The State of New Hampshire

SUPERIOR COURT

10255

CHESHIRE COUNTY

( ) COURT

(X) JURY

WRIT OF SUMMONS

COPY

[redacted] v. Roman Catholic Bishop of Manchester, Inc.
153 Ash Street
Manchester, NH 03105
AND
Gordon MacRae
c/o New Hampshire State Prison
P.O. Box 14
Concord, NH 03301

The Sheriff or Deputy of any County is ordered to summon each defendant to file a written appearance with the Superior Court at the address listed below by the return day of this writ which is the first Tuesday of February (MONTH), 1995 (YEAR).

The PLAINTIFF(S) state(s):

- See attached PLEA -

and the Plaintiff(s) claim(s) damages within the jurisdictional limits of this Court.

W^m Cleary, Esq
INDORSER (sign and print name) William W. Cleary, Esq.

12/08/94
DATE OF WRIT

NOTICE TO THE DEFENDANT

The Plaintiff listed above has begun legal action against you. You do not have to physically appear in Court on the return day listed above since there will be no hearing on that day. However, if you intend to contest this matter, you or your attorney must file a written appearance form with the Clerk's Office by that date. (Appearance forms may be obtained from the Clerk's Office.) You will then receive notice from the Court of all proceedings concerning this case. If you fail to file an appearance by the return day, judgment will be entered against you for a sum of money which you will then be obligated to pay.

Witness, JOSEPH P. NADEAU, Chief Justice, Superior Court.

Stillman D. Rogers, Clerk
NH Superior Court Cheshire County
12 Court St PO 444
Keene NH 03431
(603) 352-6902

W^m Cleary
SIGNATURE OF PLAINTIFF/ATTORNEY

William W. Cleary, Esq.
PRINTED/TYPED NAME
PARENT & CLEARY
206 Roxbury Street
ADDRESS
Keene, NH 03431 / (603) 357-3928
PHONE

213-003-10

RETURN OF SERVICE

_____ COUNTY _____ DATE, 19 _____

10256

I summoned the within named _____ by

☐ giving in hand to _____

☐ leaving at the abode of _____

at _____

an attested copy of this Writ/Petition to Attach at _____ a.m./p.m. this date.

_____
SIGNATURE

_____
TITLE

_____
AGENCY

FEES: Service: $ _____

Travel: _____

Other: _____

TOTAL: $ _____

IN A PLEA OF LAW IN ACCORDANCE WITH THE ATTACHED DECLARATION

PARTIES

1. Plaintiff [redacted] is a resident of Cheshire County. His date of birth is [redacted]

2. Defendant Gordon MacRae was, at the time of the events alleged in this Writ, an employee and agent of the Roman Catholic Church, Arch Diocese of Manchester. He is presently a resident of the New Hampshire State Prison serving 33 1/2 to 67 years on convictions of aggravated felonious sexual assault and felonious sexual assault.

3. Defendant Roman Catholic Bishop of Manchester, Inc. is and has been at all times pertinent to this action, a non-profit corporation with its principal place of business in the City of Manchester, New Hampshire, and administers Our Lady of Miraculous Medal in Hampton, New Hampshire, St. Bernard's Parish in Keene, New Hampshire and Sacred Heart Church in Marlborough, New Hampshire.

JURISDICTION AND VENUE

4. Jurisdiction is vested in this Court pursuant to N.H. R.S.A. 491:7.

5. This court is the proper venue for this matter since the Plaintiff [redacted] resides in Cheshire County and the causes of action arose primarily in Cheshire County.

BACKGROUND FACTS

6. Plaintiff [redacted] was adopted and came to New Hampshire as an infant. He was raised by his family as a devout Catholic with great respect, deference and reverence for Catholic priests.

7. Prior to 1981, while attending St. Mary's Seminary in Baltimore, Maryland, the Defendant Gordon MacRae became friendly with Plaintiff [redacted] family and began to visit and stay with them at their home in [redacted] after making gifts to Plaintiff [redacted] and his siblings.

8. In 1982 while a deacon at the St. Francis Parish in Groveton, New Hampshire, the Defendant Gordon MacRae counseled Plaintiff [redacted] and his brother [redacted] concerning the separation of their parents.

