

Court File No. 52465/10

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

**BETWEEN:**

**MICHAEL JOHN BLUM**

Plaintiff

-and-

**DONALD J. GRECCO, JAMES MATTHEW WINGLE and  
THE ROMAN CATHOLIC EPISCOPAL CORPORATION OF THE  
DIOCESE OF ST. CATHARINES**

Defendants

**STATEMENT OF CLAIM**

**TO THE DEFENDANTS:**

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the Plaintiff. The claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or an Ontario lawyer acting for you must prepare a Statement of Defence in Form 18A prescribed by the Rules of Civil Procedure, serve it on the Plaintiff's lawyer or, where the Plaintiff does not have a lawyer, serve it on the Plaintiff, and file it, with proof of service, in this court office, **WITHIN TWENTY DAYS** after this statement of claim is served on you, if you are served in Ontario.

If you are served in another province or territory of Canada or in the United States of America, the period for service and filing your Statement of Defence is forty days. If you are served outside Canada and the United States of America, the period is sixty days.

Instead of serving and filing a Statement of Defence, you may serve and file a Notice of Intent to Defend in Form 18B prescribed by the Rules of Civil Procedure. This will entitle you to ten more days within which to serve and file your Statement of Defence.

IF YOU FAIL TO DEFEND THIS PROCEEDING, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO DEFEND THIS PROCEEDING BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

**SEP 20 2010**

Date: \_\_\_\_\_

Issued by **BARBARA FRASER**

Registrar,  
Superior Court of Justice  
Civil  
COURTHOUSE  
59 Church Street,  
St. Catharines, ON L2R 7N8

TO: **Donald J. Grecco**  
30 Barker Street  
Picton, ON

AND TO: **James Matthew Wingle**  
c/o 3400 Merrittville Hwy  
THOROLD, ON L2V 4Y6

AND TO: **The Roman Catholic  
Episcopal Corporation of  
The Diocese of ST. CATHARINES**  
3400 Merrittville Hwy  
THOROLD, ON L2V 4Y6

## CLAIM

### The Plaintiff Claims:

1. The plaintiff, Michael John Blum, claims damages as follows:
  - (a) non-pecuniary damages for pain and suffering in the amount of \$300,000.00;
  - (b) past and future pecuniary damages estimated in the amount of \$2,000,000.00;
  - (c) special damages in the amount of \$100,000.00;
  - (d) damages for mental distress in the amount of \$50,000.00;
  - (e) aggravated damages in the amount of \$50,000.00;
  - (f) punitive and exemplary damages in the amount of \$500,000.00;
  - (g) pre-judgment and post-judgment interest on the above-noted amounts pursuant to the terms and provisions of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, as amended;
  - (h) his costs of this action on a substantial indemnity basis;
  - (i) an Order validating service *ex juris* pursuant to Rule 17.02(g) and 17.02(h) of the *Ontario Rules of Civil Procedure*, in that the tort was committed and damages sustained in Ontario, and in the alternative, if deemed necessary, leave for and validation of service *ex juris*, pursuant to Rule 17.03 the *Ontario Rules of Civil Procedure*; and

- (j) such further and other relief as to this Honourable Court may seem to be as just.

**Parties:**

2. The plaintiff, Michael John Blum (the "Plaintiff"), was born on February 13, 1964 and presently resides in the municipality of Dunnville, in the Province of Ontario.
3. The Plaintiff was at all material times, a member of the Roman Catholic Church through the Roman Catholic Episcopal Corporation of The Diocese of St. Catharines (the "Diocese"). Specifically, the Plaintiff was a member of the St. Stephen Parish (the "Church") located in Cayuga, Ontario.
4. The defendant, Donald J. Grecco ("Grecco"), resides in the Town of Picton, in the Province of Ontario and was during all material times a priest of the Roman Catholic Church and was employed by the Diocese. Grecco was also, for the majority of the material time, a parish priest at the Church.
5. The defendant, James Matthew Wingle ("Wingle"), whereabouts is presently unknown. During all material times however, he was a priest and from 1993 until 2010 was the Bishop of the Roman Catholic Church and was employed by the Diocese from 2002 onwards.

