

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION**

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COURT

JOHN DOE 184,)	
)	
Plaintiff,)	
)	
v.)	No.
)	
THE CATHOLIC BISHOP OF CHICAGO, a corporation sole, and CARDINAL FRANCIS GEORGE,)	
)	
Defendants.)	

COMPLAINT

The Plaintiff, John Doe 184, by and through his attorneys, Kerns, Frost & Pearlman, LLC, and Jeff Anderson and Associates, P.A., and for his causes of action against the Defendants, states as follows:

PARTIES

1. John Doe 184 is and was at all relevant times a resident of Cook County in the State of Illinois.
2. The Catholic Bishop of Chicago, a corporation sole, is and was at all relevant times an Illinois corporation. The Catholic Bishop of Chicago, a corporation sole, is also known as the Archdiocese of Chicago, an ecclesiastical entity of the Roman Catholic Church (hereafter the "Archdiocese of Chicago" or "Archdiocese").
3. At all times material to the Complaint, the Archdiocese of Chicago was conducting business in the State of Illinois, with its principal place of business in Cook County, Illinois.
4. Defendant Cardinal Francis George ("Cardinal George") is and was at all relevant times the head of the Archdiocese. Cardinal George is and was the local agent of the Roman

Catholic Church appointed by the Pope. As chief operating officer and ordinary of the Archdiocese, Cardinal George has ultimate authority and responsibility for, and at all times relevant had complete control over all matters within the Archdiocese, including employment matters related to priests.

FACTS

5. Father Daniel McCormack (hereinafter "McCormack") was ordained a priest in approximately 1994. At all material times, McCormack was an adult and a priest within the Archdiocese.

6. At all times material, McCormack was a Roman Catholic priest, educated, trained and ordained by and/or under the supervision, employ, agency and/or control of the Archdiocese.

7. The Archdiocese owns, operates and/or controls a seminary system consisting of a minor seminary/college (Niles College at Loyola) and a major seminary/divinity school (St. Mary of the Lake in Mundelein, Illinois) for the purpose of educating, evaluating, and training young men to become priests within the Archdiocese.

8. The Defendants are responsible for the assignment, promotion, and removal of seminarians within the Archdiocese's seminary system.

9. Prior to becoming a priest, from 1986 to 1991, McCormack attended Niles Seminary, and Mundelein Seminary.

10. While he was an adult in the Defendants' seminary system, McCormack sexually abused, touched, or molested a minor boy in Mexico.

11. While he was an adult in the Defendants' seminary system, McCormack engaged in improper or predatory sexual conduct with young adult males that were also seminarians.

12. In or about 1992, while McCormack was still a seminarian, seminary officials, faculty members, and on information and belief, the Vice Rector of St. Mary of the Lake Seminary, in Mundelein, Illinois, learned of McCormack's acts of sexual misconduct and molestation.

13. In or about 1992, despite learning of McCormack's proclivities for engaging in deviant sexual conduct, Defendants did not, however, report McCormack to civil authorities, or otherwise warn the public.

14. Also despite learning of McCormack's sexual proclivities for engaging in deviant sexual conduct, Defendants did not remove McCormack from the seminary system, and instead, promoted and eventually ordained him as a Catholic priest of the Archdiocese.

15. At all relevant times, including when McCormack was a seminarian and a priest, McCormack was an employee or agent or apparent agent of the Defendants.

16. Following his ordination, McCormack was authorized to represent himself as a priest of the Roman Catholic Church, to wear the uniform or vestments of a Roman Catholic priest, to teach and counsel the public on behalf of the Defendants, including minors and to otherwise exercise the rights, privileges, and responsibilities of a Roman Catholic priest.

17. In or about 1998, McCormack was appointed by the Archdiocese to teach, counsel, instruct, and guide child parishoners at Holy Family Parish.

18. In October 1999, the principal of Holy Family School, who was a nun, received a report that Daniel McCormack asked a fourth-grade boy to pull down his pants in the sacristy at Holy Family.

