



**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL
WILL COUNTY, ILLINOIS**

JOHN DOE,)	
)	
Plaintiff,)	
)	
vs.)	No. 2013L391
)	
ROMAN CATHOLIC DIOCESE OF JOLIET, a Trust;)	
)	
Defendant.)	

COMPLAINT AT LAW

NOW COMES the Plaintiff, JOHN DOE, by and through his attorneys, HURLEY, McKENNA & MERTZ, P.C., and as his Complaint at Law against the defendant, ROMAN CATHOLIC DIOCESE OF JOLIET (hereinafter referred to as “DIOCESE OF JOLIET”), states as follows:

PARTIES

1. At all relevant times, Plaintiff JOHN DOE was born a minor, born in 1963.
2. MYLES WHITE was ordained a Roman Catholic Priest on May 28, 1968.
3. MYLES WHITE served at various parishes in the DIOCESE OF JOLIET from 1968 until 1992, when he was removed from ministry. MYLES WHITE is listed on the DIOCESE OF JOLIET’s website as a priest who has at least one credible allegation of sexual abuse of a child made against him while serving in the Diocese of Joliet. Upon information and belief, MYLES WHITE died in 2012.
4. Between 1968 and 1992, including but not limited to the years 1978 through 1979, MYLES WHITE was under the direct supervision and control of the DIOCESE OF JOLIET, its officials, Bishops, and its agents and supervisors.

Initial case management set for		
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FACTS COMMON TO ALL COUNTS

5. THE DIOCESE OF JOLIET, through its agents, invited families, including the family of Plaintiff, to send their young children to school at various parish schools, including without limitation St. Boniface Catholic Church in Monee, Illinois.

6. Thus, the DIOCESE OF JOLIET was in the business of educating young children from kindergarten to eighth grade and beyond in Archdiocesan schools.

7. The DIOCESE OF JOLIET charged parents, including Plaintiff's family, fees to educate young children in the schools and/or programs of the DIOCESE OF JOLIET.

8. Thus, the children attending schools were invitees; or in the alternative were business invitees of the DIOCESE OF JOLIET.

9. Between 1978 and 1979, St. Boniface Catholic Church was operated and controlled by employees and agents of the DIOCESE OF JOLIET.

10. At all times relevant herein, the DIOCESE OF JOLIET, owned, operated and controlled the premises commonly known as the rectory, the church and the school associated with St. Boniface Catholic Church.

11. When Plaintiff was in grade school, he attended catechism school (CCD) at St. Boniface Catholic Church, a school owned and/or operated by defendant DIOCESE OF JOLIET.

12. During the time that young children, including Plaintiff, attended educational programs, including catechism schools of the DIOCESE OF JOLIET, including St. Boniface Catholic Church, the DIOCESE OF JOLIET had exclusive control over the children.

13. The DIOCESE OF JOLIET, through its agents, invited families, including the family of Plaintiff, to attend church services at parishes and invited young boys to serve as alter

boys during church services at parishes throughout the Diocese, including without limitation St. Boniface Catholic Church.

14. Thus, the children attending church services and serving as alter boys during church services were invitees; or in the alternative were business invitees of the DIOCESE OF JOLIET.

15. During the time that young children, including Plaintiff, served as alter boys at parishes of the DIOCESE OF JOLIET, including St. Boniface Catholic Church, the DIOCESE OF JOLIET had exclusive control over the children.

16. At all times relevant herein, including 1978 to 1979, Plaintiff served as an alter boy at St. Boniface Catholic Church, a parish owned and/or operated by defendant DIOCESE OF JOLIET.

17. The DIOCESE OF JOLIET held itself out to Plaintiff JOHN DOE, then a minor, and his parents that it stood and acted in place of the parents of minor children, and thus the DIOCESE OF JOLIET held itself out to Plaintiff and his parents as acting **in loco parentis** while Plaintiff was enrolled in catechism school (CCD) at St. Boniface Catholic Church.

18. The DIOCESE OF JOLIET held itself out to Plaintiff JOHN DOE, then a minor, and his parents that it stood and acted in place of the parents of minor children, and thus the DIOCESE OF JOLIET held itself out to Plaintiff and his parents as acting **in loco parentis** while Plaintiff was serving as an alter boy at St. Boniface Catholic Church.

19. While Plaintiff attended catechism school (CCD) at St. Boniface Catholic Church, the DIOCESE OF JOLIET had exclusive custody and control of Plaintiff under such circumstances as to deprive his parents of their normal opportunities for protection of their then minor son. This protection is similar to that which a mother or father would exhibit to a newborn

or young child. This includes, without limitations, the deprivation of a parent of their normal opportunity to protect their child from the sexual abuse of a predator or pedophile.

20. While Plaintiff served as an alter boy at St. Boniface Catholic Church, the DIOCESE OF JOLIET had exclusive custody and control of Plaintiff under such circumstances as to deprive his parents of their normal opportunities for protection of their then minor son. This protection is similar to that which a mother or father would exhibit to a newborn or young child. This includes, without limitations, the deprivation of a parent of their normal opportunity to protect their child from the sexual abuse of a predator or pedophile.

21. While Plaintiff attended catechism school (CCD) at St. Boniface Catholic Church, the DIOCESE OF JOLIET had exclusive custody and control of Plaintiff under such circumstances, and the DIOCESE OF JOLIET had a fiduciary duty to Plaintiff, acting as a protector of a minor ward Plaintiff's age. As an entity exercising exclusive custody and control of a minor boy such as Plaintiff, the DIOCESE OF JOLIET had a special duty to anticipate danger; and to exercise reasonable diligence to protect Plaintiff and other children from groups or individuals of notoriously dangerous character.

22. While Plaintiff served as an alter boy at St. Boniface Catholic Church, the DIOCESE OF JOLIET had exclusive custody and control of Plaintiff under such circumstances, and the DIOCESE OF JOLIET had a fiduciary duty to Plaintiff, acting as a protector of a minor ward Plaintiff's age. As an entity exercising exclusive custody and control of a minor boy such as Plaintiff, the DIOCESE OF JOLIET had a special duty to anticipate danger; and to exercise reasonable diligence to protect Plaintiff and other children from groups or individuals of notoriously dangerous character.

