

UNITED STATES DISTRICT COURT  
OF THE DISTRICT OF NEW JERSEY

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“JOHN DOE” (A PSEUDONYM),

Plaintiff,  
-against-

Case No:

THE ROMAN CATHOLIC ARCHDIOCESE  
OF NEWARK; THE ROMAN CATHOLIC  
DIOCESE OF METUCHEN; and  
THEODORE E. McCARRICK,

Defendants.

**COMPLAINT**

**JURY TRIAL  
DEMANDED**

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X

Plaintiff, “JOHN DOE” (a Pseudonym), by and through his attorneys, Mark D. Lefkowitz, Esq. and Kevin T. Mulhearn, P.C., complaining of the Defendants, hereby states and alleges, upon information and belief, as follows:

**NATURE OF THE ACTION**

1. Plaintiff, “JOHN DOE”, brings this lawsuit against Defendants, The Roman Catholic Archdiocese of Newark (“Archdiocese of Newark”), The Roman Catholic Diocese of Metuchen (“Diocese of Metuchen”), and Theodore E. McCarrick (“McCarrick”), as a result of being raped and sexually abused as a child—beginning when he was 12-years-old—by McCarrick on dozens of occasions from 1985 through 1990.
2. McCarrick raped and/or sexually abused Plaintiff numerous times during his respective tenures as Bishop of the Diocese of Metuchen (1981 through 1986) and Archbishop of the Archdiocese of Newark (1986 through 2000).
3. Pursuant to the hierarchical structure of the Catholic Church, McCarrick was vested with the exclusive executive, legislative, and judicial power and authority over the business and spiritual affairs of his respective dioceses, including the oversight of all clerics within those dioceses, at all material times.

4. McCarrick wielded this broad, practically unfettered authority as both a sword—which allowed him to repeatedly engage in sexual misconduct within his dioceses and on various Church properties—and a shield—which protected him from suffering any consequences for his numerous sex crimes, either through the legal system within the United States and State of New Jersey or Canon law as promulgated by the Catholic Church (through its sovereign entity, The Holy See).

5. McCarrick was defrocked by the Catholic Church in 2019 for sexual abuse of minors. Before his laicization, however, McCarrick ascended up the ranks of the Catholic Church—all the way to the lofty position of cardinal—even though numerous clergy within the Diocese of Metuchen, Archdiocese of Newark, The Holy See, and various other high-ranking officials in the Catholic Church, *knew* that McCarrick had engaged in rampant and widespread sexual misconduct, including the sexual abuse of minor boys, and seminarians, for decades.

6. McCarrick, throughout his many decades as a sexual predator and Catholic cleric, was an extraordinarily successful fundraiser for both the Catholic Church and the Vatican itself. One former secretary for McCarrick, Monsignor K. Bartholomew Smith (who worked for McCarrick in the early 2000s), has recently suggested that McCarrick may have raised more money for the Vatican than any other person in the history of the Catholic Church.

7. In a February 15, 2020 blog entry, Monsignor Smith wrote that “[McCarrick] received the gratitude, the affection, and the emotional dependence of untold numbers of people, high and low, rich and poor, because he made himself the bestower of the approval that they craved, told them that they were good and God Himself was grateful to them, and delivered them from the authentic demands of Jesus and His Gospel. . . . But he [also] took more than their donations, for he was a ravening manipulator of human affections, and a devourer of souls[.]”

## **PARTIES**

8. At all material times, Plaintiff resided and still resides in the State of New York.

9. At all material times, Defendant The Roman Catholic Archdiocese of Newark (“Archdiocese of Newark”) was and continues to be an organization or entity which includes, but is not limited to, civil corporations, decision making entities, officials, and representatives/agents/employees, authorized to conduct business and conducting business in the State of New Jersey with its principal place of business at 171 Clifton Avenue, Newark, New Jersey 07104-9500.

10. The Diocese of Newark was established in 1853 by Pope Pius IX, and was elevated to an Archdiocese in 1937 by Pope Pius XI. At some point, a corporation was formed called the Roman Catholic Diocese of Newark, which eventually became the Roman Catholic Archdiocese of Newark, to conduct some of its affairs.

11. The Archdiocese of Newark operates its affairs as both a corporate entity and as an organization named the Roman Catholic Archdiocese of Newark, with the Archbishop as the top official.

12. The Archdiocese of Newark is a citizen of the State of New Jersey.

13. The Archbishop of Newark (the “Archbishop”) presides from the Cathedral Basilica of the Sacred Heart in Newark, New Jersey. He is metropolitan (and the highest-ranked Roman Catholic official) for all the New Jersey dioceses: the Diocese of Camden, the Diocese of Metuchen, the Diocese of Paterson, and the Diocese of Trenton.

14. All of these entities and all other corporations and entities controlled by the Archbishop of Newark are included in this Complaint as being the Archdiocese of Newark.

15. The Archbishop is the top official of the Archdiocese and is given authority over all matters within the Archdiocese of Newark as a result of his position. The Archdiocese of Newark functions as a business by engaging in numerous revenue producing activities and soliciting money from its members in exchange for its services.

16. The Archdiocese of Newark has several programs which seek out the participation of children in the Archdiocese of Newark’s activities. The Archdiocese of Newark, through its officials, has control over those activities involving children.

17. The Archdiocese of Newark has the power to appoint, supervise, monitor and terminate each person working with children within the Archdiocese of Newark.

18. At various material times, Defendant former Cardinal Theodore E. McCarrick ("McCarrick") was an adult male resident of the State of New Jersey and an agent or employee of Defendant Archdiocese of Newark.

19. At all times material, Defendant The Roman Catholic Diocese of Metuchen ("Diocese of Metuchen") was and continues to be an organization or entity which includes, but is not limited to, civil corporations, decision making entities, officials, and representatives/agents/employees, authorized to conduct business and conducting business in the State of New Jersey with its principal place of business at 146 Metlars Lane, Piscataway, New Jersey 08854.

20. The Diocese of Metuchen was established in approximately 1981. At some point, a corporation was formed called the Roman Catholic Diocese of Metuchen, to conduct some of its affairs.

21. The Diocese of Metuchen operates its affairs as both a corporate entity and as an organization named the Roman Catholic Diocese of Metuchen, with the Bishop of Metuchen as the top official.

22. The Diocese of Metuchen is a citizen of the State of New Jersey.

23. All corporations and entities controlled by the Bishop of Metuchen are included in this Complaint as being the Diocese of Metuchen.

24. The Bishop of Metuchen is the top official of the Diocese of Metuchen and is given authority over all matters within the Diocese of Metuchen as a result of his position. The Diocese of Metuchen functions as a business by engaging in numerous revenue producing activities and soliciting money from its members in exchange for its services.

25. The Diocese of Metuchen has several programs which seek out the participation of children in the Diocese of Metuchen's activities. The Diocese of Metuchen, through its officials, has control over those activities involving children.

26. The Diocese of Metuchen has the power to appoint, supervise, monitor and terminate each person working with children within the Diocese of Metuchen.

27. At various material times, Defendant former Cardinal Theodore E. McCarrick (“McCarrick”) was an adult male resident of the State of New Jersey and an agent or employee of Defendant Diocese of Metuchen.

28. Upon information and belief, McCarrick’s current residence is unknown and has been kept secret by McCarrick and various Catholic officials. Upon information and belief, McCarrick does not now reside in the State of New York or State of New Jersey.

29. The Archdiocese of Newark, the Diocese of Metuchen, and McCarrick are collectively referred to as “Defendants” herein.

30. Wherever reference is made to any Defendant entity, such reference includes that entity, its parent companies, subsidiaries, affiliates, predecessors, and successors. In addition, whenever reference is made to any act, deed, or transaction of any entity, the allegation means that the entity engaged in the act, deed, or transaction by or through its officers, directors, agents, employees, or representatives while they were actively engaged in the management, direction, control, or transaction of the entity’s business or affairs.

### **JURISDICTION, VENUE, AND NEW LAWS**

31. Plaintiff brings this Complaint under federal diversity jurisdiction, 28 U.S.C. § 1332, as the parties are completely diverse in citizenship and the amount in controversy exceeds \$75,000.00.

32. Venue is proper in this District pursuant to 28 U.S.C. § 1391 because a substantial part of the events or omissions giving rise to the claims occurred within this District, and Defendants are subject to personal jurisdiction in this District.

33. Recently, New Jersey passed into law Bills S477 and A3648, which became effective December 1, 2019. These new laws extend the statute of limitations in civil actions for sexual abuse claims, and created a two (2) year window for parties to bring previously time-barred actions based on sexual abuse. The new laws also expand the categories of potential defendants in civil actions and permit retroactive application of standards of liability to past acts of abuse for which liability did not previously exist. The said new laws apply to the parties herein.

### **GENERAL ALLEGATIONS**

34. In 1958, former Cardinal Theodore E. McCarrick (“McCarrick”) was ordained as a priest by the Archdiocese of New York.
35. From 1959 to 1966, McCarrick was assigned outside of the Archdiocese of New York on special assignment at The Catholic University of America in Washington, D.C.
36. From 1967 to 1969, McCarrick was assigned to the Catholic University of Puerto Rico in Ponce, Puerto Rico.
37. Upon information and belief, from approximately 1969 to 1976, McCarrick repeatedly sexually abused James Grein on multiple instances when Grein was a minor. The abuse continued for years into Grein’s adulthood.
38. From 1970 to 1971, McCarrick was assigned to Blessed Sacrament in New York, New York.
39. Upon information and belief, from approximately 1970 to 1990, McCarrick sexually assaulted at least seven minor boys, including Plaintiff.
40. From 1972 to 1977, McCarrick was assigned to Cathedral of St. Patrick in New York, New York.
41. Upon information and belief, in 1971 and 1972, at Christmas Masses in each of those years, McCarrick sexually assaulted a minor altar boy who was 16-and-17-years-old, respectively, and who had been selected to assist McCarrick with serving Christmas Mass.
42. In 2018, after these sexual assaults were reported and were investigated, the Archdiocese of New York found allegations of this sexual abuse by McCarrick against a minor occurring in 1971 and 1972 credible and substantiated.
43. Upon information and belief, in or about 1977, McCarrick and Archbishop Joseph Bernardin (then Archbishop of the Archdiocese of Chicago, and eventually a Cardinal), sexually abused James Grein, a minor child, in Lake Geneva, Wisconsin.
44. From 1978 to 1980, McCarrick was assigned to St. Francis DeSales in New York, New York.
45. In 1978, McCarrick was appointed Auxiliary Bishop of the Archdiocese of New York, where he served until 1981.

46. In 1981, McCarrick was assigned to the New York Foundling Hospital in New York, New York.

47. The Catholic Church's process for selecting and appointing bishops begins at the diocesan level and works its way through a series of consultations, involving numerous Catholic officials, until it reaches Rome (at which point the final decision rests in the discretion of the Pope).

48. The selection process involves a number of important Catholic Church individuals, including the apostolic nuncio (the Pope's representative to both the government and the Church's hierarchy of a given nation), the Congregation of Bishops, and the Pope. Upon information and belief, the selection process often takes eight months or more to complete.

49. Upon information and belief, in 1980 and/or 1981, McCarrick's name was on a list of potential bishops for the newly created Diocese of Metuchen that was forwarded to the United States's apostolic nuncio, Pio Laghi.

50. Upon information and belief, while Pio Laghi was apostolic nuncio to the nation of Argentina (1974 through 1980), he developed a close relationship with leaders of the military junta of Argentina.

51. Said military junta was responsible for the murder of approximately fifteen thousand people by firing squad, the "disappearance" (and presumed murder) of more than thirty thousand people, the exile of approximately one million Argentinians, and the brutal oppression of the people of Argentina. (See Frederic Marcel, *In the Closet of the Vatican: Power, Homosexuality, Hypocrisy* (Bloomsbury Continuum: 2019), at 78).

52. Journalist Frederic Marcel has recently claimed that Pio Laghi's disturbing and counterintuitive embrace of Argentina's barbarous military junta was likely due to the fact that Pio Laghi was compromised and vulnerable because of his known propensity to engage in intimate associations with "taxiboys," a euphemism for young male prostitutes in Argentina. (*In the Closet of the Vatican*, at 79).

53. In 1980 and/or 1981, the apostolic nuncio, Pio Laghi, and other Catholic Church officials, were entrusted with the responsibility of investigating the various candidates for the Bishop of Metuchen position, including McCarrick.

54. Upon information and belief, the apostolic nuncio, Pio Laghi, consulted with numerous and various Catholic officials, including the Archbishop of Newark, bishops for the other dioceses of the State of New Jersey, and the president and vice president of the United States Conference of Catholic Bishops (“USCCB”), about the various Bishop of Metuchen candidates, including McCarrick.

55. Upon information and belief, at some point, when McCarrick became a viable candidate, the apostolic nuncio, Pio Laghi, sent a detailed questionnaire about McCarrick and his suitability or lack of suitability for the Bishop of Metuchen position, to more than twenty people who knew McCarrick well.

56. Upon information and belief, the apostolic nuncio, Pio Laghi, collected a plethora of information about McCarrick and prepared a detailed and lengthy report, which listed McCarrick as a suitable candidate and/or the most suitable candidate for the Bishop of Metuchen position. This report, as well as all supporting materials about McCarrick, was then forwarded to the Congregation for Bishops in Rome.

57. Upon information and belief, in 1981, Pope John Paul II met with the prefect of the Congregation for Bishops, who recommended McCarrick to Pope John Paul II for the Bishop of Metuchen position. Shortly thereafter, Pope John Paul II notified the Congregation that he had decided to appoint McCarrick to be the first Bishop of Metuchen.

58. Upon information and belief, during the prolonged selection and vetting process for the Bishop of Metuchen position, various Catholic Church officials involved in this process, as well as the Diocese of Metuchen and the Archdiocese of Newark, received credible information that: (1) McCarrick had a propensity to sexually abuse minor boys; (2) McCarrick had a propensity to sexually abuse and/or sexually harass and/or engage in coercive sexual relations with young men (particularly vulnerable seminarians); (3) McCarrick had previously sexually abused one or more minor boys; and (4) McCarrick had previously sexually abused and/or sexually harassed and/or engaged in coercive sexual relations with numerous young men (including vulnerable seminarians).

59. Upon information and belief, in part because McCarrick was an exceptional fundraiser for the Catholic Church, and was charismatic and viewed by many as a rising star in the Church, various Catholic Church officials, the Diocese of Metuchen, and the



Archdiocese of Newark consciously chose to ignore that credible negative information about McCarrick and/or deliberately concealed that information—and instead proceeded to take affirmative steps to ensure that McCarrick was appointed to the powerful position of Bishop of Metuchen.

60. In 1981, McCarrick was thus appointed Bishop of the Diocese of Metuchen in New Jersey, where he served until 1986.

61. Upon his appointment to Bishop of Metuchen, McCarrick was vested with extraordinary power and authority, including power and authority of numerous children affiliated with the Catholic Church in various capacities, including Plaintiff.

62. Upon information and belief, from approximately 1982 through 1983, McCarrick sexually abused “JA/GG DOE 14”, a minor boy who was approximately 14-to-16-years-old, at a beach house in Sea Girt, New Jersey.

63. Upon information and belief, during some of these encounters in 1982 and 1983, McCarrick also coerced and/or forced various seminarians and/or young priests to have sexual relations and/or sexual contact with him.

64. Upon information and belief, from approximately 1982 through 1983, “JA/GG DOE 14” was sexually abused at a Sea Girt, New Jersey beach house by, at various times, McCarrick, Father Gerald Ruane, Father Michael Walters, and Father John Laferrera

65. Upon information and belief, in the 1980s, Father Ruane, Father Walters, and Father Laferrera was each employed (as a priest) and supervised by the Archdiocese of Newark and Archbishop Leo Gerety.

66. Upon information and belief, by the end of 1983, McCarrick’s sexual abuse of minor boys and/or seminarians and/or young priests was well known to various high-ranking Church officials in the Archdiocese of Newark, including Archbishop Gerety.

67. Upon information and belief, in 1984, McCarrick purchased a beach house in Sea Girt, New Jersey, for the Diocese of Metuchen (which, upon information and belief, obtained title to this property), pursuant to his broad spending authority as Bishop of Metuchen and with Diocese of Metuchen funds.

68. Upon information and belief, beginning in 1984 and continuing through 1990, McCarrick himself frequently used this Sea Girt, New Jersey beach house for sexual liaisons with minor boys, seminarians, and young men.

69. Upon information and belief, beginning in 1984 and continuing through 1990, numerous clerics in the Diocese of Metuchen, the Archdiocese of Newark, and other officials of the Catholic Church had actual knowledge that McCarrick had purchased and was using the Sea Girt, New Jersey beach house to facilitate his sexual misconduct with minor boys, seminarians, and young men.

70. By 1984, McCarrick's sexual misconduct was widely known throughout the Catholic clerical community in New Jersey and New York.

71. Upon information and belief, in 1985 or 1986, while McCarrick was employed as the Bishop of the Diocese of Metuchen, a mother of several children wrote and delivered via U.S. mail a scathing letter to every cardinal in the Roman Catholic Church in the United States, as well as the apostolic nuncio, Pio Laghi (Pope John Paul II's representative in the United States).

72. Upon information and belief, this letter—which was unsigned and anonymous—stated or suggested that McCarrick had sexually abused numerous minor children.

73. In April 2002, in an interview with *The Washington Post*, in which McCarrick discussed various components of the Catholic Church child sex abuse scandal, McCarrick referenced the aforesaid accusatory letter.

74. According to the April 17, 2002 *Washington Post* article, “Uniform Policy on Priests’ Abuse Urged”: “More than ten years ago, while he was a bishop of Newark, McCarrick said he was accused of pedophilia ‘*within my own family*’ in a letter sent to some of his peers in the church hierarchy.” (Emphasis added).

75. McCarrick's spokeswoman, Susan Gibbs, later told the authors of *The Washington Post* article that the letter “implied that he had sexually abused his nieces and nephews[.]”

76. The April 17, 2002 *Washington Post* article further quoted McCarrick with respect to his response to the Church's investigation of his alleged sexual abuse of children within his family: “I immediately did two things[.] I wrote a response and sent it to the nuncio [the pope's representative in the United States] because I figure

everything's gotta be clear. *And then I brought it to my Presbyter[al] Council, the council of priests in the diocese.* I said 'This is what I got. I want you to know it.' Because I think light is what kills these things. You gotta put them in light. *And then nothing ever happened. He [apparently referring to Pio Laghi, the apostolic nuncio] never wrote another letter or anything.'* (Emphasis added).

77. *The Washington Post* further quoted then Cardinal McCarrick: "If there's any interest with anyone here, I can say I'm 71-years-old and I have never had sexual relations with anybody—man, woman, or child. And that can go on the record."

78. That April 2002 statement by McCarrick, in view of the now known and amplified record of his sexual misconduct, was patently and grotesquely false.

79. Upon information and belief, in or about 1985 or 1986, a group of priests from the Diocese of Metuchen—members of the Presbyteral Council of the Diocese of Metuchen—were notified by Bishop McCarrick himself that a woman with children had formally accused McCarrick of sexually abusing children within his own family, and that this sexual abuse allegation was being "investigated" by, *inter alia*, the apostolic nuncio, Pio Laghi.

80. Any "investigation" of this complaint by the Presbyteral Council was a sham and fraud because, upon information and belief, McCarrick lied to all of the members of his Presbyteral Council and falsely told them that he had never sexually abused any children, in his own family or otherwise.

81. Upon information and belief, in 1985 or 1986, the Catholic Church's process for selecting and appointing the Archbishop of Newark began at the diocesan level and worked its way through a series of consultations, involving numerous Catholic officials, until it reached Rome (at which point the final decision rested in the discretion of Pope John Paul II).

82. Upon information and belief, the selection process involved a number of important Catholic Church individuals, including the apostolic nuncio, Pio Laghi (the Pope's representative to both the government and the Church's hierarchy of a given nation), the Congregation of Bishops, the existing Archbishop of Newark, various bishops in New Jersey dioceses, and the Pope. Upon information and belief, the selection process took eight months or more to complete.

83. Upon information and belief, in 1985 and/or 1986, McCarrick's name was on a list for the Archbishop for the Archdiocese of Newark position that was forwarded to the United States's apostolic nuncio, Pio Laghi.

84. The apostolic nuncio, Pio Laghi, and other Catholic Church officials were then entrusted with the responsibility of investigating the various candidates for the Archbishop of Newark position, including McCarrick.

85. Upon information and belief, the apostolic nuncio, Pio Laghi, consulted with numerous and various Catholic officials, including the existing Archbishop of Newark, Peter Leo Gerety, bishops for the other dioceses of the State of New Jersey, Church officials in the Diocese of Metuchen, and the president and vice president of the United States Conference of Catholic Bishops ("USCCB"), about the various Archbishop of Newark candidates, including McCarrick.

86. Upon information and belief, at some point, when McCarrick became a viable candidate, the apostolic nuncio, Pio Laghi, sent a detailed questionnaire about McCarrick and his suitability or lack of suitability for the Archbishop of Newark position, to more than twenty people who knew McCarrick well.

87. Upon information and belief, the apostolic nuncio, Pio Laghi, collected a plethora of information about McCarrick (including information that McCarrick had been accused of sexually abusing children within his own family), and then prepared a detailed and lengthy report, which listed McCarrick as a suitable candidate and/or the most suitable candidate for the Archbishop of Newark position. This report, as well as all supporting materials about McCarrick, was then forwarded to the Congregation for Bishops in Rome.

88. Upon information and belief, in 1986, Pope John Paul II met with the prefect of the Congregation for Bishops, who recommended McCarrick to Pope John Paul II for the Archbishop of Newark position. Shortly thereafter, Pope John Paul II notified the Congregation that he had decided to appoint McCarrick to be the new Archbishop of Newark.

89. Upon information and belief, during the prolonged selection and vetting process for the Archbishop of Newark position, various Catholic Church officials involved in this process, as well as the Diocese of Metuchen and the Archdiocese of Newark,

received credible information—from multiple sources—that: (1) McCarrick had a propensity to sexually abuse minor boys; (2) McCarrick had a propensity to sexually abuse and/or sexually harass and/or engage in coercive sexual relations with young men (particularly vulnerable seminarians); (3) McCarrick had previously sexually abused one or more minor boys; and (4) McCarrick had previously sexually abused and/or sexually harassed and/or engaged in coercive sexual relations with numerous young men (including vulnerable seminarians).

90. Upon information and belief, in part because McCarrick was an exceptional fundraiser for the Catholic Church, and was charismatic and viewed by many as a rising star in the Church, various Catholic Church officials, the Diocese of Metuchen, and the Archdiocese of Newark consciously chose to ignore that credible negative information about McCarrick and/or deliberately concealed that information—and instead proceeded to take affirmative steps to ensure that McCarrick was appointed to the extremely powerful position of Archbishop of Newark.

91. In 1986, McCarrick was appointed Archbishop of the Archdiocese of Newark—the highest ranking Catholic Church position in the State of New Jersey, where he served until 2000.

92. Upon information and belief, in 1986, when McCarrick assumed the role of Archbishop of Newark, a Presbyteral Council for the Archdiocese of Newark was in existence and operating. This Presbyteral Council, upon information and belief, consisted of a number of priests who worked in the Archdiocese of Newark. Such priests in the Presbyteral Council for the Archdiocese of Newark were entrusted with the power to assist the Archbishop of Newark in governing the Archdiocese of Newark in order to promote the pastoral good of all Roman Catholic congregants in the Archdiocese of Newark, including children.

93. Upon information and belief, in or about 1986 or 1987, upon McCarrick's assumption of the title, role, and authority of Archbishop of Newark, the composition of the Presbyteral Council for the Archdiocese of Newark changed. Upon information and belief, several priests who had previously served on the Presbyteral Council for the Diocese of Metuchen, now became members of the Presbyteral Council for the Archdiocese of Newark.

94. Upon information and belief, moreover, several of those priests were on the Presbyteral Council for the Diocese of Metuchen (in 1985 or 1986) when then Bishop McCarrick notified that Council (including each of those priests) that he had been accused, in writing, of sexually abusing children within his own family, and that this sexual abuse allegation was being investigated by, *inter alia*, the Apostolic Nuncio of the Roman Catholic Church in the United States.

95. Upon his appointment to Archbishop of Newark, McCarrick was vested with extraordinary power and authority, including power and authority of various children affiliated with the Catholic Church in various capacities, including Plaintiff.

96. At all material times, McCarrick was a Roman Catholic cleric employed by the Diocese of Metuchen and/or Archdiocese of Newark and remained under the direct supervision, employ, and control of Defendants Diocese of Metuchen and/or Archdiocese of Newark.

97. At all material times, Defendants Diocese of Metuchen and Archdiocese of Newark each placed McCarrick in positions where McCarrick had access to, worked with, and traveled with children as an integral part of his work.

98. Upon information and belief, in 1988, James Grein, by then in his thirties, accompanied McCarrick on a formal Church visit to the Vatican.

99. During this visit, upon information and belief, James Grein told Pope John Paul II and other Vatican officials that McCarrick had sexually abused him (Grein) when he was a child.

100. Upon information and belief, in 1988, McCarrick and various other clerics within the Archdiocese of Newark, and various other Catholic officials, were told (by Pope John Paul II and/or other Vatican officials) that James Grein had notified Pope John Paul II and other Vatican officials that McCarrick had sexually abused him when he (Grein) was a child.

101. Upon information and belief, however, no investigation was conducted, and no punishment was imposed against McCarrick, by the Archdiocese of Newark, The Holy See, or Pope John Paul II, in response to James Grein's specific allegation of sexual abuse.

102. Upon information and belief, in the 1980s, when Reverend Boniface Ramsey, O.P., was teaching at Immaculate Conception Seminary, McCarrick was Archbishop of Newark, and Immaculate Conception was a seminary under McCarrick's control and supervision.

103. Upon information and belief, in the mid-1980s, Father Ramsey learned that McCarrick was sexually abusing numerous Immaculate Conception seminarians at, among other places, the Sea Girt, New Jersey beach house that McCarrick had purchased for the Diocese of Metuchen in 1984. In or about the late-1980s, Father Ramsey reported his concerns about McCarrick's grossly inappropriate conduct with his seminarians to the rector of the seminary.