9. During the period of 1982 to 1984 while Defendant Gordon MacRae was an associate priest at Our Lady of Miraculous Medal in Hampton, New Hampshire and at St. Bernard's Parish in Keene, New Hampshire, he continued to counsel Plaintiff [redacted] concerning his relationship with his parents.

10. At all times during the relationship between Plaintiff [redacted] and Defendant Gordon MacRae, Father MacRae was under the supervision and authority of the Bishop of Manchester.

11. From approximately June 1982 through June of 1983, Defendant Gordon MacRae was employed by and in the services of Defendant Roman Catholic Bishop of Manchester as Associate Pastor of the Hampton Church under the direct supervision of Monsignor Gerard Boucher, who was directly employed by and in the service of the Catholic Bishop of Manchester serving as Pastor of The Hampton Church.

12. Upon information and belief, during the spring of 1983, a young man by the name of [redacted] went to Monsignor Boucher and told Monsignor Boucher that something was not right with his relationship with Defendant Gordon MacRae. Monsignor Boucher responded to [redacted] by telling him not to worry, that Defendant MacRae would be leaving soon anyway. After this conversation, but before Defendant Gordon MacRae was transferred, Defendant MacRae fondled the sexual organs of [redacted] at least three or four more times.

13. In June of 1983, the Defendant Roman Catholic Bishop of Manchester, Inc. authorized the transfer of Defendant MacRae to Saint Bernard's Parish, in Keene, New Hampshire.

14. On or about September 1983, [redacted] went to Father Jim Watson, who was then employed by and in the service of Defendant Roman Catholic Bishop of Manchester, serving as Pastor of The Hampton Church. [redacted] told Father Watson that Defendant MacRae had done things to him that made him feel uncomfortable. In response, Father Watson told [redacted]

[redacted] that these were very serious allegations and that [redacted] might want to reconsider.

15. At all times pertinent to this action, Defendant Roman Catholic Bishop of Manchester was the supervisory authority responsible for Defendant MacRae, Monsignor Boucher and Father Watson.

16. Upon information and belief, which information Plaintiff [redacted] believes to be true, at all times pertinent to this action, prior to Defendant MacRae's ordination as a Priest in the Roman Catholic Church, Defendant Roman Catholic Bishop of Manchester was also the supervisory authority responsible for other Priest in its service within the State of New Hampshire. Said other Priests had allowed Defendant MacRae admission into churches throughout the State of New Hampshire with unidentified teenagers, even after they had received notice of concerns about Defendant MacRae's appropriateness for Priesthood, based on evidence of psychological dysfunction. Through their actions, such priests had facilitated Defendant MacRae in his sexual molestation of said unidentified teenagers, including the aforementioned [redacted] and [redacted] and [redacted] brothers of Plaintiff [redacted]

17. At the time of his assignment to Saint Bernard's Parish, Father Gordon MacRae was under the supervision of the Roman Catholic Bishop of Manchester, Inc., who had actual knowledge

of Defendant MacRae's sexual interest in young boys as evidenced by a 1983 report to Bishop Odore Gendron, the then acting Bishop of Manchester, by the New Hampshire Division of Children and Youth Services and by the previously alleged conversations between [redacted] and Monsignor Boucher and Father Watson.

18. In the spring of 1982, while on a trip to Our Lady of Miraculous Medal, in Hampton, New Hampshire, Defendant MacRae supplied [redacted], then 13 years old, with alcohol, which he consumed and then became sick on. Defendant MacRae then had [redacted] remove his clothes and shower in his presence.

19. After showering, Defendant Gordon MacRae laid [redacted] down on a bed and fondled Plaintiff [redacted] genitals with his hands and kissed him all over his body.

20. This incident culminated with Defendant MacRae performing fellatio on [redacted]

21. During this same trip to Hampton, New Hampshire, Defendant MacRae removed [redacted] clothes and attempted to engage in anal sex with him.

22. During the years from 1982 until 1985, this pattern of attack was repeated on [redacted] approximately 20 times.

23. During the years from 1979 until 1985, Defendant MacRae plied [redacted] with gifts and money in an attempt to gain his continued cooperation.

24. In the summer of 1985, Plaintiff [redacted] was informed he was to report to Saint Bernard's Church Rectory in Keene, New Hampshire for his reconfirmation counseling session with Father Gordon MacRae.