23. Specifically, the DIOCESE OF JOLIET knew or reasonably should have known that a group of notoriously dangerous characters, namely predatory and pedophile priests, served in active ministry in the DIOCESE OF JOLIET in the years before, during and after 1978. These predatory priests were in the habit of sexually abusing juvenile boys and girls within the DIOCESE OF JOLIET, a fact the DIOCESE OF JOLIET knew or reasonably should have known. As a result, the DIOCESE OF JOLIET owed a duty to all the youth of the DIOCESE OF JOLIET, including Plaintiff, and Plaintiff's parents, to exercise due diligence to ascertain and anticipate dangers and make careful preparation to give Plaintiff effective protection, when the need would arise, from such predatory or pedophile priests serving in active ministry in the DIOCESE OF JOLIET.

24. In addition, the DIOCESE OF JOLIET armed with the knowledge of the preceding paragraph, would be under an affirmative duty to interfere and intervene when it knew or reasonably should have known of such predatory conduct; and would also have the duty to be reasonably vigilant in the supervision of the juveniles over which it had exclusive control so as to ascertain when such predatory conduct was about to occur.

25. During the time that MYLES WHITE was a priest at St. Boniface and as a result of the affiliation Plaintiff had with the Roman Catholic Church and the DIOCESE OF JOLIET, a special fiduciary relationship of human, religious and spiritual trust developed between Plaintiff, and MYLES WHITE and defendant DIOCESE OF JOLIET, with concomitant *in loco parentis* duties, including providing a safe haven for Plaintiff by providing for his physical and emotional care and safety. As a result of representations made by defendant DIOCESE OF JOLIET and MYLES WHITE and because the DIOCESE OF JOLIET and its agents held themselves out as counselors and instructors on matters that were spiritual, moral and ethical, Plaintiff placed great

trust in the DIOCESE OF JOLIET and its priests so that the DIOCESE OF JOLIET gained control and influence over Plaintiff, and therefore defendant DIOCESE OF JOLIET entered into a fiduciary relationship with the Plaintiff.

26. Defendant's fiduciary relationship with the Plaintiff established upon defendant a duty of good faith, fair dealing and the duty to act with the highest degree of trust and confidence. This fiduciary relationship includes the duty to warn and to disclose and the duty to protect children from sexual abuse and exploitation by Catholic priests whom the defendant promotes as being celibate and chaste representatives of God on earth and whom the DIOCESE OF JOLIET holds out to parishioners as safe, trustworthy community members. Defendant's fiduciary relationship with Plaintiff was based upon justifiable trust on Plaintiff's side and superiority and influence on defendant's side.

27. The local leaders of defendant DIOCESE OF JOLIET were in a specialized or superior position to receive and did receive specific information regarding misconduct by priests and other agents and employees that was of critical importance to the well-being, protection, care and treatment of innocent victims, including the Plaintiff. This knowledge was not otherwise readily available. Defendant DIOCESE OF JOLIET exercised its special or superior position to assume control of said knowledge and any response thereto.

28. Plaintiff was in a subordinate position of weakness, vulnerability, and inequality and was lacking knowledge. Further, the ability of Plaintiff or his family to monitor the use or misuse of the power and authority of defendant DIOCESE OF JOLIET and MYLES WHITE was compromised, inhibited or restricted by the DIOCESE OF JOLIET and MYLES WHITE.

29. Defendant DIOCESE OF JOLIET had a secular standard of fiduciary duty which it breached by failing to act upon, or insufficiently acting upon or responding to, information

which it had obtained by virtue of its superior status, known only or secretly to them, that was indicative or highly suggestive of a pattern of wrongful, unlawful or criminal behavior of MYLES WHITE and its other priests. Defendant DIOCESE OF JOLIET breached this duty, as well as other duties, through inaction, manipulation, intimidation, evasion, intended deception, undue influence, duress or otherwise, as more fully described and set forth elsewhere in this Compliant, resulting in negative consequences to the welfare and well-being of Plaintiff.

30. By tradition, Roman Catholics, including Plaintiff, are taught to hold priests in the highest esteem as earthly representatives of God, and that priests, unlike lay people, belong to separate and higher station in life, the so called “clerical state,” which it represents to be of divine origin and which it represents entitles them to special privileges. For these and other reasons relating to the practices of Church, priests and other persons in leadership positions in the Church have traditionally occupied a position of great trust and allegiance among the parents and youth of Illinois, including Plaintiff.

31. As part of this traditional reverence of Church clergy, Plaintiff and his parents were instructed and indoctrinated by the DIOCESE OF JOLIET as children to show obedience to priests, including MYLES WHITE, and were taught to believe and did believe that it would be “sinful” or wrong to make any kind of accusation against a priest or a bishop. Additionally, Plaintiff and his parents were instructed and believed that priests and Bishops follow their vow or promise of celibacy and chastity and could not and would not engage in conduct considered sexual, or evil or wrong. Plaintiff and his parents relied upon these teachings and incorporated them into Plaintiff’s religious beliefs and practices.

32. Plaintiff and his parents had the right to rely and did rely, on the representations and teachings of the Church and defendant DIOCESE OF JOLIET including, but not limited to,

representations regarding priests in general and MYLES WHITE in particular (including the representation that MYLES WHITE was a priest in “good standing”). Plaintiff and his parents also expected and believed that the Church and defendant DIOCESE OF JOLIET would not tolerate criminal misconduct that represented a known threat to children by any priest. Accordingly, Plaintiff and his parents also relied on defendant DIOCESE OF JOLIET’s omissions and silence.

33. The Church and defendant DIOCESE OF JOLIET created the misperception in the mind of Plaintiff and his parents and others that Plaintiff and other children were safe with priests in general and with MYLES WHITE in particular. In fact, Plaintiff was a victim of a known and preventable hazard that the Church, the DIOCESE OF JOLIET and MYLES WHITE created and allowed to continue.

