day, Chancellor West released a written statement which said, in part: "... recommendations following Mr. Doherty's psychological evaluations state that he poses no threat in his work with children and adults and that he should remain in serious consideration for ordination." On March 13, 2003, defendant fired Doherty after public disclosure of the allegations of abuse that had been made against him in Boston.
- g. **FATHER C. JEFFRIES BURTON.** In 1982, there were allegations against Father C. Jeffries Burton, co-director of Youth Ministry for defendant, for the inappropriate touching of a child. These allegations were also reflected in his personnel file. Notwithstanding these allegations, and with knowledge that they had been made, defendant allowed Burton to participate in "Barefoot" cruises, in which children were taken sailing in the Caribbean, with Father Richard Allen, unaccompanied by the children's parents. In June 2007 while Burton was working in Virginia, the prior allegations of sexual abuse were revealed during a review of his personnel file. He was placed on leave on June 27,

2007 and removed from his position as the new pastor at Sacred Heart Church in South Richmond, Virginia in July 2007.

- h. **FATHER GREGORY LITTLETON.** After serving two small parishes in western North Carolina, Father Gregory Littleton came to Our Lady of the Assumption in Charlotte, North Carolina in 1997 and became priest in 2000. On October 2, 2002, a New Jersey diocese faxed to defendant allegations of sexual abuse committed by Littleton in that state. On February 14, 2004, Bishop Paul Bootkoski of Metuchen, New Jersey told Bishop Peter Jugis of the Charlotte Diocese by telephone that Littleton's name was on a listing, as part of a nationwide audit to be released the following week, of those who had allegedly sexually abused minors. Defendant's spokesman Hains said that Charlotte Diocese officials were not aware of the New Jersey allegations until the 2004 call. However, Ronald Rak, the General Secretary of the Metuchen diocese said that the October 2002 facsimile had contained a summary of information handed to the Middlesex County prosecutor. Littleton was not prosecuted because no one would come forward to testify. Hains said he took the 2002 report to be a summary of a 1997 report in which Littleton was listed as a priest in good standing.
- i. **FATHER FREDERICK GEORGE.** Father George was a brother at the Abbey in the 1980's. While there, he sexually abused one or more children. The abuse was brought to the attention of Father Timothy Kelly, who determined that George had a very serious problem involving young boys and that he needed to be sent away. No reports of his abuse were ever made to any civil authority or to law enforcement. George was then sent out of state. According to public documents, George was assigned to a school in Philadelphia. George soon left the Abbey to go to Savannah, Georgia.
- j. **BROTHER LEO O'HARE.** In or about 1981 or 1982 a fifth grade boy who attended Our Lady of Grace in Greensboro, North Carolina was sexually abused by Brother Leo O'Hare, a part-time teacher at Our Lady of Grace School and an employee of the defendant. The boy told his parents of the abuse, and they reported it to senior pastor Father Pharr. Another child victim also reported being abused by Brother O'Hare, and Father Pharr set up a meeting with the parents, the victims and Brother O'Hare. Brother O'Hare failed to attend the meeting and soon left the Diocese. After learning of the abuse, defendant never reported it to any civil authorities as required by law. Father Pharr notified the Chancery after the report of abuse. On January 22, 2009, counsel for the Defendant wrote the victim and stated: ... "I again sincerely apologize to you for the pain you have endured due to this church worker."

47. The above specific instances show that from its inception to the present, defendant has engaged in a pattern and practice of failing to take meaningful action against priests or employees even after credible allegations of sexual abuse have been brought to its attention, and has acted primarily to protect the abusive priests from scrutiny and disclosure. In addition, at least in the case of Mark Doherty, defendant hired and retained an abusive priest after having been warned about him repeatedly both verbally and in writing by Cardinal Law of Boston.

**Pattern and Practice of the Defendant Diocese
In Misrepresenting Its Sexual Abuse Policies**

48. Defendant has had written sexual misconduct/abuse policies since at least 1989. Subsequent written policies which replaced the prior policy were adopted on March 1, 1994; February 1, 1996; June 1, 1999 and July 1, 2003.

49. Every policy adopted after 1989 has significantly reduced the protection of children and increased the protection of employees who committed or were likely to commit sexual misconduct/abuse.

50. Although the 1989 policy did little to protect children, it did not claim that there was a priest-penitent privilege that allowed defendant to avoid reporting suspected child abuse as required by the North Carolina General Statutes.

51. The 1989 policy was the only sexual abuse policy ever adopted by defendant that explicitly forbade children from being in the rectory (the residency for priests).

52. Since at least 1994 through the present, defendant has tried to conceal that the 1989 policy ever existed. Defendant has made numerous statements referring to its having adopted a sexual abuse policy in 1994 and omitting any reference to the existence of the 1989 policy.

53. Every sexual abuse policy adopted by defendant since 1989 has provided that a report of sexual abuse would not be made if the report would violate the “priest-penitent relationship”, despite there being no such exemption in the North Carolina child abuse reporting statute and the North Carolina Supreme Court having specifically referred to clergy as a profession covered by the reporting requirement.

54. Every sexual abuse policy adopted by defendant after 1989 provided for an “Advisory Board” or a “Review Board.” These Boards were designed to assist the Bishop whenever accusations of sexual misconduct or abuse were made.

55. As the problem of sexual abuse by priests and other employees of the Catholic Church in general and defendant in particular became more widely known, defendants’ officials made frequent misleading and false representations about defendant’s sexual abuse policies.

56. In or before early 1995, numerous men reported to the Charlotte and/or Raleigh Dioceses that they had been sexually abused in the 1950’s by Father William Kuder. Father Kuder had been Pastor of St. Joan of Arc in Asheville, NC from 1949 until his death in 1960. Both Dioceses knew that these allegations were true, and in response to their coming to light, Bishop Gossman of the Raleigh Diocese and Bishop Curlin of the Charlotte Diocese issued a joint public statement on February 28, 1995 about their Dioceses’ sexual abuse policies. The statement issued by Bishops Gossman and Curlin knowingly misrepresented the Diocesan policies in order to make them appear more supportive of victims than they in fact were.

