

**IN THE CIRCUIT COURT OF PEORIA COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION**

MICHAEL ECKERT,)
)
Plaintiff,)
)
v.) No. 2025-LA-0000041
)
DIOCESE OF PEORIA,) TRIAL BY JURY DEMANDED
)
Defendant.)

COMPLAINT AT LAW

Plaintiff, MICHAEL ECKERT, by and through his attorneys, Frost Pearlman, LLC, and Jeff Anderson & Associates, P.A., for his Complaint at Law against Defendant, DIOCESE OF PEORIA, hereby state as follows:

Parties and Jurisdiction

1. This is an action for damages arising from the sexual abuse of the Plaintiff from approximately 1997 to 2003 by Father Thomas R. Miller (“Fr. Miller”), a Roman Catholic priest of the Diocese of Peoria.
2. Plaintiff, Michael Eckert was born in May 1989.
3. At all relevant times, Plaintiff was a resident of Peoria County, Illinois.
4. Defendant, Diocese of Peoria, is an ecclesiastical entity of the Roman Catholic Church serving Roman Catholics in twenty-six Illinois counties, including Peoria County, Illinois.
5. The Diocese of Peoria’s principal place of business is at 419 Northeast Madison Avenue, Peoria, Illinois.
6. At all relevant times, the Diocese of Peoria has been an ecclesiastical entity of the Roman Catholic Church whose mission includes providing religious education and training to members of the Roman Catholic Church, and providing religious as well as secular instruction,

guidance, coaching and counseling to persons with the Diocese of Peoria, including children and adolescents.

Structure and Hierarchy of the Diocese of Peoria

7. At all relevant times, the Diocese of Peoria acted through its duly authorized officers, administrators, bishops, priests, managers, agents, and/or employees.

8. The Roman Catholic Church is a hierarchical organization in which all power is held by the Pope and is delegated down into various ecclesiastical entities, including the Diocese of Peoria.

9. In turn, the Diocese of Peoria is, itself, a hierarchical organization with all power vesting in the Bishop.

10. The Bishop is the top official, and embodiment, of the Diocese of Peoria and is given sole and absolute authority over all matters within the diocese as a result of his position, answering only to the Pope.

11. The Bishop of the Diocese of Peoria, as the sole authority in the Diocese, is responsible for all operations, employees, and management, including, but not limited to:

- a. the administration, management, and/or supervision of all Roman Catholic operations, entities, institutions, churches, parishes, schools, community organizations, clerics, employees, and/or volunteers within the geographic territory of the Diocese of Peoria;
- b. the hiring, retention, supervision, management, and/or control of all clerics and/or other agents working within the Diocese of Peoria; and/or
- c. the day-to-day operations of the Diocese of Peoria and all subordinate entities.

12. The Diocese of Peoria, acting through the Bishop, thereby retained sole and absolute authority over all parishes within its geographical territory during all times relevant, including St. Vincent de Paul in Peoria.

13. The Diocese of Peoria, acting through the Bishop, thereby also retained sole and absolute authority over all clerics and/or other agents assigned to St. Vincent de Paul in Peoria, including Fr. Thomas R. Miller.

14. From 1930 to 1951, Bishop Joseph H. Schlarman, D.D., Ph.D., J.C.D. (“Bishop Schlarman”), was the Bishop of the Diocese of Peoria.

15. From 1952 to 1958, Bishop William E. Cousins, D.D. (“Bishop Cousins”), was the Bishop of the Diocese of Peoria.

16. From 1959 to 1971, Bishop John B. Franz, D.D. (“Bishop Franz”), was the Bishop of the Diocese of Peoria.

17. From 1971 to 1990, Bishop Edward W. O’Rourke, D.D. (“Bishop O’Rourke”), was the Bishop of the Diocese of Peoria.

18. From 1990 to 2001, Bishop John J. Meyers, D.D., J.C.D. (“Bishop Meyers”), was the Bishop of the Diocese of Peoria.

19. From 2002 to 2022, Bishop Daniel R. Jenky, C.S.C. (“Bishop Jenky”), was the Bishop of the Diocese of Peoria.

Pattern and Practice of the Catholic Church in Response to Clergy Sexual Abuse

20. As far back as 1866, the Pope ordered absolute secrecy concerning any investigation of sexual abuse by priests. This instruction was binding on all entities within the Catholic Church, including the Diocese of Peoria and its Bishops when it came into existence in 1875.

