

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT
CIVIL ACTION NO:

1

129*

John Doe No. 14,

Plaintiff

vs.

ROMAN CATHOLIC ARCHBISHOP OF BOSTON,
A CORPORATION SOLE;
JOSEPH FLYNN;
J. KEVIN MCANDREWS,

Defendants

02-4645 TT

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SUFFOLK SUPERIOR COURT
CIVIL ACTION OFFICE
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VERIFIED COMPLAINT AND DEMAND FOR TRIAL BY JURY

A. THE PARTIES

1. The Plaintiff, John Doe No. 14, is now an adult individual, presently residing in Haverhill, Essex County, Commonwealth of Massachusetts. At all times relevant to the allegations and representations set forth in this Complaint, Plaintiff was then a minor child.
2. The Defendant, Roman Catholic Archbishop of Boston, A Corporation Sole, has an address c/o Archdiocese of Boston, 2121 Commonwealth Avenue, Boston, Suffolk County, Commonwealth of Massachusetts.
3. The Defendant, Joseph Flynn, is an individual with an unknown address as of the filing of this Verified Complaint.
4. The Defendant, J. Kevin McAndrews, is an individual with a last known address in Reading, Middlesex County, Commonwealth of Massachusetts.

B. FACTS COMMON TO ALL COUNTS

5. The Defendant, Joseph Flynn, was at all times relevant an employee, representative and agent of the Roman Catholic Archbishop of Boston, A Corporation Sole, and responsible for overseeing and supervising the work, activities, and relationships of the said Defendant, J. Kevin McAndrews, with the members of the parish and guests, attendees, visitors, invitees and others who utilized facilities and services of the Roman Catholic Archbishop of Boston, A Corporation Sole, and assuring their safety and well being.
6. Defendant, J. Kevin McAndrews, was an employee, representative or agent of the Roman Catholic Archbishop of Boston, A Corporation Sole.
7. At all times relevant hereto Defendant, Joseph Flynn, was responsible for the management and supervision of employees, representatives and agents of the Roman Catholic Archbishop of Boston, A Corporation Sole, including those activities of the Defendant, J. Kevin McAndrews.
8. On numerous occasions the Defendant, J. Kevin McAndrews, engaged in coerced, non-consensual sexual conduct, touching, assault and battery, egregious, reprehensible and explicit sexual behavior with Plaintiff. This activity and conduct took place at the St. Anthanasius Church, Reading, Massachusetts, and at other locations in Massachusetts.
9. At some point in time prior to the abuse of this Plaintiff, the Defendant, Joseph Flynn, either knew or should have known that the Defendant, J.

Kevin McAndrews, was acting suspiciously and inappropriately with minor children. The said Defendant, Joseph Flynn, took no action to preclude, prevent or prohibit the said Defendant, J. Kevin McAndrews, from coming into contact with minor children in an unsupervised situation, and did nothing to protect or safeguard this then minor Plaintiff from the foreseeable advances, contacts, touchings and molestations, by the Defendant, J. Kevin McAndrews.

10. At some point in time prior to the abuse of this Plaintiff, the Defendant, Roman Catholic Archbishop of Boston, A Corporation Sole, either knew or should have known that the Defendant, J. Kevin McAndrews, was acting suspiciously and inappropriately with minor children. The said Defendant, Roman Catholic Archbishop of Boston, A Corporation Sole, took no action to preclude, prevent or prohibit the said Defendant, J. Kevin McAndrews, from coming into contact with minor children in an unsupervised situation, and did nothing to protect or safeguard this then minor Plaintiff from the foreseeable advances, contacts, touchings and molestations, by the Defendant, J. Kevin McAndrews.

11. As a result of the advances, contacts, touchings, assaults and molestations, by the Defendant, J. Kevin McAndrews, your Plaintiff was emotionally and psychologically harmed and injured, and suffered extraordinary pain and suffering.