19. When confronted with the report in or about 1999, McCormack admitted that "he used poor judgment."

20. The principal reported this incident to an official at the Office of Catholic Schools, and was told by the official that “if the parents aren’t pushing it, let it go.”

21. The principal reported McCormack’s behavior with children in 2000 to Archdiocese officials numerous time. She told several Archdiocese officials verbally and in writing about an incident involving a young boy.

22. The Defendants did not at any time prior to the time that Plaintiff was abused report McCormack to civil authorities after receiving these reports, did not tell any of the parishioners at any of the parishes where McCormack worked about these reports, and did not tell any other children to whom McCormack had access, or parents, about the reports.

23. In or about September 2000, rather than remove McCormack from ministry and restrict his access to children, the Defendants, promoted McCormack to the position of Pastor of St. Agatha’s parish, in Chicago, Illinois. At the time that he was assigned to St. Agatha’s, the Defendants knew or should have known of the prior reports or allegations of sexual abuse of minors and of sexual activity with seminarians by McCormack.

24. While at St. Agatha’s parish, Defendants continued to allow McCormack access to children, despite the prior reports that McCormack had engaged in sexual misconduct with at least two minor boys, and two young male seminarians. The Defendants did not inform the public or members of St. Agatha’s of McCormack’s deviant sexual history, and the danger that he posed to children.

25. St. Agatha’s included a church, a rectory, an afternoon day care, and an elementary school campus that was part of Our Lady of the West Side. While at St. Agatha’s and Our Lady of the West Side, McCormack provided instruction, mentoring, education and guidance to parish children, and also became the coach of St. Agatha’s boy’s basketball team.

26. On information and belief, in 2002 the Cardinal represented to the public that the he and the Archdiocese had adopted a “zero tolerance” policy that mandated that priests involved in childhood sexual abuse be removed from ministry. He also represented to the public that a priest with even one act of sexual misconduct with a child should not be allowed in public ministry in order to protect children.

27. On information and belief, in 2004 Cardinal George and the Archdiocese represented to the public that there were no priests that were accused of childhood sexual abuse that were in public ministry in the Archdiocese of Chicago.

28. From 1999 to 2005, officials of the Office of Catholic Schools, and Archdiocesan organization, received numerous allegations of suspicious activities involving McCormack with children. These allegations caused the teachers to undertake their own “informal monitoring” of their minor students when McCormack was in the school.

29. On September 5, 2003, the Defendants received a report of possible misconduct by McCormack with children. The female that reported the misconduct left a telephone number for a return call to make sure that the Defendants responded appropriately to the complaint.

30. After receiving the September 5, 2003 report, the Defendants took no action to remove McCormack from ministry, restrict his access to children, warn the public and the children to whom he had access, report McCormack to civil authorities, or otherwise protect children from McCormack.

31. In August of 2005 the Defendants, via the Office of the Vicars for Priests, learned that McCormack had been arrested and was being questioned by the Chicago Police Department regarding allegations of sexual abuse of a minor boy.

32. In or around August 2005, the Defendants received information that the allegations of sexual abuse by McCormack being investigated by the Chicago Police Department were credible.

33. In August of 2005 the Defendants did not inform law enforcement of the previous incidents of sexual misconduct by McCormack.

34. In August 2005, the Archdiocese did not remove McCormack from ministry, restrict his access to children, or inform any of the parishioners, including any of the children, parents or workers, at St. Agatha's parish that law enforcement was investigating McCormack for childhood sexual abuse.

35. In September of 2005, the mother of a 10 or 11 year old boy twice called the Defendants and reported in detail that McCormack had sexually molested her son on multiple occasions in 2003.

36. Also in September of 2005, the mother of the 10 or 11 year old boy met with the principal and a teacher at Our Lady of the Westside School. The mother again reported in detail that McCormack sexually had molested her minor son.

37. Both the principal and teacher at Our Lady of the Westside School are employees of and under the control of the Defendants.

