

Court of Common Pleas of Philadelphia County
 Trial Division
Civil Cover Sheet

For Prothonotary Use Only (Docket Number)		
MAY 2011		000870
E-Filing Number: 1105013180		
PLAINTIFF'S NAME JOHN DOE 172	DEFENDANT'S NAME ARCHDIOCESE OF PHILADELPHIA	
PLAINTIFF'S ADDRESS 300 N. POTTSTOWN PIKE SUITE 210 EXTON PA 19341	DEFENDANT'S ADDRESS 222 N. 17TH STREET PHILADELPHIA PA 19103	
PLAINTIFF'S NAME JOHN DOE 172A	DEFENDANT'S NAME ANTHONY BEVILACQUA	
PLAINTIFF'S ADDRESS 300 N. POTTSTOWN PIKE SUITE 210 EXTON PA 19341	DEFENDANT'S ADDRESS 222 N. 17TH STREET PHILADELPHIA PA 19103	
PLAINTIFF'S NAME	DEFENDANT'S NAME JUSTIN RIGALI	
PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS 222 N. 17TH STREET PHILADELPHIA PA 19103	
TOTAL NUMBER OF PLAINTIFFS 2	TOTAL NUMBER OF DEFENDANTS 5	COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Mass Tort <input type="checkbox"/> Commerce <input type="checkbox"/> Settlement <input checked="" type="checkbox"/> Jury <input type="checkbox"/> Savings Action <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Minors <input type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> W/D/Survival <input type="checkbox"/> Other: _____	
CASE TYPE AND CODE 20 - PERSONAL INJURY - OTHER		
STATUTORY BASIS FOR CAUSE OF ACTION		
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)	FILED PROPROTHY MAY 09 2011 S. GARRETT	IS CASE SUBJECT TO COORDINATION ORDER? YES NO
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>JOHN DOE 172 , JOHN DOE 172A</u> Papers may be served at the address set forth below.		
NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY DANIEL F. MONAHAN	ADDRESS 300 N. POTTSTOWN PIKE STE. 210 EXTON PA 19341	
PHONE NUMBER (610) 363-3888	FAX NUMBER (610) 594-9556	
SUPREME COURT IDENTIFICATION NO. 28557	E-MAIL ADDRESS DMonahan@JDLLM.com	
SIGNATURE OF FILING ATTORNEY OR PARTY DANIEL MONAHAN	DATE SUBMITTED Monday, May 09, 2011, 09:23 am	

COMPLETE LIST OF DEFENDANTS:

1. ROBERT BRENNAN
23 C. OWENS LANDING COURT
PERRYVILLE MD 21903
2. WILLIAM LYNN
222 N. 17TH STREET
PHILADELPHIA PA 19103
3. JUSTIN RIGALI
222 N. 17TH STREET
PHILADELPHIA PA 19103
4. ANTHONY BEVILACQUA
222 N. 17TH STREET
PHILADELPHIA PA 19103
5. ARCHDIOCESE OF PHILADELPHIA
222 N. 17TH STREET
PHILADELPHIA PA 19103

DANIEL F. MONAHAN
ATTORNEY AT LAW
Attorney I.D. No. 28557
300 North Pottstown Pike, Suite 210
Exton, PA 19341
610-363-3888



MARCI A. HAMILTON
ATTORNEY AT LAW
Attorney I.D. No. 54820
36 Timber Knoll Drive
Washington Crossing, PA 18977
215-353-8984
hamilton02@aol.com Attorneys for Plaintiff

John Doe 172A on behalf of John Doe 172 :
c/o Monahan Law Practice, P.C. :
300 North Pottstown Pike, Suite 210 :
Exton, PA 19341 :
Plaintiff, :
v. :
ARCHDIOCESE OF PHILADELPHIA :
222 N. 17th Street :
Philadelphia, PA 19103 :
and :
CARDINAL ANTHONY BEVILACQUA :
222 N. 17th Street :
Philadelphia, PA 19103 :
and :
CARDINAL JUSTIN RIGALI :
222 N. 17th Street :
Philadelphia, PA 19103 :
and :
MSGR. WILLIAM LYNN :
222 N. 17th Street :
Philadelphia, PA 19103 :
and :

