

IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
TRIAL DIVISION

BETWEEN: **TODD BOLAND** **PLAINTIFF**

AND: **RAYMOND LAHEY** **FIRST DEFENDANT**

AND: **ROMAN CATHOLIC EPISCOPAL**
 CORPORATION OF ST. JOHN'S **SECOND DEFENDANT**

STATEMENT OF CLAIM

1. The Plaintiff is a resident of the City of St. John's, in the Province of Newfoundland and Labrador.
2. The First Defendant, Raymond Lahey, is presently residing in the City of Ottawa, in the Province of Ontario, and at all material times to this action was employed as a Roman Catholic Priest by Archbishop Alphonsus Penney ("Archbishop Penney") and the Second Defendant, in the Archdiocese of St. John's, in the Province of Newfoundland and Labrador, and as such was under the control and direction of Archbishop Penney and the Second Defendant. In particular, the First Defendant was employed by Archbishop Penney and the Second Defendant from August 11, 1982 to July 8, 1986 as a Roman Catholic Priest at St. Peter's Parish in the Archdiocese of St. John's and as Vicar General of the Archdiocese of St. Johns from August 1981 to July 8, 1986.
3. The Second Defendant, the Roman Catholic Episcopal Corporation of St. John's, is a corporation sole by virtue of an Act of the Newfoundland and Labrador House of Assembly, entitled *An Act to Incorporate the Roman Catholic Bishop of St. John's* (Nfld) Act. 3.Geo. V.c.10, as amended, and as such incorporates the Roman Catholic Archbishop of the Archdiocese of St. John's in the Province of Newfoundland and Labrador, carrying out the

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religious, charitable and educational purposes and uses of the Roman Catholic Church within the aforesaid Archdiocese, including the appointment, control and direction of its parish priests, such as the First Defendant.

4. Between 1979 and 1991, Alphonsus Penney was the Roman Catholic Archbishop of the Archdiocese of St. John's in the Province of Newfoundland and Labrador and as such was the head of the Roman Catholic Church, within the Archdiocese, embodied by the Roman Catholic Episcopal Corporation of St. John's, and was at all material times to the within action vicariously liable for the actions and inactions of the First Defendant in the latter's employment as a Roman Catholic Priest within the aforesaid Archdiocese.
5. Archbishop Martin Currie is the current Archbishop of the Archdiocese of St. John's in the Province of Newfoundland and Labrador and as such is the head of the Roman Catholic Church, within the Archdiocese, embodied by the Roman Catholic Episcopal Corporation of St. John's, and is the successor of Alphonsus Penney, who was directly responsible for the control and direction of the First Defendant in the latter's employment as Roman Catholic Priest within the said Archdiocese. Archbishop Martin Currie, as the Archbishop of St. Johns, and as embodied by the Roman Catholic Episcopal Corporation of St. John's, is vicariously liable for the actions and inactions of Archbishop Penney and the First Defendant.
6. The Plaintiff is Roman Catholic, and at all material times to this action, was a resident of Mount Cashel Orphanage in the City of St. John's, in the Province of Newfoundland and Labrador.
7. Beginning in 1982 and continuing through 1985, the Plaintiff became acquainted with the First Defendant when the latter performed pastoral services at Mount Cashel Orphanage in St. John's. During this time, the First Defendant frequently took the Plaintiff on outings in and around the City of St. John's, which outings included, but were not limited to, fishing

trips and the like.

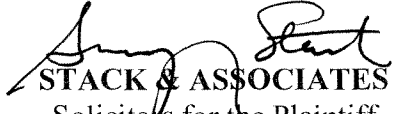
8. The Plaintiff states that all material times to the within action, the First Defendant held the office of Roman Catholic Priest and discharged duties commensurate with the office of a Roman Catholic Priest. The Plaintiff states that during the period referred to in the preceding paragraph, the First Defendant sexually assaulted the Plaintiff, which assaults included, but were not limited to acts of fondling, frottage and simulated anal intercourse.
9. Archbishop Penney and the Defendants were under a positive fiduciary duty to protect the Plaintiff from injury to his person and physical or mental health or morals, and Archbishop Penney and the Defendants knew or ought to have known that the Plaintiff would suffer damages if Archbishop Penney and the Defendants failed to carry out their duty.
10. Archbishop Penney and the Second Defendant knew or ought to have known of the actions, activities, and propensities of the First Defendant, but continued to employ him as a parish priest being aware that doing so would result in the continuing exposure of vulnerable persons, such as the Plaintiff, to the illicit attentions of the First Defendant.
11. The Plaintiff repeats the foregoing and states that as a result of the actions of the First Defendant and of the further actions and negligence and breach of fiduciary and other statutory and common law duties of Archbishop Penney and the Second Defendant, the Plaintiff has suffered damages and losses, some particulars of which are as follows:
 - (a) physical pain;
 - (b) mental suffering and anguish, including but not limited to nervous shock and humiliation;
 - (c) loss of enjoyment of life;