34. Further, as a result of the early instruction and indoctrination described herein, Plaintiff and his parents believed that defendant DIOCESE OF JOLIET was unaware and uninvolved in facilitating the criminal sexual behavior of its priests, and the wide-ranging efforts of defendant DIOCESE OF JOLIET to conceal that criminal conduct from Plaintiff, his family and all parishioners.

35. **Knowledge of the DIOCESE OF JOLIET of Predator and Pedophile Priests:** At the time Plaintiff attended catechism school (CCD) at St. Boniface Catholic Church, and no later than the year 1978, the DIOCESE OF JOLIET, including members of its hierarchy and its officials, had actual knowledge that Catholic priests sexually abused minor parishioners within the DIOCESE OF JOLIET.

36. In the alternative, no later than the year 1978, the DIOCESE OF JOLIET should have known that Catholic priests, specifically MYLES WHITE, sexually abused young boys

attending schools and programs operated by the DIOCESE OF JOLIET, including but not limited to St. Boniface.

37. No official or agent of the DIOCESE OF JOLIET has ever warned Plaintiff, his parents or others similarly situated, of such a problem of predatory and pedophile priests having infected the active ministry of the DIOCESE OF JOLIET's priests when Plaintiff attended school and/or programs operated by the DIOCESE OF JOLIET and St. Boniface.

38. The DIOCESE OF JOLIET had a pattern and practice of hiding and non-disclosing facts that pedophile and predatory priests served in active ministry in the DIOCESE OF JOLIET.

39. The DIOCESE OF JOLIET had a pattern and practice of secretly transferring predatory priest in and out of the State of Illinois; and in and out of the DIOCESE OF JOLIET to the detriment of Plaintiff, his parents and all parishioners of the DIOCESE OF JOLIET.

40. Defendant DIOCESE OF JOLIET knew or should have known of the pedophilic behavior of its priests assigned to St. Boniface before Plaintiff was first sexually abused by MYLES WHITE in 1978.

41. Defendant DIOCESE OF JOLIET failed to act on its knowledge regarding the pedophilic behavior of its priests assigned to St. Boniface in and prior to 1978.

42. Defendant DIOCESE OF JOLIET's failure to act on its knowledge regarding the pedophilic behavior of its priests assigned to St. Boniface in and prior to 1978 increased the likelihood that Plaintiff would be harmed. Defendant DIOCESE OF JOLIET's failure to act on that knowledge also contributed to Plaintiff's inability to have any knowledge of the wrongful nature of the events.

43. As of 1978, when Plaintiff was first sexually abused by MYLES WHITE, the DIOCESE OF JOLIET had abandoned, or in the alternative, had failed to fully follow its own procedures with respect to the voluntary undertaking described herein.

44. **Various Church Documents Which Confirm a Voluntary Undertaking to Prevent the Crime of Solicitation and Sexual Abuse:** The DIOCESE OF JOLIET voluntarily undertook a duty to protect persons like Plaintiff from being sexually abused by priests employed by the defendant DIOCESE OF JOLIET.

45. The DIOCESE OF JOLIET possessed various other documents which confirmed that the DIOCESE OF JOLIET voluntarily undertook a duty to prevent the crime of sexual abuse of minors and other persons. These include, without limitations, various portions of the Code of Canon Law, under which the DIOCESE OF JOLIET operated, such Code which was first formulated in 1917, and remained in force until 1983.

46. When Plaintiff, at 15-16 years of age, was present at the residence of MYLES WHITE on Mission Drive in University Park, Illinois, Plaintiff came under the exclusive custody and control of the employees and agents of the DIOCESE OF JOLIET.

47. When Plaintiff, at 15-16 years of age, was present at the residence of MYLES WHITE on Mission Drive in University Park, Illinois, MYLES WHITE, an employee and agent of the DIOCESE OF JOLIET, was in charge of, or otherwise supervised, the children present at the residence, including but not limited to, feeding, sheltering, disciplining, and other supervisory duties.

48. At various times throughout 1978 and 1979, MYLES WHITE served as the supervisor of several young boys that were present at the residence of MYLES WHITE on Mission Drive in University Park, Illinois. While at the residence, MYLES WHITE provided the

boys with alcohol and allowed them to drink as many alcoholic beverages as they wished. On several occasions, after drinking several of the alcoholic beverages provided by MYLES WHITE, Plaintiff passed out at the residence on Mission Drive. Plaintiff awoke the next morning in MYLES WHITE's bed, wearing only his underwear even though he had fallen asleep wearing all of his clothes.

49. The DIOCESE OF JOLIET knew or should have known prior to 1978 that MYLES WHITE was a predatory or pedophile priest and prevented him from supervising minor children.

50. The DIOCESE OF JOLIET knew or should have known about the inappropriate and illegal activities that occurred at the residence of MYLES WHITE on Mission Drive in University Park, Illinois in 1978.

51. In approximately summer of 1979, Plaintiff was again present at the residence of MYLES WHITE on Mission Drive in University Park, Illinois. Plaintiff was again supervised by MYLES WHITE, then a priest at St. Boniface.

52. In approximately summer of 1979, MYLES WHITE served as the supervisor of several young boys that were present at the residence of MYLES WHITE on Mission Drive in University Park, Illinois. While at the residence, MYLES WHITE again provided the boys with alcohol. On this occasion during the summer of 1979, after a day of drinking alcohol provided by MYLES WHITE, Plaintiff began feeling sick and attempted to go to sleep in the guest bedroom at the residence on Mission Drive. However, MYLES WHITE directed Plaintiff to MYLES WHITE's bedroom, where Plaintiff passed out on the bed. Plaintiff awoke in the middle of the night with MYLES WHITE lying next to Plaintiff in bed with his hands inside Plaintiff's underwear, grabbing Plaintiff's penis. Plaintiff rolled to his side and approximately five minutes

later, MYLES WHITE again put his hands inside Plaintiff's underwear and grabbed Plaintiff's penis. MYLES WHITE told Plaintiff that he was dreaming and that what he was doing to Plaintiff was okay and not harmful.

53. When MYLES WHITE was molesting Plaintiff as stated above, Plaintiff was 15 or 16 years old, was under the influence of alcohol provided to him by MYLES WHITE, did not understand what was occurring, and believed that he could not tell anyone about MYLES WHITE's behavior.

