

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

BETWEEN:



Plaintiff

and

FATHER LEO CAMPBELL, THE ROMAN CATHOLIC EPISCOPAL CORPORATION FOR  
THE DIOCESE OF SAULT STE. MARIE, IN ONTARIO, CANADA, THE CONGREGATION  
OF SAINT BASIL and HURON SUPERIOR CATHOLIC DISTRICT SCHOOL BOARD  
Defendants

**STATEMENT OF CLAIM**

TO THE DEFENDANT(S)

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 serving 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.

Date

Sept 28/09

Issued by

Local registrar

Address of court office:  
393 University Avenue  
10th Floor  
Toronto, Ontario  
M5G 1E6

**TO FATHER LEO CAMPBELL**

**AND TO: HURON SUPERIOR CATHOLIC DISTRICT SCHOOL BOARD**  
90 Ontario Avenue  
Sault Ste. Marie, ON P6B 6G7

**AND TO: THE ROMAN CATHOLIC EPISCOPAL CORPORATION FOR THE  
DIOCESE OF SAULT STE. MARIE, IN ONTARIO, CANADA**  
95 St. Joseph Street  
Toronto, ON M5S 3C2

**AND TO: THE CONGREGATION OF ST. BASIL**  
Cardinal Flahiff Basilian Center  
95 St. Joseph Street  
Toronto, ON M5S 3C2

## CLAIM

1. The Plaintiff ██████ claims:
  - a) general damages for pain and suffering in the amount of \$250,000.00;
  - b) general damages for loss of future income in the amount of \$500,000.00;
  - c) general damages for future care costs in the amount of \$100,000.00;
  - d) special damages in the amount of \$100,000.00;
  - e) aggravated damages in the amount of \$100,000.00;
  - f) punitive damages in the amount of \$100,000.00;
  - g) prejudgment interest in accordance with section 128 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, as amended;
  - h) postjudgment interest in accordance with section 129 of the *Courts of Justice Act*;
  - i) the costs of this proceeding, plus goods and services tax; and,
  - j) such further and other relief as this Honourable Court deems just.
  
2. The Plaintiff ██████ (“█████”) claims the foregoing damages as against the Defendants Father Leo Campbell (“Father Campbell”), St. Mary’s College (“St. Mary’s”), The Roman Catholic Episcopal Corporation for the Diocese of Sault Ste. Marie, in Ontario, Canada, The Congregation of Saint Basil (the “Church”) and Huron Superior Catholic District School Board (the “School Board”) (collectively, “the Defendants”):

- a) Sexual abuse, physical assault, psychological abuse and infliction of mental distress perpetrated upon [REDACTED] by Father Campbell;
  - b) breach of fiduciary obligations and/or non-delegable obligations owed to [REDACTED] arising out of the relationship between Father Campbell, as an adult and/or guardian and/or teacher and/or priest and [REDACTED] as a child; and
  - c) intentional and negligent infliction of mental distress occasioned as a result of the physical assault, sexual abuse, psychological abuse and breach of fiduciary obligations and/or non-delegable obligations as described herein.
3. Peter claims the foregoing damages as against the Defendant St. Mary's, the Church and the School Board:
- (a) breach of fiduciary duty owed to [REDACTED]
  - (b) breach of non-delegable duty owed to [REDACTED];
  - (c) negligence; and/or
  - (d) vicarious liability.

#### **THE PARTIES**

4. The Plaintiff [REDACTED] was born on [REDACTED] 1965 and is presently 43 years old. He resides in the City of Toronto, in the Province of Ontario.

5. Father Campbell was at all material times a priest and an employee and/or agent of both the Church and the School Board, and was acting under the Church's supervision and authority.
6. The School Board was, at all material times, a Catholic School Board charged with operating and managing various Catholic schools in the Huron Region. St. Mary's was established in 1956 by Basilian priests as an all-boys Catholic high school and began admitting girls in 1987. Father Campbell was a clergy member and/or employee of the school. St. Mary's, and the property on which the school is located, is owned and operated by the School Board.
7. The Church administers and operates various Catholic parishes predominantly in North and South America and employed and/or materially empowered Father Campbell.
8. At all material times, Father Campbell was an employee, servant or agent of the Church and of the School Board.