- (d) impairment of his opportunity to experience a normal adolescence and adulthood;
 - (e) impairment of his ability and opportunity to obtain and complete an education appropriate to his abilities and aptitude;
 - (f) impairment of his ability to earn an income and support himself; and
 - (g) impairment of his mental health and well-being.
12. The Plaintiff repeats the foregoing and states that Archbishop Penney and the Defendants breached their duty to the Plaintiff in that the First Defendant, as an employee of Archbishop Penney and the Second Defendant and being under the control and direction of same, did willfully and/or negligently inflict pain and suffering, mental suffering, humiliation and degradation upon the Plaintiff, assaulted the Plaintiff, and interfered with the normal healthy upbringing of the Plaintiff.
13. Archbishop Penney and the Second Defendant were negligent and breached their trust and their fiduciary, statutory and other duties towards the Plaintiff, some particulars of which are as follows:
- (a) failure to protect the Plaintiff from the First Defendant having been aware that the Plaintiff, as a young boy, was vulnerable to the attentions and influence of the First Defendant;
 - (b) failure to remove the First Defendant from his duties as a parish priest when Archbishop Penney and the Second Defendant knew, or ought to have known, of sexual misconduct during the posting of the First Defendant to the parish stated herein, thereby leaving young males, such as the Plaintiff, vulnerable to the First Defendant's improper and illicit intentions;

- (c) failure to properly supervise and to give proper guidance, direction, and control to their employee, the First Defendant;
 - (d) failure to warn the Plaintiff about the First Defendant's propensities and/or past allegations made against the First Defendant;
 - (e) failure to counsel and assist the Plaintiff once they learned of the First Defendant's actions;
 - (f) failure, in general, to take proper and reasonable steps to prevent injury to the Plaintiff's mental and physical well-being and moral safety while the Plaintiff was in the company of the First Defendant;
 - (g) failure to take proper and reasonable steps to ensure that its priests were adequately screened prior to being placed in positions where they would be left alone with children and young persons; and
 - (h) such other negligence as may appear.
14. The Plaintiff repeats the preceding paragraphs and states that the Second Defendant is vicariously liable for the actions of the First Defendant and Archbishop Penney.
15. The Plaintiff repeats the foregoing and states the damages suffered by the Plaintiff are a result of the negligence and/or willful actions of the First Defendant, Archbishop Penney and the Second Defendant, for which the Plaintiff claims:
- (a) general damages
 - (b) aggravated damages;
 - (c) special damages;

- (d) exemplary and punitive damages;
- (e) costs; and
- (f) such other relief as this Honourable Court deems just and meet.

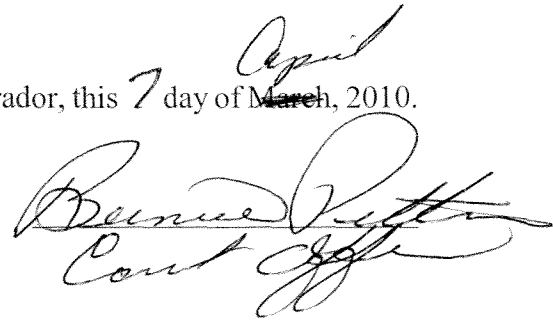
DATED at St. John's in the Province of Newfoundland and Labrador this 30th day of March, 2010.