25. When Plaintiff [redacted] arrived for this session, he was led upstairs by Defendant Gordon MacRae. There Defendant Gordon MacRae again supplied Plaintiff [redacted] with alcohol, which Plaintiff [redacted] did consume.

26. While Plaintiff [redacted] was under the intoxicating influence of the alcohol, Defendant Gordon MacRae undressed Plaintiff [redacted] and performed fellatio on Plaintiff [redacted]

27. Defendant Gordon MacRae then left the room. A short time later, another person entered the room and also performed fellatio on Plaintiff [redacted]. Afterwards this person left and Defendant MacRae returned to the room. Defendant MacRae then attempted to perform anal intercourse on the person of Plaintiff [redacted] However, he was unsuccessful in this attempt.

28. During the period of time of 1985 through 1987, Defendant MacRae solicited [redacted] for continued sexual activity as well as for the purpose of prostitution.

29. Plaintiff [redacted] was particularly vulnerable to inappropriate sexual advances, as he was a minor at the time of the incidents alleged in this Writ.

30. During all sexual acts Defendant Gordon MacRae told Plaintiff [redacted] that they were doing nothing wrong because of their close relationship. At all times during such acts Plaintiff [redacted] was confused and conflicted because of the position of Defendant MacRae as a Roman Catholic Priest. It was not until counselling in 1993 that Plaintiff [redacted] realized that such acts were wrong and has caused him severe emotional, psychological and sexual harm.

31. At all times during this time period Defendant MacRae abused his influence and authority over the then minor [redacted].

32. Gordon MacRae's conduct, as described above, was malicious and wanton under the law of New Hampshire.

33. Roman Catholic Bishop of Manchester, Inc., was reckless and/or negligent under the law of New Hampshire.

34. The allegations set forth above apply to each and every one of the counts and causes of action set forth below.

COUNT I

BATTERY

35. At all times pertinent to this writ, Defendant MacRae had a duty to Plaintiff [redacted] to refrain from engaging in intentional unpermitted sexual contact.

36. From approximately 1979 through 1987, Defendant MacRae did engage in repeated ,intentional, unpermitted sexual

contact with Plaintiff [redacted] which was offensive to Plaintiff [redacted] in that he disrobed Plaintiff [redacted] without his consent and performed fellatio on the body of Plaintiff [redacted] without his consent.

37. Such contact was harmful to Plaintiff [redacted] in that it caused him to suffer from fear, humiliation and shame.

38. Such contact was not consented to by Plaintiff [redacted] or otherwise privileged.

39. As a proximate cause of Defendant MacRae's intentional, unpermitted sexual contact with Plaintiff [redacted] Plaintiff [redacted] was caused to suffer severe sexual, psychological and emotional damage and will continue to suffer such damage in the future in an amount within the jurisdictional limits of the court.

40. Defendant MacRae is therefore liable to the Plaintiff for the intentional tort of battery.

COUNT II

ASSAULT

41. At all times pertinent to this Writ, Defendant MacRae had a duty to Plaintiff [redacted] to refrain from threatening Plaintiff [redacted] with intentional, unpermitted and offensive contact.

42. At all times material to this Writ, Plaintiff [redacted] was in apprehension of Defendant MacRae's immediate harmful and offensive physical contact with him.

43. This threatened action was not consented to by Plaintiff [redacted] or otherwise privileged.

44. As a proximate cause of Father MacRae's threat of intentional, unpermitted contact with Plaintiff [redacted] Plaintiff [redacted] was caused to suffer severe sexual, psychological and emotional damage and will continue to suffer such damage in the future in an amount within the jurisdictional limits of the court.

45. Defendant MacRae is therefore liable to the Plaintiff for the intentional tort of assault.

COUNT III

INVASION OF PRIVACY

46. At all times material to this Writ, Defendant MacRae had a duty to respect the privacy rights of Plaintiff [redacted]

47. Plaintiff [redacted] enjoys the right to be free from intrusion on his physical and mental solitude, as well as his sexual organs.

48. From approximately 1979 through 1987, on at least twenty different occasions, Defendant MacRae intruded on Plaintiff [redacted] right to solitude in a manner that would be considered objectionable to a reasonable person, namely that

of disrobing Plaintiff [redacted] wholly without his permission and then performing fellatio on his person.