21. In 1917, the Vatican in Rome issued a Papal Instruction binding upon all Bishops throughout the world, including the Bishops of the Diocese of Peoria. The instruction was binding upon the Bishop of the Diocese of Peoria until 2001 and directed that all allegations and reports of

childhood sexual abuse by clerics was required to be kept secret and not disclosed either to civil authorities such as law enforcement, co-employees, supervisors of priests, or parishioners generally.

22. Because of the problems of sexual misconduct (including childhood sexual abuse) by Catholic clergy, the Catholic Church and other organizations sponsored treatment centers for priests that had been involved in sexual misconduct.

23. One such treatment center is Saint John Vianney Center (founded in 1946) which represented on its public website that it is/was the “longest running, internationally renowned, behavioral health facility in North America for Clergy and Religious.”

24. Similarly, a different treatment center, the Servants of the Paraclete, represented that is “is an international religious community founded . . . in 1947 with a specific ministry to serve fellow priests and brothers who are facing particular challenge in their vocations and lives,” with locations across the country, including in the states of Missouri and New Mexico.

25. The Saint Luke Institute is a third similar treatment provider for priests who engage in sexual misconduct and has treatment centers in Maryland, Kentucky, and Missouri.

26. Sexual abuse of minors by Catholic clergy has been a reality in the Catholic Church for centuries but has remained covered by deep secrecy. This secrecy is rooted in the official policies of the Catholic Church which are applicable to the Diocese of Peoria and in fact are part of the practices of the Diocese of Peoria.

27. Sexual abuse of minors by Catholic clergy and religious leaders became publicly known in the mid-1980s as a result of media coverage of a case in Lafayette, Louisiana. Since that time, the media has continued to expose cases of clergy sexual abuse throughout the United States. Despite these revelations, as well as the many criminal and civil litigations the Church has been

involved in as a result of clergy sexual abuse of minors, the Bishops and other Church leaders continued to pursue a policy of secrecy.

28. In approximately June 2002, the United States Conference of Catholic Bishops published a set of procedures and protocols for the entire Catholic Church in the United States to follow in response to the ongoing child sexual abuse crisis facing the Church.

29. The policies and procedures became known as the Charter for the Protection of Children and Young People or the Dallas Charter (“Dallas Charter”) and bound each Bishop, including the Bishop of the Diocese of Peoria, to follow its mandates.

30. All of the procedures in the Dallas Charter had been previously mandated upon the Diocese of Peoria and in previous orders from the Vatican in regard to handling childhood sexual abuse cases. However, sections of these orders were consistently ignored by Catholic Bishops. For example, in place of the required processes, which would have kept a written record of cases of clergy sexual abuse, the Bishops applied a policy of clandestine transfer of accused clerics from one assignment to another. The receiving parishioners, and often the receiving pastors, were not informed of any accusation of sexual abuse of minors.

31. Refusal to disclose sexually abusive clerics to parishioners and even fellow clerics has been one way utilized by the Church, and specifically the Diocese of Peoria, to maintain secrecy for decades. Another has been to use various forms of persuasion on victims or their families to convince them to remain silent about incidents of sexual abuse. These forms of persuasion have included methods that have ranged from sympathetic attempts to gain silence to direct intimidation to various kinds of threats. In doing so, the clergy involved, from Bishops to priests, have relied on their power to overwhelm victims and their families.

The Diocese of Peoria's Knowledge of the Danger of Sexual Abuse in its Institutions and Perpetrated by its Clergy

32. In 2018, the Office of the Illinois Attorney General began a multi-year investigation into childhood sex abuse by members of the Catholic Clergy in the six Diocese across Illinois, including the Diocese of Peoria.

33. In connection therewith, the Illinois Attorney General was given access to otherwise confidential Diocese of Peoria files.

