

Small Claims County Court District Court
 Probate Court Juvenile Court Water Court
Denver County, Colorado
Court Address: 1437 Bannock Street, Denver, Colorado
80202

JANE DOE,

Plaintiff,

v.

ARCHDIOCESE OF DENVER,
a corporation sole,

Defendant.

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▲ COURT USE ONLY ▲

Case Number:

Div.:

Ctrm:

COMPLAINT

Plaintiff, JANE DOE, hereby brings this Complaint against Defendant, ARCHDIOCESE OF DENVER, as follows:

PARTIES AND JURISDICTION

1. Plaintiff JANE DOE is an adult female who resides in Sterling, Colorado. Plaintiff is identified in this lawsuit by the pseudonym JANE DOE (“JANE”) in that this case involves childhood sexual abuse of the utmost intimacy. Plaintiff is seeking compensatory damages in excess of ten million dollars in this lawsuit.

2. Defendant ARCHDIOCESE OF DENVER (the “ARCHDIOCESE”) is a corporation sole responsible for the interests of the Roman Catholic Church (“The Church”) in northern Colorado.

3. At all material times, Father Harold Robert White (“Father White”) was a Catholic priest assigned by the ARCHDIOCESE to serve as pastor or assistant pastor at various parishes within the ARCHDIOCESE. At all time material times, Father White was an agent and/or employee of the ARCHDIOCESE OF DENVER. White was removed from clerical status in 2004.

4. Upon information and belief, ARCHDIOCESE’S principal place of business is within the City and County of Denver, making venue proper.

BACKGROUND

5. The Church offers many opportunities for minors and families to become active and involved in Church activities. As a result, priests and clergy have abundant and frequent contacts with minors, individually and in groups.

6. Because of the opportunities to be with minors, The Church attracts many truly caring and giving individuals; however, at the same time, service in The Church attracts an extraordinary number of pedophiles, child molesters and sex abusers.

7. Officials and religious figures at the highest levels of The Church are well aware of the attraction of The Church to those who will do serious harm to minors.

8. Such persons who will do serious harm to minors seek employment by The Church as clergy, where they will obtain privacy with minors and control over them. As religious figures, they wield enormous influence over minors, who are required to address them as “Father” or such other terms connoting love and authority.

9. Religious figures in The Church are bestowed with an heir of infallibility, and are considered conduits for parishioners to make a connection with the deity and live more meaningful lives.

10. As a result, when these seemingly infallible holy men commit unspeakable, perverted sexual acts with minors, it has an extraordinarily traumatic effect on the victims, psychologically and emotionally.

11. Instead of exercising due care and diligence to protect minors under these circumstances from the serious harm described above, The Church gives clergy complete discretion and freedom to have personal and private encounters with minors. At the same time, The Church has done nothing to screen abusers or protect minors from the sexual predators who infiltrate its ranks.

12. Quite the opposite, The Church has gone to great lengths to protect “its own.” It is the custom, policy and practice of the Roman Catholic Church, through its cardinals, bishops, priests and other officials and agents, to conceal instances of child sexual abuse and complaints by victims. It zealously maintains the secrecy of the horrifying truth of rampant child sexual abuse in The Church, by among other things:

- Failing to disclose complaints to law enforcement officials, parishioners and the public;
- Maintaining secret archives and files of evidence of sex abuse, accessible only to bishops;
- Instructing Church officials in destruction of incriminating documents and spoliation of evidence regarding sexual abuse by clergy;

- Transferring sex offending clergy to The Church facilities in other locations where their pasts would not be known to parishioners, and the abusers would have a “fresh start” with a new group of vulnerable children;
- Threatening and coercing victims and their families to withdraw complaints and retract allegations of sexual abuse;
- Paying “hush money” to victims and their families, in exchange for promises of non-disclosure and confidentiality.

13. Each of the acts and practices set forth above are done to protect and shelter the abuser; obstruct justice; conceal criminal conduct; evade prosecution; avoid being compelled by criminal and civil courts to turn over information or allegations regarding child sexual abuse; avoid public awareness and scandal about pedophile clergy; and avoid financial loss.

14. The Church’s conduct is outrageous given the enormous trust and confidence placed in its religious figures. The Church actively solicits and encourages this trust and confidence from parishioners and the public.

SEXUAL ABUSE OF JANE DOE

15. JANE was born in 1959 and raised as a Catholic.

16. During JANE’s youth, Father White was her pastor at St. Anthony Catholic Church in Sterling, Colorado. When JANE was seven years old, she attended Catholic school, where she was taught by Sister Aloysius Marie. On one occasion, Sister Aloysius Marie observed JANE misbehaving and instructed her to speak with the pastor, Father White, about the appropriate discipline.

17. When JANE approached the pew, Father White instructed JANE to spread her legs and push a ruler into her vagina until it started to hurt.