54. Further, when MYLES WHITE was molesting Plaintiff, as stated above, MYLES WHITE gave the appearance of authority to Plaintiff and stood **in loco parentis** and as the Plaintiff's spiritual leader.

55. Due to shame, embarrassment, fear, and psychological trauma JOHN DOE suppressed the memory of his abuse and was unaware of the injury he suffered as a result of the sexual molestation.

56. Plaintiff continued to repress his memory of the abuse throughout his adult life, suffering greatly as a result of the repression.

57. It was not until after March of 2013, that JOHN DOE discovered that he was repressing the memories of his abuse and discovered his injuries.

58. In approximately March of 2013, after Plaintiff discovered a news story regarding the cover-up of a local priest's sexual abuse of numerous children, he first became aware of the potential involvement of the DIOCESE OF JOLIET in the concealment and facilitation of his abuse by MYLES WHITE.

59. **Fraudulent Misrepresentation and Non-Disclosure of Predatory and Pedophile Priests by DIOCESE OF JOLIET Officials:** The DIOCESE OF JOLIET, through

its bishops, priests, employees, agents, officials and attorneys, has had actual knowledge that predatory and pedophile priests have been an active and unrestricted ministry in the U.S. Roman Catholic Church in general, and within the DIOCESE OF JOLIET specifically, at all relevant times between at least 1978 and the present.

60. Additionally, the DIOCESE OF JOLIET had actual or constructive knowledge that MYLES WHITE routinely took minor parishioners to his residence on Mission Drive, supplied those minor parishioners with alcoholic beverages, and sexually abused those parishioners at all relevant times between at least 1978 and the present.

61. Armed with the above knowledge, the DIOCESE OF JOLIET hid the information from its parishioners, including Plaintiff and his parents, up to and including the present.

62. In each of the years between at least 1978 and the date of the filing of this complaint, the DIOCESE OF JOLIET has misrepresented and under-reported the true nature and number of predatory and pedophile priests that have served in active ministry in the DIOCESE OF JOLIET. The DIOCESE OF JOLIET has had and presently does have a financial incentive to misrepresent and non-disclose the true nature and scope of this problem of predatory and pedophile priests, as more particularly described below. The DIOCESE OF JOLIET continues to non-report pedophile priests who have served in active ministry in the DIOCESE OF JOLIET, if such priests were in an Order.

63. In addition, there have been other specific instances and patterns of under reporting, non-disclosure and misrepresentation by the DIOCESE OF JOLIET, of the true nature and extent of pedophile and predatory priests who have served in the DIOCESE OF JOLIET.

64. Because of its “Assumed Duty” described above, and because of its “Special Relationship” with school children and minor parishioners over whom it had exclusive control

and custody, the DIOCESE OF JOLIET had a duty to disclose all that it knew, or reasonably should have known about predatory and pedophile priests. The DIOCESE OF JOLIET had a duty to Plaintiff and his parents to be candid about such a problem of predatory and pedophile priests; and had similar duty not to downplay, under-report, or otherwise mis-inform or non-disclose facts regarding these issues to Plaintiff and his parents.

65. Because of its “Assumed Duty” described above, and because of its “Special Relationship” with school children and minor parishioners over which it had exclusive control and custody, and as a result of the fiduciary relationship between Plaintiff, the DIOCESE OF JOLIET, and MYLES WHITE, the DIOCESE OF JOLIET had a duty to contact Plaintiff and his parents and disavow MYLES WHITE’s representations that the abuse was correct, proper, and/or authorized by the Church.

66. The failure of the defendant DIOCESE OF JOLIET to take any action regarding MYLES WHITE’s sexual abuse of Plaintiff is consistent with its decades-long practice of failing to respond to credible allegations of sexual abuse. On numerous occasions since at least 1978, the DIOCESE OF JOLIET received credible allegations of sexual abuse but failed to take the actions necessary to properly investigate the allegations. On information and belief, the DIOCESE OF JOLIET engaged in a pattern and practice of purposefully hiding claims of sexual abuse, including the frequent transfer of priests accused of pedophilic behavior, to protect its reputation and avoid the scandal and civil liability that would result if parishioners and the public at large were aware of the incidents of pedophilia in the church community.

67. The DIOCESE OF JOLIET did not take appropriate action to safeguard the children of the DIOCESE OF JOLIET. On information and belief, on numerous occasions, the DIOCESE OF JOLIET transferred priests accused of inappropriate behavior toward a minor

from one assignment to another, without disclosing any information about the priest's behavior to anyone in the community or to law enforcement officials. Additionally, the DIOCESE OF JOLIET knowingly accepted known child molesters into the DIOCESE OF JOLIET and assigned them to ministries without warning anyone in the community of pedophilic behavior of these priests. Instead, the DIOCESE OF JOLIET assured parishioners that pedophilic and predatory priests were trustworthy and upstanding community members.

68. Defendant DIOCESE OF JOLIET created the misperception in the mind of Plaintiff and his parents and others that he and other children were safe with the DIOCESE OF JOLIET's priests in general and with MYLES WHITE in particular. At no time during the period in question did defendant DIOCESE OF JOLIET have in place an effective system or procedure to supervise or monitor priests' abstinence from sexual activity or pre-sexual grooming of children in the DIOCESE OF JOLIET to prevent or minimize the risk of sexual contact with minors. Nor did defendant DIOCESE OF JOLIET employ reasonably sufficient procedures for testing and screening priests for dangerous sexual proclivities, such as those shown by MYLES WHITE.

69. If defendant DIOCESE OF JOLIET and its agents had not misrepresented or concealed the true nature of predatory and pedophile priests in the DIOCESE OF JOLIET, Plaintiff would have discovered earlier, and within the limitation period (whatever that may be held to in this case) that he had suffered damages as a result of the abuse and/or that the DIOCESE OF JOLIET was responsible and liable for the abuse and damages he suffered; and therefore would have filed his cause of action (a) before his 18th birthday; (b) in less than 2 years after of his 18th birthday; or (c) earlier than he did without the aid of any applicable Discovery Rule.