34. On May 23, 2023, the Office of the Illinois Attorney General released its six hundred- and ninety-six-page Report on Catholic Clergy Child Sex Abuse in Illinois ("AG's Report"), which addresses, in part, its findings with respect to the Diocese of Peoria's handling of child sexual abuse among its clergy.

35. The AG's Report found that the Diocese of Peoria had received numerous allegations of childhood sexual assault against clerics in the Diocese prior to the sexual abuse of Plaintiff. These reports include:

- a. Bishop Schlarman receiving a report in 1946 that Fr. Bernard Tomaszewski sexually abused a child.
- b. Bishop Franz receiving a report in 1963 that Fr. John Ryan sexually abused a child.
- c. Bishop Franz receiving a report in 1964 that Fr. John Onderko sexually abused a child.
- d. Bishop Franz receiving a report in 1964 that Fr. Robert Barnett sexually abused a child.
- e. Bishop Franz receiving a report in 1966 that Fr. Laurence Schumacher sexually abused a child.
- f. Bishop Franz receiving a report in 1968 that Fr. Ron Roth sexually abused a child.

- g. Bishop O'Rourke receiving a report in 1971 that Fr. Richard Slavish sexually abused a child.
- h. Bishop O'Rourke receiving a report in 1982 that Fr. Louis Condon sexually abused a child.
- i. Bishop O'Rourke receiving a report in 1985 that Fr. Duane LeClerc sexually abused a child.
- j. Bishop Myers receiving a report in 1990 that Fr. Eugene Kane sexually abused a child.
- k. Bishop Myers receiving a report in 1990 that Fr. Michael Van Acker sexually abused a child.
- l. Bishop Myers receiving a report in 1991 that Fr. Samuel Pusateri sexually abused a child.
- m. Bishop Myers receiving a report in 1992 that Fr. Toussaint Perron sexually abused a child.
- n. Bishop Myers receiving a report in 1992 that Fr. Edward Lohan sexually abused a child.
- o. Bishop Myers receiving a report in 1992 that Fr. William Harbert sexually abused a child.
- p. Bishop Myers receiving a report in 1992 that Fr. Francis Engels sexually abused a child.
- q. Bishop Myers receiving a report in 1993 that Fr. William Iserman sexually abused a child.
- r. Bishop Myers receiving a report in 1993 that Fr. Robert Hughes sexually abused a child.
- s. Bishop Myers receiving a report in 1993 that Fr. George Hiland sexually abused a child.
- t. Bishop Myers receiving a report in 1993 that Fr. John Anderson sexually abused a child.
- u. Bishop Myers receiving a report in 1998 that Fr. Norman Goodman sexually abused a child.

- v. Bishop Myers receiving a report in 1999 that Fr. Walter Bruening sexually abused a child.

36. The AG Report also revealed the response of the Diocese of Peoria, through the Bishop, to some of the aforementioned reports:

- a. In response to a 1946 report that Fr. Bernard Tomaszewski sexually abused girls less than 16 years of age, Bishop Franz merely accepted Fr. Tomaszewski's resignation and claimed that the resignation was due to "Tomaszewski's health problems."
- b. In response to a 1985 report that Fr. Duane LeClercq touched the genitals of a sleeping 16-year-old boy, there is no evidence that any action was taken against Fr. LeClercq. Instead, in 1991, the Vicar General of the Diocese of Peoria wrote that Fr. LeClercq is "free from his former difficulty," in reference to the 1985 offense.

37. Moreover, the AG Report provided insights as to some of the reasons why the sexual abuse of children continued to proliferate within the Diocese of Peoria despite the Diocese having decades of knowledge of the danger posed to children:

- a. Bp. Myers testified that there was "haphazard" record keeping in the Diocese regarding the handling of childhood sexual abuse. Bp. Myers explained this was because the Diocese utilized two different buildings that were a block apart for keeping such documentation, causing the "perhaps slipshod filing system that we had between the two different buildings of the office of the Bishop," and therefore "there may have been things that got by me."
- b. When asked if reports of child sexual abuse were transmitted to law enforcement when known to the Diocese, Bp. Myers testified that "very often I would simply delegate or presume that – that it was being handled by a person in [the other] office."
- c. Bp. Myers also testified that he never made information regarding the sexual abuse of children in the Diocese public, because it "was not the practice at the time." Bp. Myers explained that "I think that there was a great sensitivity to caring for victims but also to the reputation of priests. If a priest loses his reputation, he's done."