C. CAUSES OF ACTION

**COUNT ONE – NEGLIGENCE AGAINST DEFENDANT, J. KEVIN
MCANDREWS**

12. The Plaintiff, repeats, re-alleges and incorporates each of paragraphs 1-11 inclusive as if each had been set forth separately.
13. The Defendant, J. Kevin McAndrews, owed Plaintiff a duty of care to act appropriately within his position as a member of the clergy on behalf of the Roman Catholic Archbishop of Boston, a Corporation Sole.
14. The Defendant, J. Kevin McAndrews, breached his duty to the Plaintiff by, among other things, acting in a negligent and careless matter, and failing to exercise ordinary care in the discharge of his duties as a member of the clergy, in that he engaged in reprehensible, egregious and explicit sexual behavior, including coerced, non-consensual sexual acts with the Plaintiff, all as described herein.
15. As a direct and proximate result of the negligence of the Defendant, J. Kevin McAndrews, this Plaintiff has suffered, and will continue to suffer into the future: severe and permanent mental distress and emotional injuries; financial expenses for medical, counseling and therapeutic care and treatment; long term lost earning capacity; as well as other damages, pain and suffering.
16. WHEREFORE, the said Plaintiff demands judgment against this Defendant, J. Kevin McAndrews, in an amount to fairly and adequately

compensate him for the damages, pain and suffering that he has suffered as a result of the negligence of this Defendant.

COUNT TWO – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
AGAINST DEFENDANT, J. KEVIN MCANDREWS.

17. Your Plaintiff repeats, re-alleges and incorporates each of paragraphs 1-16, inclusive as if each had been set forth separately herein.
18. By engaging in the reprehensible, egregious and explicit sexual behavior, contact and assault described above, the Defendant, J. Kevin McAndrews, intended to inflict emotional distress upon this Plaintiff. In the alternative, the Defendant, J. Kevin McAndrews, knew or should have known that emotional distress was the likely result of his behavior and conduct.
19. The behavior and conduct of this Defendant, J. Kevin McAndrews, in engaging in the egregious, reprehensible and explicit sexual behavior and coerced non-consensual sexual acts with him while the said Plaintiff was in his presence and company, is extreme and outrageous, and beyond all possible bounds of decency, and utterly intolerable in a civilized community.
20. As a direct and proximate result of the behavior and conduct of this Defendant, J. Kevin McAndrews, engaging in the egregious, reprehensible and explicit sexual behavior and coerced non-consensual sexual acts with this Plaintiff, the said Plaintiff has suffered and will continue to suffer in

the future: severe and permanent mental distress and emotional injuries, pain and suffering; financial expenses for medical counseling and therapeutic care and treatment; long term lost earning capacity; as well as other damages.

21. The mental distress and the emotional injuries which the said Plaintiff has suffered and will continue to suffer are severe and of a nature that no reasonable person could be expected to endure.
22. WHEREFORE, your Plaintiff demands judgment against this Defendant, J. Kevin McAndrews, in an amount to fairly and adequately compensate him for the damages that he has suffered as a result of this Defendant's conduct.

COUNT THREE – ASSAULT, AGAINST DEFENDANT, J. KEVIN

MCANDREWS.

23. Your Plaintiff repeats, re-alleges and incorporates each of paragraphs 1-22, inclusive as if each had been set forth separately herein.
24. By engaging in the reprehensible, egregious and explicit sexual behavior including the coercion of non-consensual sexual acts, all is described above, this Defendant, J. Kevin McAndrews, acted intentionally so as to cause harmful and offensive conduct with the said Plaintiff.
25. By engaging in the reprehensible, egregious and explicit sexual behavior and coercion of non-consensual sexual acts with him, this Defendant placed the said Plaintiff in imminent and reasonable apprehension of harmful and offensive contact.

26. As a direct and proximate result of the negligence of the Defendant, J. Kevin McAndrews, this Plaintiff has suffered, and will continue to suffer into the future: severe and permanent mental distress and emotional injuries; financial expenses for medical, counseling and therapeutic care and treatment; long term lost earning capacity; as well as other damages, pain and suffering.

