

THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

Civil Division

D.A.L., an adult individual,

Plaintiff,

vs.

ST. JOSEPH PARISH and THE ROMAN
CATHOLIC DIOCESE OF
PITTSBURGH,

Defendants.

No.:

PLAINTIFF'S COMPLAINT

Filed on Behalf of Plaintiff: D.A.L.

Counsel of Record for this Party:

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NOTICE TO DEFEND

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, THEN YOU SHOULD GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

Lawyer Referral Service
Allegheny County Bar Association
4th Floor Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
Telephone: (412) 261-5555

**YOU MUST RESPOND TO THIS COMPLAINT WITHIN TWENTY (20) DAYS
OR A JUDGMENT FOR THE AMOUNT CLAIMED MAY BE ENTERED AGAINST YOU
BEFORE THE HEARING. IF YOU DO NOT APPEAR FOR THE HEARING, THE CASE
MAY BE HEARD IMMEDIATELY BEFORE A JUDGE. THERE IS NO RIGHT TO A
TRIAL DE NOVO ON APPEAL FROM A DECISION ENTERED BY A JUDGE.**

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PLAINTIFF'S COMPLAINT

AND NOW, comes the Plaintiff, D.A.L., by and through his undersigned counsel, D. Aaron Rihn, Esquire; Adam P. Murdock, Esquire; and the law firm of Robert Peirce & Associates, P.C., and claims damages of the Defendants, St. Joseph Parish and the Roman Catholic Diocese of Pittsburgh, upon causes of action, the following which are statements:

1. Plaintiff D.A.L. is an adult individual whose name and address are not contained in this Complaint, so as to protect his privacy and identity, as Plaintiff incurred injuries and damages of a sensitive nature, as set forth below.¹

2. Defendant St. Joseph Parish is a Pennsylvania religious institution located at 342 Dorseyville Road, Pittsburgh, Allegheny County, Pennsylvania 15215.

3. At all times relevant hereto, St. Joseph Parish operated St. Joseph School, where Plaintiff attended elementary school.

4. At some point after Plaintiff's attendance, St. Joseph School closed and transitioned to a pre-school.

¹ Plaintiff is an adult male who is alleging that he is the victim of sexual assault. His name will be made available through confidential discovery.

5. St. Joseph Parish still operates a church and pre-school at 342 Dorseyville Road, Pittsburgh, Allegheny County, Pennsylvania 15215.

6. The Roman Catholic Diocese of Pittsburgh is a Pennsylvania non-profit organization with its principal offices located at 111 Boulevard of the Allies, Pittsburgh, Allegheny County, Pennsylvania 15222, doing business as an organized religion, including, but not limited to the ownership, management, and operation of parishes and Catholic elementary and other schools within various Pennsylvania counties, including Allegheny County.

7. At all times relevant hereto, The Roman Catholic Diocese of Pittsburgh owned, managed, supervised, controlled, and/or operated St. Joseph Parish.

8. At all times relevant hereto, John Doe was employed by St. Joseph Parish as a teacher, and ostensibly by The Roman Catholic Diocese of Pittsburgh.

9. At all times relevant hereto, Defendants St. Joseph Parish and The Roman Catholic Diocese of Pittsburgh were acting individually and by and through their ostensible agents, servants, and employees, including John Doe.

FACTS COMMON TO ALL CAUSES OF ACTION

10. Plaintiff attended St. Joseph School from first through eighth grade.

11. While attending St. Joseph School, Plaintiff was sexually assaulted by a male teacher identified as John Doe.²

12. At the time of the sexual assaults, Plaintiff was enrolled in sixth grade and seventh grade at St. Joseph School.

13. Plaintiff was enrolled in sixth grade during the years 1975 to 1976.

14. Plaintiff was enrolled in seventh grade during the years 1976 to 1977.

² John Doe's identity will be made available during confidential discovery so as to protect his identity, as the allegations pled herein are heinous and horrific in nature.

15. At the time of the sexual assaults, Plaintiff was a minor.
16. At the time of the sexual assaults, John Doe was an authorized or ostensible agent and/or employee of Defendants St. Joseph Parish and The Roman Catholic Diocese of Pittsburgh.
17. The sexual assaults started when Plaintiff was in John Doe's classes in sixth grade.
18. John Doe taught several of John Doe's classes that year.
19. John Doe taught almost all of Plaintiff's classes in his seventh-grade year.
20. The sexual assaults continued into seventh grade, when John Doe was Plaintiff's homeroom teacher, and became more frequent.
21. During class, John Doe would approach Plaintiff as he sat at his desk and sexually assault him.
22. The sexual assaults always occurred while the students were working individually, on tests, readings, or other assignments, while their focus was on their own individual work.
23. John Doe would wait until all of the students were engaged with their own work before he approached Plaintiff.
24. John Doe would stand behind Plaintiff as he worked, lean over Plaintiff until he was close to Plaintiff, and then kiss Plaintiff on the head.
25. John Doe would then reach around Plaintiff and caress his chest, reach down and grope his genitals, and then reach down into Plaintiff's pants and touch his genitals.
26. John Doe forced the then elementary school aged Plaintiff to unwillingly engage in this sexual conduct on multiple occasions.
27. Plaintiff recalls that the sexual assaults occurred for roughly a year throughout sixth and seventh grade.