38. Yet, it was not just the Diocese of Peoria's handling of allegations of child sex abuse prior to and during the time in which Plaintiff was sexually abused that was inadequate.

Rather, the AG Report reveals the continued ratification and care for those clerics alleged and/or known to have sexually abused children:

- a. When the mother of a child who Fr. Francis Engels acknowledged sexually abusing in the 1980s learned that Bp. Myers was planning to reinstate Fr. Engels to a new parish, she called the Diocese in protest. Bp. Myers expressed that he “didn’t realize they would be so upset,” at Fr. Engels continuing to work within the Diocese.
- b. In 1991, Fr. Samuel Pusateri was sentenced to prison for sexually abusing a child in the Diocese of Peoria. However, Bp. Myers allowed Fr. Pusateri to retain his faculties, or permission to minister in the Diocese, until 1993 because there was a “possibility” that Bp. Myers might restore Fr. Pusateri “in the years ahead.”
- c. Also, in a writing to Fr. George Hiland, a priest who had been accused of sexually abusing a child, Bp. Myers expressed that he wanted to “thank you for your generous and fine priestly service in the Diocese of Peoria. Literally thousands of people share this gratitude, and I am sure, offer their prayers and best wishes to you.”
- d. In similar fashion, Bp. Myers wrote to accused child sex abuser, Fr. Robert Hughes, that “I would like to take this opportunity to thank you for your generous and effective ministry in the diocese these many years. But most of all, I would like to thank you for your many years of leadership as Pastor of St. Patrick’s Parish in Washington.”

39. Although Bp. Myers’ tenure as Bishop of the Diocese of Peoria ended in 2002, the failure to adequately protect children and warn the public of the danger of child sex abuse in the Diocese continued with the next Bishop, Bp. Daniel Jenky.

40. Bp. Jenky was installed as Bishop of the Diocese of Peoria on April 10, 2002.

41. In approximately June 2002, the United States Conference of Catholic Bishops published the Dallas Charter, and bound each Bishop, including the Bishop of the Diocese of Peoria, to follow its mandates.

42. In response, Bp. Jenky appeared to reform the Diocese of Peoria’s processes for handling cases of childhood sexual abuse. These actions including hiring Ms. Patricia Gibson, who

had previously served as outside counsel to the Diocese in the handling of child sexual abuse cases, as Vice Chancellor. Ms. Gibson thereafter became Chancellor.

43. Ms. Patricia Gibson thereafter took an active leading role in the Diocese of Peoria's response to childhood sexual abuse, including litigation, public relations, and communication with victims.

44. Also in 2002, Bp. Jenky publicly announced the names of seven clerics of the Diocese of Peoria he was asking to step down from ministry due to their sexual abuse of children.

45. Although Bp. Jenky's actions appeared to signal a shift of the Diocese's handling of child sex abuse, all while Plaintiff was being repeatedly sexually abused by Fr. Miller, it would later be revealed that Bp. Jenky, too, failed to fully and reasonably handle cases of childhood sexual abuse.

46. For example, despite the Diocese of Peoria receiving reports of child sex abuse perpetrated by Fr. George Hiland, Fr. John Onderko, and Fr. Duane LeClercq prior to 2002, Bp. Jenky did not publicly release their names as having sexually abused children until after the Attorney General began his investigation in 2018.

47. Bp. Jenky also failed to publicly acknowledge three other priests until the Attorney General began his investigation:

- a. Fr. Samuel Pusateri, who was criminally convicted of sexually abusing a child in the early 1990s.
- b. Fr. Toussaint Perron, who the Diocese found allegations of childhood sexual abuse against him "unsubstantiated" despite Fr. Perron having plead guilty to sexually abusing a child.
- c. Fr. Eugene Kane, who admitted to oral sexual contact with a child in the back seat of a car.

Fr. Thomas R. Miller

48. In 1979, Fr. Thomas R. Miller (“Fr. Miller”) was ordained a priest of the Diocese of Peoria.

49. As part of Fr. Miller’s ordination, Fr. Miller was obligated to make a promise of obedience to then-Bishop O’Rourke and all successors.