49. As a proximate cause of Defendant MacRae's invasion of Plaintiff [redacted] right to physical and mental solitude, Plaintiff [redacted] was caused to suffer severe sexual, psychological and emotional damage and will continue to suffer such damage in the future.

50. Defendant MacRae is therefore liable to the Plaintiff for the tort of invasion of privacy.

COUNT IV

BREACH OF STATUTORY DUTY

ENDANGERING THE WELFARE OF A CHILD

51. At all times material to this Writ, Defendant MacRae had a duty to obey the laws of the State of New Hampshire, including RSA 639:3 (Endangering the Welfare of a Child), in his relationship with Plaintiff [redacted]

52. Defendant MacRae breached his statutory and common law duties to Plaintiff [redacted] by deliberately providing alcohol, engaging in sexual contact with the Plaintiff, soliciting the Plaintiff for prostitution and otherwise violating RSA 639:3 and engaging in harmful and unlawful offensive and unpermitted physical contact with the Plaintiff.

53. As a proximate cause of Defendant MacRae's breach of said duty, the Plaintiff was caused to suffer severe sexual, psychological and emotional damage and will continue to suffer

such damage in the future in an amount within the jurisdictional limits of the court.

54. Defendant MacRae is therefore liable to Plaintiff [redacted] for this breach of his statutory duty.

COUNT V

BREACH OF STATUTORY DUTY

PROVIDING ALCOHOL TO A MINOR

55. At all times material to this Writ, Defendant MacRae had a duty to obey the laws of the State of New Hampshire, including RSA 179:5 (Prohibited Sales of an Alcoholic Beverage), in his relationship with Plaintiff [redacted]

56. Defendant MacRae breached his statutory and common law duties to the Plaintiff by deliberately providing alcohol to the Plaintiff, who was a minor at all times material to this complaint.

57. As a proximate cause of Defendant MacRae's breach of said duty, the Plaintiff was caused to suffer severe sexual psychological and emotional damage and will continue to suffer such damage in the future in an amount within the jurisdictional limits of the court.

58. Defendant MacRae is therefore liable to Plaintiff [redacted] for this breach of his statutory duty.

COUNT VI

BREACH OF STATUTORY DUTY

AGGRAVATED FELONIOUS SEXUAL ASSAULT

RSA 632-A:2 (I)(b) - INABILITY TO RESIST

59. At all times material to this complaint, Defendant MacRae had a duty to obey the laws of the State of New Hampshire, including RSA 632-A:2 (I) (b) (Aggravated Felonious Sexual Assault When Victim is Unable to Resist), in his relationship with Plaintiff [redacted]

60. Defendant MacRae breached his statutory and common law duties to the Plaintiff by disrobing and performing fellatio on the body of Plaintiff [redacted] after he had plied Plaintiff [redacted] full of alcohol to the point that Plaintiff [redacted] was unable to resist.

61. As a proximate cause of Defendant MacRae's breach of said duty, the Plaintiff was caused to suffer severe sexual psychological and emotional damage and will continue to suffer such damage in the future in an amount within the jurisdictional limits of the court.

62. Defendant MacRae is therefore liable to Plaintiff [redacted] for this breach of his statutory duty.

COUNT VII

BREACH OF STATUTORY DUTY

AGGRAVATED FELONIOUS SEXUAL ASSAULT

RSA 632-A:2 (I)(f) - INVOLUNTARY INTOXICATION

63. At all times material to this complaint, Defendant MacRae had a duty to obey the laws of the State of New Hampshire, including RSA 632-A:2 (I) (f) (Aggravated Felonious Sexual Assault When Victim is Involuntarily Intoxicated), in his relationship with Plaintiff [redacted]

64. Defendant MacRae breached his statutory and common law duties to the Plaintiff by plying Plaintiff [redacted] full of alcohol when Plaintiff [redacted] was unable to consent as he was under the legal age to consent and then by disrobing Plaintiff [redacted] and performing fellatio on his body.

65. As a proximate cause of Defendant MacRae's breach of said duty, the Plaintiff was caused to suffer severe sexual psychological and emotional damage and will continue to suffer such damage in the future in an amount within the jurisdictional limits of the court.