28. Plaintiff recalls John Doe as a large, intimidating man with a loud, booming voice who would slam doors and other things and threw chairs, which deterred Plaintiff from attempting to spurn his advances.

29. Plaintiff was not the only student who was sexually assaulted by John Doe, who also preyed on other insecure, defenseless students.

30. One day when Plaintiff was in seventh grade, the students in John Doe's class planned a walkout, in hopes to end the sexual assaults.

31. Plaintiff and his classmates walked out of class and went to the principal's office and reported the sexual assaults to the principal, Sister Annalita Fox.

32. Sister Fox did not believe Plaintiff or his classmates; rather, she forced them to confess their "sins" to Father Walter Demblowsky.

33. Father Demblowsky took Plaintiff and the other students into the cry room at the church individually and made them confess.

34. After the walkout, to Plaintiff's knowledge, the sexual assaults stopped, but John Doe kept his job, and the issue was never addressed by St. Joseph Parish, Sister Fox, Father Demblowsky, or the Diocese.

35. Plaintiff attempted to repress the memories of John Doe's horrendous assaults, as they were too painful to relive.

36. Plaintiff has suffered mental anguish as a result of John Doe's actions and has undergone therapy for the effects.

37. Plaintiff plans to return to therapy as he tries to cope with the effects that stem from the horrific assaults perpetrated by John Doe and the lack of protection by the Parish and Diocese, despite their knowledge of the assaults.

38. To this day, Plaintiff lacks self-confidence when it comes to work and his everyday life.

39. To this day, Plaintiff suffers from intimacy issues.

40. To this day, Plaintiff continues to suffer from post-traumatic stress disorder and severe anxiety stemming from the repeated sexual assaults he suffered at St. Joseph School at the hands of John Doe, and ostensibly St. Joseph Parish and The Roman Catholic Diocese of Pittsburgh.

COUNT I

Negligence

D.A.L. vs. St. Joseph Parish

41. All preceding paragraphs of this Complaint are incorporated herein, as if set forth more fully at length.

42. At all times relevant hereto, St. Joseph School acted by and through its duly authorized agents, servants, and/or employees, including Sister Fox, Father Demblowsky, and John Doe.

43. Defendant John Doe acted at all times as a teacher for St. Joseph School.

44. The alleged abuse occurred during the course and scope of his employment during school hours.

45. Defendant John Doe performed the abuse during his duties as a teacher for St. Joseph School.

46. Defendant St. Joseph Parish knew or should have known of the abuse of John Doe.

47. Defendant St. Joseph Parish, as well as its employees and agents, including Sister Fox, Father Demblowsky, and John Doe, had a duty to act prudently, and had a duty to provide ordinary and reasonable care in regard to the safety and well-being of students, including Plaintiff.

48. Defendant St. Joseph Parish, as well as its employees and agents, including Sister Fox, Father Demblowsky, and John Doe, had a duty to formulate, adopt, and enforce adequate rules and policies to ensure there was a safe environment for students such as Plaintiff.

49. Defendant St. Joseph Parish, as well as its employees and agents, including Sister Fox, Father Demblowsky, and John Doe, carelessly and negligently breached their duties owed to Plaintiff in the following particulars:

- a. By failing to protect Plaintiff from physical and psychosocial harm, injury, neglect, and abuse, as pled herein;
- b. By failing to provide a safe environment for Plaintiff, as pled herein;
- c. By failing to provide sufficient staff to monitor students, including Plaintiff;
- d. By failing to recognize that John Doe posed a risk to students at the school, including Plaintiff;
- e. By allowing John Doe to remain employed by Defendant St. Joseph Parish when he posed a known risk of danger to students, including Plaintiff;
- f. By failing to provide the necessary precautions and supervision to prevent Plaintiff from being repeatedly sexually assaulted by John Doe, as pled herein;
- g. By failing to implement a policy and/or procedure which would require personnel to monitor the location of teachers and students to ensure the safety and well-being of students, including Plaintiff;
- h. By negligently retaining staff who St. Joseph Parish knew, or should have known, were a danger to students such as Plaintiff;

- i. By failing to conduct a thorough background check on all St. Joseph School employees, such that a predatory individual was employed and given free rein to prey on and sexually assault students; and,
- j. By failing to monitor the behavior of John Doe.