50. Fr. Miller’s promise of obedience bound Fr. Miller to obey all direction, order, command, and/or assignment of any Bishop of the Diocese of Peoria in any matter whatsoever.

51. Fr. Miller’s promise of obedience continued 24 hours a day, 7 days a week, for the entirety of the time in which Fr. Miller remained a priest of the Diocese of Peoria.

52. Failure to obey the Bishop would subject Fr. Miller to punishment within the Catholic Church, including, potentially, being laicized from the priesthood.

53. In 1979, at the direction of the Bishop, the Diocese of Peoria placed Fr. Miller in his first assignment at Holy Trinity Parish in Bloomington, Illinois.

54. According to the Illinois Attorney General, Fr. Miller sexually abused a child from 1979 to 1982, during Fr. Miller’s first assignment at Holy Trinity.

55. From 1979 to 1994, Fr. Miller was transferred by the Bishop to five different assignments throughout the Diocese of Peoria, including Schlarman High School in Danville, Illinois, until being transferred to work as the parish priest at St. Vincent de Paul in 1995.

56. From 1995 to 2006, Fr. Miller served as the parish priest at St. Vincent de Paul. St. Vincent de Paul included a kindergarten through eighth grade school under the sole and absolute control of St. Vincent de Paul and its priest, Fr. Miller.

57. From at least 1995 to at least 2006, the Diocese of Peoria wholly owned, operated, managed and controlled St. Vincent de Paul Parish, including its church, rectory, school and building, located at or near 6001 N. University St., Peoria, Illinois, 61614.

58. As parish priest at St. Vincent de Paul, Fr. Miller held a position of authority within the parish and school, enabling him to retain control over the operations of the parish and school subject only to the authority of the Bishop should the Bishop have elected to exercise such authority.

59. As parish priest at St. Vincent de Paul, Fr. Miller lived in the rectory, owned by the Diocese of Peoria, for the purposes of ministering to the faithful at St. Vincent de Paul.

60. As parish priest at St. Vincent de Paul, Fr. Miller was held out by the Diocese of Peoria as a representative of Christ on Earth who was to be obeyed, followed, and revered without question.

61. At all relevant times, the Diocese of Peoria knew, or through the exercise of reasonable care should have known that, as a parish priest, Fr. Miller ministered to persons of all ages at St. Vincent de Paul, including minor children.

62. At all relevant times, the Diocese of Peoria knew, or through the exercise of reasonable care should have known that, as a parish priest, Fr. Miller would have and did have unrestricted and unsupervised access and contact with minor students and parishioners of St. Vincent de Paul.

63. At all relevant times, the Diocese of Peoria knew, or through the exercise of reasonable care should have known that, as a parish priest, Fr. Miller would be administering the sacrament of confession to minors at St. Vincent de Paul.

64. The Diocese of Peoria knew, or through the exercise of reasonable care should have known that, at each of his assignments, Fr. Miller spent time alone with minor parishioners in the rectory, his office, and/or in the parish.

65. Throughout the entire time that Fr. Miller was a parish priest at St. Vincent de Paul, Fr. Miller was an employee of the Diocese of Peoria and subject to the absolute control of the Bishop.

66. Throughout the time that Fr. Miller was a parish priest at St. Vincent de Paul, the Diocese of Peoria provided Fr. Miller with all living expenses, including food, a stipend, retirement contributions, insurance, housing, and transportation.

Fr. Miller's Sexual Abuse of Plaintiff

67. Plaintiff was raised in a devout Catholic family in and around Peoria, Illinois, where he and his family were parishioners at St. Vincent de Paul.

68. From approximately 1995 to 2003, Plaintiff was a parishioner and student at St. Vincent de Paul.

69. As a student and parishioner at St. Vincent de Paul, Plaintiff had regular interaction with Fr. Miller.

70. As a student, parishioner, and participant in services offered by St. Vincent de Paul, Plaintiff was taught to trust, obey, and revere Catholic clerics, including Fr. Miller, without question.