104. Upon information and belief, in 1993, Father Ramsey expressed concerns to his friend the Archbishop of Louisville, Kentucky, Thomas Kelly, O.P. regarding McCarrick's sexual misconduct with seminarians. Archbishop Kelly responded, "we all know." Father Ramsey understood that "we" to mean the Catholic community of bishops.

105. Upon information and belief, in 1993, the Diocese of Metuchen was formally notified about McCarrick's sexual exploitation of a young seminarian.

106. Upon information and belief, in 1994, a priest of the Diocese of Metuchen wrote to the Bishop of the Diocese of Metuchen, Edward T. Hughes, that McCarrick had inappropriately touched him when he was a seminarian.

107. Upon information and belief, from 1994 to 2008, multiple reports about McCarrick's transgressions with seminarians were made to American bishops, the Pope's representative in Washington, and Pope Benedict XVI.

108. Upon information and belief, in 1994, Robert Hoatson, a former New Jersey priest, as a young religious brother, expressed concern about McCarrick sleeping with seminarians to an official in the Archdiocese of Newark.

109. Upon information and belief, in approximately 1995 or 1996, McCarrick engaged in unpermitted sexual contact with a minor boy, John Bellachio (who was approximately 13-or-14-years-old).

110. Upon information and belief, McCarrick engaged in a similar course of conduct and pattern of sexual predation of numerous Catholic youths under his control.



111. Upon information and belief, in 1997, McCarrick, a founding member of The Papal Foundation, began serving as its President. The Papal Foundation raised funds for the Vatican and Catholic Missions.

112. Upon information and belief, in 2000, McCarrick began serving as a Board member of Catholic Relief Services. He served on the Board of that organization until 2014. Catholic Relief Services provided funds to the Vatican and Catholic Missions.

113. Upon information and belief, in 2000, Father Ramsey sent a letter to Nuncio Archbishop Gabriel Montalvo which expressed concerns about McCarrick and his inappropriate sexual acts with seminarians.

114. In 2001, Pope John Paul II appointed McCarrick to the prominent post of Cardinal Archbishop of Washington, D.C. McCarrick served as Cardinal Archbishop of Washington, D.C. for the Catholic Church until his retirement in 2006.

115. Upon information and belief, in 2002, McCarrick announced the new Vatican policy on sexual abuse by priests from Rome. McCarrick outlined a multi-step process in which an accused priest would be put on administrative leave and removed from clerical duties while a case was investigated.

116. Upon information and belief, in the early to mid 2000s, two former priests, Robert Ciolek and an unnamed man, were paid settlements for harassment and sexual abuse they suffered by McCarrick in the 1980s when they were seminarians.

117. Upon information and belief, in 2018, Father Ramsey released an October 2006 letter that he received from a top official of the Vatican Secretariat of State. In the letter, then-Archbishop Leonardo Sandri acknowledged receipt of the allegations regarding McCarrick in 2000.

118. Upon information and belief, in or about 2008, sanctions and/or restrictions were imposed upon McCarrick by Pope Benedict XVI due to McCarrick's inappropriate sexual behavior with seminarians and fellow priests. These sanctions and/or restrictions mandated that McCarrick leave the seminary where he was living, forbade McCarrick from celebrating public Mass, participating in public meetings, or traveling on behalf of the Church, and obligated McCarrick to dedicate himself to a life of prayer and penance.



119. Upon information and belief, in 2009, in violation of Pope Benedict XVI's sanctions and/or restrictions, McCarrick continued to travel and celebrate public Mass, and did so with noteworthy Church officials. This included celebration of public Mass by McCarrick with the Dominican Sisters in Summit, New Jersey.

120. Upon information and belief, during 2011, 2012, and 2013, in violation of Pope Benedict XVI's sanctions and/or restrictions, McCarrick continued to travel, celebrate public Mass, and participate in Church meetings.

### **McCARRICK'S SEXUAL ABUSE OF PLAINTIFF**

121. From the time Plaintiff was a young child, McCarrick was a close friend to Plaintiff's parents, siblings, and his extended family. For years, upon information and belief, prior to Plaintiff's birth and while Plaintiff was in his infancy, McCarrick took young male members of Plaintiff's family on numerous vacations and overnight visits. McCarrick was deeply revered, respected, and highly trusted by Plaintiff's parents and extended family.

122. Plaintiff was raised in an extremely devout Roman Catholic family, with many siblings, and loving and supportive parents, in New York State.

123. McCarrick began to pay particular attention to Plaintiff after Plaintiff celebrated his confirmation and—out of respect to McCarrick—took “Theodore” as his confirmation name. Thereafter, McCarrick often referred to Plaintiff as “Theodore.”

124. Plaintiff developed great admiration, trust, reverence, and respect for the Roman Catholic Church, including Defendants Diocese of Metuchen and Archdiocese of Newark, and their agents, including McCarrick.

125. In or about 1985, McCarrick, then the Bishop of Metuchen, took a particular interest in spending time with Plaintiff.

126. Plaintiff's parents were thrilled that McCarrick, a high-ranking Catholic bishop whom they viewed as God's emissary, had decided to single out their family (and their son) for special attention and could not even begin to imagine that McCarrick's desires toward Plaintiff were sexual or predatory in nature. They thus strongly encouraged Plaintiff to spend considerable time with McCarrick, as they viewed his actions toward Plaintiff as a blessed manifestation of God's grace.

127. Beginning in 1985, when Plaintiff was 12-years-old, Plaintiff's parents often voluntarily and proudly handed McCarrick custody, control and supervision of Plaintiff for overnight visits. McCarrick charmed and flattered Plaintiff's parents and convinced them that, by spending quality time with McCarrick, Plaintiff would benefit greatly by becoming inculcated into the finest traditions, morals, and values of the Catholic Church.

128. The disparity between McCarrick's oft-repeated pious promises to Plaintiff's parents (which they never doubted for a moment) and his actual brutal conduct towards Plaintiff is truly perverse and monstrous.

129. In 1985, while McCarrick was Bishop of Metuchen, Plaintiff's parents permitted McCarrick to have Plaintiff stay overnight with him at the Metuchen Rectory. The very next day, McCarrick took Plaintiff to a Sea Girt, New Jersey beach house that, upon information and belief, had been purchased by the Diocese of Metuchen (as ordered and authorized by McCarrick) in 1984 to facilitate McCarrick's sexual misconduct with young boys, seminarians, and young men.

130. At this Sea Girt beach house, McCarrick viciously sexually abused Plaintiff for the first time. McCarrick masturbated Plaintiff and performed oral sex on him. Then, McCarrick forced Plaintiff to masturbate and perform oral sex on him.

131. From 1985 through 1988, after Plaintiff's parents surrendered custody, control, and supervision of Plaintiff, a minor child, to McCarrick, McCarrick sexually abused Plaintiff at the Sea Girt, New Jersey beach house approximately nine times.

132. From 1985 through 1986, after Plaintiff's parents surrendered custody, control, and supervision of Plaintiff, a minor child, to McCarrick, McCarrick sexually abused Plaintiff at the Metuchen Rectory approximately three times.

133. During the summers of 1986, 1987, and 1988, after Plaintiff's parents surrendered custody, control, and supervision of Plaintiff, a minor child, to McCarrick for weekend visits, McCarrick repeatedly sexually abused Plaintiff in a cabin in the woods at the Eldred Preserve in the Catskills (more than fifty times).

134. On several occasions, McCarrick would bring some of Plaintiff's cousins with him to the cabin at Eldred Preserve and would make all the boys sleep in the same room.

135. On every such occasion, however, McCarrick insisted that Plaintiff, a minor child, sleep in a bed with him. McCarrick would often wake Plaintiff up in the middle of the night while the other children were in the next bed, and make Plaintiff join him in his bed. As a defense mechanism, on several occasions Plaintiff urinated on the bed in the hope that McCarrick would not want to sleep in the bed with him but—although McCarrick expressed annoyance at Plaintiff—he continued to sleep with and sexually abuse Plaintiff during these weekend visits.

136. Upon McCarrick's elevation to Archbishop of Newark, in 1986 through approximately 1987, after Plaintiff's parents surrendered custody, control, and supervision of Plaintiff, a minor child, to McCarrick, McCarrick sexually abused and anally raped Plaintiff at McCarrick's private residence at the Cathedral Basilica of the Sacred Heart ("Basilica") approximately eight times.

137. Plaintiff and his family were occasional congregants of the Cathedral Basilica of the Sacred Heart (in Newark), and they and Plaintiff occasionally attended mass there (officiated by McCarrick) as a family.

138. In 1986, while in his private residence at the Basilica, McCarrick anally raped Plaintiff, a 13-year-old boy. Although McCarrick used a lubricant before raping Plaintiff, Plaintiff suffered extreme physical pain during these sexual attacks and McCarrick caused Plaintiff to bleed from the rectum.

139. From 1986 through 1987, when Plaintiff was a 13-and-14-year-old boy, McCarrick anally raped Plaintiff on approximately seven more occasions at McCarrick's private residence at the Basilica.

140. On one such occasion, in 1986 or 1987, McCarrick anally raped Plaintiff at the Basilica and then brought another man, upon information and belief, a priest, into his apartment. McCarrick told Plaintiff, in words or substance: "This is my friend. He's like us. We all do the same thing. I'm gonna leave now. And you two enjoy yourselves."

141. The man then sexually abused Plaintiff, performed oral sex on him, forced Plaintiff to do the same to him, and then anally raped Plaintiff.

142. Thereafter, McCarrick returned to his apartment, joked with the other priest, gave Plaintiff whiskey and wine to drink, and assured Plaintiff that he was going to be fine and that they "were doing the right thing."

143. McCarrick also told Plaintiff, in words or substance: “It’s okay.” “It’s natural for people like us.” “What you’re doing isn’t wrong.”

144. When the other priest left the apartment, McCarrick again anally raped Plaintiff.

145. McCarrick only had one bed in his private residence at the Basilica, so the numerous Catholic Church employees and/or officials who were aware that McCarrick was hosting Plaintiff for overnight visits knew or should have known that McCarrick was forcing Plaintiff, a minor child, to share a bed with him.

146. This conduct, by itself, should have raised very serious concerns with these numerous Catholic Church employees and/or officials.

147. On January 13, 1990, after Plaintiff’s parents temporarily surrendered custody, control, and supervision of Plaintiff, a minor, to McCarrick, McCarrick took Plaintiff to a Knights of Columbus dinner at the Waldorf Astoria Hotel in New York City. During the cocktail hour, McCarrick introduced Plaintiff, then a 17-year-old boy, to President Ronald Reagan.

148. During this dinner, McCarrick told Plaintiff to go up to his room in the hotel. McCarrick then had room service bring Plaintiff dinner and beer. When McCarrick returned to the room, he again sexually abused Plaintiff.

149. In July, 1990, when Plaintiff was 17-years-old, while McCarrick remained Archbishop of Newark, McCarrick assumed custody, control, and supervision of Plaintiff for a week. McCarrick and Plaintiff flew together to Ireland, and the two drove across Ireland, stopping at various parishes to raise money for the Catholic Church.

150. When Plaintiff and McCarrick checked into a hotel, Adare Manor, in Limerick, Ireland, McCarrick’s secretary had booked two separate rooms: one for Plaintiff, and one for McCarrick. McCarrick told the concierge that they only needed one room and the booking was changed to one room only. Thereafter, McCarrick sexually abused Plaintiff five of the seven nights that the two stayed together in Ireland. (Plaintiff escaped abuse from McCarrick those other two nights only because he stayed with relatives from Ireland those two evenings).

151. Archdiocese of Newark officials, and other Catholic Church employees and officials, upon receipt of McCarrick's expense report and/or receipts for travel expenses, thus knew or should have known that McCarrick had consciously decided to share a room, and a bed, with a 17-year-old boy during his weeklong visit to Ireland.

152. This conduct, by itself, should have raised very serious concerns with these Catholic Church employees and officials.

153. McCarrick usually provided alcoholic beverages to Plaintiff when he spent time with him (and abused him) as a minor, and, as a direct and proximate result of McCarrick's sexual abuse, Plaintiff has suffered from a life-long battle with alcohol and drug abuse.

154. Prior to his sexual abuse by McCarrick, Plaintiff had been an excellent student with a straight A record.

155. Upon suffering sexual abuse by McCarrick, however, Plaintiff's grades slipped dramatically, as he was unable to concentrate, and his behavior at school worsened considerably.

156. Plaintiff attended three separate high schools, as he was expelled from several high schools for excessive fighting and general bad behavior. He became a wild, unruly child, prone to bursts of anger and untamed aggression, and frequently got into fights with other children (particularly when other boys touched him, as he hated physical contact with other males).

157. Plaintiff, a bright and intelligent boy (with several siblings who have had spectacularly successful professional careers), never attended college. His educational and professional development was severely retarded by the acts and misconduct of each of the Defendants.

158. Shortly after graduating from high school, Plaintiff joined the United States Coast Guard and requested to be stationed in Alaska, in order to separate himself from McCarrick and his nightmarish experiences to the greatest extent possible.

159. McCarrick and his enabling co-Defendants have prevented Plaintiff from living the life he should have lived and from becoming the man he should have been.

160. As a direct and proximate result of McCarrick's sexual abuse, and the negligence of Defendants, Archdiocese of Newark and Diocese of Metuchen, Plaintiff has suffered and continues to suffer from deep depression (with occasional suicidal ideations), severe emotional distress, uncontrolled rage, alcohol abuse, and drug abuse.

161. Plaintiff's emotional distress and pain and suffering was exacerbated by being compelled to suffer the presence of McCarrick—whom his family viewed as a revered and honorable friend—at various important family events and celebrations. As Plaintiff was not able to tell anyone about what McCarrick did to him as a child, he was unable to muster any reasonable-sounding rationale for excluding McCarrick from these frequent family events and celebrations. Instead, Plaintiff was forced to suffer McCarrick's presence at these events in silence.

162. During and through the above-referenced activities, Plaintiff, as a minor and vulnerable child, was dependent on Defendants Diocese of Metuchen, Archdiocese of Newark, and McCarrick. Such Defendants, through McCarrick, had custody, control, and/or supervision of Plaintiff and accepted the entrustment of Plaintiff and, therefore, had responsibility for Plaintiff and authority over Plaintiff.

163. Plaintiff's relationship to Defendants, as a vulnerable minor child, parishioner, congregant, student, overnight (and day) visitor, and participant in church activities, was one in which Plaintiff was subjected to the ongoing influence of Defendants.

164. The culture of the Catholic Church created pressure on Plaintiff not to report the abuse Plaintiff suffered. Plaintiff, indeed, believed that if he told anyone about McCarrick's sordid and criminal acts against him, no one would believe him and he would suffer severe recriminations.

165. Defendant Archdiocese of Newark knew or should have known that McCarrick was a danger to children before McCarrick sexually assaulted Plaintiff.

166. Defendant Diocese of Metuchen knew or should have known that McCarrick was a danger to children before McCarrick sexually assaulted Plaintiff.

167. Prior to the sexual abuse of Plaintiff, Defendant Archdiocese of Newark learned or should have learned that McCarrick was not fit to work or interact with children. Defendant Archdiocese of Newark, by and through its agents, servants and/or employees,

became aware, or should have become aware of McCarrick's propensity to commit sexual abuse and of the direct, substantial, and imminent risk to Plaintiff's safety.

168. Prior to the sexual abuse of Plaintiff, Defendant Diocese of Metuchen learned or should have learned that McCarrick was not fit to work or interact with children. Defendant Diocese of Metuchen, by and through its agents, servants and/or employees, became aware, or should have become aware of McCarrick's propensity to commit sexual abuse and of the direct, substantial, and imminent risk to Plaintiff's safety.

169. Defendant Archdiocese of Newark knew or should have known that there was a risk of child sex abuse for children participating in Catholic programs and activities within the Archdiocese. At the very least, Defendant Archdiocese knew or should have known that it did not have sufficient information about whether or not there was a risk of child sex abuse for children participating in Catholic programs and activities within the Archdiocese of Newark.

170. Defendant Diocese of Metuchen knew or should have known that there was a risk of child sex abuse for children participating in Catholic programs and activities within the Diocese. At the very least, Defendant Diocese of Metuchen knew or should have known that it did not have sufficient information about whether or not there was a risk of child sex abuse for children participating in Catholic programs and activities within the Diocese of Metuchen.

171. Defendant Archdiocese of Newark knew or should have known that it had numerous agents who sexually molested children. Defendant Archdiocese of Newark knew or should have known that child molesters have a high rate of recidivism. Defendant Archdiocese of Newark knew or should have known that some of the leaders and people working in Catholic institutions within the Archdiocese of Newark were not safe and that there was a specific danger of child sex abuse for children participating in their youth programs and/or visiting as guests in their facilities.

172. Instead, Defendant Archdiocese of Newark, notwithstanding all evidence to the contrary, negligently deemed that McCarrick was fit to work with and/or host children at Archdiocese of Newark facilities and/or that any previous problems were fixed or cured and/or that McCarrick would not sexually assault children and/or that McCarrick would not injure children.



173. Defendant Diocese of Metuchen knew or should have known that it had numerous agents who sexually molested children. Defendant Diocese of Metuchen knew or should have known that child molesters have a high rate of recidivism. Defendant Diocese of Metuchen knew or should have known that some of the leaders and people working in Catholic institutions within the Diocese of Metuchen were not safe and that there was a specific danger of child sex abuse for children participating in their youth programs and/or visiting as guests in their facilities.

174. Instead, Defendant Diocese of Metuchen, notwithstanding all evidence to the contrary, negligently deemed that McCarrick was fit to work with and/or host children at Diocese of Metuchen facilities and/or that any previous problems were fixed or cured and/or that McCarrick would not sexually assault children and/or that McCarrick would not injure children.

175. Defendant Archdiocese of Newark owed Plaintiff a duty of reasonable care because it had superior knowledge about the risk that McCarrick posed to Plaintiff, the risk of abuse in general in its programs and/or the risks that its facilities and/or premises posed to minor children.

176. Defendant Diocese of Metuchen owed Plaintiff a duty of reasonable care because it had superior knowledge about the risk that McCarrick posed to Plaintiff, the risk of abuse in general in its programs and/or the risks that its facilities and/or premises posed to minor children.

177. Defendant Archdiocese of Newark owed a duty to Plaintiff to protect Plaintiff from harm because its actions created a foreseeable risk of harm to Plaintiff. As a vulnerable child participating in the programs and activities Defendant Archdiocese of Newark offered to minors, Plaintiff was a foreseeable victim. As a vulnerable child to whom McCarrick had access through Defendant Archdiocese of Newark's facilities and programs, Plaintiff was a foreseeable victim.

178. Defendant Diocese of Metuchen owed a duty to Plaintiff to protect Plaintiff from harm because its actions created a foreseeable risk of harm to Plaintiff. As a vulnerable child participating in the programs and activities Defendant Diocese of Metuchen offered to minors, Plaintiff was a foreseeable victim. As a



vulnerable child to whom McCarrick had access through Defendant Diocese of Metuchen's facilities and programs, Plaintiff was a foreseeable victim.

179. Defendant Archdiocese of Newark also breached its duty to Plaintiff by actively maintaining and employing McCarrick in a position of power and authority through which McCarrick had access to children, including Plaintiff, and power and control over children, including Plaintiff.

180. Defendant Diocese of Metuchen also breached its duty to Plaintiff by actively maintaining and employing McCarrick in a position of power and authority through which McCarrick had access to children, including Plaintiff, and power and control over children, including Plaintiff.

181. Defendant Archdiocese of Newark breached its duties to Plaintiff. Defendant Archdiocese of Newark failed to use ordinary care in determining whether its facilities were safe and/or determining whether it had sufficient information to represent its facilities as safe. Defendant Archdiocese of Newark's breach of its duties include, but is not limited to: failure to protect Plaintiff from a known danger; failure to adequately investigate sex abuse or sexual misconduct complaints against McCarrick; failure to adequately monitor McCarrick's associations, involvement, and contact with young boys; failure to adequately monitor McCarrick's travel, travel arrangements, travel accommodations, and sleeping arrangements with young boys; failure to have sufficient policies and procedures to prevent child sex abuse; failure to have sufficient policies and procedures to report child sex abuse (particularly when committed by the Archbishop of Newark, the highest-ranking Catholic Church official in the State of New Jersey); failure to properly implement policies and procedures to prevent child sex abuse; failure to take reasonable measures to make sure that policies and procedures to prevent child sex abuse were working; failure to adequately inform families and children of the risks of child sex abuse; failure to investigate risks of child sex abuse; failure to properly train the employees at institutions and programs within Defendant Archdiocese of Newark's geographical confines; failure to train parishioners within Defendant Archdiocese of Newark's geographical confines about the risk of sexual abuse; failure to have any outside agency test its safety procedures; failure to protect the children in its

programs from child sex abuse; failure to adhere to the applicable standard of care for child safety; failure to investigate the amount and type of information necessary to represent the institutions, programs, leaders and people as safe; failure to train its employees properly to identify signs of child sexual abuse by fellow employees; and failure by inappropriately relying upon mental health professionals and/or people who claimed that they could treat and/or cure child molesters.

182. Defendant Diocese of Metuchen breached its duties to Plaintiff. Defendant Archdiocese of Newark failed to use ordinary care in determining whether its facilities were safe and/or determining whether it had sufficient information to represent its facilities as safe. Defendant Diocese of Metuchen's breach of its duties include, but is not limited to: failure to protect Plaintiff from a known danger, failure to adequately investigate sex abuse and/or sexual misconduct complaints against McCarrick; failure to adequately monitor McCarrick's associations, involvement, and contact with young boys; failure to adequately monitor McCarrick's travel, travel arrangements, travel accommodations, and sleeping arrangements with young boys; failure to have sufficient policies and procedures to prevent child sex abuse; failure to have sufficient policies and procedures to report child sex abuse (particularly when committed by the Bishop of the Diocese of Metuchen); failure to properly implement policies and procedures to prevent child sex abuse; failure to take reasonable measures to make sure that policies and procedures to prevent child sex abuse were working; failure to adequately inform families and children of the risks of child sex abuse; failure to investigate risks of child sex abuse; failure to properly train the employees at institutions and programs within Defendant Diocese of Metuchen's geographical confines; failure to train parishioners within Defendant Diocese of Metuchen's geographical confines about the risk of sexual abuse; failure to have any outside agency test its safety procedures; failure to protect the children in its programs from child sex abuse; failure to adhere to the applicable standard of care for child safety; failure to investigate the amount and type of information necessary to represent the institutions, programs, leaders and people as safe; failure to train its employees properly to identify signs of child sexual abuse by fellow employees; and failure by inappropriately relying upon mental health

professionals and/or people who claimed that they could treat and/or cure child molesters.

183. Defendant Archdiocese of Newark also breached its duty to Plaintiff by failing to warn Plaintiff and Plaintiff's family of the risk that McCarrick posed and the risks of child sexual abuse in Catholic institutions. Defendant Archdiocese of Newark also failed to warn Plaintiff and his family about any of the knowledge that Defendant Archdiocese of Newark had about child sexual abuse, particularly sexual abuse committed by McCarrick against minor boys and young men.

184. Defendant Diocese of Metuchen also breached its duty to Plaintiff by failing to warn Plaintiff and Plaintiff's family of the risk that McCarrick posed and the risks of child sexual abuse in Catholic institutions. Defendant Diocese of Metuchen also failed to warn Plaintiff and his family about any of the knowledge that Defendant Diocese of Metuchen had about child sexual abuse, particularly sexual abuse committed by McCarrick against minor boys and young men.

185. Defendant Archdiocese of Newark additionally violated a legal duty by failing to report known and/or suspected abuse of children by McCarrick and/or its other agents to the child protection agencies, police, and law enforcement.

186. Defendant Diocese of Metuchen additionally violated a legal duty by failing to report known and/or suspected abuse of children by McCarrick and/or its other agents to the child protection agencies, police, and law enforcement.

187. Defendant Archdiocese of Newark was negligent and/or made myriad false and misleading representations to Plaintiff and Plaintiff's family from 1985 through 1990, and beyond.

188. Defendant Diocese of Metuchen was negligent and/or made myriad false and misleading representations to Plaintiff and Plaintiff's family from 1981 through 1990, and beyond.

189. As a result of the conduct of Defendants Archdiocese of Newark, Diocese of Metuchen, and McCarrick described herein, including Defendant Archdiocese of Newark's and Diocese of Metuchen's negligence, and Defendant McCarrick's unpermitted sexual contact with Plaintiff, Plaintiff has suffered, and will continue to suffer, great pain of mind and body, severe and

permanent emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, humiliation, and physical, personal and psychological injuries. Plaintiff was prevented, and will continue to be prevented, from performing normal daily activities and obtaining the full enjoyment of life; and/or has incurred and will continue to incur expenses for psychological treatment, therapy, and counseling, and, on information and belief has and/or will incur loss of income and/or loss of earning capacity.

**CATHOLIC CHURCH LAWS, RULES, AND POLICIES ON  
ADDRESSING CATHOLIC CLERGY'S SEXUAL ABUSE OF CHILDREN**

**Historical Precedents**

190. Upon information and belief, the Catholic Church relies upon and adopts Canon law, which is a set of ordinances, rules, and regulations made by ecclesiastical authority (Church leadership), for the government of the worldwide Catholic Church, its clergy, and its members.

191. Upon information and belief, in the Catholic Church, therefore, Canon law is the system of laws and legal principles made and enforced by the Church's hierarchical authorities to regulate its external organization and government and to order and direct the activities of Catholics, and Catholic prelates, toward the mission of the Church.

192. Upon information and belief, the sources of Canon law include The Code of Canon Law (last modified in 1983), apostolic constitutions, motibus propriis, papal instructions (including instructions issued by various offices of The Holy See), and other promulgated laws and customs.

193. Upon information and belief, a motus proprio, in Catholic Canon law, refers to a document issued by the pope on his own initiative and personally signed by him. Such a document may be addressed to the whole Church, to part of it (including to the Holy Orders only), or to specified individuals. A document issued motu proprio has its legal effect even if the reasons given for its issuance are found to be false and fraudulent, as the document's validity is based on its issuance by the pope by his own initiative, not upon the reasons alleged.

194. Upon information and belief, The Holy See has known for centuries that certain Catholic clergy were using their positions and roles in the Catholic Church to sexually molest children.

195. Upon information and belief, in the 11th Century, St. Peter Damien authored a book, *Liber Gomorrhianus (Book of Gomorrah)*, and delivered it to Pope Leo IX. That book denounced sexual immorality in the Church and railed against “sodomy” committed by Church clerics against boys and adolescents.