STACK & ASSOCIATES
Solicitors for the Plaintiff
Whose Address for Service is:
135 Campbell Avenue
St. John's, NL A1E 2Z5

TO: The First Defendant
Raymond Lahey

TO: The Second Defendant
Roman Catholic Episcopal Corporation of St. John's
c/o Cox and Palmer
Solicitors for the First Defendant
Suite 1000, Scotia Centre
235 Water Street
St. John's, NL A1C 1B6
Attn: Mr. Thomas O'Reilly, Q.C.

ISSUED at St. John's, in the Province of Newfoundland and Labrador, this 7th day of ~~March~~ April, 2010.


Court Officer

2010 ST. J. No

**IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
TRIAL DIVISION**

BETWEEN: **TODD BOLAND** **PLAINTIFF**

AND: **RAYMOND LAHEY** **FIRST DEFENDANT**

AND: **ROMAN CATHOLIC EPISCOPAL**
CORPORATION OF ST. JOHN'S **SECOND DEFENDANT**

NOTICE TO THE DEFENDANT(S)

You are hereby notified that the Plaintiff may enter judgement in accordance with the Statement of Claim or such order as, according to the practice of the Court, the Plaintiff is entitled to, without any further notice to you unless within 10 days, after service hereof upon you, you cause to be filed with the Registry of the Supreme Court of Newfoundland and Labrador at St. John's a Defence and unless within the same time a copy of your Defence is served upon the Plaintiff or the Plaintiff's solicitor(s) stated address(es) for service.

Provided that if the claim is or a debt or other liquidated demand and you pay the amount claimed in the Statement of Claim and the sum of \$ (or such sum as may be allowed on taxation) for costs to the Plaintiff or the Plaintiff's solicitors within 10 days from the service of this notice upon you, then this proceeding will be stayed.

TO: The First Defendant
 Raymond Lahey

TO: The Second Defendant
 Roman Catholic Episcopal Corporation of St. John's
 c/o Cox and Palmer
 Solicitors for the First Defendant
 Suite 1000, Scotia Centre
 235 Water Street
 St. John's, NL A1C 1B6
 Attn: Mr. Thomas O'Reilly, Q.C.

2010 01T 2027

IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
TRIAL DIVISION

BETWEEN:

TODD BOLAND

PLAINTIFF

AND:

RAYMOND LAHEY

FIRST DEFENDANT

AND:

ROMAN CATHOLIC EPISCOPAL CORPORATION
OF St. JOHN'S

SECOND DEFENDANT

AND:

GUARDIAN INSURANCE COMPANY
OF CANADA

THIRD PARTY

DEFENCE OF THE SECOND DEFENDANT

1. The Second Defendant admits paragraphs 1 and 3 of the Statement of Claim herein.

2. As to paragraph 2 of the Statement of Claim herein the Second Defendant generally admits the allegations therein contained with the exception that it denies that the relationship between the First Defendant and the Second Defendant and Archbishop Alphonsus Penney was that of Employer/Employee.

3. As to paragraph 4 of the Statement of Claim herein the Second Defendant admits only that Alphonsus Penney was Archbishop of the Archdiocese of St. John's between 1979 and 1991.

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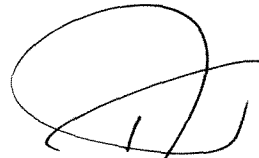
4. As to paragraph 5 of the Statement of Claim herein, the Second Defendant admits only that Archbishop Martin Currie is as of the date hereof Archbishop of the Archdiocese of St. John's.
5. As to paragraphs 6 and 7 of the Statement of Claim herein, the Second Defendant states that it has no knowledge of the allegations therein contained and therefore to the extent that the said allegations are material to the Plaintiff's claim against the Second Defendant, the Second Defendant denies the same and puts the Plaintiff to the proof thereof.
6. As to paragraph 8 of the Statement of Claim herein the Second Defendant admits only that during the time referred to in the Statement of Claim the First Defendant was a priest of the Archdiocese of St. John's with authority to exercise the duties commensurate with the office of a Roman Catholic Priest within the Archdiocese of St. John's.
7. As to paragraph 9 of the Statement of Claim herein the Second Defendant denies that it or Archbishop Penney were under the duty therein alleged in respect of the Plaintiff.
8. As to paragraph 10 of the Statement of Claim herein the Second Defendant refers to paragraph 9 of the Defence of the First Defendant and states that neither it nor Archbishop Penney had knowledge of any action, activity or propensity by or on the

part of the First Defendant in respect of the matters therein alleged and the Second Defendant puts the Plaintiff to the proof of his allegations against the First Defendant.