71. Because Plaintiff was a student, parishioner, and participant in services offered by St. Vincent de Paul, St. Vincent de Paul and the Diocese of Peoria undertook custody, care, and control of Plaintiff.

72. It was commonplace for Fr. Miller to invite students, including Plaintiff, to the St. Vincent de Paul church and rectory to administer the sacrament of confession.

73. It was commonplace for Fr. Miller to be the only adult alone in the rectory with minor parishioners and students, including Plaintiff.

74. Between 1997 and 2003, while Plaintiff was in or about St. Vincent de Paul facilities and/or engaged in religious activities, Fr. Miller engaged in sexually abusive conduct toward Plaintiff, including but not limited to repeated hugs, rubbing and massaging Plaintiff's genitals and buttocks, over and under Plaintiff's clothing; and anal penetration.

75. At all relevant times, Fr. Miller's actions towards Plaintiff constituted sexual abuse.

76. Fr. Miller sexually abused Plaintiff at least approximately one time per month from approximately 1997 to 2003.

77. The sexual abuse took place in the St. Vincent de Paul church and rectory.

78. The sexual abuse took place several times while Fr. Miller was administering the sacrament of confession to Plaintiff.

79. The Diocese of Peoria maintains that it did not have notice that Fr. Miller was a child abuser until 2004.

80. In October 2006, Fr. Miller was laicized, or removed from the priesthood, as a result of credible allegations of sexual abuse of minors.

81. The Diocese of Peoria did not include Fr. Miller on its list of substantiated child abusers until 2018.

82. The sexual abuse by Fr. Miller severely injured Plaintiff physically, psychologically, spiritually, and emotionally.

Exclusive Access to Information Regarding Fr. Miller

83. To date, the Diocese of Peoria has not publicly released details about when and where Fr. Miller sexually abused children during his tenure with the Diocese of Peoria.

84. At all relevant times, including prior to the time that Plaintiff was abused by Fr. Miller, the Diocese of Peoria was in a specialized or superior position to receive information regarding Fr. Miller, and other clerics, posing a danger to minor parishioners.

85. The Diocese of Peoria is in exclusive control of all information and documentation regarding when it first received information that would put a reasonable person on notice that Fr. Miller was a threat to the safety of children.

86. Based on the findings of the Illinois Attorney General relative to the Diocese of Peoria's mishandling of child sexual abuse among its clergy, including its failure to document, any claim by the Diocese of Peoria with respect to when it first knew that Fr. Miller was a child abuser and danger to minor parishioners is unreliable.

COUNT I – NEGLIGENT SUPERVISION

87. Plaintiff repeats and re-alleges Paragraphs 1 through 86 as Paragraph 87 of this Count I.

88. At all relevant times, the Diocese of Peoria had a duty to exercise reasonable care in its operation, management, and control of its parishes, including St. Vincent de Paul.

89. At all relevant times, the Diocese of Peoria had a duty to exercise reasonable care in its supervision, empowerment, and endorsement of its employee priests, including Fr. Miller.

90. At all relevant times, the Diocese of Peoria had a duty to exercise reasonable care to protect minor children who it knew or should have known would come into contact with its clerics, including Fr. Miller.

91. In breach of the aforesaid duties, the Diocese of Peoria was guilty of one or more of the following negligent acts and/or omissions:

- a. Failing to have an adequate system in place to monitor priests, including Fr. Miller;
- b. Failing to supervise and/or properly supervise Fr. Miller;
- c. Failing to monitor and/or properly monitor Fr. Miller;
- d. Allowing Fr. Miller to have unrestricted and/or unsupervised access to minors, including Plaintiff;
- e. Allowing Fr. Miller to have minors in the rectory;
- f. Allowing Fr. Miller to be the only adult present when meeting with minors, including Plaintiff;
- g. Allowing Fr. Miller to be the only adult alone in the rectory with minors, including Plaintiff;
- h. Failing to implement and/or enforce policies and procedures relating to the prevention, detection or reporting of sexual abuse of minors;
- i. Allowing Fr. Miller to interact with minors;
- j. Failing to properly investigate reports of inappropriate sexual behavior, inappropriate conduct and/or sexual abuse by priests, including Fr. Miller; and
- k. Failing to protect children, including Plaintiff, from Fr. Miller's sexual abuse.