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY,
PENNSYLVANIA
CIVIL ACTION
JURY TRIAL DEMANDED
_____ TERM, 2011
NO. _____

FR. ROBERT L BRENNAN :
23 C Owens Landing Ct :
Perryville, MD 21903-3012 :
_____ Defendants. :

NOTICE TO DEFEND

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Philadelphia Bar Association
Lawyer Referral and Information Service
One Reading Center
Philadelphia, PA 19107
Telephone: 215-238-1701

DANIEL F. MONAHAN
ATTORNEY AT LAW
Attorney I.D. No. 28557
300 North Pottstown Pike, Suite 210
Exton, PA 19341
610-363-3888
Dmonahan@jdllm.com

MARCI HAMILTON
ATTORNEY AT LAW
36 Timber Knoll Drive
Washington Crossing, PA 18977
215-353-8984
hamilton02@aol.com

Attorneys for Plaintiff

John Doe 172A on behalf of John Doe 172
c/o Monahan Law Practice, P.C.
300 North Pottstown Pike, Suite 210
Exton, PA 19341

Plaintiff,

v.

ARCHDIOCESE OF PHILADELPHIA
222 N. 17th Street
Philadelphia, PA 19103

and

CARDINAL ANTHONY BEVILACQUA
222 N. 17th Street
Philadelphia, PA 19103

and

CARDINAL JUSTIN RIGALI
222 N. 17th Street
Philadelphia, PA 19103

and

MSGR. WILLIAM LYNN
222 N. 17th Street
Philadelphia, PA 19103

and

FR. ROBERT L. BRENNAN
23 C Owens Landing Ct
Perryville, MD 21903-3012

Defendants.

PHILADELPHIA COUNTY,
PENNSYLVANIA
COURT OF COMMON PLEAS

CIVIL ACTION

JURY TRIAL DEMANDED

_____ TERM, 2011

NO. _____

PLAINTIFF'S COMPLAINT

And now Plaintiff, John Doe 172A on behalf of John Doe 172, by and through his undersigned counsel, brings this Complaint and sets forth as follows:

The Parties

1. Plaintiff John Doe 172A, is an adult male individual who is a citizen and resident of the State of Arizona. John Doe 172A is the father of John Doe 172, who is mentally disabled. The identity of John Doe 172A is not pleaded in this Complaint in order to protect the identity of Plaintiff John Doe 172. The identity of John Doe 172A will be made known to the Defendants by separate communication.

2. Plaintiff, John Doe 172 ("Plaintiff"), is an adult male individual who is a citizen and resident of the State of Arizona. John Doe 172 is mentally disabled as a result of the actions described herein. The identity of this Plaintiff is not pleaded in this Complaint in order to protect the identity of the Plaintiff because the Plaintiff was a victim of sex crimes when Plaintiff was a minor. The identity of the Plaintiff will be made known to the Defendants by separate communication.

3. Defendant Archdiocese of Philadelphia ("Archdiocese") was and continues to be a Roman Catholic organization and a non-profit religious corporation authorized to conduct business and conducting business in the Commonwealth of Pennsylvania with its principal place of business located at 222 N. 17th Street, Philadelphia, Pennsylvania 19103. This Defendant is organized, exists and operates pursuant and by virtue of the laws of the Commonwealth of Pennsylvania.

4. Msgr. William Lynn is an adult male individual resident and citizen of the Commonwealth of Pennsylvania who was Secretary of Clergy for the Archdiocese under Cardinal Anthony Bevilacqua.

5. Cardinal Anthony Bevilacqua is an adult male individual resident and citizen of the Commonwealth of Pennsylvania who was the Archbishop of the Archdiocese from 1987 through 2003.

6. Cardinal Justin Rigali is an adult male individual resident and citizen of the Commonwealth of Pennsylvania who is the current Archbishop of the Archdiocese who was appointed Archbishop of the Archdiocese in 2003.