66. Defendant MacRae is therefore liable to Plaintiff [redacted] for this breach of his statutory duty.

COUNT VIII

BREACH OF STATUTORY DUTY

AGGRAVATED FELONIOUS SEXUAL ASSAULT

RSA 632-A:2 (I)(k) - POSITION OF AUTHORITY

67. At all times material to this complaint, Defendant MacRae had a duty to obey the laws of the State of New Hampshire, including RSA 632-A:2 (I) (K) (Aggravated Felonious Sexual Assault When Perpetrator is in a Position of Authority), in his relationship with Plaintiff [redacted]

68. Defendant MacRae breached his statutory and common law duties to the Plaintiff by using his position of authority as Plaintiff [redacted]riest and counselor to engage in acts of sexual penetration with a person under the age of eighteen (18) namely Plaintiff [redacted]

69. As a proximate cause of Defendant MacRae's breach of said duty, the Plaintiff was caused to suffer severe sexual psychological and emotional damage and will continue to suffer such damage in the future in an amount within the jurisdictional limits of the court.

70. Defendant MacRae is therefore liable to Plaintiff [redacted] for this breach of his statutory duty.

COUNT IX

BREACH OF STATUTORY DUTY

FELONIOUS SEXUAL ASSAULT

RSA 632-A:3

71. At all times material to this complaint, Defendant MacRae had a duty to obey the laws of the State of New Hampshire, including RSA 632-A:4 (Sexual Assault by Having Sexual Contact with a Minor), in his relationship with Plaintiff [redacted]

72. Defendant MacRae breached his statutory and common law duties to the Plaintiff by engaging in sexual contact with a person under the age of eighteen (18) namely Plaintiff [redacted]

73. Defendant Gordon MacRae entered a negotiated plea to a criminal charge under this statute in Cheshire County Superior Court, Docket No. 93-S-0228.

74. As a proximate cause of Defendant MacRae's breach of said duty, the Plaintiff was caused to suffer severe sexual psychological and emotional damage and will continue to suffer such damage in the future in an amount within the jurisdictional limits of the court.

75. Defendant MacRae is therefore liable to Plaintiff [redacted] for this breach of his statutory duty.

COUNT X

BREACH OF STATUTORY DUTY

PROSTITUTION AND RELATED OFFENSES

RSA 645:2 I (a)- SOLICITATION

76. At all times material to this complaint, Defendant MacRae had a duty to obey the laws of the State of New Hampshire, including RSA 645:2 I (a) (Prostitution and Related Offenses), in his relationship with Plaintiff [redacted]

77. Defendant MacRae breached his statutory and common law duties to the Plaintiff by soliciting Plaintiff [redacted] to engage in sexual contact and penetration with Defendant MacRae and others, for consideration.

78. As a proximate cause of Defendant MacRae's breach of said duty, the Plaintiff was caused to suffer severe sexual psychological and emotional damage and will continue to suffer such damage in the future in an amount within the jurisdictional limits of the court.

79. Defendant MacRae is therefore liable to Plaintiff [redacted] for this breach of his statutory duty.

COUNT XI

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

80. At all times material to this Writ, Defendant MacRae had a duty in his relationship with Plaintiff [redacted] to refrain

from intentionally engaging in conduct that he knew or should have known would cause emotional distress to Plaintiff [redacted]

81. From 1979 until 1987, Defendant MacRae did engage in an intentional course of conduct, including sexual assaults, and harassment, directed at Plaintiff [redacted]

82. As a proximate cause of Defendant MacRae's course of conduct, the Plaintiff was caused to suffer severe sexual, psychological and emotional distress and will continue to suffer such distress in the future in an amount within the jurisdictional limits of the court.

83. Defendant MacRae is therefore liable to Plaintiff [redacted] for the intentional tort of intentional infliction of emotional distress.

COUNT XII

VIOLATION OF TRUST

CLERGY MALPRACTICE

84. Plaintiff [redacted] was a parishioner first of Sacred Heart Parish in Marlborough, New Hampshire and then of Saint Bernard's Parish in Keene, New Hampshire.

85. Defendant MacRae, as a deacon of Sacred Heart and then a priest at Sacred Heart and Saint Bernard's Parish, had a duty of care to act responsibly toward all parishioners, including Plaintiff [redacted]

86. Defendant MacRae, as a deacon and priest of said Parishes, had a duty to exercise the influence of his position in a reasonable, benign and constructive manner.