6. The Diocese is a diocese of the Roman Catholic Church charged with the administration of parishes of the Roman Catholic Church within their geographical jurisdiction. The Diocese head office is located in the City of Thorold, in the Province of Ontario.

7. The Diocese, during all material times, had the following purpose and responsibility:

- (a) the establishment and maintenance of a uniform set of rules and principles which collectively define the ideology of the Roman Catholic religion;
- (b) the establishment of churches and schools to teach and inculcate these rules and principles in their members; and
- (c) the recruitment, selection, training and supervision of priests to carry out their purposes.

8. The Diocese had a duty of care to the Diocese's parishioners owing to the close proximity of its priests to the lives of the parishioners as well as the level of trust and faith which the parishioners and others extended to the Diocese, its priests and employees. Grecco and Wingle also owed a duty of care to the Plaintiff by the nature of their positions of parish priest and Bishop.

## **The Actions of Grecco**

9. In 1966 Grecco was ordained to the priesthood by the Diocese following their recruitment, selection and training of him. He was immediately posted to parish work within the Diocese.

10. In or about 1978, the Plaintiff met Grecco through the Church, which his family attended. The Plaintiff served as an altar boy and also performed odd jobs at the Church.

11. Grecco engaged in activities with the Plaintiff in his capacity as a parish priest, counselling him in religion, Catholic education and other matters. His activities included providing spiritual guidance, hearing confessions and conducting Mass.

12. Through his position as a parish priest and representative of the Diocese, Grecco was to the Plaintiff an important ecclesiastical authority.

13. Grecco used his position as a parish priest of the Diocese, which was a position of authority and trust, to develop a close personal relationship with the Plaintiff when he was young. The relationships that Grecco developed with the Plaintiff, under the guise of a priest-parishioner relationship, allowed Grecco an opportunity to be alone with the Plaintiff and to exert total control over him, prey upon him and sexually abuse him.



14. Commencing in approximately 1978, when the Plaintiff, was 14 years of age, and on many occasions over the following 1.5 years; Grecco repeatedly sexually abused, assaulted and molested the Plaintiff. The particulars of same include, but are not limited to the following:

- (a) exposed his naked body to the Plaintiff;
- (b) fondled the clothed body of the Plaintiff, including but not limited to his penis, scrotum and buttocks;
- (c) fondled the naked body of the Plaintiff, including but not limited to his penis, scrotum and buttocks;
- (d) engaged in simulated intercourse with the Plaintiff;
- (e) ejaculated on the Plaintiff;
- (f) engaged in other sexual activities with the Plaintiff; and
- (g) in order to facilitate the abuses Grecco engaged in a pattern of behaviour which was intended to make the Plaintiff feel that he was special in the eyes of Grecco, the Roman Catholic Church and God;

15. The aforementioned behaviours occurred on premises, which were owned or controlled by the Diocese, specifically the Rectory of the Church.

16. The aforementioned behaviour occurred on a regular and repeated basis, increasing in frequency, nature and intensity as it progressed. All of the aforementioned behaviours were related to priest-parishioner activities.

17. Throughout the period of time that the aforementioned behaviour was occurring, Grecco used his position of authority and trust, as well as the dependency relationship that he had fostered with the Plaintiff, to ensure that the Plaintiff did not tell anyone about the behaviours in which they had engaged in. Grecco continued to minister to the Plaintiff during this time, which included the hearing of his confessions and the provision of Mass.

18. Grecco's behaviour constituted sexual assault and battery. It was also a breach of the duty of care that he owed to the Plaintiff in that, *inter alia*, he did wilfully and/or negligently inflict pain and suffering, mental suffering, humiliation and degradation upon the Plaintiff, assaulted the Plaintiff and interfered with his normal upbringing and childhood solely for the purpose of his own gratification.