196. The sexual abuse of minor children by Catholic clergy continued from the 11th Century through today.

**The 1962 Papal Instruction: “Crimen Sollicitationis” and “Crimen Pessimum”**

197. Upon information and belief, in 1922, The Holy See issued a confidential document to bishops and other high-ranking Church officials, grounded in Canon law, that developed specific and mandatory rules of procedure for bishops to follow when they received notice that a Catholic clergy had solicited sex from a penitent during the sacrament of confession, or that a Catholic clergy had committed certain other specific immoral sexual acts in violation of The Sixth Commandment [“Thou Shall Not Commit Adultery”].

198. On March 16, 1962, the Supreme Sacred Congregation of the Holy Office (an office of The Holy See) delivered an Instruction to all Patriarchs, Archbishops, Bishops, and other Ordinaries, entitled “*On the Manner of Proceeding in Cases Involving the Crime of Solicitation.*”

199. This 1962 Instruction, which closely mirrored the above-referenced 1922 Instruction, likewise set forth specific and mandatory rules of procedure for bishops to follow when they received notice that a Catholic clergy had solicited sex from a penitent during confession, or that a Catholic clergy had committed other specific immoral acts that involved sexual misconduct.

200. The 1962 Instruction, also known as “*Crimen Sollicitationis*,” had the force of law for the Catholic Church “since the Supreme Pontiff, according to the norm of Can. 247, § 1 of the [Code of Canon Law] promulgated in 1917, presided over the Congregation of

the Holy Office, and the Instruction proceeded from his own authority[.]” (Motu Proprio of Pope John Paul II, “*Sacramentorum Sanctitatis Tutela*,” dated April 30, 2001, at 1).

201. The 1962 Instruction *Crimen Sollicitationis* remained a part of Catholic Canon law, and was in effect, until May 18, 2001, when it was replaced by new norms promulgated by Pope John Paul II’s Motu Proprio, “*Sacramentorum Sanctitatis Tutela*.”

202. The 1962 Instruction *Crimen Sollicitationis* addressed four separate and distinct sexual offenses committed by clergy: (1) solicitation of sex in the sacramental confession; (2) *any and all* homosexual acts of clergy with any male, regardless of age, status, or position; (3) sexual abuse of pre-adolescent minors; and (4) bestiality.

203. Title Five of the 1962 Instruction *Crimen Sollicitationis* provides: “The term *crimen pessimum* [‘the foulest crime’] is hereby understood to mean any external obscene act, gravely sinful, perpetrated or attempted by a cleric in any way whatsoever with a person of his own sex.” (Para. 71).

204. Upon information and belief, in the 1962 Instruction *Crimen Sollicitationis*, the Catholic Church thus condemned with equal force a cleric’s sexual acts with pre-adolescent boys (i.e., infants to 11), adolescent boys (i.e., from 12 to 18), and adult men (from 18 and beyond).

205. Upon information and belief, pursuant to Catholic Canon law, from 1962 through 2001, *all* same-sex sexual acts or conduct by clerics constituted “grave offenses” that warranted mandatory punishment and remediation.

206. Title Five of the 1962 Instruction *Crimen Sollicitationis* also provides: “Equated with the *crimen pessimum*, with regard to penal effects, is any external obscene act, gravely sinful, perpetrated by a cleric in any way with pre-adolescent children [impuberes] of either sex or with brute animals [bestialitas].” (Para. 73).

207. Upon information and belief, the Catholic Church’s 1962 Instruction *Crimen Sollicitationis* thus suggests that *crimen pessimum* (“*the foulest crime*”)—a cleric’s sexual acts with a male of any age—constituted a worse and more serious offense than a cleric’s sexual abuse of a pre-adolescent girl, a brute animal, or a post-adolescent minor girl (the sexual abuse of whom did not constitute *crimen pessimum* or even its penal equivalent).

208. As stated hereinabove, at all times McCarrick sexually abused Plaintiff (from 1985 through 1990), Catholic Canon law expressly provided that all clergy were expressly forbidden from engaging in *any* same-sex sexual acts with *any* male person, regardless of such male person's age and whether or not he consented to those sexual acts with a clergy.

209. This rule against same-sex acts and/or conduct for clergy was not optional, discretionary, or a mere recommendation or suggestion.

210. It was a hard-and-fast mandatory rule, as all homosexual sex acts of clergy were defined by the Church as “the foulest crime” and subject to mandatory punishment.

211. Upon information and belief, the 1962 Instruction *Crimen Sollicitationis* provides that a bishop who receives notice that a clergy has engaged in *crimen pessimum* (i.e., any sexual acts with any male) *must*: (1) conduct or oversee “a special investigation” . . . “so that it may be determined whether the accusation has any basis and what that may be.” (Paras. 29 & 72); (2) inquire of all bishops where the suspected clergy previously worked if they have any information prejudicial to him, and, if so, to collect any relevant documents from them (Paras. 30 & 72); (3) at the close of any investigation, if the bishop is certain of the cleric's guilt, the bishop must order the offending cleric to be cited and formally charged by the Catholic Church (Paras. 42(d) & 72); and (4) suspend the offending cleric from celebrating Mass and hearing sacramental confessions, and deprive him “of all benefices, dignities, active and passive voice,” and “[declare him] incapable for these[.]” (Paras. 61 & 72).

212. Upon information and belief, these mandatory penalties and procedures for clerics who engage in same-sex sexual acts (with males of any age) as set forth in paragraphs 61 and 72 of the 1962 Instruction are consistent with Canon 2359, § 1 of the 1917 Code of Canon Law, which provides that “Clerics in sacred orders or secular or religious monasteries, if admonishment has been fruitlessly disregarded, are compelled to withdraw from illicit intimate association and repair scandal by suspension from divine rights, [and] rank, with the prescript of Can. 2176.”



213. Upon information and belief, the 1962 Instruction *Crimen Sollicitationis* provides that a bishop *must* inform The Holy See immediately upon receiving notice that a clergy has committed an act of *crimen pessimum*—a sexual act with any male person of any age. (Paras. 66 & 72).

214. Upon information and belief, the 1962 Instruction *Crimen Sollicitationis* provides that a bishop *must* subject “recidivists,” or “those in danger of relapsing,” to special supervision in accordance with Canon 2311 of the 1917 Code of Canon Law. (Paras. 64(c) & 72).

215. Upon information and belief, the 1962 Instruction *Crimen Sollicitationis* provides that all cases involving *crimen pessimum* are covered by the “secret of the Holy Office” (more commonly known as pontifical secrecy), and that any cleric who violates that obligation of secrecy and confidentiality—including a bishop—is subject to excommunication from the Church. (Paras. 11 & 72).

216. Upon information and belief, the first page of the 1962 Instruction mandated that such document was to be stored in the secret archives of each diocese, and that it was not to be published or commented upon.

217. “The 1962 [Instruction] is significant because it reflects the Church’s insistence on maintaining the highest degree of secrecy regarding the worst sexual crimes perpetrated by clerics.” (Thomas Doyle, *et al.*, *Sex, Priests, and Secret Codes: The Catholic Church’s 2000 Year Paper Trail of Sexual Abuse* (Volt Press: 2006), at 50).

218. “Because the archives of the Holy Office, now known as the CDF [Congregation for the Doctrine of the Faith], are closed to outside scrutiny, it is impossible to determine the number of cases referred to it between 1962 and the present. Moreover, local dioceses are prohibited from ever revealing the very existence of cases, much less the relevant facts.” (*Sex, Priests, and Secret Codes*, at 51).



**The Catholic Church's 1983 Revision of Its Code of Canon Law**

219. Canon 2359, § 2 of the Church's 1917 Code of Canon Law provides:
- If [clerics] engage in a delict against the Sixth precept of the Decalogue with a minor below the age of sixteen, or engage in adultery, debauchery, bestiality, sodomy, pandering, [or] incest with blood-relatives or affines in the first degree, they are suspended, declared infamous, and are deprived of any office, benefice, dignity, responsibility, if they have such, whatsoever, and in more serious cases, they are to be deposed [i.e., dismissed from the clerical state].
220. A “delict” is “a free and deliberate violation of a church law to which a specific penalty is attached.” (*Sex, Priests, and Secret Codes*, at 335 (“Glossary of Terms”)).
221. In 1983, the Catholic Church, under Pope John Paul II, revised its Code of Canon Law.
222. The 1983 Code of Canon Law remains in force and effect for the Catholic Church.
223. Canon 1395 of the Church's 1983 Code of Canon Law provides:
- § 1. A cleric who lives in concubinage, other than the case mentioned in can. 1394, and a cleric who persists with a scandal in another external sin against the sixth commandment of the Decalogue is to be punished by a suspension. If he persists in the delict after a warning, other penalties can gradually be added, including dismissal from the clerical state.
- § 2. A cleric who in another way has committed an offense against the sixth commandment of the Decalogue, if the delict was committed by force or threats or publicly or with a minor below the age of sixteen years, is to be punished with just penalties, not excluding dismissal from the clerical state if the case so warrants.
224. The 1983 Code of Canon Law, which was made public upon its promulgation, removed the specific language of “adultery,” “bestiality,” and “sodomy” from the kind of sexual acts of Catholic clergy that warranted canonical punishment (up to and including laicization).
225. Nevertheless, the Church's 1962 Instruction *Crimen Sollicitationis*, which remained in effect as part of Catholic Canon law until May 18, 2001, *mandated* that bishops take specific actions to punish all Catholic clergy revealed to have engaged in *any* same-sex sexual act[s] with any male[s] of any age.

226. This strange dichotomy in Catholic Canon law demonstrates that in 1983 The Holy See signaled publicly to the Catholic faithful and others that it was relaxing the law of the Church pertaining to the sexual conduct of Catholic clergy. Yet, at the same time, the Church refused to modify or revoke its controlling rule, *Crimen Pessimum*, which forbade clerics from engaging in *any* same-sex sexual acts with *any* males of any age—and mandated that bishops strictly punish all clerics who did not abide that rule.

227. Upon information and belief, this dichotomy was either created intentionally by the Catholic Church or reflects an internal conflict of competing factions within The Holy See on the hot-button issue of the sexual morality of clergy.

228. By 1983, one fact is incontrovertible: Catholic Canon law vested every diocesan bishop with extraordinary, practically unfettered power and authority to oversee, regulate, report, and punish all clerics within the diocese known by the bishop to be engaging in illicit sexual acts, including sexual acts with minor boys or adult men.

#### **Other Relevant Provisions of the 1983 Code of Canon Law**

229. Canon 135, § 3 of the 1983 Code of Canon Law provides “Judicial power, which judges or judicial colleges possess, must be exercised in the manner prescribed by law and cannot be delegated except to perform acts preparatory to some decree or sentence.”

230. Canon 277, § 1 of the 1983 Code of Canon Law, which mandates that clerics remain celibate, provides “Clerics are obliged to observe perfect and perpetual continence for the sake of the kingdom of heaven and therefore are bound to celibacy which is a special gift of God by which sacred ministers can adhere more easily to Christ with an undivided heart and are able to dedicate themselves more freely to the service of God and humanity.”

231. Canon 277, § 2 of the 1983 Code of Canon Law, provides “Clerics are to behave with due prudence towards persons whose company can endanger their obligation to observe continence or give rise to scandal among the faithful.”

232. Canon 277, § 3 of the 1983 Code of Canon Law, provides “The diocesan bishop is competent to establish more specific norms concerning this matter and to pass judgment in particular cases concerning the observance of this obligation.”

233. Canon 331 of the 1983 Code of Canon Law provides “The bishop of the Roman Church . . . is the head of the college of bishops, the Vicar of Christ, and the pastor of the universal Church on earth. By virtue of his office he possesses supreme, full, immediate, and universal ordinary power in the Church, which he is always able to exercise freely.”

234. Canon 375, § 1 of the 1983 Code of Canon Law provides “Bishops, who by divine institution succeed to the place of the Apostles through the Holy Spirit who has been given to them, are constituted pastors in the Church, so that they are teachers of doctrine, priests of sacred worship, and ministers of governance.”

235. Canon 375, § 2 of the 1983 Code of Canon Law provides “Through episcopal consecration itself, bishops receive with the function of sanctifying also the functions of teaching and governing; by their nature, however, these can only be exercised in hierarchical communion with the head and members of the college.”

236. Canon 377, § 1 of the 1983 Code of Canon Law provides “The Supreme Pontiff freely appoints bishops or confirms those legitimately elected.”

237. Canon 377, § 3 of the 1983 Code of Canon Law provides “Unless it is legitimately established otherwise, whenever a diocesan or coadjutor bishop must be appointed, as regards what is called the ternus to be proposed to the Apostolic See, the pontificate legate is to seek individually and to communicate to the Apostolic See together with his own opinion the suggestions of the metropolitan and suffragans of the province to which the diocese to be provided for belongs or with which it is joined in some grouping, and the suggestions of the president of the conference of bishops. The pontificate legate, moreover, is to hear some members of the college of consultors and cathedral chapter and, if he judges it expedient, is also to seek individually and in secret the opinion of others from both the secular and non-secular clergy and from laity outstanding in wisdom.”

238. Canon 378, § 1 of the 1983 Code of Canon Law provides “In regards to the suitability of a candidate for the episcopacy [i.e., a bishop position], it is required that he is: (1) outstanding in solid faith, good morals, piety, zeal for souls, wisdom, prudence, and human virtues, and endowed with other qualities which make him suitable to fulfill the office in question; (2) of good reputation; (3) at least thirty-five years old; (4) ordained to the presbyterate for at least five years; [and] (5) in possession of a doctorate or at least a

licentiate in sacred scripture, theology, or canon law from an institute of higher studies approved by the Apostolic See, or at least truly expert in the same disciplines.”

239. Canon 378, § 2 of the 1983 Code of Canon Law provides “The definitive judgment concerning the suitability of the one to be promoted [to bishop] pertains to the Apostolic See.”

240. Catholic Canon law thus mandates that a candidate for a bishop position *must* have, *inter alia*, “good morals,” “prudence,” “human virtues,” and “other qualities which make him “suitable to fulfill” a bishop position.

241. Catholic Canon law further provides that a candidate for a bishop position *must* be “of good reputation.”

242. Canon 381, § 1 of the 1983 Code of Canon Law provides “A diocesan bishop in the diocese entrusted to him has all the ordinary, proper, and immediate power which is required for the exercise of the pastoral function except for cases which the law or a decree of the Supreme Pontiff reserves to the supreme authority or to another ecclesiastical authority.”

243. Canon 383, § 1 of the 1983 Code of Canon Law provides “In exercising the function of a pastor, a diocesan bishop is to show himself concerned for all the Christian faithful entrusted to his care, of whatever age, condition, or nationality they are, whether living in the territory or staying there temporarily; he is also to extend an apostolic spirit to those who are not able to make sufficient use of ordinary pastoral care because of the condition of their life and to those who no longer practice their religion.”

244. Canon 387 of the 1983 Code of Canon Law provides “Since the diocesan bishop is mindful of his obligation to show an example of holiness in charity, humility, and simplicity of life, he is to strive to promote in every way the holiness of the Christian faithful according to the proper vocation of each. Since he is the principal dispenser of the mysteries of God, he is to endeavor constantly that the Christian faithful entrusted to his care grow in grace through the celebration of the sacraments and that they understand and live the paschal mystery.”

245. Canon 391, § 1 of the 1983 Code of Canon Law provides “It is for the diocesan bishop to govern the particular church entrusted to him with legislative, executive, and judicial power according to the norm of law.”

246. Canon 393 of the 1983 Code of Canon Law provides that “[t]he diocesan bishop represents the diocese in all of its juridic affairs.”

247. Canon 435 of the 1983 Code of Canon Law provides “A metropolitan, who is the archbishop of his diocese, presides over an ecclesiastical province. The office of metropolitan is joined with an episcopal see determined or approved by the Roman Pontiff.”

248. Canon 436, § 1 of the 1983 Code of Canon Law provides “In the suffragan dioceses, a metropolitan is competent: (1) to exercise vigilance so that the faith and ecclesiastical discipline are observed carefully and to inform the Roman Pontiff of abuses, if there are any[.]”

249. Canon 490, § 1 of the 1983 Code of Canon Law provides “Only the bishop is to have the key to the secret archive.”

250. Canon 1329 of the 1983 Code of Canon Law provides that all Catholic clerics who assisted another cleric in his sexual misconduct are subject to similar penalties for assisting or conspiring with the offending cleric in his sins and delicts.

251. Canon 1339, § 1 of the 1983 Code of Canon Law provides “An ordinary, personally or through another, can warn a person who is the proximate occasion of committing a delict or upon whom, after investigation, grave suspicion of having committed a delict has fallen.”

252. Canon 1339, § 2 of the 1983 Code of Canon Law provides “He [a bishop] can also rebuke a person whose behavior causes scandal or a grave disturbance of order, in a manner accommodated to the special conditions of the person and the deed.”

253. Canon 1339, § 3 of the 1983 Code of Canon Law provides “The warning or rebuke must always be established at least by some document which is to be kept in the secret archive of the curia.”

254. Canon 1340, § 3 of the 1983 Code of Canon Law provides “According to his own prudent judgment, an ordinary can add penances to the penal remedy of warning or rebuke.”

255. Canon 1341 of the 1983 Code of Canon Law provides “An ordinary is to take care to initiate a judicial or administrative process to impose or declare penalties only after he has ascertained that fraternal correction or rebuke or other means of pastoral solicitude cannot sufficiently repair the scandal, restore justice, reform the offender.”

**The Authority of Bishops Under Catholic Canon Law Is Extraordinarily Broad**

256. As demonstrated by the above-referenced 1983 Code of Canon Law provisions, at all material times, the bishop of a diocese acts as the managerial agent, executive manager, or the equivalent of a chief executive officer, of his diocese.

257. Catholic law regards bishops as the successors of the Apostles, chosen by God to be the pastoral leaders of the Church and its people, and demands from them a commitment to follow closely the path of God.

258. Because of their ministry, in fact, bishops, “as vicars and legatees of Christ, govern the particular churches entrusted to them by their counsel, exhortations, example, and even by their authority and sacred power, which indeed they use only for the edification of their flock in truth and holiness, remembering that he who is greater should become as the lesser and he who is chief become as the servant[.]” (Second Vatican Council, Dogmatic Constitution *Lumen Gentium*, 27).

259. On May 31, 1973, Pope Paul VI issued a Directory on the Pastoral Ministry of Bishops (“1973 Directory”), which provided bishops and archbishops with laws, rules, and regulations as to how they needed to conduct their ministries.

260. The 1973 Directory supplemented and was part of Catholic Canon law until 2001, when Pope John Paul II substantially modified the Directory for Bishops, after the 2001 Tenth Ordinary General Assembly of the Synod of Bishops.

261. Upon information and belief, the 1973 Directory is not readily available on the Internet. All referenced provisions of The 1973 Directory contained herein are copied from *Directory on the Pastoral Ministry of Bishops* (Publication Service of the Canadian Catholic Conference: 1974).

262. Chapter II, Paragraph 13 of The 1973 Directory provides in pertinent part: “The bishop is the visible principle and foundation of unity in the particular church entrusted to him (cf. LG 23). He is also the link in the hierarchical communion between the church

and the universal Church. The exercise of other sacred ministries in the particular church depends on and is governed by the apostolic ministry of the bishop.”

263. Chapter V, Paragraph 32 of The 1973 Directory provides:

Bishops enjoy true authority over the clergy and the Christian people since they are the successors of the Apostles (LG 20) and continue in their place the mission they received. But the authority under consideration is of a pastoral and vicarious nature, entirely different from the authority of the human societies, since humble and brotherly service is proposed as the fundamental rule for its exercise (cf. *Mt.* 20:26).

Therefore, the bishop ought to carry out his ministry reverently and with humility and courage in imitation of the chief and eternal Shepherd (LG 41). Therefore in the exercise of his sacred power he should show himself rich in *kindliness* and *courtesy*, like Jesus the perfect man, *meek and gentle*, exhorting the faithful “through the gentleness and mildness of Christ” (2 *Cor* 10:1), humble, conscious that his powers are feeble and that he himself belongs to the flock of Christ, and just as others are in need of fraternal forgiveness so he is called to work out his own salvation “with fear and trembling” (*Phil* 2:12), *patient* in enduring contrary things for the kingdom of God, *strong* and *firm* in the just decisions he makes, prudent as one who assumes his responsibilities and fosters the opportunities to talk things over with the faithful, *solicitous* for the flock committed to his care.

*Since he has taken upon himself the name of shepherd not in order to rest but to labor, a bishop exercises his authority in a spirit of service, considering it as a vocation to serve the whole Church.* (Emphasis added).

264. Chapter V, Paragraph 38 of The 1973 Directory provides in pertinent part: “Included in the notion of exercising authority in a spirit of service is the resignation of the office when the salvation of souls and the good of the particular church require it. Thus when a diocesan bishop becomes less capable of fulfilling his office because of weakening powers, or great difficulty in adapting himself to changing times, *or some other serious cause*, he readily and in good time submits his resignation to the Roman Pontiff[.]” (Emphasis added).

265. The *Conclusion* of the 1973 Directory provides that a bishop is “the true and effective center of his diocese” and that “[i]n the ontological-instrumental order it is from the bishop as from a visible source that the structures of the particular church, the presbytery and the holy People of God, flow. In the order of action, it is also from the bishop, as from their visible center, that the impulse and inspiration for the apostolate derive, so too does the order and care of the local pastoral ministry. *Truly he [the bishop]*



*is the hub and focus from which the whole life of the diocese radiates and in which it is blended together; for he is the architect of this harmonious growth.”* (Emphasis added). (*Directory on the Pastoral Ministry of Bishops* [1973], at 115).

266. Catholic law thus mandates that *all* acts of a bishop within his diocese or archdiocese are vested with the “sacred power” and authority of the Church. *As such, all acts of a **bishop** committed within his diocese or archdiocese are within the scope of his employment and/or office.*

267. Catholic Canon law, moreover, vests in a diocesan bishop, viewed as a successor to the Apostles of the Church, complete executive, legislative, and judicial authority to conduct and manage the business and spiritual affairs of the diocese, subject only to the authority of The Holy See.

268. Upon information and belief, this authority vested exclusively in a diocesan bishop includes a bishop’s complete and practically unfettered authority to: (1) oversee and supervise all clergy within the diocese; (2) appropriately punish all clergy within the diocese who have sexually abused a minor child or otherwise committed sexual misconduct in violation of Catholic Canon law; (3) report to The Holy See any clergy who has sexually abused a minor child or otherwise committed sexual misconduct in violation of Catholic Canon law; and (4) take all appropriate prophylactic and/or punitive measures, including suspending an offending cleric from celebrating Mass and participating in various sacraments and stripping an offending clergy of all “benefices and dignities” of his position within the Church and diocese.

269. Upon information and belief, at all material times herein, various bishops in the Diocese of Metuchen, Archdiocese of Newark, The Holy See, and other Catholic Church officials, knew that certain bishops in the United States (including McCarrick) had a propensity to sexually abuse children and otherwise engage in sexual misconduct.

270. Upon information and belief, in fact, by 1985 and through 1990, The Holy See had received notice that a number of bishops in the United States had been credibly accused of sexually abusing minor children.

271. Upon information and belief, at all material times, the Catholic Church’s laws, policies, and procedures provided that a diocese’s bishop was the *only* cleric within the diocese entrusted by the Church with the actual authority to: (1) trigger an investigation of



any bishop within the diocese known to have sexually abused a minor child or otherwise engaged in sexual misconduct; (2) appropriately punish any bishop within the diocese who was known to have sexually abused a minor child or otherwise engaged in sexual misconduct; (3) report to The Holy See any bishop who was known to have sexually abused a minor child or otherwise engaged in sexual misconduct; and (4) take all appropriate prophylactic or punitive measures against said offending bishop, including depriving said bishop of the ability to conduct Mass or otherwise participate in Church services or retain the benefices and dignities of his position within the Church.

272. Upon information and belief, at all material times herein, the Archdiocese of Newark, the Diocese of Metuchen, The Holy See, and various other Catholic officials knew that Catholic Church laws, policies, and procedures required a sexual predator bishop to essentially police himself, and that bishops who were sexually abusing children or otherwise engaging in sexual misconduct were extremely unlikely to do so.

273. Upon information and belief, this inherently flawed regulatory framework thus practically guaranteed that bishops, like McCarrick, with a known propensity to sexually abuse children or otherwise engage in sexual misconduct, would continue to find and exploit additional victims and—faced with no real threat of punishment or mechanism for accountability—commit additional sex crimes and sexual misconduct against children (and others).

274. Upon information and belief, The Holy See, the Archdiocese of Newark, and the Diocese of Metuchen each bears responsibility and culpability for permitting this inherently flawed, reckless, and malicious regulatory framework—which directly caused an untold number of children (including Plaintiff) to suffer sexual abuse at the hands of Catholic bishops—to persist for decades.

275. Upon information and belief, even after the Catholic Church's sex abuse scandal received massive public and, presumably, private attention in the early 2000s, the Catholic Church *still* did nothing to modify its patently ineffective regulatory framework concerning sexually abusive bishops until May, 2019.

**The Church's Continued Public Denunciation of Homosexual Acts**

276. From 1962 through 2001, the Catholic Church's laws, policies, and customs continued to prohibit and denounce any same-sex sexual conduct by Catholic clergy in the strongest possible terms.

277. During this period, the Church likewise continued to denounce homosexual acts in any form and by any persons.

278. In an October 1, 1986 "*Letter to the Bishops of the Catholic Church on the Pastoral Care of Homosexual Persons*," Cardinal Joseph Ratzinger (who in 2005 became Pope Benedict XVI), Prefect of the Congregation for the Doctrine of the Faith, addressed head-on the issue of homosexuality and the moral evaluation of homosexual acts.

279. Cardinal Ratzinger stated: "To choose someone of the same sex for one's sexual activity is to annul the rich symbolism and meaning, not to mention the goals of the Creator's sexual design. Homosexual activity is not a complementary union able to transmit life; and so it thwarts the call to a life of that form of self-giving, which the Gospel says is the essence of Christian living. This does not mean that homosexual persons are not often generous and giving of themselves; but when they engage in homosexual activity they confirm within themselves a disordered sexual inclination which is essentially self-indulgent."