87. Defendant MacRae breached the said duties of care and responsibility toward Plaintiff [redacted] engaging in illegal and unpermitted sexual activities with Plaintiff [redacted] and inducing Plaintiff [redacted] to engage in harmful sexually oriented activities.

88. As a direct and proximate cause of Defendant MacRae's breach of care, Plaintiff [redacted] suffered severe sexual, psychological and emotional damage, and will continue to suffer such damage into the future.

89. Therefore, Defendant MacRae is liable to Plaintiff [redacted] for the tort of Violation of Trust, Clergy Malpractice.

COUNT XIII

GROSS NEGLIGENCE

90. In 1983, as stated above, Father Gordon MacRae was involved in an episode of sexual abuse with a minor while in the discharge of his duties as a parish priest in Hampton, New Hampshire. At that time, Defendant Catholic Bishop of Manchester, Inc., through its agent, Monsignor John P. Quinn, was informed of this incident by the State of New Hampshire Division of Children and Youth Services. However, Defendant Catholic Bishop of Manchester had knowledge of this incident

even prior to this official report as it came to them directly from the minor involved, [redacted]

91. Yet wholly unmindful of the harm that could and would be caused, Gordon MacRae was transferred to Saint Bernard's Parish of Keene, New Hampshire by the Defendant Catholic Bishop of Manchester, Inc., where subsequent acts of sexual abuse of Plaintiff [redacted] occurred.

92. Catholic Bishop of Manchester, Inc. had a duty to use reasonable care to act in a manner that would not create foreseeable and unreasonable risks of harm to the Plaintiff [redacted] and others and to avoid damaging the Plaintiff [redacted] health, safety and welfare.

93. The failure of the Roman Catholic Bishop of Manchester, Inc. to notify the appropriate officials of the church in Keene, New Hampshire of Defendant MacRae's dangerous propensities when it learned of them or taking other action to prevent Defendant MacRae from coming into contact with children, was extreme and outrageous conduct.

94. As a direct, proximate and foreseeable result of the above described conduct of the Roman Catholic Bishop of Manchester, Inc., the Plaintiff [redacted] was caused severe sexual, psychological and emotional abuse and damage and will continue to suffer the same in the future.

95. Therefore, the Defendant Roman Catholic Bishop of Manchester, Inc. is liable to Plaintiff [redacted] for the tort of gross negligence.

COUNT XIV

RESPONDEAT SUPERIOR

96. At the time of the alleged improper conduct with the Plaintiff [redacted] by Defendant MacRae, Defendant Roman Catholic Bishop of Manchester, Inc., conducted its business through various parishes within the State of New Hampshire.

97. The Defendant Gordon MacRae was an agent of the Defendant Roman Catholic Bishop of Manchester, Inc. in that he was employed and worked for the interest of the diocese as its agent at Saint Bernard's Parish.

98. Part of Defendant MacRae's duties at Saint Bernard's and Sacred Heart's Parishes was administration of the religious education activities of the church, and Defendant MacRae was a particular favorite of many of the children of the parish.

99. At the time Defendant MacRae committed the acts alleged herein, he was acting within the scope of his employment and in furtherance of his employment by the Roman Catholic Bishop of Manchester, Inc.

100. The Defendant Roman Catholic Bishop of Manchester, Inc., owes a duty to the parishioners of Saint Bernard's Parish and the Plaintiff [redacted] as it is aware that its agents and

representatives are accorded special trust, confidence and respect from their respective parishioners.

101. At the time of the acts alleges herein, Defendant MacRae was subject to the direct supervision, control and discretion of the Roman Catholic Bishop of Manchester, Inc.

102. The Defendant Roman Catholic Bishop of Manchester, Inc. has breached its duty to care to the Plaintiff [redacted] by the acts of its agent, Father Gordon MacRae while in the discharge of his duties as a priest and agent of the Roman Catholic Bishop of Manchester, Inc., as previously set forth in this writ.

103. As a direct and proximate result of this breach of its duty of care, the Plaintiff [redacted] suffered severe sexual, physical and emotional damage as previously alleged.

104. Therefore, the Defendant Roman Catholic Bishop of Manchester, Inc.is liable to Plaintiff [redacted] for the torts committed by its agent under the doctrine of respondeat superior.