19. Grecco was convicted in 2010 of sexual crimes against the Plaintiff and also of similar crimes with two other boys.

**The Actions of Wingle:**

20. In 1993 Wingle was ordained as a Bishop of the Roman Catholic Church. He served as the Bishop of the Roman Catholic Diocese of Yarmouth in Nova Scotia before taking over as the Bishop of the Diocese in 2002.



21. Through his position as Bishop and representative of the Diocese, Wingle was to the Plaintiff and other parishioners the ultimate ecclesiastical authority within the Diocese.

22. In or about 2005, Wingle learned of allegations of sexual abuse made against Grecco by the Plaintiff. This allegation was corroborated by another allegation against Grecco which the Diocese had been informed of earlier. In response to these allegations Wingle took steps which failed to meet the standard of care required of him, and was thereby negligent, in that he knew or ought to have known that such actions would cause harm to the Plaintiff.

23. The particulars of Wingle's negligent actions include, but are not limited to the following:

- (a) failed to inform, communicate with, or coordinate with the Children's Aid Society regarding these allegations as he was statutorily required to do;
- (b) failed to conduct a full and proper investigation, and if feasible take ecclesiastical action against Grecco, as he was required to do pursuant to Canon Law and other internal procedures of the Diocese;
- (c) failed to inform, communicate with, or coordinate with the secular police authorities with respect to the serious allegations made against Grecco in 2005, nor did he encourage, support or inform the Plaintiff to do so;

- (d) during the criminal investigation and prosecution of Grecco, he failed to cooperate and coordinate with the secular police, specifically, he failed to inform them of the existence of another victim and allegation which was information located within Diocesan files.
- (e) at the time in 2005 when the Plaintiff made his allegation to the Diocese against Grecco he failed to inform the Plaintiff that the Diocese had received at least one prior complaint of a similar nature, thereby denying the Plaintiff the credibility to seek further justice and/or healing; and
- (f) failed to provide pastoral and/or psychological care to the Plaintiff, knowing that such care was necessary;

24. The abovementioned actions and omissions of Wingle listed in paragraph 23, also constitute misprision of felony, in that he, while in a special position of authority and responsibility, failed to report his knowledge of the wrongful actions of Grecco to the appropriate authorities. The Plaintiff suffered damages as a result of said misprision.

25. Wingle's tortious actions were not the result of any compulsion of duty to the Diocese nor were they bona fide within the proper scope of his authority, thereby eliminating any protection the Diocesan corporate veil may offer him.

### **The Actions of the Diocese:**

26. The Diocese taught the Plaintiff as well as other members of the Catholic Church the following:

- (a) that the Roman Catholic Church is the one true religion and is the representation of God's true teachings on earth;
- (b) that the authority of the Roman Catholic Church is supreme;
- (c) that by following the rules, principles and ideologies of the Roman Catholic Church one will gain the right to go to Heaven and that by failing to follow same one will not go to heaven and will go to Hell;
- (d) that parents must bring their children up in the ways of the Roman Catholic Church and that children must attend at Catholic schools so that they can be educated with respect to the ways of the Church;
- (e) that you must go to church at least once a week and attend Catholic schools where the rules, principles and ideologies of the Roman Catholic Church and religion are taught;
- (f) that the rule of God is supreme and that to disobey the rule of God is a mortal sin which will cause one to go to Hell;
- (g) that God's representation on earth and the teaching of God are done through priests;
- (h) that priests are the chosen representatives on earth of God and have special powers; and

- (i) that priests are to be viewed with special reverence, power, respect, honour and authority.

27. The Diocese employed Grecco to carry out the purposes and teachings referred to above in dealing with the Plaintiff. They provided Grecco with the opportunity and means to come into contact with the Plaintiff. They fostered a relationship between Grecco and the Plaintiff. They provided Grecco with a position of respect and trust which the Plaintiff was bound by the rules set out above to follow and honour. They provided Grecco with control of the Church and related rectory which further added to his position of power and respect.