70. Because of the DIOCESE OF JOLIET's misrepresentation and concealment, Plaintiff (a) was unaware of his claim when he turned 18; (b) did not know the DIOCESE OF JOLIET had done something wrong at any time until approximately March of 2013, and because of the misrepresentation and concealment of the DIOCESE OF JOLIET, was otherwise not aware of his injury or the cause of his injury until approximately March of 2013.

71. **Detrimental Reliance:** Before, during and after 1978 to 1979, Plaintiff and his parents detrimentally relied on the false statements and non-disclosures of the DIOCESE OF JOLIET about predatory and pedophile priests serving in the DIOCESE OF JOLIET.

72. If the parents of Plaintiff were informed by defendant DIOCESE OF JOLIET prior to 1978 that the DIOCESE OF JOLIET knew or reasonably should have known at that time about pedophile priests working for and/or on behalf of the defendant, they would not have permitted Plaintiff, their then minor son, to be alone with any priest at St. Boniface, including MYLES WHITE.

73. **The DIOCESE OF JOLIET had a financial incentive to withhold facts about predatory and pedophile priests:** If the DIOCESE OF JOLIET were to disclose the true extent of predatory pedophile priests described above, collections from church members to the DIOCESE OF JOLIET in the form of cash, pledges, bequests under Wills, Trusts and Estate Plans would significantly diminish.

74. Thus, one of the reasons the DIOCESE OF JOLIET misrepresented or failed to disclose that agents and/or employees of the DIOCESE OF JOLIET, generally, and MYLES WHITE in particular, could be dangerous to minors, and failed to disclose the true nature and extent of predatory and pedophile priests, was not because it did not have knowledge of such misconduct. Rather, the reason for the misrepresentation and non-disclosure by the DIOCESE

OF JOLIET was because such disclosure would put the DIOCESE OF JOLIET at significant risk of losing millions of dollars per year in the form of donations, pledges or other inflows of cash or cash equivalents.

75. At no time before approximately March of 2013 did Plaintiff know, nor reasonably should have known that he was injured in any way, or that he had been the victim of any wrongful conduct, on the part of defendant DIOCESE OF JOLIET.

76. **Damages:** As a direct result of MYLES WHITE's sexual abuse, and the fraudulent and wrongful conduct of defendant DIOCESE OF JOLIET, Plaintiff has suffered and continues to suffer severe and permanent emotional distress, anger, terror, embarrassment, loss of self-esteem, disgrace, humiliation, loss of enjoyment of life, loss of religious faith, difficulty in practicing his religion through the Church, severe psychological injury and deprivation of earning capacity reasonably certain to occur in the future, and has incurred and will continue to incur expenses for psychological treatment, therapy and counseling.

77. **Equitable Estoppel:** First, as more particularly described above, the DIOCESE OF JOLIET misrepresented and concealed material facts about the true nature of predatory and pedophile priests in DIOCESE OF JOLIET.

78. Second, the DIOCESE OF JOLIET knew at the time the representations were made, and when the concealment occurred, that they were untrue.

79. Third, at no time did Plaintiff know that the representations made by the DIOCESE OF JOLIET were untrue.

80. Fourth, the DIOCESE OF JOLIET intended to reasonably expect the representation to be acted upon by Plaintiff, an abused person, and his parents and by other victims of sexual abuse by a priest.

81. Fifth, Plaintiff and his parents reasonably relied upon the representations of the DIOCESE OF JOLIET in good faith and to their detriment; and

82. Sixth, Plaintiff has been prejudiced by his reliance on the representations of the DIOCESE OF JOLIET and fraudulent misrepresentation of the DIOCESE OF JOLIET described above.

83. As a result, the DIOCESE OF JOLIET should be equitably estopped from asserting any statute of limitation defense.

COUNT I
Special Relationship: Duty of Persons Having Custody of Another –
Restatement of Torts (Second) §314A(4), § 320

Plaintiff, JOHN DOE, complains of the defendant, DIOCESE OF JOLIET as follows:

1-83. Plaintiff incorporates Paragraphs 1 through 83 of this Complaint as if fully set forth herein.

84. The allegations of fact and law above confirm that the DIOCESE OF JOLIET had a special relationship and duty to intervene and protect Plaintiff consistent with the Restatement of Torts (Second), sec. 314 (A)(4) and sec. 320; and as more particularly described above regarding a person or entity who has exclusive custody or control of a minor boy.

85. Because the DIOCESE OF JOLIET voluntarily took custody of Plaintiff under circumstances described above which deprived him, and his parents, of their normal powers of self-protection; and thereby subjected Plaintiff to associations with persons likely to harm him, the DIOCESE OF JOLIET was under a duty to exercise reasonable care as to control the conduct of third persons as to prevent them from intentionally harming Plaintiff, or so conducting themselves as to create an unreasonable risk of harm to Plaintiff as the DIOCESE OF JOLIET knew or had reason to know that it had the ability to control the conduct of third persons, and

knew or should have known that it had the ability to control the conduct of third persons, and knew or should know of the necessity and opportunity for exercising such control.

86. In addition, defendant had a duty of affirmative action for the aid and protection of Plaintiff; had a duty to anticipate danger, and had a duty to be reasonably vigilant in the supervision of priests working at churches in the DIOCESE OF JOLIET, when the DIOCESE OF JOLIET knew or reasonably should have known such churches were staffed by predatory pedophiles.

87. That the defendant DIOCESE OF JOLIET breached the duty of care owed to Plaintiff, a minor boy, and his parents, and was guilty of one or more of the following wrongful acts and/or omissions.

- a. Improperly deprived Plaintiff of the normal protection of his parents and directed minor Plaintiff to be alone with MYLES WHITE, a priest that it knew or should have known was a pedophile;
- b. Improperly deprived Plaintiff of the normal protection of his parents and directed minor Plaintiff to be alone with MYLES WHITE, a priest at a parish that defendant knew or should have known was staffed by priests who were pedophiles;
- c. Failed to take affirmative acts of protection or vigilance to protect minor Plaintiff from physical harm while he was in its sole and exclusive custody at St. Boniface Catholic Church and/or the residence on Mission Drive and was supervised by a predatory or pedophile priest of the DICOESE OF JOLIET and St. Boniface, including MYLES WHITE;
- d. Improperly exposing the minor Plaintiff to unsupervised contact with MYLES WHITE wherein he was able to sexually abuse Plaintiff at the residence on Mission Drive, when it knew or should have known MYLES WHITE had a history of repeatedly sexually abusing minors.