7. Fr. Robert Brennan is an individual resident and citizen of Cecil County, Maryland, and who was ordained as a Roman Catholic Priest in 1964.

Facts

8. On January 21, 2011, the Philadelphia District Attorney's Office issued a Grand Jury Report on abuse in the Philadelphia Archdiocese ("2011 Grand Jury Report").

9. The 2011 Grand Jury Report establishes that the Archdiocese has a long history of sexual abuse of children by Archdiocese priests that was known, tolerated, and hidden by high church officials, up to and including Cardinal Anthony Bevilacqua and Msgr. Lynn. The Grand Jury Report states:

"The rapist priests we accuse were well known to the Secretary of Clergy, but he cloaked their conduct and put them in place to do it again. The procedures implemented by the Archdiocese to help victims are in fact designed to help the abusers, and the Archdiocese itself. Worst of all, apparent abusers – dozens of them, we believe – remain on duty in the Archdiocese, today, with open access to new young prey."

2011 Grand Jury Report at 1.

10. The 2011 Grand Jury Report establishes that the Archdiocese, through its Victims Assistance Program and under Cardinal Rigali, tolerates and actively conceals the sexual abuse of children by Archdiocese priests for the benefit of the Archdiocese.

11. One of the priests who were sexually abusive to parish children is Fr. Robert Brennan.

12. Fr. Brennan was employed by the Archdiocese from 1964 through 2004. During those years, Fr. Brennan was assigned as follows:

- a. June 1964 through June 1970, Assistant Pastor, St. Pius X parish, Broomall.
- b. June 1970 through November 1974, Assistant Pastor, Our Lady of Calvary parish, Philadelphia.
- c. November 1974 through June 1975, Assistant Pastor, Stella Maris parish, Philadelphia.
- d. June 1975 through September 1976, Coordinator, Local Committee on the Eucharist Congress Assistant.
- e. September 1976 through June 1981, Pastor, Stella Maris parish, Philadelphia.
- f. June 1981 through June 1986, Assistant Pastor, St. George parish, Glenolden.
- g. June 1986 through June 1988, Assistant Pastor, St. Helena parish, Philadelphia.
- h. June 1988 through January 1989, Pastor, St. Ignatius parish, Yardley.
- i. January 1989 through September 1989, Resident Priest, St. Eleanor parish, Collegeville.
- j. September 1989 through June 1990, Parochial Administrator, St. Mary parish, Schwenksville.

- k. June 1990 through September 1992, Pastor, St. Mary Parish, Schwenksville.
 - l. September 1992 through December 1993, On Leave.
 - m. December 1993 through June 2004, Parochial Vicar, Resurrection of Our Lord parish, Philadelphia.
13. In approximately 1993 through 1994, Plaintiff attended Resurrection of Our Lord parish (“Resurrection parish”) in Philadelphia, Pennsylvania.
14. While attending Resurrection parish, the minor Plaintiff worked in the parish rectory.
15. From approximately 1993 through 1994, Fr. Brennan sexually abused the Plaintiff while Plaintiff was working at the Resurrection parish rectory.
16. Prior to the time that Fr. Brennan sexually abused the Plaintiff, Cardinal Bevilacqua, Msgr. Lynn and the Archdiocese were aware or should have been aware that Fr. Brennan had sexually abused children:
- a. In 1988, immediately upon being assigned to St. Ignatius parish in Yardley, Fr. John C. Marine reported to the Chancellor of the Archdiocese, Msgr. Samuel E. Shoemaker, that from the first day at that parish, Fr. Brennan’s “actions with young boys and teenagers caused Father Marine to feel very ill at ease.” According to Fr. Marine, Fr. Brennan’s interest in boys was “extreme.”
 - b. In 1988, Fr. Marine also reported that Fr. Brennan had minor boys from his previous assignment at St. Helena parish spend the night with Fr. Brennan in the St. Ignatius parish rectory.