280. Cardinal Ratzinger concluded that "[t]he Church, in rejecting erroneous opinions regarding homosexuality, does not limit but rather defends personal freedom and dignity realistically and authentically understood."

281. Upon information and belief, in the 1980s and 1990s, numerous Catholic cardinals, archbishops, bishops, and priests disagreed with the Church's official position—as expressed by Cardinal Ratzinger—on homosexuality and in particular the moral evaluation of homosexual acts *committed by Catholic clergy*.

282. In 1990, Richard Sipe, a former priest and psychologist, published *A Secret World: Sexuality and the Search for Celibacy*, in which he argued that at any given time, only fifty percent of Catholic clergy are celibate. This, Sipe argued, contributed to a culture of deceit and dishonesty within the Church, as many priests and bishops are not going to expose, report, or punish other clerics who are guilty of sexual misconduct because they may be guilty themselves.

283. In a 2016 letter to Bishop Robert McElroy of San Diego, Richard Sipe summed up the problem of widespread sexual lawlessness by high-ranking clergy with great insight: “Sooner or later *it will become broadly obvious that there is a systemic connection between the sexual activity by, among and between clerics in positions of authority and control, and the abuse of children.* . . . When men in authority—cardinals, bishops, rectors, abbots, confessors, professors—are having or have had an unacknowledged-secret-active-sex life under the guise of celibacy, an atmosphere of tolerance of behaviors within the system is made operative.” (Emphasis added).

284. Upon information and belief, Richard Sipe’s above thesis is supported by available statistics. For instance, the 2004 John Jay Report, an investigation commissioned by the U.S. Conference of Catholic Bishops, found that more than eighty percent of the victims of clergy sexual abuse had been adolescent males.

**In 2001, the Church Secretly Narrows the Range of Specific Sexual Acts by Clergy that Constitute “A Grave Delict Against Morals”**

285. Upon information and belief, in 1988, the Catholic Church established that the Congregation for the Doctrine of the Faith, an office of The Holy See, was tasked with examining delicts against the faith and more grave delicts whether against morals or committed in the celebration of the sacraments.

286. On April 30, 2001, Pope John Paul II issued a Motu Proprio apostolic letter entitled, “*Sacramentorum Sanctitatis Tutela, By Which are Promulgated Norms on More Grave Delicts Reserved to the Congregation for the Doctrine of the Faith.*”

287. In said Motu Proprio, Pope John Paul II stated, *inter alia*, that the Catholic Church had decided “to define more precisely both ‘the more grave delicts whether against morals or committed in the celebration of the sacraments’ for which the competence of the Congregation for the Doctrine of the faith remains exclusive, and also the procedural norms ‘for declaring or imposing canonical sanctions.’”

288. Pope John Paul II further stated: “With this apostolic letter, issued motu proprio, we have completed this work and we hereby promulgate the *Norms concerning the more grave delicts reserved to the Congregation for the Doctrine of the Faith*[.]”

289. On May 18, 2001, with the authority of Pope John Paul II, as confirmed and promulgated by the apostolic letter *Sacramentorum Sanctitatis Tutela*, the Congregation for the Doctrine of the Faith, through its Prefect, Cardinal Joseph Ratzinger, issued “*Letter Explaining the New Norms for Church Handling of Certain Grave Offenses*.”

290. This May 18, 2001 letter confirmed that the 1962 Instruction *Crimen Sollicitationis* remained in force and effect as part of Catholic Canon law from the date of its promulgation (March 16, 1962) until May 18, 2001.

291. The May 18, 2001 letter, therefore, abrogated the 1962 Instruction *Crimen Sollicitationis*.

292. Cardinal Ratzinger’s May 18, 2001 letter specified that the “more grave delicts both in the celebration of the sacraments and against morals reserved to the Congregation for the Doctrine of the Faith” were limited to: (1) delicts against the sanctity of the most Eucharistic sacrifice and the sacraments (as defined); (2) delicts against the sanctity of the sacrifice of penance [i.e., confession] (as defined); and (3) a delict against morals.

293. The May 18, 2001 letter narrowly defined “a delict against morals” as follows: “A delict against morals, namely: *the delict committed by a cleric against the Sixth Commandment of the Decalogue [Thou Shall Not Commit Adultery] with a minor below the age of 18 years*.” (Emphasis added).

294. The May 18, 2001 letter then provided that “Only these delicts which are indicated above with their definition are reserved to the apostolic tribunal of the Congregation for the Doctrine of the Faith.”

295. The May 18, 2001 letter raised the canonical age of a minor from 16 (*see* Canon 1395, § 2 of the 1983 Code of Canon Law) to 18.

296. In his May 18, 2001 letter, Cardinal Ratzinger specifically referenced the 1962 Instruction *Crimen Sollicitationis* (and cited it in a footnote) but The Holy See did not make *Crimen Sollicitationis*—which had been issued to bishops, archbishops, and cardinals only—publicly available until March, 2003. (*See Sex, Priests, and Secret Codes*, at 50).

297. *Sacramentorum Sanctitatis Tutela* (issued on April 13, 2001) and the related May 18, 2001 letter from Cardinal Ratzinger memorialized the Church’s radical departure from the “more grave delicts against morals” as defined and explained in Pope Paul VI’s 1962 Instruction *Crimen Sollicitationis*.

298. The Catholic Church's 2001 revision of its 1962 Canon law pertaining to how Church bishops were required to handle, address and remedy "grave delicts against morals" narrowed and exponentially reduced the nature and number of clergy sexual offenses that mandated both compliance with strict procedures and mandatory punishment for offending clerics.

299. Notably, the Church's 2001 revision of its 1962 apostolic law removed homosexual acts of clergy with any other male, regardless of age (*i.e.*, *Crimen Pessimum*), from the category of proscribed "delicts against morals," which had provided—from 1962 through 2001—that the bishop in authority was required to follow mandatory procedures and issue mandatory punishment against any clergy known to have engaged in *any* same-sex sexual acts.

300. Upon information and belief, the Church's removal of homosexual acts of clergy with any male from the designated "grave delicts against morals" was accomplished in virtual secrecy.

301. Upon information and belief, in 2001, as only The Holy See, cardinals, archbishops, and bishops had access to the 1962 Instruction *Crimen Sollicitationis*, the Catholic faithful had no means to ascertain that the Church had vacated its decades-long laws and policies that had mandated that a bishop in authority over a Catholic cleric impose canonical sanctions against any cleric who was revealed to have engaged in any kind of homosexual sexual act[s] with any other male[s] of any age.

302. Upon information and belief, throughout the 1970s, 1980s, and 1990s, thousands of Catholic clerics in the United States and throughout the world engaged in homosexual sexual acts with adult men, seminarians, each other, and/or even minor boys (who were incapable of consenting to any of those acts). (*See generally*, *In the Closet of the Vatican*).

303. Each of these same-sex sexual acts was strictly proscribed by the 1962 Instruction *Crimen Sollicitationis* and, if known by or revealed to a bishop with authority over a cleric, should have triggered mandatory punishment (including laicization for egregious acts and/or recidivists) and remediation pursuant to Catholic Canon law.

304. Upon information and belief, in the 1980s and 1990s, many Catholic bishops disregarded the laws and procedures set forth in *Crimen Sollicitationis* governing the sexual conduct of Catholic clerics, because *they* considered the 1962 Papal Instruction to be

impracticable, overly broad, antithetical to the prevailing sexual mores within the Catholic Church, and/or simply inconvenient.

305. Upon information and belief, the lawless and sexually permissive environment that was embraced by many Catholic bishops (including McCarrick) thus provided many Catholic clergy with cover if not tacit permission to engage in sexual acts with males of any age, including minor boys, without fear of sanctions, recriminations, or the loss of clerical power and authority.

306. Upon information and belief, McCarrick himself was so brazen and confident that his open and notorious sexual misconduct would be excused and condoned by the Catholic Church, that he purchased a beach house in 1984 for the Diocese of Metuchen (with Diocese funds) and then for years personally used that beach house (in Sea Girt, New Jersey) to facilitate his numerous sexual assaults of vulnerable seminarians and minor boys.

307. Upon information and belief, *Sacramentorum Sanctitatis Tutela* (issued on April 13, 2001) and the related May 18, 2001 letter from Cardinal Ratzinger reflect Pope John Paul II's and Cardinal Ratzinger's recognition that *Crimen Sollicitationis* had become toothless and ineffective, and constitutes their belated effort to ameliorate a grave problem that the Catholic Church faced: the widespread sexual abuse of minor boys by Catholic clerics.

**In 2002, Led By Then-Cardinal McCarrick, the U.S. Conference of Catholic Bishops Established New Procedures to Combat Clerical Sex Abuse, But Exempted Bishops from Any Accountability Under These New Procedures**

308. Upon information and belief, in April 2002, Pope John Paul II summoned all the American cardinals to Rome for an emergency meeting to discuss the explosive clerical sex abuse scandal in the United States.

309. Upon information and belief, when the cardinals returned to the United States, then-Cardinal McCarrick summoned all of the priests of the Archdiocese of Washington, D.C. (more than 200) to a mandatory meeting at the Franciscan Monastery near Catholic University.

310. Upon information and belief, McCarrick outlined the Church's plan for new procedures to combat clerical sex abuse and stated that he would be on the Drafting Committee at the upcoming meeting of U.S. bishops in Dallas, Texas.

311. Upon information and belief, at this meeting in Washington, D.C., McCarrick explained to the priests under his authority that there would continue to be no Church oversight governing the sexual misconduct of bishops because: (1) bishops cannot be accountable to anyone but Rome; and (2) as every bishop is autonomous in his own diocese, bishops cannot be accountable to each other.

312. Upon information and belief, Father Peter Daly, who attended the meeting in Washington, D.C., then complained about the pending exemption for bishops, and, addressing McCarrick, stated that bishops, archbishops and cardinals all needed to be held accountable to the civil law, to public scrutiny, and to the Catholic faithful.

313. Upon information and belief, Father Daly told McCarrick and his fellow priests: “Our people understand sin. Everybody sins. *What they don’t understand is cover-up and the failure to protect our children.* Everybody, including cardinals, should be held fully accountable.” (Emphasis added).

314. In June 2002, in the wake of the sex abuse crisis exposed by *The Boston Globe*, the bishops of the Catholic Church in the United States met in Dallas, Texas to establish new procedures and protocols to combat clerical sex abuse.

315. Upon information and belief, then-Cardinal McCarrick assumed a leadership role for these bishops and became the principal architect of the “Charter for the Protection of Children and Young People” (the “Dallas Charter”), and the “Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons,” which established provisions for accountability and transparency to better protect minors from sexual predator priests and deacons.

316. Upon information and belief, together with like-minded bishops, McCarrick deliberately diluted the Dallas Charter and Essential Norms, by tailoring the documents to protect himself and other sexually abusive bishops by omitting bishops from the scope of covered clerics.

317. Upon information and belief, in the original drafts of these documents, the provisions bound all “clerics”—not just priests and deacons, but bishops as well. Those provisions, however, were changed by McCarrick and other bishops on the Drafting Committee to prevent bishops from facing any Church discipline for their sexual misconduct.



318. Upon information and belief, during a review of amendments to the documents, Archbishop Elden Curtiss, then-Archbishop of the Archdiocese of Omaha, Nebraska, specifically asked why the term “clerics” had been stricken from the text and replaced with “priests and deacons.”

319. Upon information and belief, Bishop William Lori of Bridgeport, Connecticut (now Archbishop of Baltimore) replied that the Drafting Committee [which, upon information and belief, was led by McCarrick] had “decided we would limit it to priests and deacons, as the disciplining of bishops is beyond the purview of this document.”

320. Bishops are bound by the same moral, civil, and criminal laws that govern priests and deacons. Upon information and belief, the Dallas Charter and Essential Norms were redesigned to exempt bishops from accountability *exclusively* to protect sexual predator bishops, like McCarrick, from facing any Church consequences for their sexual misconduct.

321. In a July 2018 article for *The Christian Review*, Jason Kippen emphasized that with McCarrick’s serial sexual abuse of young men now public, U.S. bishops have lost all credibility over their pledge of true reform on the issue of clerical sex abuse: “No doubt many, if not most, of the bishops who convened in the 2002 Dallas meeting knew that McCarrick had abused seminarians and young priests. Yet, the bishops sat there and said nothing while McCarrick held court on how to put an end to sexual abuse in the priesthood. The 2002 meeting, far from instigating much-needed healing in the Church, allowed the process to become a mockery of what was called for—true confession and repentance.”

**Pope Francis’s May, 2019 Apostolic Letter: “Vos Estis Lux Mundi”**

322. On May 7, 2019, Pope Francis issued an apostolic letter *Motu Proprio* entitled “*Vos Estis Lux Mundi*.”

323. Through this *Motus Proprio*, Pope Francis established new procedures for the Catholic Church for, *inter alia*, reporting sexual abuse committed by bishops.

324. Title II, Article 8 of the *Motu Proprio* provides that if a Catholic cleric receives a report concerning sexual abuse committed by a bishop, he is directed to transmit that report to “both The Holy See and to the Metropolitan of the Ecclesiastical Province [i.e., the Archbishop] where the bishop lives.”

325. Likewise in the event a cleric receives a report concerning sexual abuse committed by a Metropolitan [an Archbishop], he is directed to transmit that report to The Holy See and the senior suffragan Bishop [the senior bishop in the province].

326. On June 13, 2019, the U.S. Catholic Conference of Bishops (“USCCB”) approved a plan to implement the Motu Proprio “*Vos Estis Lux Mundi*” issued in May, 2019 by Pope Francis to, *inter alia*, finally hold bishops accountable for the sexual abuse of minor children.

327. Upon information and belief, the USCCB’s June 2019 implementing action marks the first time in the history of the Catholic Church in the United States that the Church implemented *any* regulatory framework, policy, or procedure that was capable of holding sexual predator bishops accountable for their sexual abuse of children.

328. Upon information and belief, the Catholic Church’s 2019 enactment of procedures for reporting bishops’ sexual misconduct *still* did not mandate that clerics with knowledge of a fellow cleric’s sexual abuse of a child report the offending cleric to law enforcement officials.

329. Upon information and belief, to date, the Catholic Church *still* persists in handling the vast majority of sexual abuse complaints against sexual predator bishops “in house”—without involving law enforcement officials.

#### **THE HOLY SEE’S 2012 INVESTIGATION OF SEXUAL MISCONDUCT BY HIGH-RANKING CATHOLIC CLERGY**

330. Upon information and belief, in or about April 2012, Pope Benedict XVI formed an ad hoc commission of three retired cardinals, Julian Herranz, Salvatore De Georgi, and Jozef Tomko, to conduct an investigation into the Catholic Church’s sex abuse scandal. (See Philip F. Lawler, *The Smoke of Satan: How Corrupt and Cowardly Bishops Betrayed Christ, His Church, and the Faithful . . . and What Can Be Done About It* (TAN Books: 2018), at 44).

331. Upon information and belief, after an eight month investigation, which included more than one hundred interviews of priests working in the Vatican, in December 2012 these three retired cardinals delivered a three-hundred page report to Pope Benedict XVI.

332. Upon information and belief, this report documented widespread corruption and sexual misconduct at the highest levels of the Catholic Church's hierarchy, including amongst cardinals, archbishops, and bishops. (*In the Closet of the Vatican*, at 509; *The Smoke of Satan*, at 44).

333. Upon information and belief, this report on sexual abuse was prepared for Pope Benedict XVI's eyes only, and has remained secret since its issuance.

334. Upon information and belief, the three retired cardinals also concluded in their report that certain high-ranking Catholic prelates, including cardinals, archbishops, and bishops, had been subjected to blackmail because of, *inter alia*, their sexual misconduct. (*See In the Closet of the Vatican*, at 509).

335. Upon information and belief, McCarrick was named in the 2012 report as one of the cardinals who had committed gross sexual misconduct throughout his clerical career.

336. In February 2013, just a few weeks after the three cardinals delivered their secret report, Pope Benedict XVI resigned as Pope of the worldwide Catholic Church. (*The Smoke of Satan*, at 45).

337. Upon information and belief, in March 2013, shortly after Cardinal Jorge Bergoglio had been elected by the College of Cardinals as the new pope of the Catholic Church (Pope Francis), Pope Benedict XVI met with Pope Francis to review and discuss the three cardinals' December 2012 secret report on sexual misconduct within the Church.

338. Upon information and belief, at that meeting, Pope Benedict handed over the three cardinals' December 2012 secret report on sexual misconduct to Pope Francis.

339. "[S]ince that day, nothing more substantial about the cardinals' report—which might have been the basis for exposing the manifest corruption in the Roman Curia—has come to light." (*The Smoke of Satan*, at 45).

**ARCHBISHOP CARLO VIGANO ALLEGES A PROLONGED COVER-UP OF  
McCARRICK'S SEXUAL MISCONDUCT BY POPE FRANCIS AND THE HOLY SEE**

**The August 22, 2018 Vigano Testament and Follow-Up Statements**

340. On August 22, 2018, Archbishop Carlo Maria Vigano, the Vatican's retired ambassador to the United States (i.e., a former apostolic nuncio), released an extraordinary eleven-page Testament in which he attacked Pope Francis, and many of his high-ranking allies in the Church, for silence in the face of widespread sexual abuse of minors and young men eager to serve the Church.

341. Archbishop Vigano stated: “[I]f we truly want to free the Church from the fetid swamp into which she has fallen, we must have the courage to tear down the culture of secrecy and publicly confess the truths we have kept hidden. We must tear down the conspiracy of silence with which bishops and priests have protected themselves at the expense of their faithful, a conspiracy of silence that in the eyes of the world risks making the Church look like a sect, *a conspiracy of silence not so dissimilar from the one that prevails in the mafia.*” (Emphasis added).

342. Archbishop Vigano stated that in 2006 he wrote his superiors about allegations that Cardinal McCarrick had repeatedly engaged in depraved sexual acts with seminarians and priests, and frequently attempted to pressure young men who aimed for the priesthood into his bed.

343. Archbishop Vigano reported that in response to his misconduct complaint, some time in 2009 or 2010, Pope Benedict XVI imposed sanctions on Cardinal McCarrick: “the Cardinal was to leave the seminary where he was living, he was forbidden to celebrate [Mass] in public, to participate in public meetings, to give lectures, to travel, with the obligation of dedicating himself to a life of prayer and penance.”

344. Archbishop Vigano testified that in June, 2013 he informed the newly crowned Pope Francis about the sexual misconduct sanctions against Cardinal McCarrick: “Holy Father, I don’t know if you know Cardinal McCarrick, but if you ask the Congregation for Bishops there is a dossier this thick about him. He corrupted generations of seminarians and priests and Pope Benedict ordered him to withdraw to a life of prayer and penance.”

345. Archbishop Vigano claimed that after Pope Francis learned about the sexual misconduct allegations against Cardinal McCarrick (from Vigano), Pope Francis revoked the sanctions imposed by Pope Benedict and “continued to cover for him.”

346. Pope Francis also made McCarrick his trusted counselor and frequently relied upon his advice in making high Church appointments in the United States.

347. In his August 2018 Testament, Archbishop Vigano called upon Pope Francis, along with other bishops complicit in the cover-up of sexual abuse, to resign.

348. In his Testament, Vigano stated that when he first arrived in Washington, D.C., Monsignor Jean-Francois Lantheaume, a former first counselor at the Washington embassy, told him that Pope Benedict had issued a sanctions order against Cardinal McCarrick.

349. In the wake of Archbishop Vigano’s August 22, 2018 Testament, Monsignor Lantheaume’s statement to the *Catholic News Agency* was short but sweet: “*Vigano said the truth. That’s all.*” (Emphasis added).

350. On August 26, 2018, while aboard the papal plane, Pope Francis issued a vague riddle of a statement when he was asked directly if Archbishop Vigano had informed him in 2013 about Cardinal McCarrick’s alleged sexual misconduct with seminarians, and if it was true that Pope Benedict had previously imposed sanctions on the former Archbishop of Washington: “I read the statement this morning, and I must say this, to you and all those who are interested: Read the statement carefully and make your own judgment. I will not say a single word on this.”

351. Pope Francis further teased members of the press: “When some time passes and you have drawn your own conclusions, I may speak. But I would like your professional maturity to do the work for you. It will be good for you.”

352. After receiving widespread criticism from both foes and supporters for his refusal to address Archbishop Vigano’s abuse cover-up allegations head-on, Pope Francis’s allies began to mount the pontiff’s defense: Pope Francis is just too busy, and has too many good and noble works to complete, to get bogged down in the morass of the issue of childhood sex abuse within the Church.

353. Chicago Cardinal Blasé Cupich—in an August 28, 2018 interview with NBC 5’s Mary Ann Ahern—defended Pope Francis’s silence on Archbishop Vigano’s allegations: “The Pope has a bigger agenda. He’s got to get on with other things—of talking about the environment and protecting migrants and carrying on the work of the Church. *We’re not going to go down a rabbit hole on this.*” (Emphasis added).

354. Cardinal Cupich, upon information and belief, at all material times was and remains a close ally of McCarrick, and in or about 2014, McCarrick was instrumental in persuading Pope Francis to appoint Blasé Cupich to the prominent post of Archbishop of Chicago. Two years later, in 2016, Pope Francis elevated Blase Cupich to Cardinal.

355. The crux of the problem facing Plaintiff and other victims of clergy sexual abuse thus presents itself: many high-ranking Catholic leaders, including Pope Francis himself, *still* refuse to conduct an honest, forthright, and probing internal examination of childhood sex abuse within the Catholic Church—and, most distressingly, *still* refuse to address how and why this culture of cover-up, this “conspiracy of silence,” was allowed to grow and fester like a raging, out-of-control forest fire that continues to cause incalculable damage to one of the world’s preeminent religious institutions.

356. Archbishop Vigano made additional allegations about the McCarrick matter in a letter dated September 29, 2018: “The heart of my testimony is that at least since June 23, 2013, the pope knew from me how perverse and diabolical McCarrick was, both in his intentions and in his actions, and instead of taking precautions in this regard, which every good pastor would have taken, the pope made McCarrick one of his principal collaborators in the governance of the Church for the United States, the Curia, and even for China, a martyr church that we are looking at with great concern and anxiety at this time.” (See Marco Tossati, *Vigano vs. the Vatican: The Uncensored Testimony of the Italian Journalist Who Helped Break the Story* (Crisis Publications: 2019), at 65-66).

357. Archbishop Vigano, in his September 29, 2018 letter, further stated: “But there is more: the cover-up of McCarrick does not seem to have been an isolated error on the part of the pope. Many other cases have recently been documented by the press, demonstrating that Pope Francis has defended homosexual priests who have committed serious sexual abuses against minors and adults. This includes his role in the case of Father Julio Grassi in Buenos Aires, his reinstatement of Father Mauro Inzoli after Pope

Benedict had removed him from the priestly ministry (up until the moment he was put in jail, and then, at that point, Pope Francis reduced him to the lay state), and his putting an end to the investigation against Cardinal Cormac Murphy-O'Connor for accusations of sexual abuse.” (*See Vigano vs. the Vatican*, at 67-68).

358. On October 6, 2018, the Vatican issued a statement that provided that, as a man had credibly alleged that McCarrick had abused him when the man was a child in the 1970s, Pope Francis had accepted McCarrick's resignation from the College of Cardinals, prohibited McCarrick from exercising public ministry, and ordered him “to lead a life of prayer and penance.”

359. This October 6, 2018 Vatican statement also provided that The Holy See had ordered an extensive investigation of McCarrick and that “information gathered during the preliminary investigation be combined with a further thorough study of the entire documentation present in the Archives of the Dicastries and Offices of the Holy See regarding the former Cardinal McCarrick, in order to ascertain all the relevant facts, to place them in their historical context and to evaluate them objectively.”

360. On October 7, 2018, Cardinal Marc Ouellet, the Prefect for the Congregation of Bishops, responded to Archbishop Vigano's cover-up charges, and alleged: (1) Pope Francis may not have remembered in detail his June 2013 meeting with Archbishop Vigano in which Archbishop Vigano allegedly told him about the sanctions that Pope Benedict XVI had imposed against McCarrick; (2) in 2011, when Cardinal Ouellet talked to Archbishop Vigano about McCarrick, he (Ouellet) told Vigano that McCarrick “ought to obey certain conditions and restrictions as a result of some rumors about his behavior in the past.”; and (3) it was improper for Vigano to have claimed that Pope Benedict had imposed “sanctions” against McCarrick because, *inter alia*, there was no proof of McCarrick's culpability in The Holy See's files and records.

361. On October 19, 2018, Archbishop Vigano wrote another letter in response to Cardinal Ouellet's attempted refutation of his charges.

362. Archbishop Vigano responded point-by-point to Cardinal Ouellet's criticism in a letter dated October 19, 2018.



363. Archbishop Vigano's October 19, 2018 letter reaffirmed the following principal points of his August 22, 2018 Testament: (1) "In November 2000, the nuncio to the United States, Archbishop Montalvo, informed the Holy See of the homosexual behavior of Cardinal McCarrick with priests and seminarians."; (2) "In December 2006, the new nuncio, Archbishop Pietro Sambi, informed the Holy See of the homosexual behavior of McCarrick with another priest."; (3) "In December 2006, I also wrote a memorandum to Secretary of State Cardinal Bertone, which I personally gave to the sostituto for general affairs, Archbishop Leonardo Sandri, asking the pope to take extraordinary measures against McCarrick in order to prevent future crimes and scandals. This memorandum received no response."; (4) "In April 2008, an open letter to Pope Benedict by Richard Sipe was transmitted to the prefect of the Congregation for the Doctrine of the Faith, Cardinal Levada, and to the secretary of state, Cardinal Bertone, which contained further accusations of McCarrick going to bed with seminarians and priests. It was sent to me a month later."; (5) "In May 2008, I personally presented a second memorandum to the then-sostituto for general affairs, Archbishop Fernando Filoni, referring to the accusations against McCarrick and asking for sanctions against him. This second memorandum also received no response."; (6) "In 2009 or 2010, I learned from Cardinal Re, prefect of the Congregation for Bishops, that Pope Benedict had ordered McCarrick to cease public ministry and to begin a life of prayer and penance. Nuncio Sambi communicated the orders of the pope to McCarrick, raising his voice so much that it was heard in the corridors of the Nunciature."; (7) "In November 2011, Cardinal Ouellet, the new prefect for the Congregation for Bishops, reconfirmed to me, the new nuncio to the United States, the restrictions placed on McCarrick by the pope, and I personally communicated them to McCarrick face-to-face."; (8) "On June 21, 2013, at the end of a meeting of the nuncios in the Vatican, Pope Francis reproved me about the American episcopate, using words that were difficult to understand."; and (9) "On June 23, 2013, I met Pope Francis personally in a private audience in his apartment in order to try and clarify things, and the pope asked me, 'What is McCarrick like?'—words that I can interpret only as a false curiosity to discover whether I was allied with McCarrick or not. I told him that McCarrick had sexually corrupted generations of priests and seminarians and that Pope Benedict had ordered him to dedicate himself solely to a life of prayer and penitence."