38. In September 2005, the Defendants did not remove McCormack from ministry or restrict his access to children, and did not inform any of the parishioners, including any of the children, parents or the majority of the workers, at St. Agatha's parish that the Defendants had recently received new reports from a mother that her child was molested by McCormack.

39. On or about October 15, 2005, the Defendants' Professional Review Board recommended that McCormack be removed from his position as pastor at St. Agatha's for the

safety of children. The Defendants, however, chose not to remove McCormack from ministry until January 2006.

40. Plaintiff herein, John Doe 184, met McCormack when he was approximately 11 or 12 years old, during the summer of 2003 or 2004. Plaintiff often played basketball after school at St. Agatha parish.

41. Beginning in 2004, McCormack would invite Plaintiff inside the rectory at St. Agatha, where he would sit Plaintiff on his lap, unzip his pants, and fondle Plaintiff's genitals.

42. On other occasions, Plaintiff would help McCormack with projects or chores at St. Agatha where McCormack would repeat his sexual fondling of Plaintiff. The molestations occurred in the rectory and in the school building.

43. After the molestations would occur, McCormack would often reward Plaintiff for his help at the church, and would lure him back for more "projects" in exchange for money, usually in the form of gift cards, cash, or on one occasion, a video game. This occurred repeatedly between 2004 and late 2005.

44. The abuse eventually escalated and on at least one occasion, McCormack grabbed Plaintiff's hand and forced him to masturbate McCormack's penis. Following this incident of abuse, McCormack gave Plaintiff toys and another gift card, and sent him home.

45. On another occasion, McCormack attempted to force Plaintiff to perform oral sex on him.

46. The incidents of abuse, followed by money or gift-giving, occurred continuously from 2004, through approximately December 2005 or January 2006 – just prior to McCormack being arrested for a second time, and taken into custody by the police.

47. On information and belief, the woman who oversaw the after-school program at St. Agatha's has stated that she repeatedly saw young boys knocking on the back door of the rectory during the fall of 2005, but apparently had never been told of the prior allegations of sexual misconduct by McCormack.

48. In January 2006, McCormack was arrested and charged with sexually molesting two boys on multiple occasions.

49. After McCormack was charged and the public found out that the Defendants, including specifically Cardinal George, had known about the police investigation since August 2005, the Defendants represented to the public that, "[w]e didn't know what the allegation was, we didn't know who the young child was who was the alleged victim. We simply knew that [McCormack] was taken in for questioning and released."

50. The day before McCormack was arrested, an Archdiocesan official called the principal (nun) that reported McCormack in 2000 and asked her if she remembered anything about her involvement in 2000. The nun asked about the letter that she had written and the Archdiocesan official told her that it was nowhere to be found.

51. After McCormack's arrest, Cardinal George represented to the public that the Archdiocese has not been able to find the letter from the nun or any other record of her reports.

52. Defendants had learned of McCormack's sexual abuse of young boys prior to the time that McCormack was assigned to St. Agatha's and began abusing Plaintiff.

53. Before Plaintiff was first sexually abused by McCormack, Defendants had actual and/or constructive knowledge of material facts regarding McCormack's inappropriate and sexually abusive behavior, but failed to act on that knowledge, thereby increasing the likelihood that Plaintiff would be harmed.

54. As a direct result of the Defendants conduct, Plaintiff has suffered and will continue to suffer great pain of mind and body, severe and permanent emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, humiliation and psychological injuries, was prevented and will continue to be prevented from performing his normal daily activities and obtaining the full enjoyment of life, has and/or will incur expenses for medical and psychological treatment, therapy and counseling and, on information and belief, has incurred and will continue to incur loss of income and/or loss of earning capacity.

COUNT I: NEGLIGENCE

Plaintiff incorporates Paragraphs 1 through 54 of this Complaint as if fully set forth under this count and further alleges that:

55. Defendants, accepted minor parishioners and held Saint Agatha's parish out as a place of safety, guidance, healing, refuge and support and held McCormack out as a fit priest. Defendants agreed to and did undertake to provide for the supervision, care and physical safety of children at and upon the premises of Saint Agatha's, including Plaintiff.