57. The sexual abuse policy that was in effect at the time of the joint statement described above said that the Dioceses would only immediately remove priests or employees if the Diocese found the allegations “credible.” Defendant had found allegations not credible

even though it possessed or knew of prior treatment for sexual misconduct/abuse by the accused, or had received prior reports of sexual misconduct/abuse by the accused. In late February or early March 1995, Bishop Curlin spoke to weekend masses at St. Joan of Arc Parish to address the abuse by Father Kuder and in his talks, he intentionally misrepresented the policy and described it as much more protective of children than the actual official written policy provided.

58. Bishop Curlin stated to the masses:

Our diocesan policy mandates, that if an allegation of sexual abuse is made against a priest, **he will be immediately removed from his ministry and given intensive examination and testing to determine his culpability. The Diocese will always work in full cooperation with civil authorities in a case of child sexual abuse.** (Emphasis added.)

59. Bishop Curlin knew when he made this statement that this was not defendant's policy and that defendant not only had a history of failing to report allegations of abuse although legally required to do so, but also of deliberately discarding, destroying and/or fraudulently concealing documents to protect abusers and itself. Bishop Curlin also knew of priests who had sexually abused children and who were still working for the Charlotte Diocese. Bishop Curlin knew that defendant's practice was to withhold information from civil authorities and allow the accused priest to draft the Bishop's reply to accusations of misconduct.

60. Bishop Curlin also told those attending the weekend masses that a committee had been established to address any allegation of child abuse, yet he falsely and fraudulently misrepresented the composition of the committee.

61. Bishop Curlin knew that his statements about the committee made during the masses were false and fraudulent when he made them. Bishop Curlin made the false and

fraudulent statements in an attempt to convince everyone that defendant was vigilant in protecting children and was committed to ridding itself of employees who engaged in sexual misconduct. The statements were also made as part of an effort by defendant to discredit complaining victims whom defendant might determine not credible.

62. Bishop Curlin knew when he issued his reassuring statements that, upon information and belief, the practice of defendant was to withhold from the committee information about past treatment of the accused and other relevant information about prior allegations or reports of sexual abuse by the accused. He also knew that defendant did not report all allegations of sexual abuse to the committee.

63. Commencing with the 1996 sexual abuse policy, every sexual abuse policy of defendant contained the following language:

The Diocese of Charlotte will willingly cooperate with civil authorities as to the extent possible in all circumstances. **In addition, there may be cases where the tenets of the Catholic religion, the prescriptions of canon law, or the greater good of all concerned require that action at variance with the provisions of this policy be taken; therefore, the Chancery reserves the right to interpret, modify or replace this policy as it deems necessary.**
(Emphasis added.)

This provision allowed defendant to ignore any aspect of the policy in its discretion, including the reporting of sexual abuse or misconduct, thereby putting children in greater danger and allowing defendant to further protect employees who they knew, should have known or suspected were child abusers or had engaged in sexual misconduct.

64. Defendant relied on this provision in defending its decision not to immediately suspend Father Yurgel after learning that he had engaged in sexual contact with a parishioner whom he had married at St. Matthews.

65. The 1999 sexual abuse/misconduct policy increased its protection of abusers and put victims at greater risk as it added the following provision:

No action concerning an accused individual will be taken by the Diocese of Charlotte on the basis of anonymous or uncorroborated accusations. The accused will be informed of the anonymous complaint and of the disposition of the matter.

(Emphasis added.)

Yet defendant knew that meritorious accusations would often be made anonymously and that child abuse almost always took place where there were no witnesses or other corroboration.

66. In June 2002, the United States Conference of Catholic Bishops adopted “The Charter for the Protection of Children and Young People” (hereinafter “Charter”) as a public response to the burgeoning national sex abuse scandal of the Roman Catholic Church. This Charter was subsequently adopted by the Charlotte Diocese. Notwithstanding the adoption of the Charter, defendant continued the wrongful practices described in this complaint.

Defendant’s official representatives and agents made numerous misrepresentations and fraudulent statements, in addition to the ones set forth elsewhere in this complaint, about sexual misconduct, and knowledge about such misconduct on the part of its clergy..

67. On or about June 14, 2002, Bishop Curlin defended defendant’s earlier decision to keep three accused priests in their jobs. He stated that Father Damion Lynch had not been removed even after the accusations were known to be credible because there had not been a diagnosis of pedophilia. Defendant and other Dioceses around the country have routinely relied on priests not being diagnosed as “pedophiles” as justification to keep them in the ministry. Defendant takes this position because it knows that the psychiatric definition of “pedophilia”

requires an attraction to “prepubescents”, while abusive priests have often targeted boys who have reached puberty.

68. Bishop Curlin defended defendant’s retention of Farwell after a parishioner first reported having been abused by Farwell, as Bishop Curlin claimed the allegation was not credible. At the time Bishop Curlin made this statement in 2002, he knew that defendant had abundant information about Farwell’s problems and conduct described above and that defendant had not presented complete, if any, information to its Review Board at the time of the victim’s report.

69. When Bishop Curlin made the above-referenced statement, he knew that defendant had entered into a joint defense agreement in connection with the criminal charges that had been filed against Farwell and had helped Farwell assert a defense which they knew, or should have known, to be false. This agreement allowed defendant and Farwell to share information and collaborate on Farwell's defense. Defendant was doing everything within its power to see that Farwell was not convicted. Neither Bishop Curlin nor anyone else connected with Defendant ever revealed this information to the public because they knew it would reveal that defendant was not interested in protecting children but remained committed to protecting both active and former priests and/or employees who served in the Charlotte Diocese and who were child abusers.

70. Defendant never instituted any system or program to test compliance and/or non-compliance with the Charter, the Anti-Sexual Misconduct Policy, the Diocese of Charlotte Code of Ethics and/or the policies, procedures and practices intended and/or necessary to implement the same. Consequently, defendant merely created the public appearance of recognizing and attempting to remedy the pervasive culture of sexual abuse of minors and

youth within the Charlotte Diocese, while providing inadequate action to actually protect minors and children such as the plaintiffs.