#### **THE ABUSE**

9. █████ states that during a one year period in and around 1979, when █████ was approximately fourteen years old, he was sexually assaulted and battered and/or psychologically abused by Father Campbell.
10. █████ states that he was sexually abused at St. Mary's.
11. █████ states that Father Campbell began by grooming him and finally his buttocks and penis.

12. █████ states that one morning he mistakenly went to school early. Father Campbell found █████ in the gym and began to fondle him and rub against him, after which Father Campbell forced █████ to perform oral sex on him.
13. █████ states that one incident of sexual abuse was in the spring of 1979, while █████ was in grade nine. Father Campbell took █████ and three other boys on a weekend camping trip.
14. On the first night of the camping trip, █████ was left alone in a tent with Father Campbell. Father Campbell slept next to █████. Over the course of that night Father Campbell sexually assaulted █████ by fondling him and rubbing up against him, after which he proceeded to rape █████.
15. █████ states that Father Campbell sexually assaulted him on numerous other occasions. These sexual assaults included Father Campbell forcing █████ to perform oral sex on him and anally raping █████. These incidents occurred in his classroom, or the library classroom at St. Mary's College.
16. On at least one occasion, Father Campbell became angry with █████, berated him and pulled his hair.

#### **LIABILITY OF FATHER CAMPBELL**

17. █████ states that he had confided in Father Campbell for support while away from his parents and living with extended family. Father Campbell took advantage of █████'s emotional and psychological vulnerability and his tender age to perpetuate the sexual and physical assaults on him.

18. Father Campbell cultivated an inappropriate relationship with [REDACTED] through his position as a priest and a teacher. He also used his physical size and authority to promulgate and foster the sexual and emotional manipulation of [REDACTED]. [REDACTED] trusted Father Campbell because of his position as a priest, teacher and employee and/or agent of the Church and the School Board. Father Campbell used his position to gain [REDACTED]'s trust.
19. Father Campbell seized upon [REDACTED]'s vulnerabilities, which included but were not limited to [REDACTED]'s age, and used his position of authority and dominance as a priest, teacher and an employee and/or agent of the Church and the School Board to create a safe environment for himself in which to sexually assault and emotionally abuse [REDACTED].
20. [REDACTED] pleads that he trusted Father Campbell because:
  - a) Father Campbell was an employee of the School Board;
  - b) Father Campbell was a well respected priest;
  - c) Father Campbell was an authority figure;
  - d) Father Campbell was older in age; and
  - e) such further and other reasons as may be advised.
21. [REDACTED] states that pursuant to his religious upbringing and beliefs, he viewed Father Campbell as he would any other priest of the Church: as a messenger of God who was virtuous, trustworthy, ethical and who was a teacher to him in all matters. [REDACTED] trusted and relied on Father Campbell to guide him in moral teachings and to safeguard his interests. [REDACTED] states that he viewed Father Campbell as an authority figure.

22. To conceal his sexual assault and battery and/or psychological torment of [REDACTED], Father Campbell used various insidious measures to ensure that [REDACTED] did not disclose the sexual assault and battery and/or psychological abuse. [REDACTED] pleads and relies upon the doctrine of fraudulent concealment.
23. [REDACTED] states that he was unable to disclose the abuse at an earlier time given his fear, embarrassment, self-blame and denial. [REDACTED] felt alone and awkward and confined to secrecy given his situation. [REDACTED] repressed much of the anger and grief resulting from the abuse. It was and continues to be very painful for him.
24. [REDACTED] pleads that Father Campbell's conduct and actions in the circumstances have caused him to develop certain psychological mechanisms in order to survive the horrors of the sexual and psychological abuse. The mechanisms include denial, repression, disassociation and guilt.
25. [REDACTED] states that until now, he did not have a substantial awareness of the harm caused by the abuse and was unaware of the connection between his injuries and the abuse.
26. [REDACTED] states that the denial, self blame and disassociation associated with child sexual abuse victims further barred any meaningful discovery of his injuries and/or of the causal connection between later emerging injuries and the sexual assaults and battery until recently when he was able to disclose the abuse.
27. [REDACTED] states that he is only now beginning the process of understanding and appreciating the full extent of the damage caused to him by the sexual assault and battery performed



upon him by Father Campbell and the nexus between the sexual assault and battery and the damages caused by the abuse.

