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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR MULTNOMAH COUNTY

0702-02227

M.N., an individual proceeding under a
pseudonym,

Plaintiff,

v.

SOCIETY OF JESUS, OREGON
PROVINCE, an Oregon religious not for
profit corporation,

Defendant.

Case No. _____

COMPLAINT
(Sexual Abuse of a Child/*Respondeat
Superior*; Intentional Infliction of
Emotional Distress /*Respondeat
Superior*; Negligence)

JURY TRIAL DEMANDED

Not Subject to Mandatory Arbitration

Plaintiff alleges:

(Common Allegations)

1.

Plaintiff M.N. is an adult female born in the year 1958 who, at all times relevant to the abuse outlined in this complaint, was an unemancipated minor child who was a student at St. Mary's of the Valley School and a parishioner with her family at St. Cecelia's parish in Beaverton, Oregon.

2.

At all times relevant this complaint, Defendant Society of Jesus, Oregon Province (hereinafter "Defendant" or "Jesuits") was an Oregon religious not-for-profit corporation operating in the states of Oregon, Washington, Alaska, Idaho, and Montana. The main offices of the Jesuits are located in Portland, Multnomah County, Oregon.

3.

At all times relevant to this complaint, Father James E. Poole was a Catholic priest, an

1 employee or agent of the Jesuits, provided pastoral and other services to Plaintiff, and was at all
2 times acting within the course and scope of his employment or agency in performing duties for
3 and on behalf of the Jesuits. At all times relevant to this complaint, Father John Duffy
4 (hereinafter "Fr. Duffy") was a Catholic priest or Jesuit novitiate, an employee or agent of the
5 Jesuits, provided pastoral and other services to Plaintiff, and was at all times acting within the
6 course and scope of his employment or agency in performing duties for and on behalf of the
7 Jesuits. The Jesuits, Fr. Poole, and Fr. Duffy jointly provided religious ritual services, including
8 Mass, confession, spiritual guidance, education and other religious services to Plaintiff and her
9 family.

10 4.

11 The Jesuits empowered Frs. Poole and Duffy to perform all duties of priests, including
12 pastoral and religious services, education, spiritual, moral and ethical guidance, religious
13 instruction, guidance and other duties of a parish priest on behalf of the Defendants. The Jesuits
14 knew that as part of their duties as priests, Frs. Poole and Duffy would be in a position of trust
15 and confidence with minor parishioners and their families, including the Plaintiff in this case.

16 5.

17 For the purpose of furthering their assigned duties as priests, Frs. Poole and Duffy gained
18 the trust and confidence of the Plaintiff and her family as a spiritual guide and as a valuable and
19 trustworthy mentor and gained the admiration and obedience of Plaintiff. Further, aided by the
20 conduct of Defendant, Frs. Poole and Duffy sought and gained Plaintiff's parents' instruction that
21 the Plaintiff was to have respect for the position of Frs. Poole and Duffy as priests, their teaching
22 authority and guidance, as well as to comply with the instructions and requests of Frs. Poole and
23 Duffy. The foregoing course of conduct discussed in this Paragraph is hereinafter referred to as
24 "Grooming."

25 6.

26 The Grooming process led to Fr. Poole's and Fr. Duffy's acts of sexual molestation of the

1 Plaintiff. Fr. Poole's and Fr. Duffy's Grooming of Plaintiff was (1) committed in direct
2 connection and for the purposes of fulfilling the priests' employment and agency with Defendant;
3 (2) committed within the time and space limits of their agency and employment as priests; (3)
4 done initially and at least in part from a desire to serve the interests of the Jesuits; (4) done
5 directly in the performance of their duties as priests; (5) generally consisted of actions the kind
6 and nature of which Frs. Poole and Duffy were required to perform as priests; and (6) was done
7 at the direction of, and pursuant to, the power vested in them by the Jesuits.

8 7.