- c. In 1988, Fr. Marine reported his concerns to Msgr. Lynn and Msgr. Alexander Palmieri and that Fr. Marine was concerned that something more might be happening with the boys.
- d. In 1988, Msgr. Schumaker interviewed a 13-year-old boy who answered the telephone in the St. Ignatius rectory and his parents. At that interview, the boy reported that Fr. Brennan had the boy sit on Fr. Brennan's lap and Fr. Brennan rubbed the boy's belly at the same time. During this interview and after interviews with the St. Ignatius rectory secretary and cook, Msgr. Shoemaker and the Archdiocese learned the names of six boys from St. Ignatius with whom Fr. Brennan had been inappropriate.
- e. In response to this complaint, Fr. Brennan was sent for a psychological evaluation at St. John Vianney Hospital in Downingtown, Pennsylvania. Instead of telling parishioners the truth as to why Fr. Brennan was sent to St. John Vianney, the Archdiocese told parishioners that Fr. Brennan was "on retreat."
- f. This was consistent with Cardinal Bevilacqua's firm policy that parishioners were not to be informed of the true reason for removal of a priest in the cases of sexual abuse.
- g. In early 1991, Fr. Rymdeika, a teacher at St. Pius X High School reported to the Archdiocese that Fr. Brennan's behavior with students was "very alarming" and suspect.
- h. On March 18, 1991, five 7th grade boys from the grade school at St. Mary's parish in Schwenksville, PA, reported to the principal at that school that Fr. Brennan had touched them in inappropriate ways. The youths were altar boys or worked in the

rectory answering the telephone. One of the boys also reported that Fr. Brennan had numerous boys staying at the rectory in Fr. Brennan's bedroom.

- i. In 1992, another student from St. Mary's reported to the Archdiocese that Fr. Brennan had touched his butt and had the student sit on Fr. Brennan's lap. The student also reported that Fr. Brennan had been inappropriate with another student by doing "weird things . . . touching him and stuff."
- j. On July 22, 1992, Fr. Brennan was sent for another psychological evaluation at St. John Vianney Hospital. After the evaluation, Fr. Brennan entered sexual abuser treatment for a period of 10 months.
- k. According the therapists and evaluators of Fr. Brennan, Fr. Brennan presented a future risk of reoffending and sexually abusing other boys which, as another therapist stated, Fr. Brennan has very serious problems which might predispose the Archdiocese to major scandal and litigation in the future.
- l. Despite these dire warnings, Cardinal Bevilacqua appointed Fr. Brennan as the assistant pastor at Resurrection parish where Fr. Brennan sexually abused the Plaintiff.
- m. At the same time that Fr. Brennan was assigned to Resurrection parish, Cardinal Bevilacqua instructed Msgr. Lynn to check with legal counsel and ask, in the event of a "public relations crisis in this case, can we say that Fr. Brennan had been sent away and can we have a statement that he is not a pedophile?"
- n. After being assigned to Resurrection parish, Fr. Brennan operated without restriction. No one from the Archdiocese informed the pastor, Fr. Scanlon, about Fr. Brennan's history. No one from the Archdiocese asked the pastor to supervise

Fr. Brennan or to report any suspicious behavior by Fr. Brennan. Fr. Scanlon was never told to keep Fr. Brennan away from youth.

- o. While Fr. Brennan was assigned to Resurrection parish, the social minister at the parish repeatedly reported Fr. Brennan's inappropriate and sexual behavior with adolescent boys. In response to the social minister's reports, the pastor of Resurrection parish told her to "shut up."

17. After Fr. Brennan sexually abused the Plaintiff, the Archdiocese continued to ignore reports that Fr. Brennan was being sexually inappropriate with parish boys:

- a. On June 11, 1996, Fr. Scanlon reported a number of incidents of sexual inappropriateness to Msgr. Lynn including that Fr. Brennan had been seen to be on top of a boy in the sacristy, wrestling with boys and taking boys in Fr. Brennan's car to the mall and for ice cream. In his notes from the meeting, Msgr. Lynn wrote "may want to move but maybe shouldn't" and "powder-keg situation I believe."
- b. Despite these reports and all of Fr. Brennan's history, Cardinal Bevilacqua allowed Fr. Brennan to remain at Resurrection parish with no restrictions on his ministry.