28. ██████ pleads and relies upon the presumption that as a victim of childhood abuse, he has not yet fully discovered the necessary connection between his injuries and the wrongs done to him by Father Campbell.
29. The Plaintiff was incapable of commencing the proceeding before now because of his physical, mental or psychological condition. He relies on the presumptions established in sections 10(2) and 10(3) of the *Limitations Act, 2002*, S.O. 2002, c-24, Sch. B with respect to same.
30. ██████ pleads that at the time of the assaults, Father Campbell had charge of him, was in a position of trust or authority in relation to ██████ and was someone on whom ██████ was dependent.
31. As a result of the relationship between ██████ and Father Campbell, ██████ became vulnerable to Father Campbell to such an emotional extent that Father Campbell owed him a special duty or fiduciary duty of care:
  - a) not to psychologically terrorize and physically assault him;
  - b) not to use the relationship to satisfy his own sexual desires;
  - c) to respect the integrity and privacy of ██████'s person; and
  - d) such further and other duties as may be advised prior to trial.

32. ██████ pleads that at the time of the assaults, Father Campbell had charge of him, was in a position of trust or authority in relation to ██████ and was someone on whom ██████ was dependent.
33. ██████ states that Father Campbell's actions as aforesaid constitute a breach of trust, negligence and assault upon his person. ██████ further states that Father Campbell's assaults were malicious and humiliating, and were done with reckless disregard of ██████'s rights. ██████ pleads that he is entitled to aggravated damages.
34. The conduct of Father Campbell was intentional, malicious and was done with the knowledge that it would cause ██████ to suffer humiliation, indignity, sexual, physical, emotional and mental distress and injury. Further, the conduct of Father Campbell was done with the knowledge that ██████'s emotional and physical anguish would increase, and with wanton, careless and wilful disregard of the consequences to ██████
35. Father Campbell's conduct was harsh, vindictive and reprehensible. Such conduct is offensive to the ordinary standards of decent conduct in the community and is conduct which ought to be deterred and is deserving of full condemnation and punishment.

#### **LIABILITY OF THE CHURCH AND THE SCHOOL BOARD**

36. At all material times Father Campbell was an employee, servant or agent of both the Church and of the School Board, and as such the Church and the Board are vicariously liable for the acts of Father Campbell committed in the course of his employment, service or agency.
  
37. ██████ states that the Church and the School Board knew or ought to have known that the trust and reliance placed on Father Campbell by ██████ would be the view taken by any young boy towards a priest of the Church, and that ██████ would seek refuge and comfort from the Church during difficult times.
  
38. The Priest, the Church and the School Board are vicariously liable for the actions of Father Campbell since:
  - a) the Church and/or the School Board knew or ought to have known of the abusive relationship between ██████ and Father Campbell;
  - b) there was a significant connection between creation or the enhancement of the risk to ██████, and the sexual assault and battery that accrued therefrom;
  - c) the Church and/or the School Board created or enhanced the risk of harm to Peter by materially empowering Father Campbell;
  - d) the sexual assault and battery was related to the intimacy inherent in the Church and /or the School Board's enterprise;

- e) the children who were members of the Church and students of the St. Mary's school, including [REDACTED] were vulnerable to the wrongful exercise of the power granted to Father Campbell by the Church and the School Board;
- f) the Church and/or the School Board can effectively compensate Peter; and
- g) the Church and the School Board will be deterred from employing and empowering priests and other clergy like Father Campbell who are paedophiles and/or predators.

39. As a result of the relationships between [REDACTED] Father Campbell, the Church and the School Board, [REDACTED] became dependent on the Defendants and vulnerable to them to the extent that the Church and the School Board owed [REDACTED] a duty of care and/or fiduciary duty to:

- a) ensure that their employees and agents were effectively and adequately monitored and trained;
- b) ensure that their employees were not sexually abusing children who they supervised;
- c) ensure that children were adequately protected from those in position of authority at the Church;
- d) ensure that children were adequately protected while on their property;
- e) not to employ or otherwise empower Father Campbell; and
- f) such further and other breaches as may be advised prior to trial.