9 Frs. Poole and Duffy, while acting within the course and scope of their employment and
10 agency, and using the authority and position of trust as priest for the Jesuits—through the
11 Grooming process—induced and directed Plaintiff to engage in various sexual acts with them.

12 8.

13 Specifically, Fr. Poole molested Plaintiff on dozens of occasions in 1964 and 1965 when
14 visiting at the Plaintiff's family home. Fr. Duffy exposed himself to Plaintiff and molested her
15 on numerous occasions in or around the mid 1960s when visiting at the Plaintiff's family home.

16 9.

17 As a result of Fr. Poole's and Fr. Duffy's sexual abuse, molestation, and breach of
18 authority, trust and position as priest and authority figure to Plaintiff, Plaintiff has suffered and
19 continues to suffer severe debilitating physical, mental, and emotional injury, including pain and
20 suffering, physical and emotional trauma, and permanent psychological damage, all to her non-
21 economic damages in the amount of \$5,000,000.00.

22 10.

23 As an additional result and consequence of Frs. Poole and Duffy's sexual abuse,
24 molestation, harassment, retaliation, and breach of authority, trust and position as intern
25 supervisor and authority figure to the Plaintiff, Plaintiff has incurred and/or will incur in the
26 future, costs for counseling, psychiatric and psychological medical treatment all to his economic

1 damages in the approximate amount of \$100,000.00.

2

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FIRST CLAIM FOR RELIEF
Against Defendant Jesuits
Sexual Battery and Assault of a Child/Respondeat Superior

4

5

11.

6

Plaintiff realleges and incorporates by reference paragraphs 1 through 10, above.

7

12.

8

On numerous instances, Fr. Poole and Fr. Duffy engaged in sexual touching of Plaintiff.

9

This constituted harmful and offensive touching of Plaintiff. On other occasions, Fr. Poole and

10

Fr. Duffy attempted to molest Plaintiff, resulting in Plaintiff being apprehensive of an imminent

11

harmful and offensive touching.

12

13.

13

As a result of the sexual battery and assault, Plaintiff has suffered and continues to suffer
damages as set out in paragraphs 9 and 10, above.

15

14.

16

The Jesuits are strictly and vicariously liable, as set out in paragraphs 4 through 8, above,
for Plaintiff's damages set out in paragraphs 9 and 10, above, as a result of Fr. Poole's and Fr.
Duffy's sexual battery and assault because the Jesuits placed these priests in a position of trust
over Plaintiff, and the battery and assault were the culmination of a series of acts stemming from
and causally related to their employment duties.

21

22

SECOND CLAIM FOR RELIEF
Against Defendant Jesuits
Intentional Infliction of Emotional Distress

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15.

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Plaintiff realleges and incorporates by reference paragraphs 1 through 10, and 11 through

26

13, above.

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16.

Frs. Poole and Duffy knowingly and intentionally caused severe emotional distress to Plaintiff when they engaged in the sexual battery and assault set forth in paragraphs 6, 7, and 12, above. Plaintiff did in fact suffer severe emotional distress as a result of the sexual abuse and sexual abuse of an eight or nine year old girl by her priest is beyond the bounds of all socially tolerable conduct.

17.

As a result of Fr. Poole's and Fr. Duffy's intentional infliction of emotional distress, Plaintiff has suffered and continues to suffer damages as set out in paragraphs 9 and 10, above.

18.

The Jesuits are strictly and vicariously liable, as set out in paragraphs 4 through 8, above, for Plaintiff's damages set out in paragraphs 9 and 10, above, as a result of Fr. Poole's and Fr. Duffy's intentional infliction of emotional distress because the Jesuits placed these priests in a position of trust over Plaintiff, and the intentional infliction of emotional distress was the culmination of a series of acts stemming from and causally related to their employment duties.

THIRD CLAIM FOR RELIEF
Against Defendant Jesuits
Negligence

19.

Plaintiff realleges and incorporates by reference paragraphs 1 through 18, above.

20.