18. The Archdiocese has a long history of concealing the sexual abuse of children by its clergy.

19. Monsignor William Lynn was the Secretary of Clergy under Cardinal Anthony Bevilacqua.

20. Upon information and belief, Msgr. Lynn acted as the personnel director for priests.

21. It was Msgr. Lynn's job to review all reports of abuse, to recommend action, and to monitor the abuser's future conduct.

22. Msgr. William Lynn assisted priests who he knew to have sexually abused children to obtain new assignments within the Archdiocese in order to conceal their criminal activity and protect the Archdiocese's reputation. 2011 Grand Jury Report at 43-53.

23. Msgr. Lynn's purposeful failure to remove pedophile priests caused Msgr. Lynn to be charged with endangering the welfare of a child, a felony of the third degree by the Philadelphia County District Attorney.

24. Msgr. Lynn did more than passively allow the molesters to remain in positions where they could continue to prey on children. When victims complained or scandal threatened, Msgr. Lynn recommended that the abusers be transferred to new parishes, where the unsuspecting faithful would not know to be wary and vigilant, and where the abusive clergymen could go on exploiting their positions of trust and authority to pursue criminal activity.

25. Cardinal Bevilacqua controlled the Archdiocese's handling of child sex abuse.

26. While the Archbishop of the Archdiocese, Cardinal Bevilacqua was insistent, in all cases involving the sexual abuse of minors by priests, that parishioners be lied to about the Archdiocese's knowledge about the abuse by the priest. Msgr. Lynn followed this policy.

27. According to the January 2011 Grand Jury Report, the Archdiocese maintains "secret archive files" which contain reports of priest sexual abuse of minors. These "secret archive files" contain evidence of criminal conduct of Archdiocese clergy that was and continues to be withheld from law enforcement. 2011 Grand Jury Report at 22, 43;

28. The sexual abuse and exploitation of Plaintiff and the circumstances under which it occurred caused Plaintiff to develop various psychological coping mechanisms, including not

recognizing the extent of the injuries he experienced as a result of the sexual abuse described herein.

29. As a direct result of the wrongful conduct alleged herein, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiffs' daily activities and obtaining the full enjoyment of life; has sustained and continues to sustain loss of earnings and earning capacity; and/or has incurred and continues to incur expenses for medical and psychological treatment, therapy, and counseling.

COUNT I - CIVIL CONSPIRACY TO ENDANGER CHILDREN
Plaintiff, John Doe 172 v. Archdiocese of Philadelphia, Cardinal Anthony Bevilacqua,
Cardinal Justin Rigali, Msgr. William Lynn and Fr. Robert Brennan

30. Plaintiff incorporates by reference all of the preceding paragraphs of this Complaint as if each and every one were individually set forth within this Count.

31. Defendants Archdiocese, Cardinal Anthony Bevilacqua, Cardinal Justin Rigali, Msgr. William Lynn, and Fr. Brennan, the Holy See and the National Conference of Catholic Bishops (now called the United States Conference of Catholic Bishops), acting with a common purpose conspired to endanger the welfare of children, including the Plaintiff, in violation of Pennsylvania law.

32. Plaintiff has standing to bring this claim because he was one of the children who was sexually abused as a result of this conspiracy to endanger the welfare of children.