50. As a direct result of Defendant St Joseph Parish's negligent, careless, and reckless conduct as described herein, the Plaintiff sustained both physical and emotional injuries, including:

- a. Past and future humiliation, embarrassment, loss of self-esteem, disgrace, guilt, and shame;
- b. Severe mental anguish and trauma, necessitating psychiatric and/or medical care and treatment in the past, present, and/or future;
- c. Past physical harm;
- d. Past and future loss of earnings and earning capacity during those periods Plaintiff was unable to work due to traumatization.

51. As a result of the previously described negligent, careless, and reckless conduct of St. Joseph Parish, Plaintiff seeks damages for the following items:

- a. Past and future money expended for medical and therapy services;
- b. Past and future pain, suffering, embarrassment, humiliation, inconvenience, anxiety, depression, loss of enjoyment of life, and nervousness of Plaintiff;
- c. Past and future hospital, medical, and therapy expenses incurred; and,
- d. Punitive damages as a result of the Defendant's actions as detailed herein, where St. Joseph Parish knew or should have known, that its acts and/or failures to act, as more fully set forth herein, would create a high degree of risk of physical and emotional harm, when it acted with deliberate

indifference to the health and well-being of Plaintiff, when it acted with deliberate indifference to Plaintiff's needs when he was being sexually assaulted by a St. Joseph Parish employee, who it knew or should have known, presented a risk to the elementary school aged Plaintiff. Further, these actions detailed herein show a complete and total lack of care for Plaintiff with regard to his physical and mental health, safety, well-being, and human dignity.

WHEREFORE, Plaintiff, D.A.L., claims damages of the Defendant, St. Joseph Parish, and demands compensatory and punitive damages from the Defendant in an amount in excess of the jurisdictional arbitration limits, together with interest, costs of suit, and any other relief this Honorable Court deems appropriate to recover for which this suit is filed.

COUNT II

Negligence

D.A.L. vs. The Roman Catholic Diocese of Pittsburgh

52. All preceding paragraphs of this Complaint are incorporated herein, as if set forth more fully at length.

53. At all times relevant hereto, Defendant The Roman Catholic Diocese of Pittsburgh acted by and through its duly authorized agents, servants, and/or employees, including St. Joseph Parish, Sister Fox, Father Demblowsky, and John Doe.

54. Defendant, Roman Catholic Diocese of Pittsburgh, as well as its employees and agents, including Defendant St. Joseph School, Sister Fox, Father Demblowsky, and John Doe,

had a duty to act prudently, and had a duty to provide ordinary and reasonable care in regard to the safety and well-being of students, including Plaintiff.

55. Defendant The Roman Catholic Diocese of Pittsburgh, as well as its employees and agents, including Defendant St. Joseph School, Sister Fox, Father Demblowsky, and John Doe, had a duty to formulate, adopt, and enforce adequate rules and policies to ensure there was a safe environment for students such as Plaintiff.

56. Defendant The Roman Catholic Diocese of Pittsburgh, as well as its employees and agents, including Defendant St. Joseph School, Sister Fox, Father Demblowsky, and John Doe, carelessly and recklessly breached their duties owed to Plaintiff in the following particulars:

- a. By failing to protect Plaintiff from physical and psychosocial harm, injury, neglect, and abuse, as pled herein;
- b. By failing to provide a safe environment for students, like Plaintiff, as pled herein;
- c. By failing to ensure that Defendant St. Joseph Parish was providing a safe environment for students, like Plaintiff, as pled herein;
- d. By failing to provide sufficient staff to monitor students, including Plaintiff;
- e. By failing to recognize that John Doe posed a risk to students at the school, including Plaintiff;
- f. By allowing John Doe to remain employed by Defendant St. Joseph Parish when he posed a known risk of danger to students, including Plaintiff;
- g. By allowing John Doe to remain employed by Defendant Roman Catholic Diocese of Pittsburgh when he posed a known risk of danger to students, including Plaintiff;
- h. By failing to provide the necessary precautions and supervision to prevent Plaintiff from being sexually assaulted by John Doe;

- i. By failing to ensure Defendant St. Joseph Parish was providing the necessary precautions and supervision to prevent Plaintiff from being sexually assaulted by John Doe;
- j. By failing to implement a policy and/or procedure which would require personnel to monitor the location of teachers and students to ensure the safety and well-being of students, including Plaintiff;
- k. By negligently retaining staff who Defendant Roman Catholic Diocese of Pittsburgh knew, or should have known, were a danger to students such as Plaintiff, as pled herein;
- l. By failing to conduct a thorough background check on all Defendant Roman Catholic Diocese of Pittsburgh employees, such that a predatory individual was employed and given free rein to prey on and sexually assault students;
- m. By failing to monitor the behavior, actions, and inactions of John Doe; and,
- n. By failing to monitor the actions and inactions of Defendant St. Joseph Parish.