71. Notwithstanding defendant's long history of covering up and protecting employees who had engaged in sexual misconduct or abuse of children, since 2003 defendant has claimed that it received favorable audits of its policies and practices with respect to protecting children and young people. Yet these purported "audits" were nothing more than cursory reviews based on limited information presented to the auditors solely by defendant.

72. The statements made by defendant regarding the purported audits were for the purpose of convincing the public that defendant had been a leader in protecting children from sexual abuse. Bishop Jugis, Chancellor West, Hains and defendant's other officials knew that these statements were false and that defendant had been and still was covering up and protecting sexually abusive employees to the detriment of children.

The Plaintiffs' Religious Upbringing

73. Plaintiff John Doe 1K was raised a Protestant and attended an Episcopal church during his childhood. He went to summer camps in which he met various Christian clergy, who instilled in him the belief that they could be trusted to counsel him and deserved his deep respect. He was very close to his grandmother, a devout Christian. John Doe 1K was taught that clergy were men of God who should be relied upon to guide him with God's love, compassion and care.

74. When plaintiff John Doe 1K was 13 years old, his family moved to Albemarle, North Carolina, where the family attended several churches. He continued to be close to his grandmother and was influenced by her strong religious beliefs.

75. Plaintiff Johns Doe 2K grew up in Charlotte and was raised a Catholic. His family was actively involved in the Church. John Doe 2K's grandfather was a former administrator at Sacred Heart College in the early 1970's, and was very active in the Charlotte Diocese.

76. Plaintiff John Doe 2K attended Our Lady of the Assumption Catholic School in Charlotte and graduated from Charlotte Catholic High School.

77. Defendant, through its clergy including Kelleher and other unnamed parish priests instilled, through its religious rites, rituals, ceremonies, sermons, programs, printed words and religious instruction, in John Doe 2K and his family, as it did in all of its parishioners, the belief that priests are figures of authority who should be relied upon to protect the well-being of children in the parishes. Plaintiff John Doe 2K, like all the children in the parish, was taught to obey priests and to rely on and trust them without doubt or question on issues affecting their physical, spiritual and moral well-being. John Doe 2K was taught to revere priests and to believe that they are holy people who distribute the Word of God and have closer communication with God than have others. Based on what he learned in the Church and from defendant, John Doe 2K believed these things about Kelleher.

78. At all times material herein, defendant represented to plaintiffs and their families that it would be sinful or wrong to make any kind of accusation against a priest or bishop, and that priests and bishops could not and would not engage in conduct considered evil or wrong because they were holy men of God.

79. Defendant, by and through its parish priests, including Kelleher, was acting *in loco parentis* at all times when minor children such as plaintiffs were in the company of Kelleher, except those periods when the children's families were present. As such, defendant was acting *in loco parentis* at all times when Kelleher was actively working to gain plaintiffs'

trust and confidence in order to facilitate his acts of sexual abuse described in this complaint, except for those times in which Kelleher was actually sexually abusing the plaintiffs and was instructing the plaintiffs never to reveal the sexual abuse and misconduct to anyone. By virtue of this special relationship defendant had with plaintiffs, it owed them a fiduciary duty.

Father Kelleher's Relationship with the Charlotte Diocese and his Charge of Criminal Conduct

80. Since at least the mid-1970's, defendant has known or should have known that Father Joseph Kelleher was abusing minors and also that he was spending long periods of time alone with them in the rectory, at other locations and on overnight trips both within and outside the territory of the defendant Diocese.

81. In 2011, Kelleher was charged in Stanly County with a felony arising from allegations of sexual abuse made by John Doe 1K. As of the filing of this complaint, the charges are still pending. Defendant has a joint defense agreement with Kelleher's criminal attorney in order to help Kelleher defend the criminal charges against him, despite the fact that defendant knows that Kelleher has been a sexual abuser. Defendant has also taken steps to intimidate the complainant victim, John Doe 1K, by encouraging parishioners to join a Facebook page entitled "Justice for Father Joseph Kelleher", a page that is often used to disparage and attack the victim.

Kelleher's Abuse of Plaintiff John Doe 1K at Our Lady of the Annunciation

82. John Doe 1K had experienced problems while he was growing up and had difficulty adjusting to his family's move to North Carolina from another state.

83. John Doe 1K's grandmother suggested to his parents that John Doe 1K meet and counsel with Kelleher, who was at the time Pastor of Our Lady of the Annunciation. Kelleher had been recommended to John Doe 1K's grandmother by a Catholic friend in Albemarle.

84. When John Doe 1K heard about Kelleher possibly counseling him, he was very receptive to the idea. In or about 1977, when John Doe 1K was approximately 14 years old, he met Kelleher at Our Lady of the Annunciation and began counseling with him at the rectory. Once he met Kelleher, John Doe 1K felt that Kelleher was trustworthy, safe and compassionate. John Doe 1K, who had lost both of his grandfathers by age 11, also viewed Kelleher almost as the grandfather he had never known. Kelleher encouraged the minor plaintiff to place in him his full trust, confidence and reliance.

85. Kelleher's counseling typically involved his first engaging John Doe 1K in conversation, asking John Doe 1K about his family, his emotional status, and his problems.

86. After small-talk was completed, Kelleher would ask John Doe 1K to lie down on the floor of the living room of the rectory, explaining that he would be more "relaxed" in that position.

87. Kelleher would then instruct John Doe 1K to relax more by closing his eyes and pretending to be floating in space. Kelleher then would rub or massage John Doe 1K to "assist in relaxing him further."

88. During the massaging and rubbing, Kelleher would ask John Doe 1K questions about his attraction to movie stars, and then would instruct John Doe 1K to think about the stars to whom he was attracted, while Kelleher proceeded to undress John Doe 1K and then to sexually abuse him.