364. In his October 19, 2018 letter, Archbishop Vigano further stated: “McCarrick formed part of a network of bishops favorable to homosexuality, who, enjoying the favor of the pope, promoted episcopal nominations in order to protect themselves from justice and reinforce homosexuality in the hierarchy and in the Church in general. Pope Francis himself seems to be involved in the spread of this corruption or at least aware of what they do and is gravely responsible because he does not oppose it or seek to eradicate it.”

365. In his October 19, 2018 letter, Archbishop Vigano also noted that Cardinal Ouellet had made a number of important admissions: (1) “Cardinal Ouellet admits to having spoken to me about the McCarrick situation before I left for Washington to begin my assignment as nuncio.”; (2) “Cardinal Ouellet admits to having communicated with me in writing about the conditions and restrictions placed on McCarrick by Pope Benedict.”; (3) “Cardinal Ouellet admits that *these restrictions forbade McCarrick from traveling and appearing in public.*” (Emphasis added); and (4) “Cardinal Ouellet admits that the Congregation for Bishops, in writing, first through Nuncio Sambì and then through me, ordered McCarrick to lead a life of prayer and penance.”

366. Archbishop Vigano further stated that it was irrelevant whether or not Pope Benedict XVI had technically imposed “sanctions” against McCarrick: In any event, regardless of the nomenclature, “they were provisions, ‘conditions and restrictions.’ To analyze whether they were sanctions or provisions or something else is pure legalism. From a pastoral point of view, it is the same thing.”

367. Moreover, Archbishop Vigano concluded that “it is shocking that, amid so many scandals and so much indignation, there is so little consideration for those who were victims of sexual predators who were ordained ministers of the gospel.”

#### **The May 28, 2019 Report of Monsignor Anthony J. Figueiredo**

368. On May 28, 2019, Monsignor Anthony J. Figueiredo, a former secretary for McCarrick at both the Archdiocese of Newark (from September 1994 to June 1995) and in Rome (for nineteen years), published online *The Figueiredo Report* ([www.theFigueiredoreport.com](http://www.theFigueiredoreport.com)) in which he “present[ed] facts from correspondence that [he] held relevant to questions still surrounding McCarrick.”

369. Monsignor Figueiredo stated that his decision to place some relevant correspondence concerning McCarrick in the public domain followed his apparently unsuccessful “attempts since September 2018 to share and discuss these with the Holy See and other Church leaders.”

370. Monsignor Figueiredo concluded that the facts set forth in his report “show clearly that high-ranking prelates likely had knowledge of McCarrick’s actions and of restrictions imposed upon him during the pontificate of Pope Benedict XVI.”

371. Monsignor Figueiredo also set forth facts which indicated that “these restrictions [against McCarrick] were not enforced even before the pontificate of Pope Francis.”

372. *The Figueiredo Report* discussed an August 25, 2008 letter from McCarrick to Archbishop Pietro Sambi, Apostolic Nuncio to the United States from 2005 until his death in 2011, in which McCarrick recalled their meeting on the previous Friday (August 22, 2008).

373. According to Monsignor Figueiredo, during that meeting, Archbishop Sambi presented McCarrick with a letter from Cardinal Giovanni Battista Re, the Prefect of the Congregation for Bishops, which outlined the restrictions that Pope Benedict XVI had placed on McCarrick.

374. According to Monsignor Figueiredo, in that August 25, 2008 letter to Archbishop Sambi, McCarrick stated, *inter alia*, that: (1) “Having studied the letter of Cardinal Re and having shared it with my Archbishop [Donald Wuerl], I pledge that I shall always try to be a good servant of the Church . . .”; (2) “I could find a place to live in one of the parishes of the Archdiocese of Washington. The Archbishop is willing to arrange for that in any area that the Holy See would desire.”; and (3) “I will make no commitment to accept any public appearances or talks without the expressed permission of the Apostolic Nuncio or Holy See.”

375. Upon information and belief, and according to Monsignor Figueiredo, the referenced August 2008 letter from Cardinal Re to McCarrick—about the restrictions imposed against McCarrick by Pope Benedict XVI—should be in the archives for both the Congregation of Bishops in Rome and the Apostolic Nunciature in Washington, D.C.

376. According to Monsignor Figueiredo, in his August 25, 2008 letter to Archbishop Sambi, McCarrick also referenced a letter from McCarrick (presumably dated some time in

August 2008) “which I have sent to the Apostolic Nuncio for delivery to Cardinal Re” about [my] “personal situation.”

377. Upon information and belief, the referenced August 2008 letter from McCarrick to Cardinal Re about his “personal situation” should be in the archives for both the Congregation of Bishops in Rome and the Apostolic Nunciature in Washington, D.C.

378. Upon information and belief, according to Monsignor Figueiredo, on September 1, 2008, McCarrick drafted a letter to Cardinal Tarcisio Bertone, then Secretary of State of the Vatican, which offered an account of his behaviors in light of the restrictions placed on him by Pope Benedict XVI (and as confirmed and memorialized in the letter from Cardinal Re). Monsignor Figueiredo is not certain as to whether this letter ever actually reached Cardinal Bertone.

379. Upon information and belief, according to Monsignor Figueiredo, in that September 1, 2008 letter to Cardinal Bertone, McCarrick stated, *inter alia*, that: (1) “I do recognize that in one particular [case] I had been at fault in an unfortunate lack of judgment. I have always considered my priests and seminarians as part of my family, and just as I shared a bed with my cousins and uncles and other relatives without thinking of it being wrong, I had done this on occasion when the Diocesan Summer House was overcrowded. In no case were there minors involved, but men in their twenties and thirties.”; and (2) “I have never had sexual relations with anyone, man, woman, or child, nor have I ever sought such acts.”

380. Based in part on Plaintiff’s first-hand knowledge of his own harrowing sexual abuse by McCarrick (including at the Diocesan Summer House in Sea Girt, New Jersey), each of those statements by McCarrick was patently and grotesquely false.

381. Upon information and belief, according to Monsignor Figueiredo, in an October 7, 2008 email from McCarrick to Monsignor Figueiredo, McCarrick himself confirmed three decisions made by Cardinal Re in connection with the restrictions imposed against him by Pope Benedict XVI: (1) “Cardinal Re has approved my moving to a parish and my Archbishop [Donald Wuerl] has been great in beginning to work that out.”; (2) “I’ve agreed to make no public appearances either here or abroad without his permission *and resign from all Roman and USCCB entities.*” (Emphasis added); and (3) “*Cardinal Re has forbidden me to come to Rome.*” (Emphasis added).

382. *The Figueiredo Report's* conclusion states that “It is clear that for far too long, a culture has existed in the Church that allowed those like McCarrick to continue their public activity after serious and even settled allegations had come to the attention of Church leaders. Moreover, it is all too evident that Cardinals, Archbishops, and Bishops—in their cover up—until quite recently have enjoyed the propitious benefit of a more ‘forgiving’ and ‘lenient’ standard of evaluation as compared to those applied to lower ranking clerics and religious.”

383. Monsignor Figueiredo concludes that “the saddening nature of the allegations against McCarrick, as well as the silence by Church leaders who ignored or enabled his actions, illustrates anew the moral imperative to all people of good will, and especially leaders of the Church, to address and inform all appropriate persons of this type of behavior at the earliest opportunity, first and foremost for the safety of the minors and vulnerable persons, and ultimately for the salvation of every soul. For this very purpose, Jesus Christ came into this world.”

384. A postscript to *The Figueiredo Report* states: “The documents used in this report have been vetted for their authenticity by lawyers and journalists. Additional documents and other sensitive correspondence from McCarrick that offers further background on these and other issues are in my possession. They will form the basis of further possible reports if this contributes to the good of the ongoing investigation and efforts to address the abuse crisis, love of Mother Church, and ultimately the salvation of souls.”

**Pope Francis’s Curiously Timed and Belated  
Response to Archbishop Vigano’s Cover-Up Allegations**

385. The College of Cardinals is a “Roman entity” that controls the election of a Pope for the Catholic Church.

386. Upon information and belief, McCarrick admitted in his October 7, 2008 email to Monsignor Figueiredo that he had resigned from all “Roman entities,” which includes the College of Cardinals, *and* had been expressly forbidden by Pope Benedict XVI *and* Cardinal Re from traveling to Rome for any purpose.

387. Upon information and belief, there is no indication or evidence that Pope Benedict XVI *ever* revoked or withdrew the sanctions and/or restrictions that he imposed (and Cardinal Re confirmed and memorialized) against McCarrick for sexual misconduct.

388. On precisely the same day that Monsignor Figueiredo issued *The Figueiredo Report* (May 28, 2019), Pope Francis broke his nine months silence about Archbishop Vigano's serious cover-up charges, and claimed that he failed to take action against McCarrick early in his pontificate because he was unaware of any sex abuse allegations against McCarrick.

389. Pope Francis was interviewed by Valentina Alazraki, of the Mexican television network, Televisa, on May 28, 2019 and stated: "I knew nothing, obviously, of McCarrick. Nothing, nothing. I said this several times; I knew nothing, [I had] no idea. And when [Archbishop Vigano] said that he spoke to me about this on that day when he came . . . I do not remember if he spoke to me about that. Is it true or not? I have no idea. . . . I knew nothing. If not, I would not have remained quiet, right?"

390. Upon information and belief, Pope Francis's May 28, 2019 statement to Valentina Alazraki about Archbishop Vigano's allegations about the McCarrick sanctions and/or restrictions—which was published that same day in *Vatican News*—was timed deliberately to blunt the news and media impact of *The Figueiredo Report*.

391. Upon information and belief, to a large extent, The Holy See succeeded in preventing the media from closely scrutinizing *The Figueiredo Report's* statements and their potential impact on Pope Francis's pontificate.

392. Upon information and belief, indeed, no journalist anywhere in the world has ever noted that the sanctions and/or restrictions imposed against McCarrick by Pope Benedict XVI in or about 2008 should have prevented McCarrick from traveling to Rome and participating in the papal conclave in March 2013.

**Pope Francis Places Two Cardinals with Long-Time Knowledge of McCarrick's Sexual Abuse Into the Two Top Leadership Positions in the College of Cardinals**

393. On January 25, 2020, Pope Francis announced that he had appointed Cardinal Giovanni Battista Re as Dean of the College of Cardinals and Cardinal Leonardo Sandri as Vice Dean of the College of Cardinals. The College of Cardinals is The Holy See office that, *inter alia*, oversees the election of a pope upon a papal vacancy.

394. The power and authority of the College of Cardinals also includes, *inter alia*, oversight, investigation, and/or imposition of remedies or punishment (including the potential excommunication of cardinals) for violations of Universi Dominici Gregis rules and procedures [related to papal elections] prior to or during papal conclaves.

395. Upon information and belief, the College of Cardinals is the only office of The Holy See that has the power to vacate a prior papal election, if such extraordinary action is warranted.

396. Pope Francis thus recently appointed Cardinal Re, the cardinal who—according to Monsignor Figueiredo—had confirmed and memorialized the sanctions and/or restrictions placed upon McCarrick by Pope Benedict XVI in 2008, as the head of The Holy See office that is in charge of conducting and regulating papal conclaves.

397. Pope Francis also appointed Cardinal Leonardo Sandri as The Holy See's second-in-command at the College of Cardinals. Cardinal Sandri has likewise long been aware of sexual misconduct allegations against McCarrick, as, *inter alia*, he [Cardinal Sandri] sent a letter in or about October 2006 to Father Boniface Ramsey in which he acknowledged The Holy See's receipt of Father Ramsey's sexual abuse allegations against McCarrick (made in a letter sent by Father Ramsey to Gabriel Montalvo, the U.S. Apostolic Nuncio) in 2000.

398. On January 31, 2020, Archbishop Vigano released another public letter in which he strongly criticized Pope Francis for appointing Cardinal Sandri to the post of Vice Dean of the College of Cardinals because, according to Archbishop Vigano, Cardinal Sandri had directly participated in the Catholic Church's prolonged cover-up of the sexual misconduct of Father Marcial Maciel.

399. Father Maciel was a Mexican Catholic priest who founded the Legion of Christ and was its General Director from 1941 to 2005. He, like McCarrick, was an extremely successful fundraiser for the Church throughout his clerical life. (*See* Taylor R. Marshall,



*Infiltration: The Plot to Destroy the Church from Within* (Crisis Publications: 2019, at 184).

400. Upon information and belief, in 1997, nine men publicly announced that Father Maciel had sexually abused them when they were boys or young men studying with him in Spain and Rome in the 1940s and 1950s.

401. Upon information and belief, prior to his death on January 20, 2008, the Catholic Church had ascertained that Father Maciel had been a long-time drug addict who sexually abused many boys and young men, maintained sexual relationships with at least two women (including a minor child), and fathered as many as six children. (*See Infiltration*, at 184).

402. After several years in which high-ranking Church officials covered up Father Maciel's crimes and refused to initiate a canonical prosecution, in May, 2006, Pope Benedict XVI sanctioned Father Maciel and ordered him to live "a reserved life of penitence and prayer, relinquishing any form of public ministry."

403. Upon information and belief, these sanctions were quite similar to the sanctions and/or restrictions that Pope Benedict XVI subsequently imposed against McCarrick in or about 2008.

#### **McCARRICK'S CONNECTION TO THE INSTITUTE OF THE INCARNATE WORD**

404. In 1984, Father Carlos Miguel Buella founded the Institute of the Incarnate Word, a Catholic missionary organization, in Argentina.

405. Upon information and belief, in the 1990s and 2000s, then-Archbishop McCarrick became heavily involved with the Institute of the Incarnate Word.

406. Upon information and belief, during this time, McCarrick took many trips to visit Institute of the Incarnate Word seminarians. McCarrick would often fly to Buenos Aires, where he would meet and confer with then-Cardinal Jorge Bergoglio (now Pope Francis), before taking a flight to San Rafael, where the Institute of the Incarnate Word's headquarters were located.

407. Upon information and belief, the Institute of the Incarnate Word was a deeply traditional and conservative Catholic community that was fiercely opposed by most of the bishops in Argentina, including Cardinal Bergoglio.

408. Upon information and belief, as none of the Argentine bishops would ordain priests for the Institute of the Incarnate Word, McCarrick often flew in to Argentina to ordain Institute of the Incarnate Word seminarians.

409. Upon information and belief, at one point, the Argentine bishops, led by Cardinal Bergoglio, succeeded in closing down the Institute of the Incarnate Word in Argentina.

410. Upon information and belief, however, McCarrick, with the assistance of Cardinal Angelo Sodano at the Vatican, was able to have the Institute of the Incarnate Word in Argentina re-opened, which in turn helped the Institute of the Incarnate Word found more seminaries and missionary communities in the United States.

411. Upon information and belief, after his retirement as Archbishop of Washington, D.C., McCarrick resided at a house adjacent to the Venerable Fulton Sheen Seminary (controlled by the Institute of the Incarnate Word), in Chillum, Maryland, from 2011 until late 2016 or early 2017.

412. According to a *Catholic News Agency* article published on February 17, 2020, “McCarrick’s presence [at that house] was reportedly a source of tension within the [Institute of the Incarnate Word] community and formators warned students to avoid McCarrick’s ‘worldly’ lifestyle. CNA has previously reported that McCarrick made seminarians assigned to him accompany him to a casino and on trips to a beach house.”

413. Upon information and belief, that “beach house” was the Sea Girt, New Jersey beach house that McCarrick had purchased for the Diocese of Metuchen—and for his own prurient personal use—in 1984.

414. On February 17, 2020, *The Washington Post* reported that McCarrick gave nearly \$1 million to the Institute of the Incarnate Word from 2004 through 2017.

415. Upon information and belief, these funds were funneled to the Institute of the Incarnate Word by McCarrick through The Archbishop’s Fund, a charitable account controlled by the Archdiocese (and Archbishop) of Washington, D.C.

**McCARRICK'S PROMINENT ROLE  
IN THE ELECTION OF POPE FRANCIS**

416. In 1996, Pope John Paul II enacted the papal law, *Universi Dominici Gregis* (“UDG”), which sets forth mandatory rules and regulations governing procedures and protocols that the College of Cardinals must follow to elect a new pope for the Catholic Church.

417. As a pope is entrusted with broad authority for the worldwide Church and its faithful, any election of a pope is a momentous event for the Church.

418. Paragraph 80 of the UDG provides in pertinent part:

I wish to confirm the provisions made by my Predecessors for the purpose of excluding any external interference in the election of the Supreme Pontiff. Therefore, in virtue of holy obedience and under pain of excommunication *latae sententiae*, I again forbid each and every Cardinal elector, present and future, as also the Secretary of the College of Cardinals and all other persons taking part in the preparation and carrying out of everything necessary for the election, to accept under any pretext whatsoever, from any civil authority whatsoever, the task of proposing the veto or the so-called *exclusivus*, even under the guise of a simple desire, or to reveal such either to the entire electoral body assembled together or to individual electors, in writing or by word of mouth, either directly and personally or indirectly and through others, both before the election begins and for its duration. I intend this prohibition to include all possible forms of interference, opposition and suggestion whereby secular authorities of whatever order and degree, or any individual or group, might attempt to exercise influence on the election of the Pope.

419. Paragraph 76 of the UDG provides that a papal conclave in which a cardinal proposes a secular authority’s influence on the election of the Pope—“even under the guise of a simple desire”—is “null and void.”

420. In March, 2013, McCarrick—despite having been prohibited by Pope Benedict XVI from traveling or engaging in Church activities and public meetings—attended the papal conclave in Rome in which Pope Francis was elected Pope by the College of Cardinals.

421. On October 11, 2013 McCarrick gave a speech at Villanova University, in Villanova, Pennsylvania, in which he discussed relevant events prior to and during the March 2013 papal conclave. This speech may be viewed (and heard) via the following

Internet link: <http://fromrome.info/2015/02/25/cardinal-mccarrick-confesses-that-he-was-lobbied-to-support-cardinal-bergoglio/>.

422. In said October 11, 2013 speech, McCarrick stated that prior to the papal conclave he was “a friend” of Argentine Cardinal Jorge Bergoglio, and that:

About, maybe, just before we went into the general conversations . . . a very interesting and influential Italian gentleman came to ask if he could come and see me, so I said sure. He came to see me at the seminary, the American College where I was staying. We sat down—this is a very brilliant man, very influential man in Rome—ah, and he, we talked about a number of things; he had a favor to ask me from back . . . in the United States, but then he said, “What about Bergoglio?” And I was surprised at the question, I said, “What about him?” He said, “Does he have a chance?” I said, “I don’t think so because . . . no one has mentioned his name, he hasn’t been in anyone’s mind . . . I don’t think it’s on anyone’s mind to vote for him.” He said, “He could do it, you know.” I said, “What could he do?” He said, “He could reform the Church. If you gave him five years, he could put us back on target. He’s seventy-six [unintelligible] . . . if he had five years, the Lord working through Bergoglio in five years, could make the Church over again.” I said, “That’s an interesting thing.” He said, “I know you’re his friend.” I said, “I hope I am.” He said, “Talk him up.” I said, “Well, we’ll see what happens . . . this is God’s work.”

423. Upon information and belief, McCarrick thus admitted during his October 11, 2013 speech that, in violation of paragraph 80 of the UDG, an external individual interfered with the 2013 election of the Pope by the College of Cardinals by suggesting to McCarrick that he “talk up” and push “his friend,” Cardinal Bergoglio, for the vacant position of Pope.

424. In a March 15, 2013 blog post, Sister Mary Ann Walsh, who covered the papal conclave in Rome for the USCCB, wrote: “*Prior to the Conclave Cardinal McCarrick, a non-voting cardinal because he’s over 80, was touting the praises of Cardinal Jorge Borgoglio (sic), whom he had met on his many travels.*” (USCCBBlog, “Pope Francis Has A Style All His Own” (<http://usccbmdia.blogspot.com/2013/03/pope-francis-has-a-style-all-his-own.html>) (Emphasis added).

425. Upon information and belief, by his own admission, then-Cardinal McCarrick followed through on the “very influential” Italian gentleman’s suggested influence on the election of the Pope, as, during his October 11, 2013 speech at Villanova University, McCarrick admitted that he accepted the task of trying to influence the College of Cardinals voters towards Cardinal Bergoglio:

Then, ah, we had the general conversations . . . I spoke, for five minutes and fifteen seconds, as the guy who, as Cardinal [unintelligible] said . . . I said three things. I said, “Number one—getting away from the poor and to a certain extent I’m afraid in some areas of the world, we were getting away from the poor. And that’s very dangerous.” I said, “I hope that the new, that the one who is elected Pope, will be someone who, if he is not himself a Latin American, would at least have a very strong interest in Latin America, cause half the Church is there. So that you really have to begin to think of that’s where the people are.” I forgot what the third thing I said was, probably wasn’t any good anyway.

426. Upon information and belief, Cardinal Bergoglio addressed the College of Cardinals *immediately* after then-Cardinal McCarrick’s speech.

427. Upon information and belief, McCarrick’s October 11, 2013 statement thus constitutes an admission that he (and possibly others) violated paragraph 80 of the UDG, which prohibits “all possible forms of interference . . . and suggestion” whereby secular authorities of whatever “order and degree” might attempt to “exercise influence on the election of the Pope.”

428. Additionally, upon information and belief, McCarrick, having been stripped of all powers, benefits, and dignities of his office by Pope Benedict XVI (who had also prohibited McCarrick from, *inter alia*, traveling and attending Church meetings) in or about 2008, had been ordered by Pope Benedict XVI to retreat to a life of “prayer and penance” to atone for his sexual misconduct.

429. Upon information and belief, as acknowledged by McCarrick himself in his October 7, 2018 email to Monsignor Figueiredo, McCarrick—who had resigned from all “Roman entities” (including the College of Cardinals)—was expressly forbidden from traveling to Rome in order to participate in the 2013 papal conclave, or to exercise *any* “influence on the election of the pope” at that conclave.

430. Upon information and belief, McCarrick's appearance and participation at that papal conclave (as a purported member in good standing of the College of Cardinals), in blatant violation of the sanctions and/or restrictions imposed against him by Pope Benedict XVI, was patently improper, amounted to the equivalent of secular interference with the election of the Pope, and constituted a violation of paragraph 80 of the UDG.

431. Upon information and belief, as McCarrick was not a member in good standing of the College of Cardinals in March 2013, McCarrick's speech to the College of Cardinals, during the General Congregations, in March 2013 on behalf of Cardinal Bergoglio's papal candidacy thus constituted another independent form of interference by a secular authority (or its equivalent) who attempted to, and did, influence the election of Pope Francis, in violation of Paragraph 80 of the UDG.

432. Upon information and belief, no one has notified the College of Cardinals of the substance of McCarrick's October 11, 2013 speech at Villanova University, and no one has notified the College of Cardinals that McCarrick, by his own admissions (and otherwise), violated paragraph 80 of the UDG prior to and/or during the March 2013 papal conclave.

433. Accordingly, upon information and belief, the College of Cardinals has not yet conducted an investigation into whether McCarrick (and/or others) violated paragraph 80 of the UDG prior to and/or during the March 2013 papal conclave.

434. Upon information and belief, McCarrick's violation of paragraph 80 of the UDG was, upon information and belief, not the only serious violation of the UDG prior to and/or during the March 2013 papal conclave.

435. Paragraph 79 of the UDG forbids cardinals from "mak[ing] plans concerning the election of [a pope's] successor, or to promise votes, or to make decisions in this regard in private gatherings."

436. Paragraph 81 of the UDG mandates that prior to and during a papal conclave cardinals are forbidden, under pain of excommunication, from canvassing for votes for Pope. The vital goal and purpose of this clause is for the College of Cardinals to elect a pope spontaneously (through the grace of the Holy Spirit), rather than through a pre-election cabal or agreement.

437. Paragraph 81 of the UDG provides that: “Let the Cardinal electors, moreover, abstain from all pacts, agreements, promises and any other obligations you like, by which they might be constrained to give or refuse support (suffagium) for anyone (sing. & plural).”

438. Upon information and belief, beginning in or about 1995 and continuing through 2013, a group of cardinals, in direct violation of Paragraphs 79 and 81 of the UDG, organized a group or club named “The Club of St. Gallen,” “The Group of St. Gallen,” or “The St. Gallen Mafia.”

439. Upon information and belief, The Club of St. Gallen was formed for the purpose of radically changing the Catholic Church and the Catholic religion by taking a more progressive position on many social, family, and sexual issues that confronted the Church. Its members and associates changed from time-to-time.

440. Upon information and belief, The Club of St. Gallen—named after Sankt-Gallen, the town in Switzerland where it formed and usually convened—met at least once a year every year from 1999 through 2006.

441. Upon information and belief, in 2005, when Pope John Paul II’s death was imminent, The Club of St. Gallen met and formed a plan to oppose the election of Cardinal Joseph Ratzinger—whom they viewed as too traditional and conservative—as Pope and to promote, instead, the papal candidacy of Cardinal Jorge Bergoglio of Argentina.

442. Upon information and belief, in 2005, when the College of Cardinals elected Cardinal Joseph Ratzinger as Pope, Cardinal Jorge Bergoglio received the second highest number of votes.

443. Upon information and belief, in 1999, Cardinal Godfried Danneels, Archbishop of Mechelen-Brussels, in Belgium, became a member of The Club of St. Gallen.

444. In 2010, Cardinal Danneels met with a sex abuse victim, a nephew of a Belgian bishop, Bishop Roger Vangheluwe, along with Bishop Vangheluwe himself. The victim, who secretly tape recorded this conversation, told Cardinal Danneels that his uncle, Bishop Vangheluwe, had sexually abused him for thirteen years, from the age of 5 through 18.