9. As to paragraph 11 of the Statement of Claim herein the Second Defendant again puts the Plaintiff to the proof of his allegations against the First Defendant and denies that either it or Archbishop Penney were negligent or breached any duty owed to the Plaintiff, the existence of any such duty is not admitted but is denied, and the First Defendant also denies that the Plaintiff has suffered the damages and losses therein alleged including the particulars thereof in the same manner and to the same extent as if the said particulars were set forth herein and specifically denied.
10. As to paragraph 12 of the Statement of Claim herein the Second Defendant again puts the Plaintiff to the proof of his allegations against the First Defendant and denies that it or Archbishop Penney breached any duty which it or he owed to the Plaintiff, the existence of any such duty as alleged is hereby denied.
11. As to paragraph 13 of the Statement of Claim herein the Second Defendant denies either that it or Archbishop Penney were negligent or breached any trust, fiduciary, statutory or any other duty owed to the Plaintiff as therein alleged and the Second Defendant also denies each and every particular of negligence therein alleged in the same manner and to the same extent as if each such particular were set forth herein and specifically denied.

12. The Second Defendant denies paragraph 14 of the Statement of Claim herein.
13. As to paragraph 15 of the Statement of Claim herein the Second Defendant again denies that it or Archbishop Penney were negligent and puts the Plaintiff to the proof of his allegations against the First Defendant and the Second Defendant also denies that the Plaintiff is, as against it, entitled to the relief therein claimed or any relief and requests that the within action, as against it, be dismissed with costs.

Dated at St. John's in the province of Newfoundland and Labrador this ^{9th} day of June, 2010.



Thomas J. O'Reilly Q.C.
Cox & Palmer
Solicitors for the Second Defendant
Whose address for Service is:
Suite 1000, 435 Water Street
St. John's, NL A1B 1B6

TO: Gregory Stack
Stack & Associates
Solicitors for the Plaintiff
135 Campbell Avenue
St. John's, NL A1E 2Z5

Joseph S. Hutchings, Q.C.
Poole Althouse
Solicitors for the First Defendant
Western Trust Building
49-51 Park Street
Corner Brook, NL A2H 6H7

The Third Party
Guardian Insurance Company of Canada
c/o Intact Insurance
M3-Mall Level 3
5657 Spring Garden road
Halifax, NS B3J 4A5

2010 01T 2027

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BETWEEN: TODD BOLAND PLAINTIFF

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CORORATION OF ST. JOHN'S SECOND DEFENDANT

DEFENCE OF THE FIRST DEFENDANT

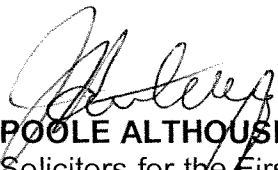
- 1. The First Defendant admits the allegations contained in paragraphs 1 and 3 of the Statement of Claim filed herein.
- 2. As to paragraph 2 of the Statement of Claim filed herein, the First Defendant admits that he presently resides at the City of Ottawa in the Province of Ontario and that at the times material to this action served as a Roman Catholic priest in the Archdiocese of St. John's in the Province of Newfoundland and Labrador and as such was under the direction of Archbishop Penney. The First Defendant further admits that he served from August, 1982 to July 8, 1986, as a Roman Catholic priest at St. Peter's Parish in the Archdiocese of St. John's and as Vicar General of the Archdiocese of St. John's from August, 1981 to July 8, 1986. The First Defendant denies the balance of the allegations contained in paragraph 2 of the Statement of Claim filed herein.
- 3. As to paragraph 4 of the Statement of Claim filed herein, the First Defendant admits that between 1979 and 1991, Alphonsus Penney was the Roman Catholic Archbishop of the Archdiocese of St. John's in the Province of Newfoundland and Labrador and as such was the head of the Roman Catholic Church within the Archdiocese. The balance of paragraph 4 of the Statement of Claim filed herein makes no allegation against the First Defendant and the First Defendant does not plead thereto.