40. The Church and the School Board breached their fiduciary duties and/or non-delegable duties owed to [REDACTED], and were negligent in their hiring and supervision of Father Campbell in that they knew or ought to have known that Father Campbell was not a suitable employee, agent and/or clergyman for the following reasons:
- a) they failed to prevent the abuse against [REDACTED];
  - b) they failed to remove Father Campbell from the Church, and from the employ of St. Mary's school, even though they knew or ought to have known him to have tendencies toward paedophilia;
  - c) they failed to conduct a reference check with respect to Father Campbell or, if they conducted a reference check, they failed to adequately and properly do so in accordance with accepted and/or reasonable personnel procedure;
  - d) they did not provide proper, adequate or effective training or monitoring, initially or on an ongoing basis of Father Campbell to ensure that he was suitable and fit to act as a priest of the Church and/or an employee or agent of the School Board, being in the presence of and having relationships with children such as [REDACTED];
  - e) they failed to properly train staff and/or have in place a system which might detect and respond to sexual assault and battery by clergy, employees, servants or agents such as Father Campbell;
  - f) they failed to adequately supervise Father Campbell such that he would not be able to commit sexual assault and battery upon children such as [REDACTED];

- g) they knew or ought to have known that Father Campbell was a paedophile or a person with aberrant sexual tendencies who engaged in illegal and immoral sexual activities with children who were under his supervision or otherwise, activities for which he was ultimately convicted;
- h) they knew or ought to have known that placing Father Campbell in a position of trust and authority would facilitate their capacity to do wrong and without that position and authority the wrong could not have been perpetrated against [REDACTED];
- i) they knew or ought to have known that Father Campbell inflicted the abuse and breaches during the course of his employment and/or agency;
- j) they knew or ought to have known of Father Campbell actions involving [REDACTED] and they knew or ought to have known of his relationship with [REDACTED];
- k) they failed to appreciate the significance of and/or were wilfully blind to the unusual amount of contact between Father Campbell and [REDACTED];
- l) they failed to make any inquiry concerning Father Campbell activities when one ought to have been made under the circumstances; and
- m) they failed to render assistance to [REDACTED] when they became aware or ought to have become aware of the abuse.

41. The Church and the School Board benefited by the omissions described herein because, for example:

- a) they desired to cover up Father Campbell's abuse of [REDACTED];

- b) they desired to avoid negative attention;
- c) they desired to avoid negative publicity that would hurt their reputations; and
- d) they were more concerned with cost saving measures than with ensuring proper protections were in place to care for vulnerable individuals such as [REDACTED]

42. [REDACTED] states that his suffering as herein described was foreseeable by the Defendants, and was caused by the intentional and/or negligent acts referred herein.

43. [REDACTED] states that the Church and the School Board all knew or ought to have known that it was reasonably foreseeable that Father Campbell would commit sexual assault and/or battery upon [REDACTED]

44. Pursuant to the provisions of the *Education Act*, R.S.O. 1990 c. E.2 [REDACTED]'s attendance at St. Mary's was mandatory and this requirement upon him placed the School Board in a position of *parens patriae* to [REDACTED], as the School Board stood in place and instead of his parents during [REDACTED]'s time at school.

45. The negligent hiring and/or supervision of Father Campbell by the Church and the School Board, and the breach of fiduciary duty and/or non-delegable duty by the Church and the School Board, materially contributed to the injuries sustained by [REDACTED] as a result of Father Campbell's acts of sexual assault and battery, insofar as these acts of negligence and breach of fiduciary duty and/or non-delegable duty allowed Father Campbell to continue his employment, service or agency and have access to children, such as [REDACTED].

46. As owner of St. Mary's school property where some of the assaults occurred, the School Board was also negligent in failing to ensure that children like [REDACTED] were safe from harm while on their property.

#### **IMPACT OF THE ABUSE**

47. As a result of the actions of Father Campbell and of the further breach of fiduciary duty and/or non-delegable duty and/or negligence of the Church and the School Board, [REDACTED] has suffered damages and losses, some particulars of which are as follows:

- a) humiliation and indignity;
- b) physical, emotional and mental pain;
- c) guilt, shame and self-blame;
- d) lack of self-confidence and self-esteem;
- e) inappropriate coping behaviour;
- f) inappropriate sexual behaviours;
- g) major depression, helplessness and suicidal ideation;
- h) loss of enjoyment of life;
- i) anxiety;
- j) insomnia and nightmares of abuse;
- k) problems with memories and flashbacks;