56. Defendants, by and through their agents, servants and employees, knew or should reasonably have known of McCormack's dangerous and exploitative propensities as a child molester.

57. At all relevant times, the Defendants owed a duty of reasonable care to the Plaintiff to protect the Plaintiff from harm, including inappropriate sexual touching, contact and/or abuse by McCormack.

58. At all relevant times, the Defendants, as mandatory reporters in the State of Illinois, also owed a duty to report McCormack to civil authorities upon learning that he had sexual contact with minors.

59. The Defendants breached their duties of reasonable care to the Plaintiff by committing one or more of the following acts and/or omissions:

- a. failed to properly investigate reports of inappropriate sexual behavior, conduct and/or abuse by McCormack while he was a seminarian and while he was a priest prior to assigning him to St. Agatha's parish;
- b. failed to timely report McCormack to civil authorities after receiving reports of his sexual misconduct with minors;
- c. failed to remove McCormack from ministry or from work that would allow him unlimited access to minors;
- b. failed to adequately supervise McCormack in his position as a priest;
- b. failed to warn the public or Plaintiff and his family, that McCormack had engaged inappropriate sexual activity with children and was a danger to others;
- c. allowed McCormick to have unsupervised contact with Plaintiff, wherein McCormack was able to sexually abuse Plaintiff;
- d. were otherwise carless and negligent.

60. As a direct and proximate result of Defendants' conduct, Plaintiff has sustained and continues to sustain the injuries and damages alleged herein.

WHEREFORE, the Plaintiff, John Doe 184, requests that judgment be entered in favor of the Plaintiff and against the Defendants, in an amount in excess of the jurisdictional limits of this Court and such other relief as this Court deems just and equitable.

COUNT II – FRAUD

Plaintiff incorporates paragraphs 1-54 of this complaint as if fully set forth under this

count.

61. By assigning Fr. McCormack to St. Agatha as a priest who would have unsupervised access to children to which it reaches out in the community, Defendants affirmatively represented to Plaintiff and his family that Fr. McCormack was safe around children and that he did not have a history of molesting children, that Defendants did not know that McCormack had a history of molesting children and that Defendants did not know that McCormack was each a danger to children.

62. Prior to the sexual abuse of Plaintiff, the Defendants also specifically represented to the public that it had in place a "zero tolerance" policy to protect minors from priests who had allegations of sexual abuse made against them, and that no priest in active ministry, including McCormack, had been accused of having sexually abused minors or otherwise engaged in sexual misconduct with minors.

63. Defendants knew that its representations to Plaintiff and his family were false because Defendants knew that McCormack had a history of sexually molesting children and was a danger to children.

64. Whether McCormack had a history of molesting children, whether Defendants knew that McCormack had a history of molesting children and whether Defendants knew that McCormack was a danger to children were all material facts to Plaintiff.

65. Had Plaintiff known that McCormack had a history of sexually molesting children and that Defendants knew that McCormack had a history of sexually molesting children Plaintiff would have acted differently.

66. Defendants made the misrepresentations with the intent to deceive Plaintiff and to induce him to act on the misrepresentations to his detriment.

67. Plaintiff justifiably relied upon Defendants' misrepresentations which caused him to be sexually molested by McCormack and suffer the other damages described herein.

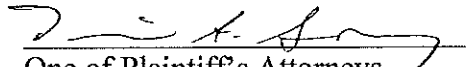
68. Defendants' misrepresentations were the proximate cause of Plaintiffs' damages.

69. As a direct and proximate result of Defendants' conduct, Plaintiff has sustained and continues to sustain the injuries and damages alleged herein.

WHEREFORE, Plaintiff John Doe 184 demands judgment in Plaintiff's favor, and against Defendants, in an amount in excess of the jurisdictional limits of this Court, and such other relief as the court deems just and equitable.

PLAINTIFF DEMANDS TRIAL BY JURY.

Respectfully Submitted,


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