89. The counseling sessions in which Kelleher acted as described above, and in which he sexually abused John Doe 1K, happened on multiple occasions in or about 1977.

90. After being sexually abused by Kelleher, John Doe 1K's pre-existing emotional problems worsened, and he developed new, severe emotional problems.

91. John Doe 1K's problems and emotional condition steadily worsened, and resulted in his receiving extensive medical treatment and counseling from the time of the abuse through the present. This treatment has included intensive counseling, hospitalization, and medication therapy.

92. As a result of the sexual abuse by Kelleher, plaintiff John Doe 1K has suffered great emotional distress and psychological harm, personal injury, has incurred and will continue to incur medical expenses, has difficulty trusting people and sustaining relationships, has lost all faith in religion and became disabled from working.

Kelleher's Abuse of Plaintiff John Doe 2K at Our Lady of the Assumption

93. Kelleher was close to John Doe 2K's grandparents, and had married John Doe 2K's aunt and uncle.

94. While Kelleher served as youth minister at Cathedral of St. Patrick, John Doe 2K's grandparents provided Kelleher with financial assistance. Kelleher knew through this relationship that John Doe 2K's grandfather was a former military man whose authority could not be questioned in John Doe 2K's family. While Kelleher was serving as pastor at Our Lady of the Assumption, he got to know John Doe 2K through his school attendance and youth activities.

95. In or about 1980, when John Doe 2K was approximately thirteen (13) years old, he went on a school sponsored ski trip, during which he pulled a groin muscle.

96. When plaintiff returned to school, Kelleher came to his class and pulled plaintiff out of class to be alone with him. At that time it was not an unusual occurrence for Kelleher to remove children from class.

97. Other persons at Our Lady of the Assumption commented about Kelleher removing children from class and having pizza parties for children.

98. Kelleher proceeded to escort plaintiff to the rectory, where they would be alone.

99. Once inside the rectory, Kelleher led plaintiff to the living room area and instructed him to sit on the couch. Kelleher proceeded to lower plaintiff's pants with the explanation that he needed to see about his groin injury.

100. Plaintiff was hesitant to comply with this request but Kelleher assured him that it was "okay" because it was "God's will". Kelleher then sexually fondled plaintiff John Doe 2K.

101. After Kelleher finished sexually abusing the then minor plaintiff, he told him to pull up his pants. Kelleher then went to the stocked bar, poured himself a drink and told plaintiff to return to class. Kelleher then threatened plaintiff that if he told anyone about what had happened, he would be suspended from school and his grandfather would be told about the suspension.

102. Kelleher made those threats in an effort to coerce plaintiff into not revealing the sexual abuse by Kelleher to anyone.

103. Shortly after being sexually abused by Kelleher, plaintiff John Doe 2K developed problems with substance abuse.

104. As a result of the threats made by Kelleher, plaintiff did not reveal the sexual abuse for over a decade.

105. As a result of the sexual abuse by Kelleher plaintiff John Doe 2K has suffered great emotional distress and psychological harm, personal injury, has incurred and will continue to incur medical expenses, has had difficulty trusting people and sustaining relationships, has engaged in and battled substance abuse and lost all faith in religion.

Knowledge of Defendant Diocese About Kelleher's Other Acts of Abuse

106. John Doe 2K is not the only person whom Father Kelleher abused while he was pastor at Our Lady of the Assumption.

107. Defendant knew or should have known that Kelleher was spending large amounts of time alone with children, since he did so at both Our Lady of the Annunciation in Albemarle, and at BMHS and Our Lady of the Assumption in Charlotte. He is also believed to have done so at some or all of his prior assignments.

108. Defendant knew or had reason to know that Kelleher was a child abuser at least as early as 1977, and likely earlier.

109. Defendant failed to properly investigate Kelleher's conduct during the time that he was serving either as a parish priest, working at BMHS or otherwise employed or acting on behalf of the Diocese.

110. Throughout Kelleher's tenure with the Diocese, defendant frequently moved Kelleher from parish to parish because it knew or suspected that he was a child abuser.

111. Defendant never warned any children or families about the danger posed by Kelleher.

112. In approximately 1978, at the request of his brother, a college student went to talk with Kelleher at the rectory at Our Lady of the Assumption. This student was concerned that Kelleher had sexually abused his younger brother. This young man's family had been one of

the first to join Our Lady of Mercy Church in Winston Salem and he had been raised as a devout Catholic.

113. After talking for a few minutes, Kelleher opened a bottle of alcohol and encouraged the young man to drink with him. While the young man chose not to drink alcohol with Kelleher, Kelleher continued to drink until it began to affect his behavior and speech.

114. When the young man told Kelleher that he wanted to leave, Kelleher again encouraged him to drink and told him it would be good for him. Kelleher also told the young man that he wanted him to spend the night with him. After Kelleher continued to drink, he raised his voice and told the young man that he was not going to leave. Kelleher spoke to this young man about how he enjoyed lying in bed with boys who were sexually aroused and that this was "ok".

115. Over Kelleher's objections the young man was able to escape from the rectory without there being any physical contact from Kelleher.

116. In approximately 2003 or 2004, the same, now older man described above, called Bishop Jugis to report his concerns about whether his brother had been sexually abused by Kelleher.

117. Bishop Jugis then met with the man, who told Bishop Jugis that his brother had committed suicide and that he feared that Kelleher had abused him. Bishop Jugis assured this man that he would look into his concerns, would speak with Kelleher and would take care of the matter. That was the last time that the man heard from Bishop Jugis about Kelleher until after criminal charges were filed against Kelleher in 2010.

118. On information and belief, neither Bishop Jugis nor defendant conducted any meaningful investigation into the allegations/concerns of this man about Kelleher after the

suspected abuse of his brother was reported to them. They failed to do so despite their knowing or having reason to know of the prior sexual misconduct by Kelleher.

119. Defendant never reported any information about Kelleher to DSS or the police until after John Doe 1K reported his abuse to the Albemarle police in 2010.