28. The Plaintiff pleads that, at all material times, Grecco was acting in the course of his duties as a priest of the Roman Catholic Church and the Diocese and was using the aforementioned rules, principles and ideologies to further his attempts to manipulate the Plaintiff and engage in deviant activities.

29. The Plaintiff pleads that the aforementioned rules, principles and ideologies of the Diocese created an opportunity for Grecco to exert power and authority over the Plaintiff. This power and authority allowed Grecco to engage in the aforementioned behaviour and to continue to engage in same without resistance or question of the Plaintiff without risk of getting caught, and thereby put the Plaintiff at risk of being abused by Grecco.

30. The Plaintiff pleads that Grecco, as a result of his position with the Diocese which allowed him to use the premises owned by the Diocese, and to gain access to the Plaintiff, affording him an opportunity to foster a trusting relationship with the Plaintiff and engage in the aforementioned behaviours for a considerable period of time without the risk of getting caught and thereby put the Plaintiff at risk of being abused by Grecco.

31. As a result, the Diocese is vicariously responsible and liable for the actions of Grecco.

32. Furthermore, Wingle committed the abovementioned tortious acts and omissions listed in paragraph 23 while so appointed and employed as the Bishop of the Diocese. He utilized the opportunities, prestige and powers conferred with that position to facilitate his actions and therefore the Diocese is vicariously liable for his negligence.

33. The Plaintiff pleads that the Diocese was negligent and failed in its duty to the Plaintiff, the particulars of which are set out below:

- (a) it failed to recognize that a certain percentage of priests would become sexually deviant and would make sexual advances to children and young people;
- (b) it failed to instruct priests in training and ordained priests about the possibilities of becoming sexually deviant and/or making advances to children and young people;

- (c) it failed to properly investigate Grecco's background, character and psychological state prior to accepting him into the seminary and later the priesthood;
- (d) it failed to document, discipline or expel Grecco for his shortcomings as a seminarian;
- (e) it failed to follow its own internal policies in ordaining Grecco to the priesthood;
- (f) it failed to warn Grecco's immediate supervisors, parishioners, students and others who may come into contact with Grecco of his difficulties as a seminarian;
- (g) it failed to educate members of the Roman Catholic Church about the possibilities of such deviant behaviours;
- (h) it failed to have any, or a proper, system of self-reporting, other-reporting or counselling in place for priests who engage in such behaviour;
- (i) it fostered a system, based on the rules, principles and ideologies of the church, in which deviant sexual practices were bound to develop among a percentage of the priests;
- (j) it fostered a system, based on the rules, principles and ideologies of the church, in particular, the rule that priests have absolute authority, whereby the reporting of such deviant sexual behaviour of a priest by its members would be considered to be "wrong";
- (k) it denied the existence, or alternatively was wilfully blind to the



existence of the behaviours described herein;

- (l) it implemented and maintained a system which was designed to cover-up the existence of such behaviour if such behaviour was ever reported;
- (m) it failed to protect the Plaintiff from Grecco when it knew or ought to have known that he was vulnerable to the attentions and influence of Grecco;
- (n) it failed to properly supervise, control and give guidance to their employee Grecco;
- (o) it failed to screen and/or monitor the character, sexual orientation and sexual activity of Grecco;
- (p) it failed to warn the Plaintiff and others of the propensities of Grecco;
- (q) it failed to remove Grecco from his duties upon learning of the allegations of sexual and other inappropriate conduct thereby leaving the Plaintiff exposed to Grecco and his actions without protection;
- (r) it failed to protect the Plaintiff;
- (s) it failed to take steps to investigate the activities of Grecco once it was fully aware of his shortcomings in an effort to locate and assist any victims; and
- (t) it failed to identify, counsel and assist the Plaintiff once it knew of Grecco's prior behaviour.