88. As a direct and proximate result of one or more of the foregoing wrongful acts and omissions of the defendant DIOCESE OF JOLIET, Plaintiff suffered injuries and damages as more particularly described above; and such other damages to which experts in this case may testify.

WHEREFORE, Plaintiff JOHN DOE, demands judgment against defendant ROMAN CATHOLIC DIOCESE OF JOLIET in an amount in excess of \$50,000, and such other relief as the Court deems just and equitable.

COUNT II
Voluntary Undertaking:
Duty to Protect Against Predatory and Pedophile Priests

Plaintiff, JOHN DOE, complains of the defendant, DIOCESE OF JOLIET as follows:

1-83. Plaintiff incorporates Paragraphs 1 through 83 of this Complaint as if fully set forth herein.

84. Defendant DIOCESE OF JOLIET, through its own policies and procedures, and the provisions of Canon Law, voluntarily undertook and did assume the duty to establish a security, investigation, and prosecution program, to deter pedophile and predatory conduct by priests; and to protect its parishioners and members from harm in the event predatory and pedophile priests were service in the DIOCESE OF JOLIET.

85. The DIOCESE OF JOLIET failed to exercise reasonable care in carrying out this voluntary undertaking, and the failure to exercise reasonable care increased the risk of harm to Plaintiff from predatory and pedophile priests who were serving in the DIOCESE OF JOLIET.

86. That the defendant DIOCESE OF JOLIET breached the duty of care owed to Plaintiff, a minor boy, and his parents, and was guilty of one or more of the following wrongful acts and/or omissions:

- a. Failed to properly investigate, prosecute and punish priests who were reported to have been guilty of predatory or pedophile conduct;
- b. Failed to properly investigate all priests involved in staffing a particular parish when defendant knew, or should have known, that one or more of the priests staffing a particular parish was a pedophile;

- c. Improperly deprived Plaintiff of the normal protection of his parents and directed minor Plaintiff to be alone with MYLES WHITE, a priest that it knew or should have known was a pedophile;
- d. Improperly deprived Plaintiff of the normal protection of his parents and directed minor Plaintiff to be alone with MYLES WHITE, a priest at a parish that defendant knew or should have known was staffed by priests who were pedophiles;
- e. Failed to take affirmative acts of protection or vigilance to protect minor Plaintiff from physical harm while he was in its sole and exclusive custody as minor parishioner on church property owned by the DIOCESE OF JOLIET, when it knew or reasonably should have known that predatory and pedophile priests were in active ministry in the DIOCESE OF JOLIET;
- f. Improperly exposing the minor Plaintiff to unsupervised contact with MYLES WHITE wherein he was able to sexually abuse Plaintiff at the residence on Mission Drive when it knew or should have known MYLES WHITE had a history of repeatedly sexually abusing minors.

87. As a direct and proximate result of one or more of the foregoing wrongful acts and omissions of the defendant DIOCESE OF JOLIET, Plaintiff suffered injuries and damages as more particularly described above; and such other damages to which experts in this case may testify.

WHEREFORE, Plaintiff JOHN DOE demands judgment against defendant the ROMAN CATHOLIC DIOCESE OF JOLIET in an amount in excess of \$50,000, and such other relief as the Court deems just and equitable.

COUNT III
Respondeat Superior:
Acts within the Scope of Employment

Plaintiff JOHN DOE complains of the defendant DIOCESE OF JOLIET as follows:

1-83. Plaintiff incorporates Paragraphs 1 through 83 of this Complaint as if fully set forth herein.

84. It was the duty of the defendant DIOCESE OF JOLIET, through the acts of its employees and agents, to exercise reasonable care for the protection and benefit of the Plaintiff, then a minor boy, when it had exclusive custody and control of the Plaintiff.

85. At all times relevant herein, the actions of MYLES WHITE, as described above, were acts within the scope of MYLES WHITE's employment by the defendant DIOCESE OF JOLIET. Since the acts of sexual abuse of the then minor Plaintiff took place during the time when Plaintiff attended a school operated by the DIOCESE OF JOLIET and St. Boniface, they were acts within the scope of MYLES WHITE's employment by the defendant DIOCESE OF JOLIET.

86. Since the acts of sexual abuse of the then-minor Plaintiff took place by MYLES WHITE, the pastor of St. Boniface of the DIOCESE OF JOLIET, at a church owned and operated by the DIOCESE OF JOLIET, such acts of sexual abuse were acts within the scope of MYLES WHITE's employment.

87. In the alternative, and in the light of the facts as more particularly described above, including paragraphs 1-83 above, the DIOCESE OF JOLIET should be estopped from denying that all such acts of MYLES WHITE were not within the scope of his employment.

88. That the defendant DIOCESE OF JOLIET breached the duty of care owed to Plaintiff, a minor boy, and his parents, and was guilty of one or more of the following wrongful acts and/or omissions, through the actions or omissions of MYLES WHITE:

- a. Improperly fondled and sexually abused Plaintiff, a minor, while he was under the exclusive control of the DIOCESE OF JOLIET;
- b. Improperly fondled and sexually abused Plaintiff while he was under the exclusive control of the DIOCESE OF JOLIET, while Plaintiff was being supervised by a priest of the DIOCESE OF JOLIET and St. Boniface Catholic Church.

89. As a direct and proximate result of one or more of the foregoing wrongful acts and omissions of the defendant DIOCESE OF JOLIET, Plaintiff suffered injuries and damages as more particularly described above; and such other damages to which experts in this case may testify.

WHEREFORE, Plaintiff JOHN DOE demands judgment against defendant the ROMAN CATHOLIC DIOCESE OF JOLIET in an amount in excess of \$50,000, and such other relief as the Court deems just and equitable.