- l) avoidance of reminders of the abuse;
- m) inability to concentrate;
- n) a crisis in self-identity and sexuality;
- o) problems with promiscuity and/or intimacy;
- p) difficulty in developing healthy and meaningful relationships;
- q) inability to trust other individuals;
- r) substance abuse;
- s) impairment of his opportunity to experience a normal childhood and development of his adolescence and adulthood;
- t) further impairment of his mental health and well-being such that he requires medical treatment and counseling;
- u) distrust and resentment toward authority figures, especially males, leading to conflicts with employers and educational institutions;
- v) impairment of his ability and opportunity to obtain an education appropriate to his abilities and aptitude;
- w) impairment of his ability to earn income and support himself;
- x) loss of income and loss of future income; and
- y) such further and other damages as may be advised prior to trial.

48. [REDACTED] states that as a direct result of the harm caused to him by the Defendants, he has difficulty interacting with authority figures. He also states that it has negatively affected his ability to maintain healthy relationships with both family and friends, and with intimate partners.
49. [REDACTED] subsequently began abusing alcohol and recreational drugs, as well as gambling. He has struggled with recurring clinical depression throughout his adult life and has struggled with feelings of worthlessness and despair.
50. [REDACTED] states that as a further result of the harm caused by the Defendants, his schooling suffered, including both secondary and post-secondary education. [REDACTED] states that after the abuse commenced, his grades fell. [REDACTED] was afraid to go to school or to participate in class. [REDACTED] was very afraid of teachers and of his own peer group.
51. [REDACTED] attempted many career options throughout his life but was unable to successfully complete any of the programs.
52. [REDACTED] first attempted to study [REDACTED], he completed the course, worked for a while but his addictions took over and could not continue practising [REDACTED]. He then studied [REDACTED] at [REDACTED] in 1988 and 1992, however was unable to ever obtain a degree. In 1992, he enrolled in [REDACTED] courses at [REDACTED] University, however was once again unable to obtain a degree.
53. [REDACTED] has also had difficulties retaining employment due to the abuse he has suffered. He has worked for numerous employers, mostly in construction, landscaping and irrigation.

54. [REDACTED] has great difficulty making friends and having intimate relationships. He has a constant fear of rejection and this has greatly strained his marriage. He fears anyone in a position of authority.
55. [REDACTED] claims damages against the School Board in its capacity of employer or principal of Father Campbell for injuries sustained as a result of Father Campbell's acts of physical and psychological assault and battery and intentional infliction of emotional distress on him.
56. [REDACTED] claims damages against Father Campbell, the Church and the School Board for injuries sustained as a result of Father Campbell's acts of physical and psychological assault against him, for infringement of his bodily integrity, and for intentional infliction of emotional distress.
57. [REDACTED] further claims that the conduct of Father Campbell, the Church and the School Board is reprehensible and is conduct which should be deterred and he is therefore entitled to punitive and exemplary damages.
58. The Defendants subjected [REDACTED] to humiliating, oppressive and malicious conduct, and acted in reckless disregard towards him. [REDACTED] pleads that he is entitled to aggravated damages.
59. [REDACTED] pleads and relies upon the *Negligence Act* R.S.O. 1990 c.N.1, and *Education Act*, R.S.O. 1990 c. E.2, and subsequent amendments thereto and its predecessor legislation.
60. [REDACTED] pleads that the School Board, as occupier of St. Mary's, and the Church owed a duty of care to him to ensure that he was reasonably safe while on the premises and that

the School Board and the Church breached its duty of care and the particulars of the breach and the damages that resulted are particularized above and [REDACTED] pleads and relies on the *Occupiers' Liability Act*, R.S.O. 1990, C.O. and subsequent amendments thereto and its predecessor legislation and common law principles.

The Plaintiff, [REDACTED], proposes that this action be tried at the City of Toronto, Province of Ontario.

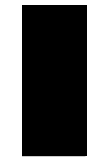
(Date of Issue)

*Sept 28/09*

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Solicitors for the Plaintiff  
[REDACTED]



Plaintiff

-and-

Father Leo Campbell et al.  
Defendants

CV-09-387927

Court File No.

*ONTARIO*  
SUPERIOR COURT OF JUSTICE  
PROCEEDING COMMENCED AT TORONTO

**STATEMENT OF CLAIM**

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Peter Luci

Our File No: 27559,0001