27. WHEREFORE, the said Plaintiff demands judgment against this Defendant, J. Kevin McAndrews, in an amount to fairly and adequately compensate him for the damages, pain and suffering that he has suffered as a result of the negligence of this Defendant.

COUNT FOUR- BATTERY, AGAINST DEFENDANT

J. KEVIN MCANDREWS.

28. The Plaintiff repeats, re-alleges and incorporates each of paragraphs 1-27, inclusive as if each had been set forth separately herein.

29. By engaging in reprehensible, egregious and explicit sexual behavior and coerced non-consensual acts against him, all as described above, Defendant, J. Kevin McAndrews, acted intentionally so as to cause unjustified, harmful and offensive physical contact and touching of the said Plaintiff, and repeatedly performing such unjustified, coerced, non-consensual, inappropriate, harmful and offensive physical contact and touching with Plaintiff.

30. As a direct and proximate result of the negligence of the Defendant, J. Kevin McAndrews, this Plaintiff has suffered, and will continue to suffer into the future: severe and permanent mental distress and emotional injuries; financial expenses for medical, counseling and therapeutic care and treatment; long term lost earning capacity; as well as other damages, pain and suffering.

31. WHEREFORE, the said Plaintiff demands judgment against this Defendant, J. Kevin McAndrews, in an amount to fairly and adequately compensate him for the damages, pain and suffering that he has suffered as a result of the negligence of this Defendant.

**COUNT FIVE- INVASION OF RIGHT OF PRIVACY AGAINST
DEFENDANT, J. KEVIN MCANDREWS.**

32. Plaintiff repeats, re-alleges and incorporates each of paragraphs 1 - 31, inclusive as if each had been set forth separately herein.

33. Your Plaintiff was entitled to a right of privacy of his own body.

34. By engaging in egregious, reprehensible and explicit sexual behavior, including the engagement of coerced, non-consensual sexual acts with him, this Defendant did, without consent or permission, intrude and interfere with the Plaintiff's physical solitude, and did unreasonably, substantially and seriously interfere with this Plaintiff's right of privacy.

35. The mental distress and the emotional injuries which the said Plaintiff has suffered and will continue to suffer are severe and of a nature that no reasonable person could be expected to endure.

36. WHEREFORE, your Plaintiff demands judgment against this Defendant, J. Kevin McAndrews, in an amount to fairly and adequately compensate him for the damages that he has suffered as a result of this Defendant's conduct.

**COUNT SIX – NEGLIGENT HIRING AND SUPERVISION AGAINST
DEFENDANTS: ROMAN CATHOLIC ARCHBISHOP OF BOSTON, A
CORPORATION SOLE; JOSEPH FLYNN.**

37. Plaintiff repeats, re-alleges and incorporates each of paragraphs 1- 36, inclusive as if each had been set forth separately herein.

38. At all times relevant to this action, the responsibilities of Defendants: Roman Catholic Archbishop of Boston, A Corporation Sole; and Joseph Flynn, included the hiring, retention and supervision of the said Defendant, J. Kevin McAndrews.

39. At all times relevant to this action, these said Defendants either knew, or should have known, that J. Kevin McAndrews would interact and was interfacing with the said Plaintiff, who was a minor, and more specifically that he was susceptible to emotional stress and distress due to his youth and emotional vulnerability.

40. At all times relevant to this action, these Defendants had a duty of care for the Plaintiff to properly hire, retain and supervise individuals of good reputation and character who would be asked to interact with the said Plaintiff.

41. At all times relevant to this action, these Defendants negligently breached their said duty by hiring and retaining, and supervising, J. Kevin McAndrews, an individual whom each of these Defendants either knew or should have known was of bad character and reputation, and unable to properly interact with this Plaintiff, who was then a minor child. Furthermore, the said Defendants improperly, inadequately, negligently and carelessly supervised the said J. Kevin McAndrews.