92. As a direct and proximate result of one or more of the aforesaid negligent acts and/or omissions committed by the Diocese of Peoria, Plaintiff suffered severe and ongoing injuries of a personal and pecuniary nature.

WHEREFORE, the Plaintiff, Michael Eckert, prays that judgment be entered against Defendant, the Diocese of Peoria, in an amount in excess of Fifty Thousand Dollars (\$50,000.00), plus costs of this lawsuit.

COUNT II- NEGLIGENT RETENTION

93. Plaintiff repeats and re-alleges Paragraphs 1 through 92 as Paragraph 93 of this Count II.

94. At all relevant times, the Diocese of Peoria had a duty to exercise reasonable care in its operation, management, and control of its parishes, including St. Vincent de Paul.

95. At all relevant times, the Diocese of Peoria had a duty to exercise reasonable care in its employment, retention, empowerment, and endorsement of its employee priests, including Fr. Miller.

96. At all relevant times, the Diocese of Peoria had a duty to exercise reasonable care to protect minor children who it knew or should have known would come into contact with its clerics, including Fr. Miller.

97. The Diocese of Peoria knew or should have known, and had actual or constructive knowledge, through their leaders, provincials, agents, employees, and officials, prior to placing Fr. Miller at St. Vincent de Paul, that he posed a danger to minors, including Plaintiff, and that those minors were at an increased risk of being sexually abused.

98. Additionally or in the alternative, the Diocese of Peoria through its own independent investigation should have known, prior to placing Fr. Miller at St. Vincent de Paul and granting him access to children, that Fr. Miller was not fit to work with or have access to children.

99. Additionally or in the alternative, the Diocese of Peoria knew or should have known that it lacked sufficient information regarding Fr. Miller, prior to placing Fr. Miller at St. Vincent de Paul and granting him access to children, to determine whether it was safe for him to work with and/or have access to minors while working within the Diocese of Peoria.

100. Despite this knowledge and in breach of the aforesaid duties, the Diocese of Peoria was guilty of one or more of the following negligent acts and/or omissions:

- a. Holding Fr. Miller out to everyone as a fit and competent agent of the Diocese of Peoria and a minister of Christ;
- b. Retaining Fr. Miller as a priest despite knowledge of his sexually abusive and deviant behavior;
- c. Failing to transfer or communicate Fr. Miller's history of sexual misconduct, orally or through his file, to parishes or assignments;
- d. Allowing Fr. Miller to interact with minors after being advised of allegations of sexual misconduct or abuse;
- e. Failing to properly investigate reports of inappropriate sexual behavior, inappropriate conduct and/or sexual abuse by priests, including Fr. Miller;
- f. Failing to have an adequate system in place to monitor and/or remove dangerous priests, including Fr. Miller;
- g. Failing to protect children, including Plaintiff, from Fr. Miller's sexual abuse;
- h. Allowing Fr. Miller to have unrestricted and/or unsupervised access to children, including Plaintiff;
- i. Failing to warn the St. Vincent de Paul community, including Plaintiff, of any of the allegations of sexual abuse directed at Fr. Miller, therefore denying them the ability to protect themselves from his pedophilic tendencies;
- j. Failing to warn the public, including Plaintiff, of any of the allegations of sexual abuse directed at Fr. Miller, therefore denying them the ability to protect themselves from his pedophilic tendencies;
- k. Failing to implement and/or enforce policies and procedures relating to the prevention, detection or reporting of sexual abuse of minors;
- l. Failing to properly implement and/or properly enforce policies and procedures relating to the prevention, detection or reporting of sexual abuse of minors;
- m. Failing to train Diocese of Peoria personnel regarding policies and/or procedures for reporting allegations or suspicions of priest sexual misconduct with minor students;
- n. Failing to train Diocese of Peoria personnel regarding policies and/or

procedures for reporting allegations or suspicions related to Fr. Miller's sexual misconduct with minor students;

- o. Failing to train Diocese of Peoria personnel regarding their reporting responsibilities under the Abused and Neglected Child Reporting Act, 325 ILCS 5/1, *et seq.*; and
- p. Failing to report Fr. Miller to law enforcement or other civil authorities when it knew or should have known of his sexual misconduct and/or abuse against children and adolescents.