COUNT IV
Negligence Regarding Actions Outside the Scope of Employment –
Restatement of Torts (Second), § 317

Plaintiff JOHN DOE complains of the defendant DIOCESE OF JOLIET as follows:

1-83. Plaintiff incorporates Paragraphs 1 through 83 of this Complaint as if fully set forth herein.

84. It was the duty of the defendant DIOCESE OF JOLIET, through the acts of its employees and agents, to exercise reasonable care for the protection and benefit of the minor boy, Plaintiff, over whom it had exclusive custody and control.

85. In the alternative, if the actions of MYLES WHITE as described above, during the time during Plaintiff was being supervised by a priest of the DIOCESE OF JOLIET and St. Boniface, were acts outside the scope of MYLES WHITE's employment by the defendant DIOCESE OF JOLIET, these acts were such acts for which defendant had legal responsibility as more particularly described below.

86. The DIOCESE OF JOLIET, as master, was under a duty to exercise reasonable care so as to control its servant, MYLES WHITE, while acting outside the scope of his employment as to prevent him from intentionally harming others, or from so conducting himself

as to create an unreasonable risk of bodily harm to them as MYLES WHITE at all relevant times used his position of trust and authority given to him by the DIOCESE OF JOLIET to form relationships with parish youths and to gain the permission of parish parents to allow the minor child to stay overnight at the residence of a priest; and the DIOCESE OF JOLIET knew or had reason to know that it had the ability to control the servant, MYLES WHITE; and knew or should have known of the necessity and opportunity for exercising such control.

87. The sexual abuse of Plaintiff occurred on church property owned by DIOCESE OF JOLIET and St. Boniface and occupied by MYLES WHITE solely because of his position as a priest and/or pastor, and as a guardian of the then-minor Plaintiff, during the time Plaintiff was alone with MYLES WHITE at the residence on Mission Drive in University Park, Illinois.

88. In addition, MYLES WHITE was on the premises of was present at the residence on Mission Drive in University Park, Illinois only by his appointment as pastor by the DIOCESE OF JOLIET, the DIOCESE OF JOLIET knew that it had the ability to control MYLES WHITE, and the DIOCESE OF JOLIET knew that MYLES WHITE, and other priests at St. Boniface, were likely to be alone with the minor boys on the premises of the residence on Mission Drive.

89. DIOCESE OF JOLIET knew or reasonably should have known that to allow predatory and pedophile priests who were sexually attracted to young boys at remote or private locations outside the presence of other adults was a formula for disaster; and disaster did occur in the form of the sexual abuse of Plaintiff by MYLES WHITE, a priest of the DIOCESE OF JOLIET.

90. That the defendant DIOCESE OF JOLIET breached the duty of care owed to Plaintiff, a minor boy, and his parents, and was guilty of one or more of the following wrongful acts and/or omissions, through the actions or omissions of MYLES WHITE:

- a. Improperly fondled and sexually abused Plaintiff, a minor, while he was under the exclusive control of the DIOCESE OF JOLIET;
- b. Improperly fondled and sexually abused Plaintiff, a minor, while he was being supervised by a priest of the DIOCESE OF JOLIET and St. Boniface, in 1978 and 1979.

91. As a direct and proximate result of one or more of the foregoing wrongful acts and omissions of the defendant DIOCESE OF JOLIET, Plaintiff suffered injuries and damages as more particularly described above; and such other damages to which experts in this case may testify.

WHEREFORE, Plaintiff JOHN DOE demands judgment against defendant the ROMAN CATHOLIC DIOCESE OF JOLIET in an amount in excess of \$50,000 and such other relief as the Court deems just and equitable.

COUNT V
Institutional Negligence

Plaintiff JOHN DOE complains of the defendant DIOCESE OF JOLIET as follows:

1-83. Plaintiff incorporates Paragraphs 1 through 83 of this Complaint as if fully set forth herein.

84. Defendant DIOCESE OF JOLIET owed Plaintiff a duty to provide competent and safe care and supervision by instituting and following policies and procedures to govern priests at parishes within the DIOCESE OF JOLIET.

85. Defendant DIOCESE OF JOLIET did not have any policies and/or procedures to identify and remove predatory or pedophile priests from the seminary program before providing them with access to minor parishioners residing in the DIOCESE OF JOLIET.

86. Defendant DIOCESE OF JOLIET had written policies and/or procedures in place requiring the DIOCESE OF JOLIET to investigate and remove all predatory or

pedophile priests from active ministry.

87. Defendant DIOCESE OF JOLIET did not have policies and/or procedures in place to prevent predatory or pedophile priests from inviting parish minors to stay overnight at a priest's residence away from their families.

88. From 1978 through 1979 and at all relevant times herein, defendant DIOCESE OF JOLIET, was negligent for one or more of the following reasons:

- a. Failed to create, adopt and/or implement written policies and/or procedures designed to identify and remove predatory or pedophile priests from the seminary before providing them with access to minor parishioners of the DIOCESE OF JOLIET;
- b. Failed to follow the written policies and/or procedures that were in place requiring the defendant DIOCESE OF JOLIET to investigate and remove predatory or pedophile priests;
- c. Failed to institute adequate policies and/or procedures designed to prevent predatory or pedophile priests from molesting minor parishioners;
- d. Failed to adopt and adequately maintain policies and procedures that would prevent predatory or pedophile priests from inviting minor parishioners to stay overnight at a priest's residence away from the child's parents;
- e. Failed to recognize the predatory or pedophilic tendencies of MYLES WHITE while he was in the seminary;
- f. Ignored the predatory and pedophilic tendencies of MYLES WHITE while he was in the seminary;
- g. Failed to recognize the predatory or pedophilic tendencies of MYLES WHITE while he was in active ministry as a priest of the DIOCESE OF JOLIET;
- h. Ignored the predatory and pedophilic tendencies of MYLES WHITE while he was in active ministry as a priest of the DIOCESE OF JOLIET; and
- i. Otherwise failed to institute policies and procedures to protect against the known danger presented by predatory or pedophile priests.

89. As a direct and proximate result of one or more of the foregoing wrongful acts and omissions of the defendant DIOCESE OF JOLIET, Plaintiff suffered injuries and damages

as more particularly described above; and such other damages to which experts in this case may testify.