57. As a direct result of the Defendant's negligent, careless, and reckless conduct as described herein, the Plaintiff sustained both physical and emotional injuries, including:

- a. Past and future humiliation, embarrassment, loss of self-esteem, disgrace, guilt, and shame;
- b. Severe mental anguish and trauma, necessitating psychiatric and/or medical care and treatment in the past, present, and/or future;
- c. Past physical harm;
- d. Past and future loss of enjoyment of life; and,
- e. Past and future loss of earnings and earning capacity during those periods Plaintiff was unable to work due to traumatization.

58. As a result of the previously described negligent, careless, and reckless conduct of The Roman Catholic Diocese of Pittsburgh, the Plaintiff seeks damages for the following items:

- a. Past and future money expended for medical and therapy services;
- b. Past and future pain, suffering, embarrassment, humiliation, inconvenience, anxiety, depression, loss of enjoyment of life, and nervousness of Plaintiff;
- c. Punitive damages as a result of the Defendant's actions as detailed herein, where The Roman Catholic Diocese of Pittsburgh knew or should have known, that its acts and/or failures to act, as more fully set forth herein, would create a high degree of risk of physical and emotional harm, when it acted with deliberate indifference to the health and well-being of Plaintiff, when it acted with deliberate indifference to Plaintiff's needs when he was being sexually assaulted by a St. Joseph Parish employee and Pittsburgh Diocese employee, who it knew or should have known, presented a risk to the elementary school aged Plaintiff. Further, these actions detailed herein show a complete and total lack of care for Plaintiff with regard to his health, safety, well-being, and human dignity.

WHEREFORE, Plaintiff, D.A.L., claims damages of the Defendant, The Roman Catholic Diocese of Pittsburgh, and demands compensatory and punitive damages from the Defendant in an amount in excess of the jurisdictional arbitration limits, together with interest, costs of suit, and any other relief this Honorable Court deems appropriate to recover for which this suit is filed.

COUNT III

Fraud

D.A.L. v. St. Joseph Parish and The Roman Catholic Diocese of Pittsburgh

59. All preceding paragraphs of this Complaint are incorporated herein, as if set forth more fully at length.

60. Defendants, including their authorized or ostensible agents and/or employees, had a duty to disclose any knowledge of alleged or actual abuse of children.

61. Defendant Parish, in conjunction with Defendant Diocese, had a duty to disclose information for the protection of their parishioners, students, and other members of the Diocese, and instead, intentionally covered up the acts of John Doe to deceive Plaintiff and others for the sole purpose of protecting the reputation of the Diocese, St. John's Parish, Sister Fox, Father Demblowsky, and its teachers, including John Doe.

62. Defendants intentionally deceived Plaintiff, parishioners, students, and other members of the Diocese by hiding the knowledge of a pedophile teacher within the Diocese who posed a threat to others.

63. By intentionally hiding the identity of a known pedophile, the Defendants engaged in a fraudulent scheme to prevent the teacher's identity from becoming public and to prevent any legal action against John Doe or Defendants.

64. As a direct and proximate result of the Defendants' conduct in concealment and misrepresentation of their knowledge of child sexual abuse, Plaintiff suffered injuries and damages set forth above.

WHEREFORE, Plaintiff, D.A.L., claims damages of the Defendants, St. Joseph Parish and The Roman Catholic Diocese of Pittsburgh, and demands compensatory and punitive damages from the Defendant in an amount in excess of the jurisdictional arbitration limits, together with interest, costs of suit, and any other relief this Honorable Court deems appropriate to recover for which this suit is filed.

COUNT IV

Constructive Fraud

D.A.L. v. St. Joseph Parish and The Roman Catholic Diocese of Pittsburgh

65. All preceding paragraphs of this Complaint are incorporated herein, as if set forth more fully at length.

66. Defendants, including their authorized or ostensible agents and/or employees, had a duty to disclose any knowledge of alleged or actual abuse of children.

67. Defendants, including their authorized or ostensible agents and/or employees, violated that duty by deceiving Plaintiffs and remaining silent about the known sexual abuse that was occurring within St. Joseph School.