34. In addition to, and in the alternative to the above, the Plaintiff pleads that the Diocese knew that Grecco had the propensity to engage in such deviant behaviours and that he was, in fact, engaging in such deviant behaviour because of the following:

- (a) Grecco's difficulties as a seminarian;
- (b) Grecco's difficulties with alcohol;
- (c) Grecco's difficulties with his sexuality;
- (d) The concerns of other clergy, parishioners, students and others;
- (e) the frequency with which the Plaintiff and other children and young people were involved with Grecco;
- (f) the unusual interest that Grecco took in young people and children, particularly the Plaintiff;
- (g) the duration of time in which the Plaintiff, other children and young people spent regular time alone with Grecco;
- (h) the fact that parents and others at Grecco's previous parish postings had complained about his actions with young people;
- (i) the fact that he had been reported to Diocesan officials for sexual misconduct in previous postings; and
- (j) the fact that Grecco would have, in accordance with the rules of the Roman Catholic Church, confessed about these deviant sexual behaviours (i.e. sins) from time to time to one or more of the other priests.

35. Despite their knowledge of same, the Diocese took no steps to stop the behaviour or to protect the Plaintiff and, instead, took steps to attempt to cover-up the behaviour.

36. In the alternative, if the Diocese did not have direct knowledge of the aforementioned behaviours, the Plaintiff pleads that the Diocese ought to have known about same because of the circumstances, as detailed above, surrounding the acts.

37. If the Diocese did not know of the aforementioned behaviour, it was because of the existence of its own rules, principles and ideologies which allowed Grecco to conceal his activities and cover up his deviant behaviour.

38. The Plaintiff pleads that the Diocese owed a special duty to the Plaintiff by virtue of its relationship with him to identify the Plaintiff, counsel and render assistance to the Plaintiff once they became aware of the behaviour of Grecco. Furthermore, they should have sought out Grecco's victims upon later learning of his misconduct.

39. The Diocese knew or ought to have known that Grecco had engaged in deviant behaviour while ministering and failed to investigate such. In failing to investigate and identify any past failings of Grecco they also failed to identify any victims who may have been in need of counselling, assistance and support because of the actions of Grecco. Such assistance would be

necessary in order to minimize the consequences of Grecco's actions and the effect of same on the Plaintiff. They have failed, to this day, to investigate the extent of Grecco's past behaviour and have failed to render any assistance to the Plaintiff, contrary to their own internal policies and the policies of the Canadian Conference of Catholic Bishops.

40. The Plaintiff states that the relationship between him, the Diocese and Grecco commenced when the Plaintiff was a minor, as such, the defendants owed to the Plaintiff a high duty/standard of care and, in particular, a duty to protect him from harm by its employees (i.e. priests) and specifically sexual abuse.

41. The Diocese learned of Grecco's abuses in the 1980's, in 2005 and again during the 2009 criminal prosecution and they failed to take any meaningful action against Grecco and also failed to identify the Plaintiff and provide him with any meaningful assistance. This constitutes further negligence on the part of the Diocese in that their above failures caused additional negative effects upon the Plaintiff.

42. The Plaintiff says that the Diocese, for the aforementioned reasons, failed in its duty of care to him and was thereby negligent.

**Damages:**

43. The Plaintiff states, and the fact is, that as a direct result of the

behaviour of the defendants he has suffered damages and losses the particulars of which are as follows:

- (a) mental anguish;
- (b) nervous shock, humiliation, degradation;
- (c) shame, guilt, low self-esteem and feelings of worthlessness;
- (d) depression and anxiety;
- (e) loss of enjoyment of faith;
- (f) loss of religious life/beliefs;
- (g) impairment of his opportunity to experience a normal adolescence and adulthood;
- (h) impairment of his ability and opportunity to obtain and complete an education appropriate to his abilities/aptitude;
- (i) impairment of his ability to earn an income and support himself and time off work due to emotional trauma;
- (j) impairment of his physical health, mental health and emotional well being;
- (k) a loss of enjoyment of life.

44. The Plaintiff has suffered and will continue to suffer physical, emotional and mental pain and suffering and a loss of enjoyment of life. The Plaintiff was deprived of a normal healthy adolescence as a result of the actions or inactions of the defendants. The life of the Plaintiff was fundamentally and forever changed by the above-noted behaviour.