WHEREFORE, Plaintiff JOHN DOE demands judgment against defendant the ROMAN CATHOLIC DIOCESE OF JOLIET in an amount in excess of \$50,000 and such other relief as the Court deems just and equitable.

COUNT VI
Fraudulent Misrepresentation

Plaintiff JOHN DOE complains of the defendant DIOCESE OF JOLIET as follows:

1-83. Plaintiff incorporates Paragraphs 1 through 83 of this Complaint as if fully set forth herein.

84. It was the duty of the DIOCESE OF JOLIET to refrain from making fraudulent misrepresentations or non-disclosure of facts that it had a duty to disclose to Plaintiff and his parents at and before the year 1978, and from that year to the present. Because of the “Special Relationship” that the DIOCESE OF JOLIET undertook, as more particularly described above, DIOCESE OF JOLIET had a duty to Plaintiff and his parents to disclose all it knew or reasonably should have known about predatory and pedophile priests who sexually abused minors, including Plaintiff, as described above.

85. That the defendant DIOCESE OF JOLIET breached the duty of care owed to Plaintiff and his parents and was guilty of one or more of the following wrongful acts and/or omissions:

- a. Guilty of fraudulent misrepresentations and non-disclosure of its knowledge regarding predatory and pedophile priests, including MYLES WHITE;
- b. Guilty of fraudulent misrepresentations and non-disclosure of its knowledge regarding predatory and pedophile priests serving at St. Boniface Catholic Church, including MYLES WHITE;

- c. Guilty of fraudulent misrepresentations and non-disclosure of its knowledge regarding MYLES WHITE;
- d. Was otherwise guilty of fraudulent misrepresentations and non-disclosure that will come out during the course of Discovery in this case.

86. Plaintiff, and his parents during the time he was a minor, detrimentally relied on the fraudulent misrepresentations and non-disclosure of the DIOCESE OF JOLIET as more particularly described above.

87. As a direct and proximate result of one or more of the foregoing wrongful acts and omissions of the defendant DIOCESE OF JOLIET, Plaintiff suffered injuries and damages as more particularly described above; and such other damages which experts in this case may testify.

88. As a direct and proximate result of one or more of the foregoing wrongful acts and omissions of the defendant DIOCESE OF JOLIET, Plaintiff failed to discover that his injuries and damages were caused by sexual abuse and failed to discover that his injuries and damages were wrongfully caused until approximately March of 2013.

WHEREFORE, Plaintiff JOHN DOE demands judgment against defendant ROMAN CATHOLIC DIOCESE OF JOLIET in the amount in excess of \$50,000 and such other relief as the Court deems just and equitable.

COUNT VII Equitable Tolling

Plaintiff JOHN DOE complains of the defendant DIOCESE OF JOLIET as follows:

1-83. Plaintiff incorporates Paragraphs 1 through 83 of this Complaint as if fully set forth herein.

84. It was the duty of the DIOCESE OF JOLIET to refrain from making fraudulent misrepresentations or non-disclosure of facts that it had a duty to disclose to Plaintiff and his

parents at and before the year 1978, and from that year to the present. Because of the “Special Relationship” that the DIOCESE OF JOLIET undertook, as more particularly described above, the DIOCESE OF JOLIET had a duty to Plaintiff and his parents to disclose all it knew or reasonably should have known about predatory and pedophile priests who sexually abused minors, including Plaintiff, as described above

85. That the defendant DIOCESE OF JOLIET breached the duty of care owed to Plaintiff and his parents and was guilty of one or more of the following wrongful acts and/or omissions:

- a. Guilty of fraudulent misrepresentations and non-disclosure of its knowledge regarding predatory and pedophile priests;
- b. Guilty of fraudulent misrepresentations and non-disclosure of its knowledge regarding predatory and pedophile priests serving at St. Boniface Catholic Church;
- c. Guilty of fraudulent misrepresentations and non-disclosure of its knowledge regarding MYLES WHITE;
- d. Was otherwise guilty of fraudulent misrepresentations and non-disclosure that will come out during the course of Discovery in this case.

86. Plaintiff, and his parents during the time he was a minor, detrimentally relied on the fraudulent misrepresentations and non-disclosure of the DIOCESE OF JOLIET as more particularly described above.

87. As a result of this detrimental reliance on the fraudulent misrepresentations and non-disclosure of the DIOCESE OF JOLIET, Plaintiff failed to discover that his injuries and damages were caused by sexual abuse and failed to discover that his injuries and damages were wrongfully caused until approximately March of 2013.

88. As a result, Plaintiff’s complaint is not barred by the statute of limitations or the statute of repose based on the doctrine of equitable tolling.

WHEREFORE, Plaintiff JOHN DOE demands judgment against defendant ROMAN CATHOLIC DIOCESE OF JOLIET in the amount in excess of \$50,000 and such other relief as the Court deems just and equitable.

COUNT VIII
Res Ipsa Loquitur

Plaintiff, JOHN DOE, complains of the defendant DIOCESE OF JOLIET as follows:

1-83. Plaintiff incorporates Paragraphs 1 through 83 of this Complaint as if fully set forth herein.

84. This count is plead in the alternative, namely that during the time Plaintiff stayed overnight at the residence on Mission Drive in University Park, Illinois, and was supervised by agents and/or employees of the DIOCESE OF JOLIET and St. Boniface Catholic Church, Plaintiff was at all relevant times within the exclusive custody and control of the DIOCESE OF JOLIET.

85. In the alternative, that allowing a 15-16 year-old boy to be stay overnight at a priest's residence and to be exposed to a person that sexually molests him is something that does not ordinarily occur in the absence of negligence.

86. As a direct and proximate result of the negligence of the defendant DIOCESE OF JOLIET, Plaintiff suffered injuries and damages as more particularly described above; and such other damages to which experts in this case may testify.

WHEREFORE, Plaintiff JOHN DOE demands judgment against defendant ROMAN CATHOLIC DIOCESE OF JOLIET in the amount in excess of \$50,000 and such other relief as the Court deems just and equitable.

Respectfully Submitted

/s/ Mark R. McKenna
Mark R. McKenna

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