120. Defendant admitted its knowledge that Kelleher had abused children when its counsel wrote plaintiffs' counsel a letter which read in part: "**Please note that your letter is the first occasion where [the Diocese] has determined the name of any victim of Father Kelleher.**" Defendant made no effort to determine the identity of any victims of Kelleher or to protect minors from him or to fully investigate the reports of sexual misconduct that it had received about him.

121. Plaintiffs were unaware of defendant's knowledge about Kelleher being an abuser and could not have discovered defendant's culpability until at least 2010.

DAMAGES

122. As a result of the misconduct and wrongful actions of defendant as described in this complaint, plaintiffs individually have suffered and continue to suffer:

- a. permanent psychological personal injury;
- b. loss of faith;
- c. lost income and diminished earning capacity;
- d. tremendous difficulty in forming close, trusting relationships with others;
- e. impaired judgment;
- f. medical expenses incurred and likely to be incurred in the future for treatment of physical, emotional and psychological conditions.

CLAIMS FOR RELIEF

I. Constructive Fraud

123. Plaintiffs reallege and incorporate herein all previous paragraphs of this complaint.

124. A relationship of trust and confidence existed between plaintiffs, their families and defendant.

125. Defendant cultivated and encouraged the relationship of trust and confidence between plaintiffs, their families and defendant.

126. Defendant knew that the plaintiffs and their families had placed their trust and confidence in defendant, counting on defendant to provide spiritual care and guidance to plaintiffs.

127. Defendant took advantage of and abused the relationships of trust and confidence between plaintiffs, their families and defendant, as described in this complaint.

128. Defendant benefited from the abuse of their relationships of trust and confidence with plaintiffs, as described in the preceding paragraphs of this complaint.

129. Defendant's conduct described above constitutes constructive fraud.

130. As a direct and proximate result of the constructive fraud of defendant, plaintiffs have sustained substantial injuries, damages, harms and losses. Accordingly, each plaintiff is entitled to recover from defendant compensatory damages for an amount in excess of Ten Thousand Dollars (\$10,000.00).

131. The constructive fraud by defendant as described herein was willful, wanton, reckless, and intentional. Accordingly, each plaintiff is entitled to recover punitive damages of defendant in excess of Ten Thousand Dollars (\$10,000.00).

II. Breach of Fiduciary Duty

132. Plaintiffs reallege and incorporate herein all previous paragraphs of this complaint.

133. Defendant, by virtue of its position of power, influence, control and authority over parishes and parish schools, including Our Lady of the Assumption and Our Lady of the Annunciation and its school, had an obligation and non-delegable duty to provide a reasonably safe and secure environment within the parishes, parish churches, clergy, other parish employees and personnel, residences, and/or schools for all minors, including plaintiffs.

134. Defendant was entrusted with the well-being, care and safety of plaintiffs, as a result of their status as minor participants in defendant's church programs, events and activities as referred to in this complaint, and under the fiduciary relationship that resulted and existed, defendant assumed a duty to act in the best interests of plaintiffs.

135. Defendant, and its respective employees, servants, agents and/or apparent agents, and representatives, including but not limited to Kelleher, acted in the capacity of *in loco parentis* to plaintiffs at all relevant times, except for those times when plaintiffs' families were actually present.

136. At all relevant times plaintiffs and their families reposed a special trust and confidence in defendant.

137. Defendant failed to provide such an environment and failed to exercise the degree of care that a reasonably prudent person or entity would have exercised under similar circumstances.

138. By sanctioning and encouraging the entrustment of the physical, mental, emotional and spiritual safety of plaintiffs to Kelleher, defendant actually and/or impliedly accepted, assumed and ratified its fiduciary duty to protect plaintiffs because they were unable to protect themselves.

139. Defendant placed plaintiffs in the care and custody of Kelleher for the purpose, *inter alia*, of providing plaintiffs with religious instruction, training, moral and spiritual guidance, counseling and general education. Kelleher did in fact provide plaintiffs with the services that were sought. Consequently, there existed a fiduciary relationship of trust, confidence, and reliance between plaintiffs and defendant and, additionally, between plaintiffs' families and defendant.

140. Defendant was in a specialized and/or superior position to receive and did in fact receive specific information regarding misconduct by employees, servants, agents and/or apparent agents and representatives of defendant and/or persons seeking employment within the Charlotte Diocese, that was of critical significance to the well-being, care, safety and treatment of innocent victims, including but not limited to plaintiffs, and the knowledge thereof was not readily available elsewhere.

141. Defendant exercised its special and/or superior position to assume control of said knowledge and any response thereto.

142. Conversely, plaintiffs and their families were in subordinate positions of weakness, vulnerability, inequality, and lacked such knowledge as possessed by defendant, and the ability of plaintiffs and their families to monitor the use or misuse of the power or authority of defendant acting upon or responding to such knowledge was compromised, inhibited and/or restricted by defendant.

143. Defendant had a fiduciary relationship with plaintiffs and their families grounded upon the duty of good faith and fair dealing, and a duty to act with the highest degree of trust and confidence.

144. Defendant's fiduciary duty included the duty to warn and to disclose and protect plaintiffs from sexual abuse and exploitation by persons who were represented and promoted to the public and to members of the parish as being morally and spiritually upright, prudent and suitable representatives of God on earth and fit to be a priest.

145. Further, defendant's fiduciary duty included the duty to implement fully the sexual abuse policies of defendant Diocese and the laws of the State of North Carolina.

146. Defendant had the duty to act in the best interests of plaintiffs and to protect them from harm by its priests.

147. Defendant failed to act in good faith with respect to its relationships with plaintiffs and their families.

148. Plaintiffs and their families had the right to rely and did rely on representations of defendant that the personnel employed and working in the parishes and schools of the Charlotte Diocese, including our Lady of the Annunciation in Albemarle, Our Lady of the Assumption and Our Lady of the Assumption Catholic School in Charlotte were persons in

"good standing" and, further, that defendant would not tolerate criminal or immoral conduct by parish employees or personnel who presented a known threat to children and young people. Such reliance on the part of plaintiffs and their families was at all times reasonable and actively encouraged, promoted and inculcated by defendant.