18. Father White then led JANE up a ladder into the attic of the church where he proceeded to sexually assault JANE and forced JANE to touch his penis.

19. Upon information and belief, Father White's abuse of JANE continued for approximately two more years. JANE is undergoing therapy to recall events during this traumatic period of life which she had blocked out of her memory.

20. At the time she was abused, JANE and her parents were unaware that the ARCHDIOCESE had previously received other allegations that Father White sexually abused minors. Thus, despite diligent inquiry, JANE and her parents were also unaware that the ARCHDIOCESE's failure to take any action against FATHER WHITE contributed to JANE's abuse by FATHER WHITE.

21. The ARCHDIOCESE concealed information that was pertinent and necessary for JANE to bring civil claims in this matter. For instance, young parishioners at St. Catherine in Denver and St. Mary's in Colorado Springs, where Father White was an assistant pastor, reported Father White's sexual abuse to ARCHDIOCESE officials in the early-to-mid 1960's.

22. After finding out about Father White's abuse, the ARCHDIOCESE actively took steps to conceal the abuse in order to protect Father White, conceal the Archdiocese's own wrongdoing in supervising Father White, and prevent JANE and other victims of Father White from filing a civil lawsuit.

23. Father White and JANE were in a fiduciary relationship. Father White held a special position of trust and confidence with JANE. JANE looked to Father White for counseling and guidance.

24. The ARCHDIOCESE was in a fiduciary relationship with JANE. The ARCHDIOCESE was in a position of trust and confidence with JANE. JANE looked to the ARCHDIOCESE and its representatives for counseling and guidance. In addition, the ARCHDIOCESE knew that JANE had a special and privileged relationship with Father White. The ARCHDIOCESE owed JANE a fiduciary duty to:

- (a) Investigate and warn JANE of the potential for harm from Father White;
- (b) Disclose its awareness of facts regarding Father White that created a likely

potential for harm;

- (c) Disclose its own negligence with regard to hiring, supervision, assignment, and retention of Father White;
- (d) Provide a safe environment for JANE where she would be free from abuse; and
- (e) Protect JANE from exposure to harmful individuals like Father White.

25. The ARCHDIOCESE breached its fiduciary duty to JANE by failing to:

- (a) Investigate and warn JANE of the potential for harm from Father White;
- (b) Disclose its awareness of facts regarding Father White that created a likely potential for harm;
- (c) Disclose its own negligence with regard to hiring, supervision and retention of Father White;
- (d) Provide a safe environment for JANE where she was free from abuse; and
- (e) Protect JANE from exposure to harmful individuals like Father White.

26. The ARCHDIOCESE actively and fraudulently concealed information pertinent and relevant to claims relating to the sexual abuse in this matter for the purpose of protecting itself from civil liability and evading same.

NEGLIGENCE

27. Plaintiff repeats and re-alleges Paragraphs 1 through 26 above.

28. At all material times, the ARCHDIOCESE owed a duty to Plaintiff to use reasonable care to ensure the safety, care, well being and health of the minor JANE while he was under the care, custody or in the presence of the ARCHDIOCESE and/or its agents. The ARCHDIOCESE's duties encompassed the hiring, retention and/or supervision of Father White and otherwise providing a safe environment for JANE.

29. The ARCHDIOCESE breached these duties by failing to protect the minor JANE from sexual assault and lewd and lascivious acts committed by the agent and/or employee of the

ARCHDIOCESE, Father White.

30. At all relevant times, the ARCHDIOCESE knew or in the exercise of reasonable care should have known that Father White was unfit, dangerous, and a threat to the health, safety and welfare of the minors entrusted to his counsel, care and protection.

31. Despite such actual or constructive knowledge, the ARCHDIOCESE provided Father White unfettered access to JANE and gave him unlimited and uncontrolled privacy.

32. At all relevant times, the ARCHDIOCESE created an environment which fostered child sexual abuse against children it had a duty to protect, including JANE.

33. At all relevant times, the ARCHDIOCESE had inadequate policies and procedures to protect children it was entrusted to care for and protect, including JANE.

34. As a direct and proximate result of the ARCHDIOCESE's negligence, JANE suffered severe and permanent psychological, emotional and physical injuries, including but not limited to shame, humiliation and the inability to lead a normal life.

WHEREFORE, the Plaintiff, JANE DOE, prays that judgment be entered in her favor and against the Defendant, ARCHDIOCESE OF DENVER, for compensatory damages, costs, expert witness fees, deposition expenses, pre-judgment and post-judgment interest and for such other and further relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial in this action.

Dated: September 7, 2005.

Respectfully submitted,
LAW FIRM OF ALAN G. MOLK
By: Duly signed original in office of Alan G. Molk
Alan G. Molk, #10988

-and-

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