101. As a direct and proximate result of one or more of the aforesaid negligent acts and/or omissions committed by the Diocese of Peoria, Plaintiff suffered severe and ongoing injuries of a personal and pecuniary nature.

WHEREFORE, the Plaintiff, Michael Eckert, prays that judgment be entered against Defendant, the Diocese of Peoria, in an amount in excess of Fifty Thousand Dollars (\$50,000.00), plus costs of this lawsuit.

COUNT III - WILFUL AND WANTON

102. Plaintiff repeats and re-alleges Paragraphs 1 through 101 as Paragraph 102 of this Count III.

103. At all relevant times, the Diocese of Peoria was guilty of conduct showing an utter indifference to or conscious disregard for the safety of others, including minors and the Plaintiff.

104. At all relevant times, the Diocese of Peoria was guilty of one or more of the following willful and wanton acts and/or omissions:

- a. Holding Fr. Miller out to everyone as a fit and competent agent of the Diocese of Peoria and a minister of Christ;
- b. Retaining Fr. Miller as a priest despite knowledge of his sexually abusive and deviant behavior;
- c. Failing to transfer or communicate Fr. Miller's history of sexual misconduct, orally or through his file, to his subsequent parishes or assignment;

- d. Allowing Fr. Miller to interact with minors after being advised of allegations of sexual misconduct or abuse;
- e. Allowing Fr. Miller to have minors in the rectory;
- f. Allowing Fr. Miller to be the only adult present when meeting with minors, including Plaintiff;
- g. Allowing Fr. Miller to be the only adult alone in the rectory with minors, including Plaintiff;
- h. Failing to properly investigate reports of inappropriate sexual behavior, inappropriate conduct and/or sexual abuse by priests, including Fr. Miller;
- i. Failing to have an adequate system in place to monitor and/or remove dangerous priests, including Fr. Miller;
- j. Failing to supervise and/or properly supervise Fr. Miller;
- k. Failing to monitor and/or properly monitor Fr. Miller;
- l. Failing to protect minor boys, including Plaintiff, from Fr. Miller's sexual abuse;
- m. Allowing Fr. Miller to have unrestricted and/or unsupervised access to children;
- n. Failing to warn the St. Vincent de Paul community, including Plaintiff, of any of the allegations of sexual abuse directed at Fr. Miller, therefore denying him the ability to protect himself from his pedophilic tendencies;
- o. Failing to warn the public, including Plaintiff, of any of the allegations of sexual abuse directed at Fr. Miller, therefore denying him the ability to protect himself from his pedophilic tendencies;
- p. Failing to implement and/or enforce policies and procedures relating to the prevention, detection or reporting of sexual abuse of minors;
- q. Failing to properly implement and/or properly enforce policies and procedures relating to the prevention, detection or reporting of sexual abuse of minors;
- r. Failing to train Diocese of Peoria personnel regarding policies and/or procedures for reporting allegations or suspicions of priest sexual misconduct with minor students;
- s. Failing to train Diocese of Peoria personnel regarding policies and/or procedures for reporting allegations or suspicions related to Fr. Miller's sexual

misconduct with minor students;

- t. Failing to train Diocese of Peoria personnel regarding their reporting responsibilities under the Abused and Neglected Child Reporting Act, 325 ILCS 5/1, *et seq.*; and
- u. Failing to report Fr. Miller to law enforcement or other civil authorities when it knew or should have known of his sexual misconduct and/or abuse against children and adolescents.

105. As a direct and proximate result of one or more of the aforesaid willful and wanton acts and/or omissions committed by the Diocese of Peoria, Plaintiff suffered severe and ongoing injuries of a personal and pecuniary nature.

WHEREFORE, Plaintiff, Michael Eckert, requests that judgment be entered in his favor and the Diocese of Peoria in an amount in excess of the jurisdictional limits of this Court and such other relief as this Court deems just and equitable.

JURY DEMAND

Plaintiff hereby demands a jury trial.

Respectfully Submitted,

/s/ Jeffrey R. Anderson
One of Plaintiff's Attorneys

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