149. Defendant breached its duty to plaintiffs and their families through inaction, manipulation, intimidation, evasion, intended deception and concealment, undue influence, duress, and/or otherwise, as more fully alleged in this complaint and, further, to be identified through discovery and proven at trial, resulting in injury to plaintiffs' welfare and well-being.

150. As a direct and proximate result of these breaches by defendant of its fiduciary duty owed to plaintiffs and their families, plaintiffs have sustained substantial injuries, damages, harms and losses. Accordingly, plaintiffs are each entitled to recover compensatory damages for an amount in excess of Ten Thousand Dollars (\$10,000.00).

151. The breach of fiduciary duty by defendant as described herein was willful, wanton, reckless, and intentional. Accordingly, each plaintiff is entitled to recover punitive damages of defendant in excess of Ten Thousand Dollars (\$10,000.00).

III. Fraud and Fraudulent Concealment

152. Plaintiffs reallege and incorporate herein all previous paragraphs of this complaint.

153. Defendant made false representations to and concealed material facts from plaintiffs and their families, as more fully set forth in this complaint.

154. The false representations and concealment of material fact described in this complaint were made by defendant with intent to deceive and in reckless disregard of its duty to the plaintiffs as participants in defendant's programs.

155. The false representations and concealments of materials facts by defendant described in the complaint constitute fraud.

156. As described in this complaint, plaintiffs and their families were, in fact, deceived by the false representations and concealments of material fact by defendant.

157. Plaintiffs relied on the false representations and concealments of defendant to their detriment, as such reliance led them each to believe they were the only victims of sexual abuse by Kelleher, that defendant had met and would continue to meet its fiduciary responsibilities to plaintiffs, and defendant had at all times acted in a manner that was consistent with plaintiffs' best interests.

158. Plaintiffs' reliance on the fraudulent concealment and misrepresentations of defendant was reasonable.

159. As a direct and proximate result of the fraudulent acts of defendant, plaintiffs have sustained substantial injuries, damages, harms and losses. Accordingly, each plaintiff is entitled to recover from defendant compensatory damages for an amount in excess of Ten Thousand Dollars (\$10,000.00).

160. The fraudulent acts by defendant as described herein were willful, wanton, reckless, and intentional. Accordingly, each plaintiff is entitled to recover punitive damages of defendant in excess of Ten Thousand Dollars (\$10,000.00).

IV. Negligent Supervision and Retention

161. Plaintiffs reallege and incorporate herein all previous allegations of this complaint.

162. Defendant had a duty, as employer and a religious organization, to provide a reasonably safe and secure environment for participants in its programs, including plaintiffs, whom it invited into the church parishes staffed by priests they employed and/or placed, including Kelleher.

163. Defendant, as employer and a religious organization, had a duty to all parishioners, including plaintiffs, whom it invited into church parishes staffed by their priests, including Kelleher, to provide ordinary, prudent, and reasonable supervision of these priests, including Kelleher. Defendant specifically had a duty to take all reasonable and necessary steps to protect parishioners and participants in church programs in church parishes staffed by their priests from sexual abuse and exploitation by church employees and agents, including priests, and to take steps to remedy any harm that might have occurred under their watch or as a result of their acts or failure to act.

164. At all times relevant to this complaint, defendant knew of the potential and actual dangers to children, especially young boys, in their church parishes from priests who might abuse their trust and sexually exploit, abuse, and assault these children and young people. Accordingly, defendant had a heightened duty of care to children, including plaintiffs.

165. Defendant knew or should have known, due to the problems described herein, that Kelleher had likely sexually abused other children before such time as he abused the plaintiffs

and that he had actually abused plaintiffs before he was given continuing and additional assignments within the Charlotte Diocese.

166. Defendant knew or should have known that Kelleher spent much time alone with teenage boys, often in the rectory.

167. In spite of this knowledge, defendant failed to take any steps to change its supervision of Kelleher or to keep him from spending time alone with male children. This occurred at or during a time when defendant could have prevented some or all of the sexual abuse of John Doe 1K and John Doe 2K and other potential victims.

168. Defendant also was negligent in its supervision of Kelleher in that it failed to take any steps to minimize the damages caused by Kelleher's sexual abuse of plaintiffs. Defendant continued to appoint Kelleher to serve as pastor or in other positions at parishes throughout the Charlotte Diocese, although it had knowledge of Kelleher's dangerous proclivities as described herein.

169. Defendant also intentionally failed to investigate allegations that Kelleher had abused or was abusing children when they knew or should have known that such conduct by Kelleher was occurring. If defendant had conducted a proper investigation to protect children instead of protecting priests, it would have learned plaintiffs' names and plaintiffs could have received timely treatment to mitigate the severe damage caused by Kelleher.

170. Defendant also repeatedly took actions to mislead or deceive plaintiffs, parishioners, the public, law enforcement, civil authorities and other victims about Kelleher's abuse of children by allowing him to continue to serve as a parish Priest and at Bishop McGuinness High School when they knew or should have known that he was a child molester.

171. As a direct and proximate result of the negligent supervision and retention by defendant, plaintiffs have sustained substantial injuries, damages, harms and losses. Accordingly, each plaintiff is entitled to recover compensatory damages in an amount in excess of Ten Thousand Dollars (\$10,000.00).

172. The negligent supervision and retention by defendant evidenced a reckless disregard for plaintiffs' well-being and constituted gross negligence. Accordingly, each plaintiff is entitled to recover punitive damages in excess of Ten Thousand Dollars (\$10,000.00).

V. Civil Conspiracy

173. Plaintiffs reallege and incorporate herein all previous paragraphs of this complaint.

174. Defendant, Kelleher, others who were or are employed by defendant, including but not limited to Bishop Begley, Bishop Donoghue (while he served as Bishop of the Charlotte Diocese and subsequently as Archbishop of the Archdiocese of Atlanta), Bishop Jugis, Chancellor Kerin and Chancellor West, and others who were not employed by the Defendant Diocese, agreed and conspired, either expressly or impliedly, to engage in a common scheme of misconduct and to conceal from plaintiffs, their families, and others the intentional, negligent, criminal, fraudulent and malicious acts described herein.