445. Upon information and belief, after Cardinal Danneels retired in 2010, Belgian newspapers released the victim's tape recordings (verified as true and accurate by the Church) in which Cardinal Danneels urged this victim of serial sex abuse by a bishop (Vangheluwe), his own uncle, to say nothing about it for a year, until Bishop Vangheluwe could retire: "The bishop will resign next year, so actually it would be better for you to wait. I don't think you'd do yourself or him a favor by shouting this from the rooftops."

446. Upon information and belief, Cardinal Danneels then warned the victim against trying to blackmail the Church, and urged him to instead merely accept a private apology from the bishop so as to not "drag [Bishop Vangheluwe's] name through the mud."

447. Upon information and belief, the victim responded (with profound words—an answer followed by a rhetorical question—that resonate with Plaintiff and untold numbers of clergy childhood sex abuse survivors): "*He has dragged my whole life through the mud, from 5 to 18 years old. Why do you feel sorry for him and not for me?*" (Emphasis added).

448. Upon information and belief, in or about 2010, the conversation between Cardinal Danneels and this abuse survivor, in which Cardinal Danneels took great pains to cover up Bishop Vangheluwe's serial sexual abuse of his nephew, was widely circulated and became a matter of public record, including in a story featured in the August 30, 2010 edition of *The New York Times* by Steven Erlanger: "Belgian Church Leader Urged Victim to Be Silent."

449. This August 30, 2010 *New York Times* article also stated: "A retired priest, the Rev. Rik Deville, said he tried to warn Cardinal Danneels about . . . [Bishop Vangheluwe's] abuse of his nephew 14 years ago [i.e., in 1996] but was berated by the cardinal for doing so."

450. Upon information and belief, in or about April 2010, Bishop Vangheluwe resigned and later admitted that he had sexually abused his nephew who had recorded his conversation with Cardinal Danneels, as well as another nephew.

451. Upon information and belief, in February 2013, when Pope Benedict XVI resigned as Pope of the Catholic Church, The Club of St. Gallen reconvened and plotted to make sure that at the upcoming papal conclave, Cardinal Jorge Bergoglio would be elected Pope.

452. Upon information and belief, in 2013, the European members of The Club of St. Gallen included Cardinal Cormac Murphy-O'Connor, Archbishop of Westminster in England, Cardinal Godfried Danneels, Archbishop of Mechelen-Brussels in Belgium, Cardinal Walter Kasper, Bishop of Rottenburg-Stuttgart in Germany, and Cardinal Karl Lehmann, Bishop of Mainz in Germany.

453. Upon information and belief, in February and/or March, 2013, McCarrick, who had attended languages school in Sankt-Gallen, Switzerland in the late 1940s and/or early 1950s, became associated and/or affiliated with The Club of St. Gallen and aligned himself, in violation of paragraphs 79 and 81 of the UDG, with its immediate goal of making Cardinal Bergoglio the next Pope.

454. Upon information and belief, in February and/or March 2013, McCarrick was a full and active participant in the illegal plot, plan, and agreement of the cardinals of The Club of St. Gallen to make Cardinal Bergoglio the next Pope.

455. Upon information and belief, in or about September 2015, during interviews to promote his authorized biography, *Godfried Danneels: Biography*, by Jurgen Mettepenningen, *et al.* (published only in French and Dutch (Uitgeverij Polis: 2015)), Cardinal Danneels talked openly and without reservation about his participation in The Club of St. Gallen, and its formal pre-conclave commitment and agreement (in 2013) to promote the election of Cardinal Jorge Bergoglio as the next Pope.

456. Upon information and belief, in these 2015 interviews and, as memorialized in his eponymous authorized biography, Cardinal Danneels unwittingly confessed to violating paragraphs 79 and 81 of the UDG, in concert with other Club of St. Gallen-affiliated cardinals.

457. Upon information and belief, despite Cardinal Danneels's egregious and unconscionable conduct when responding to a credible and confirmed claim that a bishop under his authority had sexually abused a boy for thirteen years (from 5 to 18), upon his

ascension to the position of Pope, Pope Francis continued to revere, trust, and rely heavily upon Cardinal Danneels.

458. On March 13, 2013, Pope Francis bestowed upon Cardinal Danneels the high honor of permitting him to stand beside the newly elected Supreme Pontiff on the St. Peter's Basilica Loggia, when Pope Francis greeted the Catholic faithful for the first time upon his election.

459. Upon information and belief, Pope Francis also gave Cardinal Danneels an extremely prominent role in the Church's Synod on the Family in Rome in 2015, during which Pope Francis pushed Church bishops to liberalize the Church's teachings on remarriage and divorce.

460. Upon information and belief, in or about 2001, Cardinal Cormac Murphy-O'Connor became a member of The Club of St. Gallen.

461. Upon information and belief, Cardinal Murphy-O'Connor, when he was Bishop of Arundel and Brighton in England (1977 through 2000), engaged in a blatant cover-up of child sexual abuse by moving Father Michael Hill—who received psychiatric treatment in the early 1980s for a child sex abuse disorder—from unsuspecting parish to unsuspecting parish.

462. Father Hill, upon information and belief, sexually assaulted about 30 minor boys between his ordination in 1960 and the late 1980s.

463. According to a September 8, 2017 article by Keith Wood that was published in *Conatus News*: “If [Cardinal Murphy-O'Connor's] objective [in 1985] had been to reward Hill by affording him the greatest possible opportunities to prey on an almost limitless supply of vulnerable unaccompanied juveniles, some of them thousands of miles away from their parents, he could have done no better than to appoint Hill as Catholic Chaplain at Gatwick Airport. Yet this is exactly what [Cardinal Murphy-O'Connor] did, *despite his knowledge of Hill's repeat offending and psychiatric reports that [concluded that] Hill was likely to reoffend.*” (Emphasis added).

464. Upon information and belief, eventually, in 1997, Father Hill was convicted and jailed for sexually abusing a boy with learning difficulties at Gatwick Airport, along with eight other boys.

465. Upon information and belief, Cardinal Murphy-O'Connor's rebuttal to public criticism of his "handling" of Father Hill (and his many victims) was to state that his response was "inadequate but not irresponsible."

466. Upon information and belief, in 2013, when Pope Francis was elected, The Holy See's Congregation for the Doctrine of the Faith was in the process of conducting an investigation as to whether Cardinal Murphy-O'Connor had personally participated in the sexual assault of a minor girl in the late 1960s.

467. Upon information and belief, the complainant, in or about 2009, alleged that she had been victimized by notorious pedophile priest Michael Hill, and that Cardinal Murphy-O'Connor was also involved in her sexual abuse.

468. Upon information and belief, as reported by Vatican journalist, Marco Tossati, in "The Good Soldier," an article published by *First Things* on July 7, 2017, Cardinal Gerhard Muller, while Prefect of the Congregation for the Doctrine of the Faith, was interrupted by a phone call from Pope Francis while he (Muller) was saying Mass in June 2013 at the Church of Santa Monica (right next to the CDF building) for a small group of German students:

His [Cardinal Muller's] secretary joined him at the altar: 'The pope wants to speak with you.' 'Did you tell him I am celebrating Mass?' asked Muller. 'Yes,' said the secretary, 'but he says he does not mind—he wants to talk to you all the same.' The cardinal went to the sacristy. The pope, in a very bad mood, gave him some orders about a dossier concerning one of his friends, a cardinal.

469. Upon information and belief, in October 2019, Marco Tossati revealed for the first time that Pope Francis had ordered Cardinal Muller to terminate the Congregation for the Doctrine of the Faith's then active investigation of Cardinal Murphy-O'Connor during his urgent and highly irregular June 2013 phone call.

470. Upon information and belief, in October 2019, Cardinal Muller confirmed that Pope Francis had terminated the Congregation for the Doctrine of the Faith's sexual abuse investigation of Cardinal Murphy-O'Connor *before* that investigation had been completed. (See October 4, 2019 article by Maïke Hickson, *et al.*, "Cardinal Muller confirms sex abuse investigation against UK Cardinal was stopped," published online by *CatholicCitizens.org*).

471. Upon information and belief, in *The Great Reformer: Francis and the Making of a Radical Pope* (Picador: 2014), Dr. Austen Ivereigh, former spokesman to Cardinal Cormac Murphy-O'Connor, ex-Archbishop of Westminster, England, disclosed many previously unknown facts which suggested that as many as *thirty* cardinals violated paragraphs 79 and/or 81 of the UDG during the March 2013 papal conclave.

472. Upon information and belief, on November 21, 2014, Dr. Ivereigh presented his book to Pope Francis.

473. Upon information and belief, on November 22, 2014, John Bingham, a reporter for *The Daily Telegraph*, wrote an online report, "Pope Francis: How Cardinals' Conclave Lobbying Campaign Paved Way for Argentine Pontiff" (<http://www.telegraph.co.uk/news/religion/11248263/English-cardinal-Cormac-Murphy-Oconnor-lobbied-for-Pope.html>), which reported that Dr. Ivereigh had revealed in his book that Cardinal Murphy-O'Connor (and other cardinals) had lobbied for the election of Pope Francis prior to the 2013 papal conclave.

474. Upon information and belief, Dr. Ivereigh stated in his book that prior to the conclave Cardinal Bergoglio knew that he was being put forth as a papal candidate—and that numerous cardinals, including Cardinal Murphy-O'Connor and Cardinal Danneels, acted in concert, pursuant to a pre-conclave pact or agreement, to elect Cardinal Bergoglio as the new Pope of the Catholic Church. (*See The Great Reformer*, at 355-357).

475. Upon information and belief, then-Cardinal McCarrick engaged in pre-conclave pacts or agreements with other cardinals (including members of The Club of St. Gallen, such as Cardinal Murphy-O'Connor, Cardinal Danneels, Cardinal Kasper, and Cardinal Lehmann) to elect Cardinal Bergoglio as the new Pope—and McCarrick himself, along with numerous other cardinals, violated paragraphs 79 and 81 of the UDG prior to and/or during the March 2013 papal conclave.

476. Upon information and belief, Dr. Ivereigh's book includes an explicit allegation of a formal, explicit violation of UDG 81: "Their [cardinals behind Cardinal Bergoglio's papal candidacy] objective was to secure at least twenty-five votes for Bergoglio on the first ballot. An ancient Italian cardinal kept the tally of how many votes they could rely on before the conclave started." (*The Great Reformer*, at 355).

477. Upon information and belief, “[t]his statement which has never been denied or repudiated on point, ***confirms the charge of a violation of UDG 81, without any wiggle-room***, because you cannot tally votes, unless votes have been promised, and if they are promised, then the ones asking have sought them, and both parties have entered into some kind of obligation or pact or agreement to vote for a particular candidate in the first ballot, while not voting for all other candidates.” (*FromRome.Info* Blog, December 9, 2014: “As many as 30 cardinals implicated in Vote-Canvassing Scandal” (<https://fromrome.info/2014/12/09/the-great-reformer-francis-and-the-making-of-a-radical-pope/>) (Emphasis in original)).

478. Upon information and belief, Dr. Ivereigh described the confidence that “Team Bergoglio” had in the 19 cardinals from Latin America, and added: “The Spanish cardinal Santos Abril y Castello, archpriest of St. Mary Major in Rome and a former nuncio in Latin America, was vigorous in canvassing on Bergoglio’s behalf among the Iberian bloc.” (*The Great Reformer*, at 355).

479. Upon information and belief, to date no one has denied that specific allegation.

480. Upon information and belief, Dr. Ivereigh confirmed in his book that, contrary to most media and vaticanisti reports, numerous cardinals engaged in an organized campaign to elect Cardinal Jorge Bergoglio as Pope of the worldwide Catholic Church prior to and during the March 2013 papal conclave: “In his *Francis: Pope of a New World* (San Francisco: Ignatius Press, 2013), ch. 3, the leading Vatican commentator Andrea Tornielli says that there were no ‘campaigns organized in advance’ of the conclave for Bergoglio. ***There was one.***” (*The Great Reformer*, footnote 10 (emphasis added)).

481. Upon information and belief, The Club of St. Gallen instructed various cardinals in or affiliated with The Club of St. Gallen to lobby various cardinals from around the world to elect Cardinal Bergoglio the next pope at the March 2013 papal conclave.

482. Upon information and belief, the Club of St. Gallen asked Cardinal Murphy-O’Connor to lobby various cardinals from North America and Commonwealth countries on Cardinal Bergoglio’s behalf, while the Club of St. Gallen asked then-Cardinal McCarrick to lobby various cardinals from Asia and Africa in support of Cardinal Bergoglio’s papal candidacy.

483. Upon information and belief, McCarrick, popular with many cardinals in Asia and Africa as a result of his extensive worldwide travels and prodigious fundraising on behalf of the Church (and various clerics in need of funds), complied with this directive.

484. Upon information and belief, McCarrick's multiple and blatant violations of the UDG were even more egregious in view of the sanctions and/or restrictions that Pope Benedict XVI had imposed against him in or about 2008—including an ironclad bar against McCarrick's participation in all Church meetings (which, certainly, encompasses a papal conclave) and an additional restriction (later confirmed and memorialized by Cardinal Re) that forbade McCarrick from traveling to Rome on Church business.

485. Upon information and belief, when Pope Benedict XVI resigned as Pope in February 2013, he had not lifted the papal sanctions and/or restrictions—including those prohibiting McCarrick from traveling to Rome or participating in Church meetings—that he had imposed against McCarrick (in or about 2008) for his sexual misconduct.

486. Upon information and belief, in 2008, McCarrick resigned from all "Roman entities," including the College of Cardinals; and, at the time Pope Benedict XVI resigned as Pope in February 2013, McCarrick had not been reinstated into the College of Cardinals, and thus was not a member in good standing of the College of Cardinals.

487. Upon information and belief, as of March 2013, The Holy See had expressly barred McCarrick from attending or participating in any papal conclave in Rome.

488. Canon 331 of The 1983 Code of Canon Law provides that the Roman Pontiff, "[b]y virtue of his office . . . , possesses supreme, full, immediate, and universal ordinary power in the Church, which he is always able to exercise freely."

489. Canon 332, § 1 of The 1983 Code of Canon Law provides in pertinent part that "The Roman Pontiff obtains full and supreme power in the Church by his acceptance of *legitimate election* together with episcopal consecration." (Emphasis added).

490. Canon 333, § 2 of The 1983 Code of Canon Law provides in pertinent part that the Roman Pontiff "has the right, according to the needs of the Church, to determine the manner, whether personal or collegial, of exercising this office."

491. Canon 333, § 3 of The 1983 Code of Canon Law provides that "No appeal or recourse is permitted against a sentence or decree of the Roman Pontiff."



492. Canon 335 of The 1983 Code of Canon Law provides that “When the Roman See is vacant or entirely impeded, nothing is to be altered in the governance of the universal Church; the special laws issued for these circumstances [i.e., the *Universi Dominici Gregis*], however, are to be observed.”

493. Paragraph 3 of the UDG provides that upon the death or valid resignation of a Pope, “the College of Cardinals may make no dispositions whatsoever concerning the rights of the Apostolic See and of the Roman Church[.]”

494. Upon information and belief, both Catholic Canon law and the UDG make clear, therefore, that only the next Pope, and only *after* he has been *legitimately elected* Pope, could lift sanctions or restrictions imposed by an earlier pope against a Roman Catholic cleric.

495. Upon information and belief, in March 2013, McCarrick, and other cardinals who knew about Pope Benedict XVI’s sanctions and/or restrictions against him (including, upon information and belief, Cardinal Re, Cardinal Sandri, Cardinal Ouellet, and Cardinal Wuerl), intentionally misled and deceived all cardinals who did not know about McCarrick’s sanctions and/or restrictions, and did not know that McCarrick was expressly forbidden from traveling to and participating in—much less advising and lobbying other cardinals as to whom the next Pope should be—a papal conclave.

496. Paragraph 5 of the UDG provides that the College of Cardinals is obligated to conduct an investigation when it is notified that a violation of, *inter alia*, paragraph 79, and/or paragraph 80, and/or paragraph 81 of the UDG has occurred.

497. Upon information and belief, no one has notified the College of Cardinals of the above-referenced evidence which indicates that former Cardinal McCarrick, cardinals involved in The Club of St. Gallen (including Cardinal Danneels, Cardinal Murphy-O’Connor, Cardinal Kasper, and Cardinal Lehmann), and many other cardinals, violated paragraphs 79, 80, and/or 81 of the UDG prior to and/or during the March 2013 papal conclave.

498. Accordingly, upon information and belief, the College of Cardinals has not yet conducted an investigation into whether former Cardinal McCarrick, cardinals involved in The Club of St. Gallen (including Cardinal Danneels, Cardinal Murphy-O’Connor,

Cardinal Kasper, and Cardinal Lehmann), and many other cardinals, violated paragraphs 79, 80, and/or 81 of the UDG prior to and/or during the March 2013 papal conclave.

499. Upon information and belief, in July 2013, Cardinal Murphy-O'Connor, echoing McCarrick's recollection of a statement made to him by "the very influential Italian gentleman" prior to the March 2013 papal conclave (*see* McCarrick's October 11, 2013 speech at Villanova University), told Paul Vallely, a journalist writing for *Independent*, that "Four years of Bergoglio would be enough to change things."

500. Upon information and belief, upon his election in 2013, Pope Francis inexplicably increased the power within the Church of three cardinals, McCarrick, Danneels, and Murphy-O'Connor, who each had prominent roles in his potentially infirmed 2013 election as Pope.

501. Upon information and belief, Pope Francis gave these cardinals—each a member of or affiliated with The Club of St. Gallen—extensive power and authority at the highest levels of the Catholic Church, even though he knew full well that all three of these clerics were tainted by credible allegations of sexual abuse and/or cover-ups of clerical sexual abuse.

502. Cardinal Murphy-O'Connor died in September 2017.

503. Cardinal Danneels died in March 2019.

504. Paragraph 76 of the UDG provides: "Should the [papal] election take place in a way other than that prescribed in the present Constitution, or *should the conditions laid down here not be observed, the election is for this very reason null and void*, without any need for a declaration on the matter; consequently, it confers no right on the one elected." (Emphasis added).

505. Accordingly, upon information and belief, if McCarrick (and/or others) violated paragraph 80 of the UDG, and/or McCarrick, cardinals involved in The Club of St. Gallen (including Cardinal Danneels, Cardinal Murphy-O'Connor, Cardinal Kasper, and Cardinal Lehmann), and many other cardinals, violated paragraphs 79 and/or 81 of the UDG prior to and/or during the March 2013 papal conclave, then the March 2013 papal conclave should be deemed null and void—and the election of Cardinal Jorge Bergoglio as Pope of the worldwide Roman Catholic Church should be deemed and declared a nullity.

506. Upon information and belief, as the conduct and knowledge of Cardinal Re, Cardinal Sandri, Cardinal Ouellet, Cardinal Wuerl, and all cardinals who were members [in 2013] of The Club of St. Gallen is directly at issue, none of these cardinals should be permitted to participate in any investigation, hearing, and/or imposition of any sentence or decree in connection with the potential UDG violations as set forth herein.

**McCARRICK’S KEY ROLE IN THE  
HOLY SEE’S RAPPROCHEMENT WITH CHINA**

507. In 1951, after years of oppressing members and clerics of the Catholic Church in China, the communist Chinese government (the People’s Republic of China (“PRC”)) broke off diplomatic relations with The Holy See.

508. Upon information and belief, for decades, as the Communist Party ruled China with open animosity towards Christians and people of faith, there has been considerable tension between the PRC-approved faction of the Catholic Church, the Chinese Patriotic Catholic Association, which is controlled by and subject to the principal authority of the PRC, and the underground Catholic Church in China, which submits to the jurisdiction and control of the Pope and The Holy See.

509. Upon information and belief, as the PRC has been and still is extremely disdainful of organized religion, the PRC has long oppressed, harassed, harmed, and imprisoned various members and clerics of the underground Catholic Church in China—as these members and clerics have often been brutally punished for their principal allegiance to The Holy See (in accordance with the practice of their faith), in defiance of the PRC and its asserted authority.

510. Upon information and belief, in or about 2013, shortly after his election as Pope, 2014 Pope Francis dispatched then-Cardinal McCarrick to China to meet with various officials of the People’s Republic of China in an effort to achieve rapprochement between the Catholic Church and the government of China (the PRC).

511. Upon information and belief, from 2013 through 2017, McCarrick, on behalf of The Holy See, met with Chinese government officials on numerous occasions.

512. Upon information and belief, McCarrick, during this time, was Pope Francis's key advisor and diplomat in connection with The Holy See's attempted rapprochement with the communist Chinese government (the PRC).

513. Upon information and belief, in September 2018, The Holy See announced a provisional agreement with the Chinese government as to various Catholic Church issues in China. Many of the details of the agreement were and remain secret and not subject to public disclosure or discourse.

514. Upon information and belief, one public component of the September 2018 provisional deal between the Catholic Church and the Chinese government was The Holy See's agreement to permit the Chinese government to nominate bishops, subject to veto by The Holy See.

515. Upon information and belief, pursuant to this provisional agreement, The Holy See recognized seven bishops who previously had been appointed by the Chinese Patriotic Catholic Association (and not The Holy See), and forced two Vatican-aligned bishops of the underground Catholic Church to resign in favor of the state-sanctioned prelates.

516. This provisional agreement, which was brokered by McCarrick and finalized by Pope Francis, was widely and vehemently criticized by many Catholic clerics with ties to China, most prominently Cardinal Joseph Zen Ze-kun of Hong Kong.

517. Cardinal Zen and like-minded critics claim that The Holy See betrayed members and clerics of the underground Church in China—who had sacrificed much blood for their courageous allegiance to The Holy See—by permitting the Chinese government extensive and unprecedented control and authority over Church affairs.

518. Cardinal Zen has specifically accused The Holy See of “selling out the Catholic Church in China.”

519. Upon information and belief, after the September 2018 provisional deal was announced, the Chinese government intensified its oppression of Catholic and Christian churches.

520. Upon information and belief, by way of limited example, in October, 2018, several local Chinese government officials burned down several churches, including Marian shrines in Shanxi and Guizhou.

521. Upon information and belief, in recent years, the Chinese government has demolished hundreds of church buildings or the crosses atop them, prevented believers from gathering in house churches, confiscated Bibles and other religious materials, and banned online Bible sales.

522. In a speech in March 2019, Xu Xiaohong, the PRC official who oversees state-sanctioned Christian churches, called on churches to purge Western influence and to further “Sinicize” the religion: “[We] must recognize that Chinese churches are surnamed ‘China,’ not ‘the West.’”

523. In February 2020, Measures on the Management of Religious Groups, promulgated by China’s State Administration for Religious Affairs, went into effect. Upon information and belief, it further tightened the Chinese Communist Party’s control over religion by requiring that “religious groups must uphold the Chinese Communist Party’s leadership . . . uphold the Sinicization of religions in China” and “implement socialistic core values.”

524. Upon information and belief, despite China’s continued atrocious human rights abuses, including but not limited to the PRC’s persecution of Christians and other religious groups across China, Pope Francis has refrained from any pointed criticism of China or the PRC.

525. In 2020, however, Pope Francis publicly praised China’s “great commitment” to contain the coronavirus outbreak.

#### **RECENT EVENTS AND DECISIONS REGARDING McCARRICK**

526. Upon information and belief, in 2018, the Catholic Church took formal steps to laicize McCarrick.

527. Upon information and belief, Pope Francis remained complicit in a cover-up related to McCarrick and did not take action as to McCarrick or accept McCarrick’s resignation from the College of Cardinals until July 2018, after several accusations that McCarrick had sexually abused minors became public.

528. On August 12, 2018, the Office of Attorney General of the Commonwealth of Pennsylvania released its Grand Jury Report that examined the sexual abuse of children in six Catholic dioceses in Pennsylvania (Harrisburg, Pittsburgh, Allentown, Scranton, Erie, and Greenberg) over the last seventy years. The grand jury identified 301 priests who raped or molested more than 1,000 children.

529. Upon information and belief, after reviewing a multitude of Church records and documents, special agents from the FBI's National Center for the Analysis of Violent Crime pinpointed a series of policies and practices that the six dioceses used to cover up reports of abuse.

530. The Grand Jury Report stated that "[w]hile each church district had its idiosyncrasies, the pattern was pretty much the same[.] The main thing was not to help children, but to avoid 'scandal.' That is not our word, but theirs; it appears over and over again in the documents we recovered."

531. The Pennsylvania Grand Jury Report identified a despicable playbook that the six Catholic dioceses used to protect predator priests and subject scores of innocent children to life-shattering abuse:

"First, make sure to use euphemisms rather than real words to describe the sexual assaults in diocese documents. Never say "rape"; say "inappropriate contact" or "boundary issues."

Second, don't conduct genuine investigations with properly trained personnel. Instead, assign fellow clergy members to ask inadequate questions and then make credibility determinations about the colleagues with whom they live and work.

Third, for the appearance of integrity, send priests for "evaluation" at church-run psychiatric treatment centers. Allow these experts to "diagnose" whether the priest was a pedophile, based largely on the priest's "self-reports," and regardless of whether the priest had actually engaged in sexual contact with a child.

Fourth, when a priest does have to be removed, don't say why. Tell his parishioners that he is on "sick leave," or suffering from "nervous exhaustion." Or say nothing at all.

Fifth, even if a priest is raping children, keep providing him housing and living expenses, although he may be using these resources to facilitate more sexual assaults.

Sixth, if a predator's conduct becomes known to the community, don't remove him from the priesthood to ensure that no more children will be victimized. Instead, transfer him to a new location where no one will know he is a child abuser.

Finally and above all, don't tell the police. Child sexual abuse, even short of actual penetration, is and has for all relevant times been a crime. But don't treat it that way; handle it like a personnel matter, "in house.""

532. Upon information and belief, from the 1970s through the 1990s, Defendants Archdiocese of Newark and Diocese of Metuchen adopted and used the same strategy or similar strategies as the six above-referenced Pennsylvania dioceses in dealing with complaints and allegations of child sexual abuse committed by priests and other clerics.

533. On August 25, 2018, Archbishop Vigano publicly released his letter concerning information about McCarrick.

534. Upon information and belief, on February 13, 2019, the Catholic Church defrocked McCarrick and permanently removed him from the Church's community of priests.

535. Upon information and belief, in August 2019, Seton Hall Seminary announced findings from a report it had commissioned for an independent review.

536. Upon information and belief, the independent review found that, "McCarrick created a culture of fear and intimidation that supported his personal objectives. McCarrick used his position as then-Archbishop of Newark to sexually harass seminarians."