42. At all times relevant to this action, the said Defendants knew or should have known that J. Kevin McAndrews's intentional and negligent conduct would result in severe mental and emotional suffering by the Plaintiff.

43. As a direct and proximate result of the negligence of these Defendants, this Plaintiff has suffered, and will continue to suffer into the future: severe and permanent mental distress and emotional injuries; financial expenses for medical, counseling and therapeutic care and treatment; long term lost earning capacity; as well as other damages, pain and suffering.

44. WHEREFORE, the said Plaintiff demands judgment against these Defendants, in an amount to fairly and adequately compensate him for the damages, pain and suffering that he has suffered as a result of the negligence of these Defendants.

COUNT SEVEN-LIABILITY FOR RATIFICATION OF INTENTIONAL ACT
AGAINST DEFENDANT, ROMAN CATHOLIC ARCHBISHOP OF BOSTON,
A CORPORATION SOLE; AND JOSEPH FLYNN.

45. Plaintiff repeats, re-alleges and incorporates each of paragraphs 1- 44, inclusive as if each had been set forth separately herein.
46. Each of the Defendants, Roman Catholic Archbishop of Boston, A Corporation Sole; and Joseph Flynn either knew or should have known that Defendant, J. Kevin McAndrews, posed a significant and imminent danger to minor children, including the said Plaintiff. This significant and imminent danger was premised on the receipt of information regarding allegations and/or knowledge of prior sexual mis-conduct and/or other inappropriate behavior with minor children.
47. Despite having actual or constructive knowledge of the allegations of Complaints or actual or constructive knowledge of sexual mis-conduct and other inappropriate behavior, each of the said Defendants failed to reasonably or diligently investigate the said allegations, or intervene on behalf of the said Plaintiff, and take such action as would preclude, prevent or prohibit this Defendant, J. Kevin McAndrews, from coming into contact with the Plaintiff during the discharge of his responsibilities as a member of the clergy. By preventing or precluding J. Kevin McAndrews from coming into contact with, and having a relationship with, the Plaintiff, that would prevent him from harming the said Plaintiff.

48. The failure of these Defendants to reasonably and diligently investigate the allegations and intervene on behalf of the Plaintiff, and take such action as would preclude, prevent or prohibit J. Kevin McAndrews from coming into contact with the said Plaintiff during the discharge of his activities as a member of the clergy, represents a knowing and intentional failure to act and a ratification of J. Kevin McAndrews's ongoing course of harmful and offensive physical contact and touching, egregious, explicit and reprehensible sexual behavior, and sexual abuse of the said Plaintiff.
49. As a direct and proximate result of the negligence of these Defendants, this Plaintiff has suffered, and will continue to suffer into the future: severe and permanent mental distress and emotional injuries; financial expenses for medical, counseling and therapeutic care and treatment; long term lost earning capacity; as well as other damages, pain and suffering.
50. WHEREFORE, the said Plaintiff demands judgment against these Defendants, in an amount to fairly and adequately compensate him for the damages, pain and suffering that he has suffered as a result of the negligence of these Defendants.

COUNT EIGHT-NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
AGAINST DEFENDANTS, ROMAN CATHOLIC ARCHBISHOP OF
BOSTON, A CORPORATION SOLE;
AND JOSEPH FLYNN.

51. Plaintiff repeats, re-alleges and incorporates each of paragraphs 1- 50, inclusive as if each had been set forth separately herein.

52. At all times relevant to this action, the responsibilities of the said Defendants, Roman Catholic Archbishop of Boston, A Corporation Sole; and Joseph Flynn, included the hiring, retention and supervision of Defendant, J. Kevin McAndrews.

53. These Defendants knew or should have known, based on information provided to them, that Defendant, J. Kevin McAndrews, would interact and was interacting with individuals, including your Plaintiff, in an inappropriate, negligent, offensive and sexually explicit manner.