33. The overt acts committed in pursuance of the common purpose to endanger the welfare of children include, but are not limited to:

- a. The Defendants Archdiocese, Cardinal Anthony Bevilacqua, Cardinal Justin Rigali, Msgr. William Lynn, Fr. Brennan, the Holy See and the National Conference of Catholic Bishops (now called the United States Conference of Catholic Bishops) maliciously concealed known incidents of childhood sexual abuse within the Archdiocese;
- b. Defendants Archdiocese, Cardinal Anthony Bevilacqua, Cardinal Justin Rigali, Msgr. William Lynn, Fr. Brennan, the Holy See and the National Conference of Catholic Bishops (now called the United States Conference of Catholic Bishops) implemented programs and procedures that were misrepresented to the public as providing help to victims of childhood sexual abuse by clergy, but were instead maliciously used to develop information to protect the Archdiocese from liability for its misconduct in handling predatory priests and used to further conceal the identity and illegal activities of predatory priests from law enforcement, parishioners and the public.
- c. When a report that an Archdiocese priest had sexually abused a child was made to the Archdiocese, Defendants Archdiocese, Cardinal Anthony Bevilacqua, Cardinal Justin Rigali, Msgr. William Lynn, and Fr. Brennan, the Holy See and the National Conference of Catholic Bishops (now called the United States Conference of Catholic Bishops) maliciously transferred the clergymen to new parishes, where the unsuspecting parishioners did not suspect that the priest was an abuser. As a result, on a

significant number of occasions, including this case, the priest sexually abused children at the new parish.

- d. Instead of protecting Archdiocese children from sexual abuse by known predator priests and other agents and employees, Archdiocese, Defendants Archdiocese, Cardinal Anthony Bevilacqua, Cardinal Justin Rigali, Msgr. William Lynn, Fr. Brennan, the Holy See and the National Conference of Catholic Bishops (now called the United States Conference of Catholic Bishops) instead shielded abusive clergy from criminal detection, shielded the Archdiocese hierarchy from scandal, and shielded the Archdiocese from financial liability.
- e. Defendants Archdiocese, Cardinal Anthony Bevilacqua, Cardinal Justin Rigali, Msgr. William Lynn, Fr. Brennan, the Holy See and the National Conference of Catholic Bishops (now called the United States Conference of Catholic Bishops) maintained “secret archive files” containing reports of priest sexual abuse of minors which was withheld from law enforcement.
- f. Defendants Archdiocese, Cardinal Anthony Bevilacqua, Cardinal Justin Rigali, Msgr. William Lynn, and Fr. Brennan, in cases involving the sexual abuse of minors by priests, maliciously lied to parishioners about the Archdiocese’s knowledge about the abuse by the priest.
- g. Archdiocese, Defendants Archdiocese, Cardinal Anthony Bevilacqua, Cardinal Justin Rigali, and Msgr. William Lynn maliciously ensured that the internal Archdiocese Review Board, that is responsible for determining

whether sexual abuse reports against a clergy member are credible, regularly found allegations of sexual abuse of minors by priests as being “unsubstantiated” even when there was very convincing evidence that the accusations were true.

- h. Upon information and belief, Defendants Archdiocese, Cardinal Anthony Bevilacqua, Cardinal Justin Rigali, and Msgr. William Lynn destroyed documents that were evidence of criminal sexual conduct of children.

34. Said acts were committed with malice and with the intention that the welfare of children within the Archdiocese be endangered.

35. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiff’s daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

WHEREFORE, Plaintiff, demands judgment for compensatory and punitive damages against Defendants, Archdiocese of Philadelphia, Cardinal Anthony Bevilacqua, Cardinal Justin Rigali, and Msgr. William Lynn, jointly and severally, in an amount in excess of Fifty Thousand Dollars (\$50,000.00), together with interest, costs, and any other appropriate relief.

COUNT II – ACTUAL FRAUD
Plaintiff, John Doe 172 v. Archdiocese of Philadelphia, Cardinal Anthony Bevilacqua,
Msgr. William Lynn and Fr. Brennan

36. Plaintiff incorporates by reference all of the preceding paragraphs of this Complaint as if each and every one were individually set forth within this Count.

37. Defendants Archdiocese, Cardinal Bevilacqua, Msgr. Lynn and Fr. Brennan were in a confidential relationship with the minor Plaintiff in that the Plaintiff was a minor parishioner of Resurrection parish and when Defendants Archdiocese, Cardinal Bevilacqua and Msgr. Lynn took custody of the minor Plaintiff, Plaintiff trusted and relied upon the Defendants Archdiocese, Cardinal Bevilacqua and Msgr. Lynn to protect him from any known danger.