537. Upon information and belief, the review further found that the Title IX policies in place "were not always followed at Immaculate Conception Seminary and St. Andrew's Seminary, which resulted in incidents of sexual harassment going unreported to the University."

538. In an open letter delivered in July 2018, Cardinal Sean O'Malley (of Boston, Massachusetts), President of the Pontifical Commission for the Protection of Minors, wrote: "While the Church in the United States has adopted a zero tolerance policy regarding the sexual abuse of minors by priests *we must have clearer procedures for cases involving bishops*. Transparent and continued protocols are needed to provide



justice for the victims and to adequately respond to the legitimate indignation of the community.” (Emphasis added).

539. Upon information and belief, on September 13, 2018, Pope Francis met with USCCB Vice-President Archbishop Jose Gomez (of Los Angeles, California), President of the Pontifical Commission for the Protection of Minors, Cardinal Sean O’Malley (of Boston, Massachusetts), and USCCB General Secretary, Monsignor Brian Bransfield, to discuss, *inter alia*, the issue of childhood sexual abuse within the Roman Catholic Church and the charges against McCarrick.

540. Shortly thereafter, upon information and belief, in October, 2018, United States Bishops called for the Vatican to begin a thorough investigation of McCarrick and the allegations against him. The Vatican announced that it would comply with this request.

541. In October 2018, the Vatican announced that it would “in due course, make known the conclusions of the matter regarding Archbishop McCarrick. Moreover, with reference to other accusations brought against Archbishop McCarrick, the Holy Father has decided that information gathered during the preliminary investigation be combined with a further thorough study of the entire documentation present in the Archives of the Dicastries and Offices of the Holy See regarding the former Cardinal McCarrick, in order to ascertain all the relevant facts, to place them in their historical context and to evaluate them objectively.”

542. In June 2019, the National Review Board (“NRB”), a lay advisory group to the United States bishops on protecting minors from abuse, asked the bishops to request the Vatican to promptly release all documents relevant to The Holy See’s investigation of McCarrick.

543. On November 28, 2019 (Thanksgiving), the bishops of Pennsylvania and New Jersey met with Pope Francis and, *inter alia*, requested the release of The Holy See’s report (and related documents) as to how it was possible for McCarrick to become an archbishop and cardinal when his sexual harassment and sexual abuse of young men was widely known.

544. On November 11, 2019, Cardinal O'Malley told United States bishops gathered in Baltimore, Maryland for a meeting of the U.S. Conference of Catholic Bishops, that the Vatican was likely to soon publish its findings as to what it knows about McCarrick's ascent to power in the Catholic Church.

545. According to the November 12, 2019 *Catholic News Service*, Cardinal O'Malley stated: "We made it clear to Cardinal (Pietro) Parolin [the Vatican Secretary of State] at the leadership of the curia that the priests and the people of our country are anxious to receive the Holy See's explanation of this tragic situation, how he could become an archbishop and cardinal, who knew what and when[.] The long wait has resulted in great frustration on the part of bishops and our people and indeed a very harsh and even cynical interpretation of the seeming silence."

546. According to the *Catholic News Service*: "Cardinal Parolin said the Vatican's intention had been to publish the report before the bishops' November [2019] meeting, Cardinal O'Malley reported, 'but the investigation has involved various dioceses in the United States as well as many offices' at the Vatican and a much larger 'corpus' of information than anticipated."

547. Upon information and belief, this large "corpus of information" involves and includes numerous reports and allegations to the Defendants and other Catholic Church officials which indicated that McCarrick had a known propensity to sexually abuse and/or sexually harass minor boys and young men, long before he was appointed Bishop of Metuchen (in 1981) *and* long before he was appointed Archbishop of Newark (in 1986).

548. Upon information and belief, at the November 11, 2019 U.S. Conference of Catholic Bishops, Cardinal O'Malley represented that the Vatican has shown Cardinal O'Malley "a hefty document that had been assembled" which memorialized numerous allegations of sexual misconduct against McCarrick.

549. To date, more than twenty months after The Holy See announced that it would conduct a thorough investigation of McCarrick, his known sexual misconduct, and his incongruent ascent to the top rung of the Catholic Church's hierarchy, the Vatican has *still* not released its report (or any supporting documents) about McCarrick and the multitude of allegations of sexual misconduct against him.

550. Upon information and belief, this report (and its supporting documents), if it is ever released to the public in full and unredacted form, will substantially support and corroborate many of Plaintiff's allegations as alleged herein.

**COUNT I: SEXUAL BATTERY AGAINST DEFENDANT McCARRICK**

551. Plaintiff hereby repeats and realleges each and every allegation contained in the above paragraphs of this Complaint as if each has been fully set forth at length herein.

552. From approximately 1986 through 1990, Defendant McCarrick inflicted unpermitted harmful and offensive bodily sexual conduct upon the person of Plaintiff, a minor child, on certain premises within the Archdiocese of Newark and elsewhere in New Jersey and other jurisdictions, while presiding as Archbishop of Newark.

553. From approximately 1985 through 1986, Defendant McCarrick inflicted unpermitted harmful and offensive bodily sexual conduct upon the person of Plaintiff, a minor child, on certain premises within the Diocese of Metuchen and elsewhere in New Jersey and other jurisdictions, while presiding as Bishop of Metuchen.

554. Plaintiff did not consent to any of the harmful bodily contact.

555. Plaintiff, indeed, was a minor child at all material times, and was thus incapable of legally consenting to any sexual conduct with McCarrick, an adult man.

556. As set forth herein, McCarrick committed illegal "sexual abuse" against Plaintiff, as that term is defined in N.J.S.A. 2A:61B-1(a)(1).

557. As set forth herein, McCarrick engaged in illegal "sexual contact" against Plaintiff, as that term is defined in N.J.S.A. 2A:61B-1(a)(2).

558. As set forth herein, McCarrick committed illegal "sexual penetration" against Plaintiff, as that term is defined in N.J.S.A. 2A:61B-1(a)(3).

559. At all material times, McCarrick's conduct towards Plaintiff was willful, wanton, intentional, and malicious, and constituted evil-minded acts accompanied by a wanton and willful disregard of Plaintiff's rights, interests, and welfare.

560. At all material times, McCarrick's conduct towards Plaintiff was seriously harmful to the public—which has a compelling interest in ensuring that children in the community are protected from known sexual predators and other dangerous instrumentalities—as well as Plaintiff.

561. McCarrick's conduct towards Plaintiff gives rise to punitive damages.

562. As a direct and proximate result of the foregoing, Plaintiff sustained physical, emotional and psychological injuries, along with severe emotional distress and mental and physical pain and suffering.

**COUNT II: VICARIOUS LIABILITY (RESPONDEAT SUPERIOR) AGAINST DEFENDANTS ARCHDIOCESE OF NEWARK AND DIOCESE OF METUCHEN, FOR THE ACTS OF THEIR AGENT, DEFENDANT McCARRICK**

563. Plaintiff hereby repeats and realleges each and every allegation contained in the above paragraphs of this Complaint as if each has been fully set forth at length herein.

564. From approximately 1986 through 1990, Defendant McCarrick inflicted unpermitted harmful and offensive bodily sexual conduct upon the person of Plaintiff, a minor child, on certain premises within the Archdiocese of Newark and elsewhere in New Jersey and other jurisdictions, while presiding as Archbishop of Newark.

565. From approximately 1985 through 1986, Defendant McCarrick inflicted unpermitted harmful and offensive bodily sexual conduct upon the person of Plaintiff, a minor child, on certain premises within the Diocese of Metuchen and elsewhere in New Jersey and other jurisdictions, while presiding as Bishop of Metuchen.

566. Plaintiff did not consent to the harmful bodily contact.

567. Plaintiff, indeed, was a minor child at all material times, and was thus incapable of legally consenting to any sexual conduct with McCarrick, an adult man.

568. At all times during which Plaintiff was abused (1985 through 1990), the Archdiocese of Newark, Diocese of Metuchen, the Holy See, and all other Catholic officials and entities, failed to implement, develop, create, or enforce *any* plan, policy, law, or regulatory framework that could protect members of the Catholic faithful—including vulnerable children—from Catholic bishops, like McCarrick, who had a known propensity to sexually abuse children and otherwise engage in sexual misconduct.

569. At all material times, the Diocese of Metuchen's and Archdiocese of Newark's failure to implement, develop, create or enforce *any* effective laws, policies, or practices with respect to the sexual abuse of minor children by bishops and/or archbishops demonstrates said Defendants' reckless, willful, and wanton disregard of

the rights and interests of children, including Plaintiff, associated in any way with the Catholic community or Catholic clerics within that community.

570. New Jersey law has adopted Section 219 of the *Restatement (Second) of Agency* (1958) for evaluating vicarious liability in connection with claims predicated on facts that indicate child abuse.

571. At all times while McCarrick was the Bishop of Metuchen, the Diocese of Metuchen was his employer and master and he was its employee and servant.

572. At all times while McCarrick was the Bishop of Metuchen, he was employed by the Diocese of Metuchen to perform services in the affairs of the Diocese of Metuchen and was always subject to the Diocese of Metuchen's control and/or right to control with respect to all of his conduct in the performance of said services.

573. At all material times, while McCarrick was the Archbishop of Newark, the Archdiocese of Newark was his employer and master and he was its employee and servant.

574. At all times while McCarrick was the Archbishop of Newark, he was employed by the Archdiocese of Newark to perform services in the affairs of the Archdiocese of Newark and was always subject to the Archdiocese of Newark's control and/or right to control with respect to all of his conduct in the performance of said services.

575. At all material times, from 1985 through 1986, McCarrick acted as the managerial agent, executive manager, or the equivalent of a chief executive officer, of the Diocese of Metuchen.

576. At all material times, from 1986 through 1990, McCarrick acted as the managerial agent, executive manager, or the equivalent of a chief executive officer, of the Archdiocese of Newark.

577. At all material times, from 1985 through 1986, McCarrick was the sole managerial agent of the Diocese of Metuchen.

578. At all material times, from 1986 through 1990, McCarrick was the sole managerial agent of the Archdiocese of Newark.

579. All acts of McCarrick while he was the Bishop of Metuchen, including his numerous intentional torts (sexual battery) against Plaintiff, were committed while McCarrick was acting within the scope of his employment by the Diocese of Metuchen.

580. All acts of McCarrick while he was the Archbishop of Newark, including his numerous intentional torts (sexual battery) against Plaintiff, were committed while McCarrick was acting within the scope of his employment by the Archdiocese of Newark.

581. At all times while McCarrick was Bishop of Metuchen, the Diocese of Metuchen was grossly negligent and reckless in appointing McCarrick to the position of Bishop of Metuchen, retaining him in that position, failing to provide adequate supervision of him while he was in that position, and failing to take appropriate steps to suspend and/or terminate him from that position.

582. This gross negligence and recklessness by the Diocese of Metuchen allowed McCarrick to rape and sexually abuse Plaintiff, within the Diocese of Metuchen and elsewhere, on numerous occasions.

583. At all times while McCarrick was Archbishop of Newark, the Archdiocese of Newark was grossly negligent and reckless in appointing McCarrick to the position of Archbishop of Newark, retaining him in that position, failing to provide adequate supervision of him while he was in that position, and failing to take appropriate steps to suspend and/or terminate him from that position.

584. This gross negligence and recklessness by the Archdiocese of Newark allowed McCarrick to rape and sexually abuse Plaintiff, within the Archdiocese of Newark and elsewhere, on numerous occasions.

585. While McCarrick was Bishop of Metuchen, on several occasions, McCarrick told Plaintiff that as Bishop of Metuchen he was directly in charge of all Church activities within the Diocese of Metuchen, and had the full power and authority to take action on behalf of the Diocese of Metuchen with respect to any and all matters that involved the Church.

586. Plaintiff, at all material times, relied upon McCarrick's oft-stated authority (actual or apparent) within the Diocese of Metuchen and believed that—because McCarrick was the highest ranking and most powerful Church official in the Diocese of Metuchen—Plaintiff had no one to turn to within the Church (including in the Diocese of Metuchen) who was capable of addressing or remedying McCarrick's ongoing

sexual abuse. Plaintiff also believed that no one would have believed him had he reported McCarrick's sexual abuse to any other person, including his own parents.

587. While McCarrick was Archbishop of Newark, on several occasions, McCarrick told Plaintiff that as Archbishop of Newark he was directly in charge of all Church activities within the Archdiocese of Newark, and had the full power and authority to take action on behalf of the Archdiocese of Newark with respect to any and all matters that involved the Church.

588. McCarrick also told Plaintiff several times that as Archbishop of Newark, he was the highest ranking and most powerful Catholic cleric in the State of New Jersey. Numerous other persons told Plaintiff this as well.

589. Plaintiff, at all material times, relied upon McCarrick's oft-stated authority (actual or apparent) within the Archdiocese of Newark and believed that—because McCarrick was the highest ranking and most powerful Church official in the Archdiocese of Newark (and the State of New Jersey)—Plaintiff had no one to turn to within the Church (including in the Archdiocese of Newark) who was capable of addressing or remedying McCarrick's ongoing sexual abuse. Plaintiff also believed that no one would have believed him had he reported McCarrick's sexual abuse to any other person, including his own parents.

590. At all times while he was Bishop of Metuchen, McCarrick was aided in accomplishing his intentional torts (sexual battery) against Plaintiff by the existence of the agency relationship between McCarrick (as agent) and the Diocese of Metuchen (as principal).

591. Indeed, at all times while he was Bishop of Metuchen, the unique agency relationship between McCarrick and the Diocese of Metuchen gave McCarrick the exclusive authority within the Diocese of Metuchen to: (1) investigate the conduct of all clerics within the Diocese (including himself), (2) report all sexual misconduct committed by clerics within the Diocese (including himself) to The Holy See, and (3) take all mandated punitive action against clerics within the Diocese (including himself) who committed sexual misconduct.

592. The Diocese of Metuchen's failure to implement any rudimentary and working reporting requirements against a bishop, like McCarrick, who was engaging in the



sexual abuse of children and other sexual misconduct (which at all material times was known to the Diocese of Metuchen), allowed him to commit dozens of acts of rape and abuse against Plaintiff.

593. The Diocese of Metuchen's failure to provide any real or meaningful oversight or supervision of a bishop, like McCarrick, who was engaging in the sexual abuse of children and other sexual misconduct (which at all material times was known to the Diocese of Metuchen), allowed him to commit dozens of acts of rape and abuse against Plaintiff.

594. At all times while he was Archbishop of Newark, McCarrick was aided in accomplishing his intentional torts (sexual battery) against Plaintiff by the existence of the agency relationship between McCarrick (as agent) and the Archdiocese of Newark (as principal).

595. Indeed, at all times while he was Archdiocese of Newark, the unique agency relationship between McCarrick and the Archdiocese of Newark gave McCarrick the exclusive authority within the Archdiocese of Newark to: (1) investigate the conduct of all clerics within the Archdiocese (including himself), (2) report all sexual misconduct committed by clerics within the Archdiocese (including himself) to The Holy See, and (3) take all mandated punitive action against clerics within the Archdiocese (including himself) who committed sexual misconduct.

596. The Archdiocese of Newark's failure to implement any rudimentary and working reporting requirements against an archbishop, like McCarrick, who was engaging in the sexual abuse of children and other sexual misconduct (which at all material times was known to the Archdiocese of Newark), allowed him to commit dozens of acts of rape and sexual abuse against Plaintiff.

597. The Archdiocese of Newark's failure to provide any real or meaningful oversight or supervision of an archbishop, like McCarrick, who was engaging in the sexual abuse of children and other sexual misconduct (which at all material times was known to the Archdiocese of Newark), allowed him to commit dozens of acts of rape and sexual abuse against Plaintiff.

598. Pursuant to the standards as set forth in Section 219 of the *Restatement (Second) of Agency* (1958), Defendants Archdiocese of Newark and Diocese of Metuchen should

each be held vicariously liable for the intentional acts of their agent, McCarrick, committed against Plaintiff (sexual battery).

599. At all material times, McCarrick's conduct towards Plaintiff was willful, wanton, intentional, and malicious, and constituted evil-minded acts accompanied by a wanton and willful disregard of Plaintiff's rights, interests, and welfare.

600. At all material times, McCarrick's conduct towards Plaintiff was seriously harmful to the public—which has a compelling interest in ensuring that children in the community are protected from known sexual predators and other dangerous instrumentalities—as well as Plaintiff.

601. New Jersey law has adopted Section 909 of the *Restatement (Second) of Torts* (1978) for vicariously assessing punitive damages against a principal for the acts of its agent.

602. At all times while he was Bishop of Metuchen, McCarrick was a “managerial agent” of the Diocese of Metuchen, as he was vested with executive, legislative, and judicial authority within the Diocese. As such, McCarrick was so high in the Diocese of Metuchen's organization that his employment and conduct should at all times be considered executive in character.

603. At all times while he was Archbishop of Newark, McCarrick was a “managerial agent” of the Archdiocese of Newark, as he was vested with executive, legislative, and judicial authority within the Archdiocese. As such, McCarrick was so high in the Archdiocese of Newark's organization that his employment and conduct should at all times be considered executive in character.

604. At all times while he was Bishop of Metuchen, McCarrick, as a managerial agent of the Diocese of Metuchen, authorized the doing and the manner of numerous sexual abuse acts committed against Plaintiff.

605. At all times while he was Archbishop of Newark, McCarrick, as a managerial agent of the Archdiocese of Newark, authorized the doing and the manner of numerous sexual abuse acts committed against Plaintiff.

606. At all times while he was Bishop of Metuchen, McCarrick was unfit for the position of Bishop of Metuchen, and the Diocese of Metuchen was reckless in employing and retaining him in that position.

607. At all times while he was Archbishop of Newark, McCarrick was unfit for the position of Archbishop of Newark, and the Archdiocese of Newark was reckless in employing and retaining him in that position.

608. At all times while he was Bishop of Metuchen, McCarrick was unfit for the position of Bishop of Metuchen, and McCarrick, as a managerial agent of the Diocese of Metuchen, was reckless in employing and retaining himself in that position.

609. At all times while he was Archbishop of Newark, McCarrick was unfit for the position of Archbishop of Newark, and McCarrick, as a managerial agent of the Archdiocese of Newark, was reckless in employing and retaining himself in that position.

610. At all times while he was Bishop of Metuchen, McCarrick was acting in a managerial capacity for the Diocese of Metuchen and was acting in the scope of his employment.

611. At all times while he was Archbishop of Newark, McCarrick was acting in a managerial capacity for the Archdiocese of Newark and was acting in the scope of his employment.

612. At all times while he was Bishop of Metuchen, McCarrick, as a managerial agent of the Diocese of Metuchen, approved of and ratified his numerous sexual assaults of Plaintiff.

613. At all material times, the Diocese of Metuchen failed to repudiate, punish, remedy, or mitigate McCarrick's sexual assaults of Plaintiff.

614. At all material times, the Diocese of Metuchen failed to take appropriate action, pursuant to federal, state, or local law, Catholic Canon law, or other laws, rules, or codes of conduct, in connection with and/or in response to McCarrick's sexual assaults of Plaintiff.

615. At all material times, the Diocese of Metuchen failed to engage in any conduct that was inconsistent with its, position, policy, and intent to adopt, foster, facilitate, condone, and excuse McCarrick's sexual assaults of Plaintiff.

616. At all times in which he was Archbishop of Newark, McCarrick, as a managerial agent of the Archdiocese of Newark, approved of and ratified his numerous sexual assaults of Plaintiff.

617. At all material times, the Archdiocese of Newark failed to repudiate, punish, remedy, or mitigate McCarrick's sexual assaults of Plaintiff.

618. At all material times, the Archdiocese of Newark failed to take appropriate action, pursuant to federal, state, or local law, Catholic Canon law, or other laws, rules, or codes of conduct, in connection with and/or in response to McCarrick's sexual assaults of Plaintiff.

619. At all material times, the Archdiocese of Newark failed to engage in any conduct that was inconsistent with its, position, policy, and intent to adopt, foster, facilitate, condone, and excuse McCarrick's sexual assaults of Plaintiff.

620. Pursuant to the standards as set forth in Section 909 of the *Restatement (Second) of Torts* (1978), Defendants Archdiocese of Newark and Diocese of Metuchen should be compelled to pay Plaintiff appropriate punitive damages.

621. As a direct and proximate result of the foregoing, Plaintiff sustained physical, emotional and psychological injuries, along with severe emotional distress and mental and physical pain and suffering.

**COUNT III: NEGLIGENCE/GROSS NEGLIGENCE  
AGAINST DEFENDANT ARCHDIOCESE OF NEWARK**

622. Plaintiff hereby repeats and realleges each and every allegation contained in the above paragraphs of this Complaint as if each has been fully set forth at length herein.

623. Defendant Archdiocese of Newark owed Plaintiff a duty of reasonable care to protect the Plaintiff from injury.

624. Defendant Archdiocese of Newark owed Plaintiff a duty of care because it had a special relationship with Plaintiff.

625. Defendant Archdiocese of Newark also had a duty arising from the special relationship that existed with Plaintiff, Plaintiff's parents, and other parents of young, innocent, vulnerable children, to properly train and supervise its clerics. This special relationship arose because of the high degree of vulnerability of the children entrusted to its care.

626. As a result of this high degree of vulnerability and risk of sexual abuse inherent in such a special relationship, Defendant Archdiocese of Newark had a duty to establish measures of protection for children.

627. Defendant Archdiocese of Newark owed Plaintiff a duty to protect Plaintiff from harm because Defendant Archdiocese of Newark also had a special relationship with McCarrick.

628. Indeed, at all times McCarrick was Archbishop of the Archdiocese of Newark, McCarrick owed The Archdiocese of Newark a duty of obedience, loyalty, and fidelity, which encompassed all phases of his life, and The Archdiocese of Newark's authority over then-Archbishop McCarrick—as reflected in The 1983 Code of Canon Law and The 1973 Directory on the Pastoral Ministry of Bishops—went far beyond the customary employer-employee relationship.

629. Defendant Archdiocese of Newark owed Plaintiff a duty of reasonable care because it solicited youth and parents for participation in its youth programs; encouraged youth and parents to have the youth participate in its programs and visit its facilities; undertook the care and custody of minor children, including Plaintiff; promoted its facilities and programs as being safe for children; held its agents, including McCarrick, out as safe to work and spend time with children; encouraged parents and children to spend time with its agents; and/or encouraged its agents, including McCarrick, to spend time with, interact with, recruit, educate, and indoctrinate children.

630. By holding McCarrick out as safe to work with children, and by undertaking the custody, supervision of, and/or care of the minor Plaintiff, Defendant Archdiocese of Newark entered into a fiduciary relationship with the minor Plaintiff.

631. As a result of Plaintiff being a minor, and by Defendant Archdiocese of Newark undertaking the care and guidance of the then vulnerable minor Plaintiff, Defendant Archdiocese of Newark held a position of empowerment over Plaintiff.

632. Further, Defendant Archdiocese of Newark, by holding itself out as being able to provide a safe environment for children, solicited and/or accepted this position of empowerment. Defendant Archdiocese of Newark thus entered into a fiduciary

relationship with Plaintiff. Defendant Archdiocese of Newark exploited its position of empowerment, putting Plaintiff at risk to be sexually assaulted.

633. By accepting custody and/or supervision of the minor Plaintiff, Defendant Archdiocese of Newark established an *in loco parentis* relationship with Plaintiff and in so doing, owed Plaintiff a duty to protect Plaintiff from injury.

634. Further, Defendant Archdiocese of Newark entered into a fiduciary relationship with Plaintiff by undertaking the custody, supervision of, and/or care of the minor Plaintiff.

635. As a result of Plaintiff being a minor, and by Defendant Archdiocese of Newark undertaking the care and guidance of the Plaintiff, Defendant Archdiocese of Newark also held a position of empowerment over Plaintiff.

636. Further, Defendant Archdiocese of Newark, by holding itself out as being able to provide a safe environment for children, solicited and/or accepted this position of empowerment. Defendant Archdiocese of Newark, through its employees, exploited this power over Plaintiff and thereby put the minor Plaintiff at risk for sexual abuse.

637. By establishing and/or operating the Archdiocese of Newark, accepting the minor Plaintiff as a participant in its programs and/or guest of its facilities, properties, or premises, holding its facilities, properties, premises, and programs out to be a safe environment for Plaintiff, accepting custody of the minor Plaintiff *in loco parentis*, and by establishing a fiduciary relationship with Plaintiff, Defendant Archdiocese of Newark entered into an express and/or implied duty to properly supervise Plaintiff and provide a reasonably safe environment for children who participated in their programs and/or associated with and spent time with its Archbishop, McCarrick.

638. Defendant Archdiocese of Newark owed Plaintiff a duty to properly supervise Plaintiff to prevent harm from foreseeable dangers. Defendant Archdiocese of Newark had the duty to exercise the same degree of care over minors under its control as a reasonably prudent person would have exercised under similar circumstances.

639. Defendant Archdiocese of Newark owed Plaintiff a duty to protect Plaintiff from harm because Defendant Archdiocese of Newark invited Plaintiff onto its

properties and McCarrick posed a dangerous condition on Defendant Archdiocese of Newark's properties.

640. Defendant Archdiocese of Newark breached its duties to Plaintiff by failing to use reasonable care. Defendant Archdiocese of Newark's failures include, but are not limited to, failing to properly supervise McCarrick, failing to properly supervise Plaintiff, and failing to protect Plaintiff from a known danger.

641. Defendant Archdiocese of Newark's conduct towards Plaintiff constitutes gross negligence.

642. At all material times, Defendant Archdiocese of Newark's acts and failures to act created an unreasonable risk of harm to minor children, like Plaintiff, because the Archdiocese of Newark failed to exercise even slight care or diligence towards Plaintiff and other similarly situated children—and constituted gross indifference to the rights of Plaintiff and other similarly situated children, utter disregard of prudence, and a complete neglect of the safety of Plaintiff and other similarly situated children.

643. At all material times, Defendant Archdiocese of Newark's conduct towards Plaintiff was willful, wanton, intentional, and malicious, and constituted evil-minded acts accompanied by a wanton and willful disregard of Plaintiff's rights, interests, and welfare.

644. At all material times, Defendant Archdiocese of Newark's conduct towards Plaintiff was seriously harmful to the public—which has a compelling interest in ensuring that children in the community are protected from known sexual predators and other dangerous instrumentalities—as well as Plaintiff.