175. Defendant and other conspirators identified in the preceding paragraph executed this conspiracy by, among other things, failing to report suspected sexual abuse by Kelleher as required by N.C.G.S. § 7B-301 and its predecessor statutes, and committing the wrongful acts alleged in this complaint.

176. This conspiracy continued until at least 2010.

177. The conduct described above constitutes a conspiracy to obstruct justice on the part of defendant and all its co-conspirators.

178. As a direct and proximate result of the civil conspiracy described herein, plaintiffs have sustained substantial injuries, damages, harms and losses. Accordingly, each plaintiff is entitled to recover compensatory damages for an amount in excess of Ten Thousand Dollars (\$10,000.00).

179. The civil conspiracy carried out by defendant was intentional, willful, wanton, reckless and malicious. Accordingly, each plaintiff is entitled to recover punitive damages of defendant in excess of Ten Thousand Dollars (\$10,000.00)

VI. Negligent Infliction of Emotional Distress

180. Plaintiffs reallege and incorporate herein all previous paragraphs of this complaint.

181. It was reasonably foreseeable to defendant that its conduct would cause plaintiffs severe emotional distress.

182. The conduct of defendant, as referred to in this complaint did in fact cause plaintiffs severe emotional distress.

183. As a direct and proximate result of the negligent infliction of emotional distress by defendant, plaintiffs have sustained substantial injuries, damages, harms and losses. Accordingly, each plaintiff is entitled to recover compensatory damages for an amount in excess of Ten Thousand Dollars (\$10,000.00).

VII. Intentional Infliction of Emotional Distress
(Alternative Claim for Relief)

184. Plaintiffs reallege and incorporate herein all previous allegations of this Complaint.

185. The conduct of defendant described in this complaint, was extreme and outrageous.

186. The extreme and outrageous conduct of defendant indicated a reckless indifference to the likelihood that such conduct would cause severe emotional distress.

187. The conduct described in this complaint on the part of defendant did in fact cause plaintiffs severe emotional distress. .

188. As a direct and proximate result of the intentional infliction of emotional distress by defendant, plaintiffs have sustained substantial injuries, damages, harms and losses, including severe emotional distress. Accordingly, each plaintiff is entitled to recover compensatory damages for an amount in excess of Ten Thousand Dollars (\$10,000.00).

189. As a result of the intentional infliction of emotional distress by defendant, each plaintiff is entitled to recover punitive damages of defendant in excess of Ten Thousand Dollars (\$10,000.00).

VIII. Equitable Estoppel

190. Plaintiffs reallege and incorporate herein all previous allegations of this complaint.

191. Defendant is equitably estopped from relying on the assertions of any statutes of limitation due to its continuing misconduct as described in this complaint and its coming into court having continued to employ, comfort and support sexually abusing priests.

192. The conduct of defendant in deliberately discarding, destroying, altering or fraudulently concealing relevant documents and information constitutes the spoliation of evidence and gives rise to legal inferences in favor of plaintiffs with respect to the application of relevant statutes of limitations.

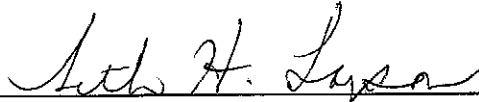
PRAYER FOR RELIEF

WHEREFORE, the Plaintiffs pray the Court:

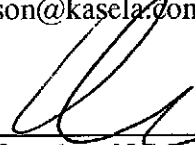
1. That both plaintiffs be granted a trial by jury;
2. That each plaintiff recover from defendant compensatory damages in excess of Ten Thousand Dollars (\$10,000.00);
3. That each plaintiff recover from defendant punitive damages in excess of Ten Thousand Dollars (\$10,000.00);
4. That both plaintiffs' damages be trebled pursuant to N.C. Gen. Stat. § 75-1.1;
5. That both plaintiffs recover from defendant reasonable attorneys' fees as the Court may allow;
6. That the costs incurred by both plaintiffs in prosecuting this action be assessed against Defendant Diocese;
7. That both plaintiffs recover prejudgment interest on all damages pursuant to N.C.G.S. § 24-5;

8. That the Court awards each plaintiff such other and further relief as it deems just and proper.

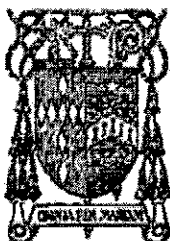
This the 23rd day of September, 2011.



Seth H. Langson, NC State Bar #9551
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BISHOP'S RESIDENCE
500 SILVER STREET
RALEIGH, NORTH CAROLINA

Most Reverend Christopher J. Weldon D.D.
Bishop of Springfield,
68 Elliot Street
Springfield Mass.

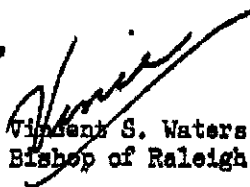
Dear Bishop Weldon:-

Last summer not too long after the new priests were ordained I had a difficulty with the young priest who has written me the enclosed letter. I found that he needed psychiatric treatment. The difficulty was boyology. I sent him home to live, and to take treatment from Rev. Jerome Hayden O.S.B. M.D. Ph. D. F.A.P.A. President Marsalin Institute, Donna Brook at Golden End, Holliston Mass.

The enclosed letter recommends that he have more priestly work, living in a Catholic Rectory. I hesitate to request help with one of my problems but I need to take every step thought necessary to help this priest. I think it is necessary that the Pastor know the conditions, and that he be prudent and wish to help. I believe that the treatment should continue until Father Hayden thinks he should return to this Diocese. Perhaps you might care to talk to Father Hayden should you be inclined to give a little help to this priest. If you think it is difficult to find such a pastor do not hesitate to say so, I will understand.