38. Beginning in 1994 and continuing through 2011, Defendant Archdiocese, through its agents, Cardinal Bevilacqua and Msgr. Lynn, through their actions of assigning Fr. Brennan to Resurrection parish where he necessarily had contact with children in order to perform his daily work duties on behalf of the Archdiocese, made the affirmative representations to Plaintiff and Plaintiff's family that the Archdiocese, Cardinal Bevilacqua and Msgr. Lynn was unaware that Fr. Brennan had a history of sexually abusing children and that the Archdiocese, Cardinal Bevilacqua and Msgr. Lynn were unaware that Fr. Brennan was a danger to children.

39. Fr. Brennan did have a history of sexually molesting children. In fact, in 1994, prior to the sexual abuse of the Plaintiff described herein, Fr. Brennan had admitted to Msgr. Lynn that Fr. Brennan had sexually abused 2 boys from a previous parish.

40. Defendants Archdiocese, Cardinal Bevilacqua and Msgr. Lynn knew that Fr. Brennan had a history of sexually molesting children and that he was a danger to children and that their representations described above were false.

41. Defendants Archdiocese, Cardinal Bevilacqua and Msgr. Lynn intended that Plaintiff and his family rely on the false representations regarding Fr. Brennan so that the Defendants Archdiocese, Cardinal Bevilacqua and Msgr. Lynn would not be subject to scandal

and so that Defendants Archdiocese, Cardinal Bevilacqua and Msgr. Lynn could protect the financial assets and reputation of the Archdiocese.

42. Plaintiff justifiably relied upon the misrepresentations described herein and as a result had close physical and emotional contact with Fr. Brennan while performing his duties at Resurrection parish where Fr. Brennan was able to sexually abuse the Plaintiff.

43. Had Plaintiff known that Fr. Brennan had been sexually inappropriate with children before Fr. Brennan was able to come into contact with Plaintiff, Plaintiff would never have had physical or emotional contact with Fr. Brennan.

44. Such reliance proximately caused Plaintiff to be sexually molested by Fr. Brennan and suffer the other damages described herein.

45. Plaintiff did not discover, nor could he have discovered through the use of reasonable diligence, the fraud described herein until 2011.

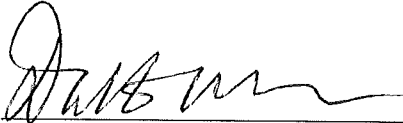
46. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

WHEREFORE, Plaintiff, demands judgment for compensatory and punitive damages against Defendants, Archdiocese of Philadelphia, Cardinal Anthony Bevilacqua, Msgr. William Lynn, and Fr. Brennan, jointly and severally, in an amount in excess of Fifty Thousand Dollars (\$50,000.00), together with interest, costs, and any other appropriate relief.

Dated: _____

5-9-11

BY: _____



DANIEL F. MONAHAN, ESQUIRE

300 North Pottstown Pike, Suite 210

Exton, PA 19341

610-363-3888

dmonahan@jdllm.com

MARCI A. HAMILTON, ESQUIRE

36 Timber Knoll Drive

Washington Crossing, PA 18977

215-353-8984

hamilton02@aol.com

Attorneys for Plaintiff John Doe 172

VERIFICATION

I, Daniel F. Monahan, Esquire, verify that I am the attorney for the Plaintiff and that the facts set forth in the foregoing Plaintiff's Complaint are true and correct to the best of my knowledge, information and belief. I understand that false statements made herein are subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.




Daniel F. Monahan, Esquire

Dated: 5-9-11

CERTIFICATE OF SERVICE

I, Daniel F. Monahan, Esquire, hereby certify that a true and correct copy of the foregoing Plaintiff's Complaint, was served via United States first-class mail, postage pre-paid on 5-9-11, upon the following:

By: 

Daniel F. Monahan, Esquire