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4. As to paragraph 5 of the Statement of Claim filed herein, the First Defendant admits that Archbishop Martin Currie is the current Archbishop of the Archdiocese of St. John's in the Province of Newfoundland and Labrador and as such is the head of the Roman Catholic Church within the Archdiocese and is the successor to Alphonsus Penney. The balance of paragraph 5 of the Statement of Claim filed herein does not make any allegation against the First Defendant and the First Defendant does not plead thereto.
5. As to paragraph 6 of the Statement of Claim filed herein, the First Defendant admits that at times material to this action, the Plaintiff was a resident of Mount Cashel Orphanage in the City of St. John's in the Province of Newfoundland and Labrador. The First Defendant has no current knowledge of the balance of the allegations contained in paragraph 6 and denies the said allegations.
6. As to paragraph 7 of the Statement of Claim filed herein, the First Defendant admits that in the period between 1982 and 1985, the Plaintiff became acquainted with the First Defendant when the First Defendant performed pastoral services at Mount Cashel Orphanage in St. John's. The First Defendant denies that he, frequently or otherwise, took the Plaintiff on outings in and around the City of St. John's and specifically denies that he took the Plaintiff on fishing or other trips.
7. As to paragraph 8 of the Statement of Claim filed herein, the First Defendant admits that, at times material to this action, the First Defendant held the office of Roman Catholic priest and discharged his duties commensurate with the office of a Roman Catholic priest. The First Defendant denies that, at the time alleged or any other time, the First Defendant assaulted the Plaintiff, sexually or otherwise, and specifically denies any act of fondling, frottage and simulated anal intercourse.
8. As to paragraph 9 of the Statement of Claim filed herein, the First Defendant admits that the First Defendant was under a positive fiduciary duty to protect the Plaintiff from injury to his person and physical or mental health or morals, and admits that the Plaintiff could suffer damages if the First Defendant failed to carry out that duty. As the balance of the paragraph does not make any allegation against the First Defendant, the First Defendant does not plead thereto.
9. As to paragraph 10 of the Statement of Claim filed herein, the First Defendant denies that he at any time exhibited illicit attentions to the Plaintiff and denies that he took actions, engaged in activities or did anything improper in relation to the Plaintiff. The First Defendant has no knowledge of what Archbishop Penney or the Second Defendant knew and, as the balance of the paragraph does not make any allegation against the First Defendant, the First Defendant does not plead thereto.

- 10. As to paragraph 11 of the Statement of Claim filed herein, the First Defendant denies that the Plaintiff has suffered damages or losses and denies each of the particulars of same alleged therein as if the same were set out herein and traversed and denied *seriatim*. The First Defendant specifically denies that any action or omission on his part caused any loss or damage to the Plaintiff.
- 11. As to paragraph 12 of the Statement of Claim filed herein, the First Defendant denies that he breached any duty to the Plaintiff, denies that he willfully or negligently inflicted pain and suffering, mental suffering, humiliation or degradation or any other harm upon the Plaintiff, denies that he ever assaulted the Plaintiff and denies that he ever interfered with the normal, healthy upbringing of the Plaintiff.
- 12. As to paragraph 13 of the Statement of Claim filed herein, the First Defendant says that the Plaintiff was not in need of protection from him and that there was no sexual misconduct during his posting to the Parish referred to in the Statement of Claim. As the balance of paragraph 13 does not make allegations against the First Defendant, the First Defendant does not plead thereto.
- 13. As paragraph 14 does not make any allegation against the First Defendant, the First Defendant does not plead thereto.
- 14. As to paragraph 15 of the Statement of Claim filed herein, the First Defendant denies any negligent or willful action which would give rise to the claim for damages set out therein, or any claim for damages.

DATED at the City of Corner Brook in the Province of Newfoundland and Labrador this 31st day of May, 2010.


POOLE ALTHOUSE
 Solicitors for the First Defendant
 whose address for service is:
 Western Trust Building
 49-51 Park Street
 Corner Brook, NL, A2H 6H7
 Facsimile: (709) 634-8247

TO:

Stack & Associates
 Solicitors for the Plaintiff
 whose address for service is:
 135 Campbell Avenue
 St. John's, NL, A1E 2Z5

TO:

Cox & Palmer
Solicitors for the Second Defendant
whose address for service is:
Suite 1000, Scotia Centre
235 Water Street
St. John's, NL, A1C 1B6