In or about the year 1960, the Jesuits became aware of numerous instances of Fr. Poole behaving in a sexually inappropriate manner with minor girls at a boarding school in Alaska. In 1964, the Jesuits abruptly reassigned Fr. Poole to the Portland, Oregon area. This reassignment was made without any apparent restrictions on Fr. Poole's interactions with minors or females in the Portland area.

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21.

The Jesuits created a special relationship with Plaintiff by inviting and encouraging her to participate in religious and other activities with priests of the Order, and to associate with clergy in her home. Furthermore, as a minor parishioner, Plaintiff was within the class of persons to be protected by the Jesuits' hiring and supervisory processes, and the risk of sexual molestation by employees is within the general type of potential incidents and injuries that require Defendant to properly supervise and monitor employees, particularly where reports of sexual misconduct had occurred in the past with the same priest.

22.

The Jesuits' failure to supervise, monitor, or restrict Fr. Poole's activities around young girls, and its retention of Fr. Poole after allegations of sexual misconduct came to light, created a foreseeable risk of harm to the safety of minor girls and other parishioners of Jesuit-operated parishes. Plaintiff's interest in being free from sexual molestation is an interest of a kind that the law protects against negligent invasion. The Jesuits' failure to supervise, monitor, or restrict Fr. Poole's activities around young girls, and its retention of Fr. Poole after allegations of sexual misconduct came to light was unreasonable in light of the risk posed to minor girls by priests with a recognized problem with sexual misconduct around them. Defendant's failure to monitor and supervise, or in the alternative terminate, was a cause of the molestation and harassment suffered by Plaintiff, and the damages alleged in paragraphs 9 and 10, above.

23.

Specifically, Defendant Jesuits were thus negligent to Plaintiff in one or more of the following particulars:

- a. The Jesuits failed to investigate potential past victims of Fr. Poole after they became aware of the priest's deviant sexual interest in young girls;
- b. The Jesuits allowed Fr. Poole to interact with adolescent and teenage girls as part of his employment duties after they knew of his propensity to use his position as a priest to

1 engage in deviant conduct with young girls;

2 c. The Jesuits failed to notify parents and parishioners of Jesuit-operated parishes or
3 the students and parents of students at Jesuit Operated Schools after they knew of Fr. Poole's
4 deviant sexual interest in young girls; and

5 d. The Jesuits failed to revoke the authority of Fr. Poole as priest, employee, and
6 agent of the Jesuits.

7 24.

8 Pursuant to ORS § 30.725, Plaintiff hereby provides notice of her intent to amend this
9 Complaint to add a claim for punitive damages against the Jesuits for the negligence Defendant
10 showed in relation to Fr. Poole, because through its negligence, the Jesuits acted with malice or
11 showed a reckless and outrageous indifference to a highly unreasonable risk of harm and acted
12 with a conscious indifference to the health, safety and welfare of others, including Plaintiff.

13

14 **WHEREFORE**, Plaintiff prays for judgment against Defendant as follows:

15 1. On Plaintiff's First Claim for Relief, non-economic damages for Plaintiff in the
16 amount of \$5,000,000.00, the exact amount to be determined by the jury at the time of trial;

17 2. On Plaintiff's First Claim for Relief, economic damages for Plaintiff in the
18 amount of \$100,000.00, the exact amount to be determined by the jury at the time of trial;

19 3. On Plaintiff's Second Claim for Relief, non-economic damages for Plaintiff in the
20 amount of \$5,000,000.00, the exact amount to be determined by the jury at the time of trial;

21 4. On Plaintiff's Second Claim for Relief, economic damages for Plaintiff in the
22 amount of \$100,000.00, the exact amount to be determined by the jury at the time of trial;

23 5. On Plaintiff's Third Claim for Relief, non-economic damages for Plaintiff in the
24 amount of \$5,000,000.00, the exact amount to be determined by the jury at the time of trial;

25 6. On Plaintiff's Third Claim for Relief, economic damages for Plaintiff in the
26 amount of \$100,000.00, the exact amount to be determined by the jury at the time of trial;