54. At all times relevant the said Defendants knew or should have known that J. Kevin McAndrews was of bad character and reputation and unable to properly interact with your Plaintiff. Furthermore, these Defendants improperly, wrongfully, negligently and carelessly supervised the said J. Kevin McAndrews.

55. The said Defendants knew or should have known that J. Kevin McAndrews's intentional and negligent conduct would result in severe mental and emotional suffering by the Plaintiff.

56. By failing to act in a responsible manner by taking such action as would prevent, prohibit or preclude J. Kevin McAndrews from coming into contact with the Plaintiff, and by allowing such contact to take place which ratified J. Kevin McAndrews's ongoing course of improper, inappropriate, negligent and wrongful sexual conduct and abuse of the Plaintiff, these Defendants have violated their duty of care, trust and loyalty toward the Plaintiff.

57. As a direct and proximate result of the negligence of these Defendants, this Plaintiff has suffered, and will continue to suffer into the future: severe and permanent mental distress and emotional injuries; financial expenses for medical, counseling and therapeutic care and treatment; long term lost earning capacity; as well as other damages, pain and suffering.

58. WHEREFORE, the said Plaintiff demands judgment against these Defendants, in an amount to fairly and adequately compensate him for the damages, pain and suffering that he has suffered as a result of the negligence of these Defendants.

COUNT NINE - VICARIOUS LIABILITY AGAINST DEFENDANTS,
ROMAN CATHOLIC ARCHBISHOP OF BOSTON, A CORPORATION SOLE;
AND JOSEPH FLYNN.

59. Plaintiff repeats, re-alleges and incorporates each of paragraphs 1-58, inclusive as if each had been set forth separately herein.

60. At all times relevant hereto, each of the said Defendants, Roman Catholic Archbishop of Boston, A Corporation Sole; and Joseph Flynn, knew or should have known of the allegations of sexual mis-conduct and inappropriate behavior toward the Plaintiff.

61. At all times relevant hereto these said Defendants undertook no reasonable or diligent investigation, nor intervened with any action, which would prevent, prohibit or preclude the said J. Kevin McAndrews from coming into contact with the said Plaintiff, and would prevent, preclude or prohibit him from committing any tortuous conduct or criminal conduct, including harmful and offensive physical contact and touching, egregious and explicit sexual behavior, and coerced, non-consensual sexual acts with him.

62. By failing to act in a reasonable and responsible manner on the information that the Defendants either knew or should have known, these Defendants, and each of them, are vicariously liable for the negligence, acts and conduct, knowing, willful, and intentional torts committed by the said J. Kevin McAndrews.

63. As a direct and proximate result of the negligence of these Defendants, this Plaintiff has suffered, and will continue to suffer into the future: severe and permanent mental distress and emotional injuries; financial expenses for medical, counseling and therapeutic care and treatment; long term lost earning capacity; as well as other damages, pain and suffering.

64. WHEREFORE, the said Plaintiff demands judgment against these Defendants, in an amount to fairly and adequately compensate him for the damages, pain and suffering that he has suffered as a result of the negligence of these Defendants.

THE PLAINTIFF DEMANDS TRIAL BY JURY ON ALL COUNTS.

Respectfully submitted,
The Plaintiff,
By him Attorney.



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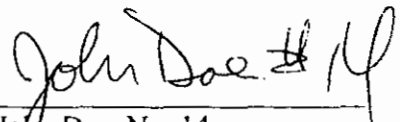
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Date: June 4, 2002

VERIFICATION

I, the undersigned, hereby certify and represent to the Court that I am the Plaintiff described in the foregoing Complaint. I have reviewed the allegations and representations set forth in the foregoing Complaint, which was prepared by my attorney. The allegations and representations contained in the Complaint are true and correct of my own personal knowledge, information and belief, and to the extent that I have relied on information and belief, I believe such information and belief to be true and correct.

Respectfully submitted this 04 day of June, 2002 under the pains of perjury.



John Doe, No. 14