With appreciation especially for all the wonderful favors in the past especially the fine sermon you preached over Father Pearson I remain,

Sincerely in Christ,


Vincent S. Waters
Bishop of Raleigh

600448

P.s. Destroy the enclosed letter when you have read it please

EXHIBIT

Jan. 30, 1963

Most Rev. + Dear Bishop;

Thank you for your recent letter. I am sure that you found a great deal of work waiting for you upon your return from the Vatican Council. I have tried to follow the Council as closely as possible and have been most impressed with it. I think that even the secular press has been impressed and moved by it. I had the opportunity of

600444



seeing Mgr. Begley, while he was up this way for his father's funeral. It was good to hear some news of the Diocese.

As perhaps, Fr. McSwainy has mentioned, I am continuing to see Fr. Hayden each week. I have, also, been helping out in some local parishes on week-ends. This supply work does not take up a great deal of time, and it is somewhat sporadic, depending, as it does, on priests being ill or away. Further it leaves me in the position of having no particular status in the Springfield Diocese. Father Hayden feels that it is very important that I spend

more of my time doing
priestly work, and if poss-
sible, living in a Rectory.
He has asked me to quote
him as "insisting" on this.
Engaging more of my time
would, also, increase my
income and make it easier
to meet my expenses which
are considerable.

For these reasons,
would it be possible for
me to be assigned to a
parish or to some active
work in the Spring-
field Diocese, during the
time I am here seeing
Father Hayden?

I thank you again
for your kind letter,

- 4 -

and especially for your
prayers. I will continue
to remember you and
the work of the Diocese
each day.

Respectfully, in Christ,
Andrie

G00447

INTER-OFFICE MEMO

TO: Files
FROM: Father Dupre
SUBJECT: FATHER ANDRE CORBIN

DATE: May 14, 1986

I received a call from the Chancellor of the Diocese of Charlotte, North Carolina, today. He wished to inform us that there is a priest living in our area - Andre Corbin at 64 Temple Street, Springfield 01105.

Father Corbin was ordained for the Diocese of Raleigh, North Carolina, in 1961. In 1966, he was given a leave of absence by the Bishop of Raleigh, and in 1972 the Diocese of Charlotte, North Carolina, was created and Father Corbin was assigned to it, although still on leave of absence. He still has the faculties of Charlotte, North Carolina. The reasons for his leave of absence were - first, for his homosexuality, and second, charges of molestation of eighth grade boys. He was relieved of his assignment and sent for counseling and was cooperative. In the twenty years since this has taken place there are no indications that the problem continues.

The Chancery in Charlotte wished to notify us following reason:

[REDACTED] who now lives in Asheville, North Carolina, and who is thirty-four years old with a wife and two children, called recently and said twenty years ago he had been molested by Andre. He did not report it to his mother at that time, and when he finally did, his mother did not report it to the Chancery. Today, he feels after reading articles about child molestation that assert that this is a disease which is never cured but lasts a lifetime, that he feels a moral obligation to check on Andre to see if he is truly reformed. He will be coming to Massachusetts in the near future and may be contacting us.

There have been no indications or reports of any problems in this area. At present, Mr. Corbin is teaching at STCC. He is still acting as a priest on weekends, however, helping out in Osterville on Cape Cod. The Chancery in Fall River will also be contacted with this same message.

All the above information was transmitted to Bishop Maguire. It is our understanding that Father Andre Corbin has never been in contact with this Chancery or Diocese in an official manner and, therefore, is not our responsibility. He is living and working as a layman in this area. We, therefore, have no control over him. However, should any problem surface, the matter would be dealt with immediately by contacting his superiors in North Carolina.



T.L.D.
T.L.D.

GC6230

INTER-OFFICE MEMO

TO: Bishop Maguire
FROM: Father Dupre
SUBJECT: FATHER ANDRE CORBIN

DATE: November 30, 1987

██████████ called from North Carolina to find out about the status and activities of Father Corbin. He claims he was told by the Chancery in Charlotte that we were supervising Father Corbin. I told him we had no contact with him, nor he with us. As far as we are concerned, he is like a layman living in our midst. We have not given him any assignment, nor do we intend to. We certainly would never put him in a situation where he is in proximity to children.

██████████ seemed relieved and emphasized that he was not trying to be vindictive. He only wants to make sure that Father Corbin is never in a position to repeat the harm he once did to him. He indicated that he would call the Fall River Chancery also, since he understands that Father Corbin is doing weekend work there.

T.L.D.

T.L.D.

F. Dupre

*Please ask
address of attorney
Jack Egan*



606231

Bishop Maguire

December 9, 1987

Father Dupre

Father Corbin

First, I spoke to Jack Egan and he said that my response to [REDACTED] was correct. We should not indicate to anyone that we are taking supervisory responsibility for Father Corbin.

Secondly, at the suggestion of Jack Egan, I called Father McSweeney, the Chancellor of the Charlotte, North Carolina, Diocese to inform him both of the call of [REDACTED] and my response. I also reiterated to him that we had not been in contact with Father Corbin nor he with us, nor did we intend to give him an ~~argument~~ *challenge* in this diocese.

T.L.D.



G06232



Diocese of Charlotte P.O. Box 38776 Charlotte, N.C. 28238 (704) 377-8871

The Chancery

April 5, 1988

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Reverend Thomas L. Dupre, J.C.D.
Chancellor
Diocese of Springfield
P. O. Box 1730
Springfield, Massachusetts 01101

Dear Father Dupre:

RE: Father André Corbin

Bishop Donoghue has asked me to apprise you of a pending claim against Father André Corbin, a priest of the Diocese of Charlotte, who has been on a leave of absence from the Diocese of Charlotte since 1969 and is presently residing at 64 Temple Street, Springfield, Massachusetts, and is teaching psychology at Springfield College.

The Bishop has notified Father Corbin that he is to exercise no priestly ministry while this matter is pending.

With kind personal regards, I am

Sincerely yours,

Reverend John J. McWeeney, V.G.
Chancellor

JMcS/ms

600440

1524 E. Morehead Street, Charlotte, N.C. 28207