68. Plaintiff and his classmates made the principal of the school aware of the sexual abuse they were undergoing in hopes that she would act on her duty and report the abuse; rather, Sister Fox did nothing.

69. As a result of Defendants' failures, Plaintiff was forced to endure sexual abuse at the hands of a teacher employed by Defendants and still suffers from the effects of the sexual abuse to this day.

70. By remaining silent on the abuse occurring within St. Joseph Parish, Defendants were able to protect their reputation, as well as the reputation of The Diocese, St. Joseph Parish, Sister Fox, Father Demblowsky, and John Doe, at the expense of Plaintiff and other abused children.

WHEREFORE, Plaintiff, D.A.L., claims damages of the Defendants, St. Joseph Parish and The Roman Catholic Diocese of Pittsburgh, and demands compensatory and punitive damages from the Defendant in an amount in excess of the jurisdictional arbitration limits, together with interest, costs of suit, and any other relief this Honorable Court deems appropriate to recover for which this suit is filed.

COUNT V

Conspiracy

D.A.L. v. St. Joseph Parish and The Roman Catholic Diocese of Pittsburgh

71. All preceding paragraphs of this Complaint are incorporated herein, as if set forth more fully at length.

72. The conspiracy included Defendant St. Joseph Parish, Defendant Roman Catholic Diocese of Pittsburgh, and their authorized and/or ostensible agents, including Sister Fox, Father Demblowsky, and John Doe.

73. Defendants conspired to hide any and all actual knowledge of the problem of pedophile teachers within the Diocese and St. Joseph Parish, thus exposing Plaintiff and other children to foreseeable sexual abuse by John Doe.

74. Defendants acted with the common purpose of concealing the sexual abuse that was perpetrated by John Doe within the walls of St. Joseph School and within the Diocese, directly violating their duty owed to Plaintiff.

75. As detailed in the Pennsylvania Grand Jury Report issued on August 14, 2018, the conspiracy to protect the reputation of Defendant St. Joseph Parish, Defendant Roman Catholic Diocese of Pittsburgh, Sister Fox, Father Demblowsky, and John Doe reflected a total indifference to the duty owed to children of the Diocese in general and Plaintiff in particular.

76. While the Pennsylvania Grand Jury Report only focused on the sexual abuse of Diocesan Priests, it represents a systemic and intentional conspiracy to protect the reputation of the Diocese, its parishes, and all of its employees, including John Doe, Sister Fox, and Father Demblowsky, at the expense of Plaintiff and other sexually and physically abused children.

WHEREFORE, Plaintiff, D.A.L., claims damages of the Defendants, St. Joseph Parish and The Roman Catholic Diocese of Pittsburgh, and demands compensatory and punitive damages from the Defendant in an amount in excess of the jurisdictional arbitration limits, together with interest, costs of suit, and any other relief this Honorable Court deems appropriate to recover for which this suit is filed.

COUNT VI

Fraudulent Concealment

D.A.L. v. St. Joseph Parish and The Roman Catholic Diocese of Pittsburgh

77. All preceding paragraphs of this Complaint are incorporated herein, as if set forth more fully at length.

78. There existed a special relationship between Plaintiff, and Defendants St. Joseph Parish and the Roman Catholic Diocese of Pittsburgh, and their authorized and/or ostensible agents, including Sister Fox, Father Demblowsky, and John Doe, were

79. Defendants St. Joseph Parish and the Roman Catholic Diocese of Pittsburgh deliberately hid or suppressed, with an intention to deceive or defraud Plaintiff, material facts or circumstances regarding John Doe's conduct.

80. Because Defendants intentionally concealed material facts or circumstances, depriving Plaintiff of the ability to acquire all material facts or circumstances, he relaxed his vigilance and inquiry.

WHEREFORE, Plaintiff, D.A.L., claims damages of the Defendants, St. Joseph Parish and The Roman Catholic Diocese of Pittsburgh, and demands compensatory and punitive damages from the Defendant in an amount in excess of the jurisdictional arbitration limits, together with interest, costs of suit, and any other relief this Honorable Court deems appropriate to recover for which this suit is filed.

A JURY TRIAL IS DEMANDED.

Respectfully submitted,

ROBERT PEIRCE & ASSOCIATES, P.C.

By: _____


D. AARON RIHN, ESQUIRE
Counsel for Plaintiff

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Civil Division

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Defendants.

VERIFICATION

I verify that the averments of fact made in the foregoing Plaintiff's Complaint are true and correct and based on my personal knowledge, information or belief. I understand that averments of fact in said document are made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsifications to authorities.

6/8/19

Dated


D.A.L.