45. The family of the Plaintiff has been adversely affected as a result of the shame, embarrassment and guilt caused to them as a result of the actions of the defendants.

46. The Plaintiff was so profoundly negatively affected by these behaviours and activities that he spent many of the formative years of his life struggling to deal with the physical, mental, psychological and emotional sequelae of these events. The Plaintiff has suffered the following:

- (a) impaired performance in education and employment;
- (b) inability to develop and engage in normal human relations, including trust issues and difficulty in establishing relationships of intimacy;
- (c) the questioning of sexual identity, sexual dysfunction, sexual hyperactivity, and other sexual problems;
- (d) suicidal thoughts;
- (e) symptoms of post-trauma stress disorder;
- (f) mistrust of authority figures;
- (g) hyper-vigilance;
- (h) feelings of self worthlessness, inadequacy and hopelessness;
- (i) anxiety and panic;
- (j) sleep disturbance, including nightmares and "flashbacks";
- (k) depression; and
- (l) a propensity to engage in reckless and careless behaviour



47. The Plaintiff has suffered a tremendous loss of enjoyment of life and ongoing pain and suffering. His ability to carry out a normal life has been extinguished or impaired.

48. The Plaintiff has suffered physical, mental, psychological and emotional stress, shock and suffering which will continue forever.

49. The Plaintiff has been required to undergo medical treatment and psychological counselling and will continue to require same indefinitely throughout his lifetime.

50. The Plaintiff has sustained out-of-pocket expenses, the particulars of which will be provided prior to the trial of the within action.

51. The Plaintiff has suffered and will continue to suffer economic losses, including, past income loss, future and ongoing income loss, and various other out-of-pocket expenses, the particulars of which will be provided.

52. The Plaintiff pleads that the conduct of Grecco described herein was harsh, high-handed, malicious and, as such, should be punished with aggravated and/or punitive damages, for which the Diocese is vicariously liable.

53. The Plaintiff further pleads that the conduct of the Diocese and Wingle described herein was harsh, high-handed, malicious and, as such, should be punished with aggravated and/or punitive damages, including but not limited to:

- (a) failing to appropriately react to reports of Grecco's sexual misconduct and instead transferring him to new postings where further unsuspecting victims awaited;
- (b) consciously and deliberately suppressing information concerning his sexual misconduct in an effort to protect the reputation of the Diocese over the safety of children;
- (c) promoting a culture of secrecy with respect to the sexual misconduct of clergy which was intended to benefit the Diocese rather than stop the misconduct or assist the victims; and
- (d) failing to fully cooperate with secular civil authorities during the 2009 police investigation into allegations against Grecco.

54. The Plaintiff has only recently been able to face these effects and still to this day has not fully realized the extent of his victimization. The Plaintiff became sufficiently capable of appreciating the impact of Grecco's actions in early 2009 and relies upon the principal of discoverability. Prior to this time the Plaintiff was incapable of proceeding due to the mental and psychological impact of the abuse.

55. The Plaintiff relies on the *Criminal Code of Canada*, R.S.C. 1985, c. C-46, the *Negligence Act*, R.S.O. 1990, c. N.1, as amended, the *Victims Bill of Rights*, 1995, S.O. 1995, c.6, and the *Limitations Act 2002*, S.O. 2002, c.24 Schedule B, the *Occupiers' Liability Act*, R.S.O. 1990, c. O.2, the *Child and Family Services Act*, R.S.O. 1990, c. C.11, and any and all predecessor legislation.

56. The Plaintiff also relies upon the 1917 Code of Canon law and the 1983 Code of Canon Law and related canonical and papal pronouncements as the internal policies and procedures of the Diocese.

57. The Plaintiff proposes that this action be tried in the City of St. Catharines, in the Province of Ontario.

Date of Issue:

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Solicitor for the Plaintiff

**BLUM**

**-- and --**

**DIOCESE OF ST. CATHARINES et al**

Court File No.

**52465/10**

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**  
Proceeding commenced at St. Catharines

**STATEMENT OF CLAIM**

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