COUNT XV

NEGLIGENT HIRING

105. The Roman Catholic Bishop of Manchester, Inc., had knowledge that in his capacity as a parish priest, the Defendant Gordon MacRae, would come into contact with minor children, especially alter boys, choir members, members of

church youth groups and in his capacity as administrator of religious education in Saint Bernard's and Sacred Heart's Churches.

106. The Roman Catholic Bishop of Manchester, Inc. had knowledge that in his capacity as a parish priest, the Defendant, Gordon MacRae would occupy a place of special confidence and trust in the lives of numerous minors.

107. As reported in early psychological evaluations and as a result of prior episodes in the life of Defendant Gordon MacRae, of which the Roman Catholic Bishop if Manchester, Inc. had actual knowledge, the Defendant, Gordon MacRae had proven himself unworthy of that special confidence and trust and had proven an inability to conduct himself appropriately in this relationship with minor children.

108. The Roman Catholic Bishop of Manchester, Inc. had a duty to employ and retain as priests only those persons who could conduct themselves adequately in their relationships with children and were worthy of the place of special trust and confidence that priests hold in the lives of parishioners. Yet, wholly unmindful of said duty, and in breach thereof, the Defendant, Roman Catholic Bishop of Manchester, Inc. did employ and retain Gordon MacRae as a parish priest and as the administrator of religious education at Saint Bernard's Parish in Keene, New Hampshire.

109. As a direct, proximate and foreseeable result of the negligence of the Roman Catholic Bishop of Manchester, Inc., the Plaintiff [redacted] suffered severe sexual, psychological and emotional damages and shall continue to suffer such damage in the future.

110. Therefore, the Defendant Roman Catholic Bishop of Manchester, Inc. is liable to Plaintiff [redacted] for negligent hiring.

COUNT XVI

NEGLIGENT SUPERVISION AND TRAINING

111. The Defendant Roman Catholic Bishop of Manchester, Inc. had knowledge that its agents gave counseling, supervision, direction and spiritual guidance to young people.

112. The Defendant Roman Catholic Bishop of Manchester, Inc. knew, or should have known, that the Defendant Gordon MacRae would be involved in like activities at Saint Bernard's Parish, especially in his capacity as administrator of religious education.

113. The Defendant, Roman Catholic Bishop of Manchester, Inc. had a duty to properly train, supervise, and control its agent priests, to ensure that its agent priests did not have the ability or opportunity to inflict injury on a member of the parish, especially those priests such as Gordon MacRae, who

were known to be risks to the mental and physical health of members of the parish.

114. Despite having knowledge that the Defendant Gordon MacRae was a threat to the physical and mental well being of young people, the Defendant, Roman Catholic Bishop of Manchester, Inc. breached its duty of care to properly train and supervise the Defendant Gordon MacRae in his activities as priest and administrator of religious education at Saint Bernard's Parish in Keene, New Hampshire, by failing to institute an adequate training program to teach its representatives and priests to refrain from engaging in sexual contact with children ad to report such behavior to the proper authorities when it is witnessed and by failing to remove Defendant MacRae from his priestly duties at the first indication that Defendant MacRae was a threat to the health and well being to the young and vulnerable members of the church.

115. As a direct, proximate and foreseeable result of the Defendant, Roman Catholic Bishop of Manchester, Inc.'s breach of the above described duty of care, the Plaintiff [redacted] suffered severe sexual, physical, mental and emotional damage.

116. Therefore, the Defendant Roman Catholic Bishop of Manchester, Inc. is liable to Plaintiff [redacted] for the tort of negligent supervision and training.

COUNT XVII

ENHANCED COMPENSATORY DAMAGES

117. The actions of the defendants were malicious and wanton actions, and Plaintiff [redacted] is therefore entitled to enhanced compensatory damages with respect to each cause of action set forth herein.

COUNT XVIII

ATTORNEY'S FEES

118. The Plaintiff [redacted] has been forced to seek judicial assistance to secure the clearly defined and established rights set forth herein, and therefore is entitled to an award of attorney's fees based upon the malicious and wanton actions and bad faith of the Defendant's.

COUNT XIX

DEMAND FOR A JURY TRIAL

119. The Plaintiff [redacted] demands a jury trial in this matter.