645. Defendant Archdiocese of Newark's conduct towards Plaintiff gives rise to punitive damages.

646. In addition to the above, Plaintiff is also entitled to punitive damages against Defendant Archdiocese of Newark because once McCarrick's acts came to the attention of the principal (Archdiocese of Newark) or a managerial agent of the principal (McCarrick himself), they were ratified and approved. *See Restatement (Second) of Agency*, § 219(2); *Restatement (Second) of Torts* § 909.

647. As a direct result of the foregoing, Plaintiff sustained physical, emotional and psychological injuries, along with pain and suffering.



**COUNT IV: NEGLIGENT SUPERVISION AND TRAINING  
AGAINST DEFENDANT ARCHDIOCESE OF NEWARK**

648. Plaintiff hereby repeats and realleges each and every allegation contained in the above paragraphs of this Complaint as if each has been fully set forth at length herein.

649. At all times material, McCarrick was employed by Defendant Archdiocese of Newark and was under Defendant Archdiocese of Newark's direct supervision, employ and control when he committed the wrongful acts alleged herein.

650. McCarrick engaged in the wrongful conduct while acting in the course and scope of his employment with Defendant Archdiocese of Newark and/or accomplished the sexual abuse by virtue of his job-created authority.

651. Defendant Archdiocese of Newark had a duty, arising from its employment of McCarrick, to ensure that McCarrick did not sexually molest children.

652. Further, Defendant Archdiocese of Newark owed a duty to train and educate employees and administrators and establish adequate and effective policies and procedures calculated to detect, prevent, and address inappropriate behavior and conduct between clerics and children.

653. Defendant Archdiocese of Newark was negligent in the training, supervision, and instruction of its employees. Defendant Archdiocese of Newark failed to timely and properly educate, train, supervise, and/or monitor its agents or employees with regard to policies and procedures that should be followed when sexual abuse of a child is suspected or observed.

654. Defendant Archdiocese of Newark was additionally negligent in failing to supervise, monitor, chaperone, and/or investigate McCarrick and/or in failing to create, institute, and/or enforce rules, policies, procedures, and/or regulations to prevent McCarrick's sexual abuse of Plaintiff.

655. In failing to properly supervise McCarrick, and in failing to establish such training procedures for employees and administrators, Defendant Archdiocese of Newark failed to exercise the degree of care that a reasonably prudent person would have exercised under similar circumstances.

656. Defendant Archdiocese of Newark's conduct towards Plaintiff, in connection with its negligent supervision and training, constitutes gross negligence.

657. At all material times, Defendant Archdiocese of Newark's acts and failures to act created an unreasonable risk of harm to minor children, like Plaintiff, because the Archdiocese of Newark failed to exercise even slight care or diligence towards Plaintiff and other similarly situated children—and constituted gross indifference to the rights of Plaintiff and other similarly situated children, utter disregard of prudence, and a complete neglect of the safety of Plaintiff and other similarly situated children.

658. At all material times, Defendant Archdiocese of Newark's conduct towards Plaintiff was willful, wanton, intentional, and malicious, and constituted evil-minded acts accompanied by a wanton and willful disregard of Plaintiff's rights, interests, and welfare.

659. At all material times, Defendant Archdiocese of Newark's conduct towards Plaintiff was seriously harmful to the public—which has a compelling interest in ensuring that children in the community are protected from known sexual predators and other dangerous instrumentalities—as well as Plaintiff.

660. Defendant Archdiocese of Newark's conduct towards Plaintiff gives rise to punitive damages.

661. In addition to the above, Plaintiff is also entitled to punitive damages against Defendant Archdiocese of Newark because once McCarrick's acts came to the attention of the principal (Archdiocese of Newark) or a managerial agent of the principal (McCarrick himself), they were ratified and approved. *See Restatement (Second) of Agency*, § 219(2); *Restatement (Second) of Torts* § 909.

662. As a direct and proximate result of the foregoing, Plaintiff sustained physical, emotional and psychological injuries, along with pain and suffering.

#### **COUNT V: NEGLIGENT RETENTION AGAINST DEFENDANT ARCHDIOCESE OF NEWARK**

663. Plaintiff hereby repeats and realleges each and every allegation contained in the above paragraphs of this Complaint as if each has been fully set forth at length herein.

664. At all times material, McCarrick was employed by Defendant Archdiocese of Newark and was under Defendant Archdiocese of Newark's direct supervision, employ, and control when he committed the wrongful acts alleged herein.

665. Defendant Archdiocese of Newark became aware or should have become aware of McCarrick's propensity for sexual abuse, and failed to take any further action to remedy the problem and failed to investigate or remove McCarrick from working with children.

666. At all material times, Defendant McCarrick himself, as both the chief executive and managerial agent of the Archdiocese of Newark, had actual knowledge that he had repeatedly raped and sexually abused Plaintiff and thus was grossly unfit for the exalted position of Archbishop of Newark.

667. Defendant Archdiocese of Newark negligently retained McCarrick with knowledge of McCarrick's propensity for the type of behavior which resulted in Plaintiff's injuries in this action.

668. Defendant Archdiocese of Newark negligently retained McCarrick in a position where he had access to children (such as Plaintiff) and could foreseeably cause harm which Plaintiff would not have been subjected to had Defendant Archdiocese of Newark taken reasonable care to protect children like Plaintiff from known sexual predators

669. In failing to timely remove McCarrick from working with children or terminate the employment of McCarrick, Defendant Archdiocese of Newark failed to exercise the degree of care that a reasonably prudent person would have exercised under similar circumstances.

670. Defendant Archdiocese of Newark's conduct towards Plaintiff, in connection with its negligent retention of McCarrick, constitutes gross negligence.

671. At all material times, Defendant Archdiocese of Newark's acts and failures to act created an unreasonable risk of harm to minor children, like Plaintiff, because the Archdiocese of Newark failed to exercise even slight care or diligence towards Plaintiff and other similarly situated children—and constituted gross indifference to the rights of Plaintiff and other similarly situated children, utter disregard of prudence, and a complete neglect of the safety of Plaintiff and other similarly situated children.

672. At all material times, Defendant Archdiocese of Newark's conduct towards Plaintiff was willful, wanton, intentional, and malicious, and constituted evil-minded acts accompanied by a wanton and willful disregard of Plaintiff's rights, interests, and welfare.

673. At all material times, Defendant Archdiocese of Newark's conduct towards Plaintiff was seriously harmful to the public—which has a compelling interest in ensuring that children in the community are protected from known sexual predators and other dangerous instrumentalities—as well as Plaintiff.

674. Defendant Archdiocese of Newark's conduct towards Plaintiff gives rise to punitive damages.

675. In addition to the above, Plaintiff is also entitled to punitive damages against Defendant Archdiocese of Newark because once McCarrick's acts came to the attention of the principal (Archdiocese of Newark) or a managerial agent of the principal (McCarrick himself), they were ratified and approved. *See Restatement (Second) of Agency*, § 219(2); *Restatement (Second) of Torts* § 909.

676. As a direct and proximate result of the foregoing, Plaintiff sustained physical, emotional and psychological injuries, along with pain and suffering.

**COUNT VI: NEGLIGENCE/GROSS NEGLIGENCE  
AGAINST DEFENDANT DIOCESE OF METUCHEN**

677. Plaintiff hereby repeats and realleges each and every allegation contained in the above paragraphs of this Complaint as if each has been fully set forth at length herein.

678. Defendant Diocese of Metuchen owed Plaintiff a duty of reasonable care to protect the Plaintiff from injury.

679. Defendant Diocese of Metuchen owed Plaintiff a duty of care because it had a special relationship with Plaintiff.

680. Defendant Diocese of Metuchen also had a duty arising from the special relationship that existed with Plaintiff, Plaintiff's parents, and other parents of young, innocent, vulnerable children, to properly train and supervise its clerics. This special relationship arose because of the high degree of vulnerability of the children entrusted to its care.

681. As a result of this high degree of vulnerability and risk of sexual abuse inherent in such a special relationship, Defendant Diocese of Metuchen had a duty to establish measures of protection for children.

682. Defendant Diocese of Metuchen owed Plaintiff a duty to protect Plaintiff from harm because Defendant Diocese of Metuchen also had a special relationship with McCarrick.

683. Indeed, at all times McCarrick was Bishop of the Diocese of Metuchen, McCarrick owed The Diocese of Metuchen a duty of obedience, loyalty, and fidelity, which encompassed all phases of his life, and The Diocese of Metuchen's authority over then-Bishop McCarrick—as reflected in The 1983 Code of Canon Law and The 1973 Directory on the Pastoral Ministry of Bishops—went far beyond the customary employer-employee relationship.

684. Defendant Diocese of Metuchen owed Plaintiff a duty of reasonable care because it solicited youth and parents for participation in its youth programs; encouraged youth and parents to have the youth participate in its programs and visit its facilities; undertook the care and custody of minor children, including Plaintiff; promoted its facilities and programs as being safe for children; held its agents, including McCarrick, out as safe to work and spend time with children; encouraged parents and children to spend time with its agents; and/or encouraged its agents, including McCarrick, to spend time with, interact with, recruit, educate, and indoctrinate children.

685. By holding McCarrick out as safe to work with children, and by undertaking the custody, supervision of, and/or care of the minor Plaintiff, Defendant Diocese of Metuchen entered into a fiduciary relationship with the minor Plaintiff.

686. As a result of Plaintiff being a minor, and by Defendant Diocese of Metuchen undertaking the care and guidance of the then vulnerable minor Plaintiff, Defendant Diocese of Metuchen held a position of empowerment over Plaintiff.

687. Further, Defendant Diocese of Metuchen, by holding itself out as being able to provide a safe environment for children, solicited and/or accepted this position of empowerment. Defendant Diocese of Metuchen thus entered into a fiduciary

relationship with Plaintiff. Defendant Diocese of Metuchen exploited its position of empowerment, putting Plaintiff at risk to be sexually assaulted.

688. By accepting custody and/or supervision of the minor Plaintiff, Defendant Diocese of Metuchen established an *in loco parentis* relationship with Plaintiff and in so doing, owed Plaintiff a duty to protect Plaintiff from injury.

689. Further, Defendant Diocese of Metuchen entered into a fiduciary relationship with Plaintiff by undertaking the custody, supervision of, and/or care of the minor Plaintiff.

690. As a result of Plaintiff being a minor, and by Defendant Diocese of Metuchen undertaking the care and guidance of the Plaintiff, Defendant Diocese of Metuchen also held a position of empowerment over Plaintiff.

691. Further, Defendant Diocese of Metuchen, by holding itself out as being able to provide a safe environment for children, solicited and/or accepted this position of empowerment. Defendant Diocese of Metuchen, through its employees, exploited this power over Plaintiff and thereby put the minor Plaintiff at risk for sexual abuse.

692. By establishing and/or operating the Diocese of Metuchen, accepting the minor Plaintiff as a participant in its programs and/or guest in its facilities, holding its facilities and programs out to be a safe environment for Plaintiff, accepting custody of the minor Plaintiff *in loco parentis*, and by establishing a fiduciary relationship with Plaintiff, Defendant Diocese of Metuchen entered into an express and/or implied duty to properly supervise Plaintiff and provide a reasonably safe environment for children who participated in their programs and/or associated with and spent time with its Bishop, McCarrick.

693. Defendant Diocese of Metuchen owed Plaintiff a duty to properly supervise Plaintiff to prevent harm from foreseeable dangers. Defendant Diocese of Metuchen had the duty to exercise the same degree of care over minors under its control as a reasonably prudent person would have exercised under similar circumstances.

694. Defendant Diocese of Metuchen owed Plaintiff a duty to protect Plaintiff from harm because Defendant Diocese of Metuchen invited Plaintiff onto its properties and McCarrick posed a dangerous condition on Defendant Diocese of Metuchen's properties.

695. Defendant Diocese of Metuchen breached its duties to Plaintiff by failing to use reasonable care. Defendant Diocese of Metuchen's failures include, but are not limited to, failing to properly supervise McCarrick, failing to properly supervise Plaintiff, and failing to protect Plaintiff from a known danger.

696. Defendant Diocese of Metuchen's conduct towards Plaintiff constitutes gross negligence.

697. At all material times, Defendant Diocese of Metuchen's acts and failures to act created an unreasonable risk of harm to minor children, like Plaintiff, because the Diocese of Metuchen failed to exercise even slight care or diligence towards Plaintiff and other similarly situated children—and constituted gross indifference to the rights of Plaintiff and other similarly situated children, utter disregard of prudence, and a complete neglect of the safety of Plaintiff and other similarly situated children.

698. At all material times, Defendant Diocese of Metuchen's conduct towards Plaintiff was willful, wanton, intentional, and malicious, and constituted evil-minded acts accompanied by a wanton and willful disregard of Plaintiff's rights, interests, and welfare.

699. At all material times, Defendant Diocese of Metuchen's conduct towards Plaintiff was seriously harmful to the public—which has a compelling interest in ensuring that children in the community are protected from known sexual predators and other dangerous instrumentalities—as well as Plaintiff.

700. Defendant Diocese of Metuchen's conduct towards Plaintiff gives rise to punitive damages.

701. In addition to the above, Plaintiff is also entitled to punitive damages against Defendant Diocese of Metuchen because once McCarrick's acts came to the attention of the principal (Diocese of Metuchen) or a managerial agent of the principal (McCarrick himself), they were ratified and approved. *See Restatement (Second) of Agency*, § 219(2); *Restatement (Second) of Torts* § 909.

702. As a direct result of the foregoing, Plaintiff sustained physical, emotional and psychological injuries, along with pain and suffering.



**COUNT VII: NEGLIGENT SUPERVISION AND TRAINING  
AGAINST DEFENDANT DIOCESE OF METUCHEN**

703. Plaintiff hereby repeats and realleges each and every allegation contained in the above paragraphs of this Complaint as if each has been fully set forth at length herein.

704. At all times material, McCarrick was employed by Defendant Diocese of Metuchen and was under Defendant Diocese of Metuchen's direct supervision, employ and control when he committed the wrongful acts alleged herein.

705. McCarrick engaged in the wrongful conduct while acting in the course and scope of his employment with Defendant Diocese of Metuchen and/or accomplished the sexual abuse by virtue of his job-created authority.

706. Defendant Diocese of Metuchen had a duty, arising from its employment of McCarrick, to ensure that McCarrick did not sexually molest children.

707. Further, Defendant Diocese of Metuchen owed a duty to train and educate employees and administrators and establish adequate and effective policies and procedures calculated to detect, prevent, and address inappropriate behavior and conduct between clerics and children.

708. Defendant Diocese of Metuchen was negligent in the training, supervision, and instruction of its employees. Defendant Diocese of Metuchen failed to timely and properly educate, train, supervise, and/or monitor its agents or employees with regard to policies and procedures that should be followed when sexual abuse of a child is suspected or observed.

709. Defendant Diocese of Metuchen was additionally negligent in failing to supervise, monitor, chaperone, and/or investigate McCarrick and/or in failing to create, institute, and/or enforce rules, policies, procedures, and/or regulations to prevent McCarrick's sexual abuse of Plaintiff.

710. In failing to properly supervise McCarrick, and in failing to establish such training procedures for employees and administrators, Defendant Diocese of Metuchen failed to exercise the degree of care that a reasonably prudent person would have exercised under similar circumstances.

711. Defendant Diocese of Metuchen's conduct towards Plaintiff, in connection with its negligent supervision and training, constitutes gross negligence.

712. At all material times, Defendant Diocese of Metuchen's acts and failures to act created an unreasonable risk of harm to minor children, like Plaintiff, because the Diocese of Metuchen failed to exercise even slight care or diligence towards Plaintiff and other similarly situated children—and constituted gross indifference to the rights of Plaintiff and other similarly situated children, utter disregard of prudence, and a complete neglect of the safety of Plaintiff and other similarly situated children.

713. At all material times, Defendant Diocese of Metuchen's conduct towards Plaintiff was willful, wanton, intentional, and malicious, and constituted evil-minded acts accompanied by a wanton and willful disregard of Plaintiff's rights, interests, and welfare.

714. At all material times, Defendant Diocese of Metuchen's conduct towards Plaintiff was seriously harmful to the public—which has a compelling interest in ensuring that children in the community are protected from known sexual predators and other dangerous instrumentalities—as well as Plaintiff.

715. Defendant Diocese of Metuchen's conduct towards Plaintiff, in connection with its negligent supervision of McCarrick, gives rise to punitive damages.

716. In addition to the above, Plaintiff is also entitled to punitive damages against Defendant Diocese of Metuchen because once McCarrick's acts came to the attention of the principal (Diocese of Metuchen) or a managerial agent of the principal (McCarrick himself), they were ratified and approved. *See Restatement (Second) of Agency*, § 219(2); *Restatement (Second) of Torts* § 909.

717. As a direct and proximate result of the foregoing, Plaintiff sustained physical, emotional and psychological injuries, along with pain and suffering.

**COUNT VIII: NEGLIGENT RETENTION  
AGAINST DEFENDANT DIOCESE OF METUCHEN**

718. Plaintiff hereby repeats and realleges each and every allegation contained in the above paragraphs of this Complaint as if each has been fully set forth at length herein.

719. At all times material, McCarrick was employed by Defendant Diocese of Metuchen and was under Defendant Diocese of Metuchen's direct supervision, employ, and control when he committed the wrongful acts alleged herein.

720. Defendant Diocese of Metuchen became aware or should have become aware of McCarrick's propensity for sexual abuse, and failed to take any further action to remedy the problem and failed to investigate or remove McCarrick from working with children.

721. At all material times, Defendant McCarrick himself, as both the chief executive and managerial agent of the Archdiocese of Newark, had actual knowledge that he had repeatedly sexually abused Plaintiff and thus was grossly unfit for the exalted position of Bishop of Metuchen.

722. Defendant Diocese of Metuchen negligently retained McCarrick with knowledge of McCarrick's propensity for the type of behavior which resulted in Plaintiffs injuries in this action.

723. Defendant Diocese of Metuchen negligently retained McCarrick in a position where he had access to children (such as Plaintiff) and could foreseeably cause harm which Plaintiff would not have been subjected to had Defendant Diocese of Metuchen taken reasonable care to protect children like Plaintiff from known sexual predators.

724. In failing to timely remove McCarrick from working with children or terminate the employment of McCarrick, Defendant Diocese of Metuchen failed to exercise the degree of care that a reasonably prudent person would have exercised under similar circumstances.

725. Defendant Diocese of Metuchen's conduct towards Plaintiff, in connection with its negligent retention of McCarrick, constitutes gross negligence.

726. At all material times, Defendant Diocese of Metuchen's acts and failures to act created an unreasonable risk of harm to minor children, like Plaintiff, because the Diocese of Metuchen failed to exercise even slight care or diligence towards Plaintiff

and other similarly situated children—and constituted gross indifference to the rights of Plaintiff and other similarly situated children, utter disregard of prudence, and a complete neglect of the safety of Plaintiff and other similarly situated children.

727. At all material times, Defendant Diocese of Metuchen’s conduct towards Plaintiff was willful, wanton, intentional, and malicious, and constituted evil-minded acts accompanied by a wanton and willful disregard of Plaintiff’s rights, interests, and welfare.

728. At all material times, Defendant Diocese of Metuchen’s conduct towards Plaintiff was seriously harmful to the public—which has a compelling interest in ensuring that children in the community are protected from known sexual predators and other dangerous instrumentalities—as well as Plaintiff.

729. Defendant Diocese of Metuchen’s conduct towards Plaintiff, in connection with its negligent supervision of McCarrick, gives rise to punitive damages.

730. In addition to the above, Plaintiff is also entitled to punitive damages against Defendant Diocese of Metuchen because once McCarrick’s acts came to the attention of the principal (Diocese of Metuchen) or a managerial agent of the principal (McCarrick himself), they were ratified and approved. *See Restatement (Second) of Agency*, § 219(2); *Restatement (Second) of Torts* § 909.

731. As a direct and proximate result of the foregoing, Plaintiff sustained physical, emotional and psychological injuries, along with pain and suffering.

### **PRAYER FOR RELIEF**

WHEREFORE, based on the aforesaid, Plaintiff hereby demands judgment against Defendants, jointly and/or severally, for compensatory damages, and for punitive damages, together with interest and costs in an unspecified amount, plus costs, disbursements, reasonable attorneys’ fees, interest, and any such other, different, or further legal, equitable, injunctive, or declaratory relief as the Court deems just, proper, or necessary.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury on all of the triable issues of this Complaint, pursuant to all applicable Federal Rules of Civil Procedure and/or other laws and rules.

Dated: September 30, 2020

Respectfully submitted,

**MARK D. LEFKOWITZ, ESQ.**

*Mark D. Lefkowitz /S*

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**MARK D. LEFKOWITZ, ESQ.**

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Hawthorne, New Jersey 07507  
(973) 423-0100  
contact@mdllaw.net

*Attorneys for Plaintiff, JOHN DOE*

**KEVIN T. MULHEARN, P.C.**

*Kevin T. Mulhearn /S*

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**KEVIN T. MULHEARN, ESQ.\***

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(\*Admission to DCNJ Pending  
*Pro Hac Vice* Application)

**OF COUNSEL:**

**DARREN J. EPSTEIN, ESQ.\***

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(\*Admission to DCNJ Pending  
*Pro Hac Vice* Application)

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

"JOHN DOE," A PSEUDONYM

(b) County of Residence of First Listed Plaintiff Rockland County

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Mark D. Lefkowitz, Esq., 1600 Route 208 North, P.O. Box 507,  
Hawthorne, NJ 07507 : (973) 423-0100**DEFENDANTS**THE ROMAN CATHOLIC ARCHDIOCESE OF  
NEW YORK; THE ROMAN CATHOLIC DIOCESE OF METUCHEN;  
AND THEODORE E. MCCARRICKCounty of Residence of First Listed Defendant Essex County

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

See Schedule A, Attached hereto.

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                                   | DEF                                   |   | PTF                        | DEF                                   |
|---|---------------------------------------|---------------------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1            | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State                | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2            | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5            |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3            | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6            |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions:

| CONTRACT  | TORTS   | FORFEITURE/PENALTY   | BANKRUPTCY  | OTHER STATUTES  |   |
|---|---|--|---|---|---|
| <input type="checkbox"/> 110 Insurance<br><input type="checkbox"/> 120 Marine<br><input type="checkbox"/> 130 Miller Act<br><input type="checkbox"/> 140 Negotiable Instrument<br><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment<br><input type="checkbox"/> 151 Medicare Act<br><input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)<br><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits<br><input type="checkbox"/> 160 Stockholders' Suits<br><input type="checkbox"/> 190 Other Contract<br><input type="checkbox"/> 195 Contract Product Liability<br><input type="checkbox"/> 196 Franchise | <b>PERSONAL INJURY</b><br><input type="checkbox"/> 310 Airplane<br><input type="checkbox"/> 315 Airplane Product Liability<br><input type="checkbox"/> 320 Assault, Libel & Slander<br><input type="checkbox"/> 330 Federal Employers' Liability<br><input type="checkbox"/> 340 Marine<br><input type="checkbox"/> 345 Marine Product Liability<br><input type="checkbox"/> 350 Motor Vehicle<br><input type="checkbox"/> 355 Motor Vehicle Product Liability<br><input checked="" type="checkbox"/> 360 Other Personal Injury<br><input type="checkbox"/> 362 Personal Injury - Medical Malpractice | <b>PERSONAL INJURY</b><br><input type="checkbox"/> 365 Personal Injury - Product Liability<br><input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability<br><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability<br><b>PERSONAL PROPERTY</b><br><input type="checkbox"/> 370 Other Fraud<br><input type="checkbox"/> 371 Truth in Lending<br><input type="checkbox"/> 380 Other Personal Property Damage<br><input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881<br><input type="checkbox"/> 690 Other<br><b>LABOR</b><br><input type="checkbox"/> 710 Fair Labor Standards Act<br><input type="checkbox"/> 720 Labor/Management Relations<br><input type="checkbox"/> 740 Railway Labor Act<br><input type="checkbox"/> 751 Family and Medical Leave Act<br><input type="checkbox"/> 790 Other Labor Litigation<br><input type="checkbox"/> 791 Employee Retirement Income Security Act<br><b>IMMIGRATION</b><br><input type="checkbox"/> 462 Naturalization Application<br><input type="checkbox"/> 465 Other Immigration Actions | <input type="checkbox"/> 422 Appeal 28 USC 158<br><input type="checkbox"/> 423 Withdrawal 28 USC 157<br><b>PROPERTY RIGHTS</b><br><input type="checkbox"/> 820 Copyrights<br><input type="checkbox"/> 830 Patent<br><input type="checkbox"/> 835 Patent - Abbreviated New Drug Application<br><input type="checkbox"/> 840 Trademark<br><b>SOCIAL SECURITY</b><br><input type="checkbox"/> 861 HIA (1395ff)<br><input type="checkbox"/> 862 Black Lung (923)<br><input type="checkbox"/> 863 DIWC/DIWW (405(g))<br><input type="checkbox"/> 864 SSID Title XVI<br><input type="checkbox"/> 865 RSI (405(g))<br><b>FEDERAL TAX SUITS</b><br><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)<br><input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | <input type="checkbox"/> 375 False Claims Act<br><input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))<br><input type="checkbox"/> 400 State Reapportionment<br><input type="checkbox"/> 410 Antitrust<br><input type="checkbox"/> 430 Banks and Banking<br><input type="checkbox"/> 450 Commerce<br><input type="checkbox"/> 460 Deportation<br><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations<br><input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)<br><input type="checkbox"/> 485 Telephone Consumer Protection Act<br><input type="checkbox"/> 490 Cable/Sat TV<br><input type="checkbox"/> 850 Securities/Commodities/Exchange<br><input type="checkbox"/> 890 Other Statutory Actions<br><input type="checkbox"/> 891 Agricultural Acts<br><input type="checkbox"/> 893 Environmental Matters<br><input type="checkbox"/> 895 Freedom of Information Act<br><input type="checkbox"/> 896 Arbitration<br><input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision<br><input type="checkbox"/> 950 Constitutionality of State Statutes |

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 U.S.C. Section 1332 (Diversity Jurisdiction)

Brief description of cause:

Negligence for facilitating sexual abuse against Diocese; sexual battery against Defendant McCarrick

**VII. REQUESTED IN COMPLAINT:**☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.DEMAND \$ yes

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

09/30/2020

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_