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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR MULTNOMAH COUNTY

M.N., an individual proceeding under a  
pseudonym,

Plaintiff,

v.

SOCIETY OF JESUS, OREGON  
PROVINCE, an Oregon religious not for  
profit corporation,

Defendant.

Case No. \_\_\_\_\_

COMPLAINT  
(Sexual Abuse of a Child/*Respondeat  
Superior*; Intentional Infliction of  
Emotional Distress /*Respondeat  
Superior*; Negligence)

**JURY TRIAL DEMANDED**

Not Subject to Mandatory Arbitration

Plaintiff alleges:

(Common Allegations)

1.

Plaintiff M.N. is an adult female born in the year 1958 who, at all times relevant to the abuse outlined in this complaint, was an unemancipated minor child who was a student at St. Mary's of the Valley School and a parishioner with her family at St. Cecelia's parish in Beaverton, Oregon.

2.

At all times relevant this complaint, Defendant Society of Jesus, Oregon Province (hereinafter "Defendant" or "Jesuits") was an Oregon religious not-for-profit corporation operating in the states of Oregon, Washington, Alaska, Idaho, and Montana. The main offices of the Jesuits are located in Portland, Multnomah County, Oregon.

3.

At all times relevant to this complaint, Father James E. Poole was a Catholic priest, an

1 employee or agent of the Jesuits, provided pastoral and other services to Plaintiff, and was at all  
2 times acting within the course and scope of his employment or agency in performing duties for  
3 and on behalf of the Jesuits. At all times relevant to this complaint, Father John Duffy  
4 (hereinafter "Fr. Duffy") was a Catholic priest or Jesuit novitiate, an employee or agent of the  
5 Jesuits, provided pastoral and other services to Plaintiff, and was at all times acting within the  
6 course and scope of his employment or agency in performing duties for and on behalf of the  
7 Jesuits. The Jesuits, Fr. Poole, and Fr. Duffy jointly provided religious ritual services, including  
8 Mass, confession, spiritual guidance, education and other religious services to Plaintiff and her  
9 family.

10 4.

11 The Jesuits empowered Frs. Poole and Duffy to perform all duties of priests, including  
12 pastoral and religious services, education, spiritual, moral and ethical guidance, religious  
13 instruction, guidance and other duties of a parish priest on behalf of the Defendants. The Jesuits  
14 knew that as part of their duties as priests, Frs. Poole and Duffy would be in a position of trust  
15 and confidence with minor parishioners and their families, including the Plaintiff in this case.

16 5.

17 For the purpose of furthering their assigned duties as priests, Frs. Poole and Duffy gained  
18 the trust and confidence of the Plaintiff and her family as a spiritual guide and as a valuable and  
19 trustworthy mentor and gained the admiration and obedience of Plaintiff. Further, aided by the  
20 conduct of Defendant, Frs. Poole and Duffy sought and gained Plaintiff's parents' instruction that  
21 the Plaintiff was to have respect for the position of Frs. Poole and Duffy as priests, their teaching  
22 authority and guidance, as well as to comply with the instructions and requests of Frs. Poole and  
23 Duffy. The foregoing course of conduct discussed in this Paragraph is hereinafter referred to as  
24 "Grooming."

25 6.

26 The Grooming process led to Fr. Poole's and Fr. Duffy's acts of sexual molestation of the

1 Plaintiff. Fr. Poole's and Fr. Duffy's Grooming of Plaintiff was (1) committed in direct  
2 connection and for the purposes of fulfilling the priests' employment and agency with Defendant;  
3 (2) committed within the time and space limits of their agency and employment as priests; (3)  
4 done initially and at least in part from a desire to serve the interests of the Jesuits; (4) done  
5 directly in the performance of their duties as priests; (5) generally consisted of actions the kind  
6 and nature of which Frs. Poole and Duffy were required to perform as priests; and (6) was done  
7 at the direction of, and pursuant to, the power vested in them by the Jesuits.

8 7.

9 Frs. Poole and Duffy, while acting within the course and scope of their employment and  
10 agency, and using the authority and position of trust as priest for the Jesuits—through the  
11 Grooming process—induced and directed Plaintiff to engage in various sexual acts with them.

12 8.

13 Specifically, Fr. Poole molested Plaintiff on dozens of occasions in 1964 and 1965 when  
14 visiting at the Plaintiff's family home. Fr. Duffy exposed himself to Plaintiff and molested her  
15 on numerous occasions in or around the mid 1960s when visiting at the Plaintiff's family home.

16 9.

17 As a result of Fr. Poole's and Fr. Duffy's sexual abuse, molestation, and breach of  
18 authority, trust and position as priest and authority figure to Plaintiff, Plaintiff has suffered and  
19 continues to suffer severe debilitating physical, mental, and emotional injury, including pain and  
20 suffering, physical and emotional trauma, and permanent psychological damage, all to her non-  
21 economic damages in the amount of \$5,000,000.00.

22 10.

23 As an additional result and consequence of Frs. Poole and Duffy's sexual abuse,  
24 molestation, harassment, retaliation, and breach of authority, trust and position as intern  
25 supervisor and authority figure to the Plaintiff, Plaintiff has incurred and/or will incur in the  
26 future, costs for counseling, psychiatric and psychological medical treatment all to his economic

1 damages in the approximate amount of \$100,000.00.

2  
3 **FIRST CLAIM FOR RELIEF**

4 Against Defendant Jesuits  
Sexual Battery and Assault of a Child/*Respondeat Superior*

5 11.

6 Plaintiff realleges and incorporates by reference paragraphs 1 through 10, above.

7 12.

8 On numerous instances, Fr. Poole and Fr. Duffy engaged in sexual touching of Plaintiff.  
9 This constituted harmful and offensive touching of Plaintiff. On other occasions, Fr. Poole and  
10 Fr. Duffy attempted to molest Plaintiff, resulting in Plaintiff being apprehensive of an imminent  
11 harmful and offensive touching.

12 13.

13 As a result of the sexual battery and assault, Plaintiff has suffered and continues to suffer  
14 damages as set out in paragraphs 9 and 10, above.

15 14.

16 The Jesuits are strictly and vicariously liable, as set out in paragraphs 4 through 8, above,  
17 for Plaintiff's damages set out in paragraphs 9 and 10, above, as a result of Fr. Poole's and Fr.  
18 Duffy's sexual battery and assault because the Jesuits placed these priests in a position of trust  
19 over Plaintiff, and the battery and assault were the culmination of a series of acts stemming from  
20 and causally related to their employment duties.

21  
22 **SECOND CLAIM FOR RELIEF**

23 Against Defendant Jesuits  
*Intentional Infliction of Emotional Distress*

24 15.

25 Plaintiff realleges and incorporates by reference paragraphs 1 through 10, and 11 through  
26 13, above.

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16.

Frs. Poole and Duffy knowingly and intentionally caused severe emotional distress to Plaintiff when they engaged in the sexual battery and assault set forth in paragraphs 6, 7, and 12, above. Plaintiff did in fact suffer severe emotional distress as a result of the sexual abuse and sexual abuse of an eight or nine year old girl by her priest is beyond the bounds of all socially tolerable conduct.

17.

As a result of Fr. Poole’s and Fr. Duffy’s intentional infliction of emotional distress, Plaintiff has suffered and continues to suffer damages as set out in paragraphs 9 and 10, above.

18.

The Jesuits are strictly and vicariously liable, as set out in paragraphs 4 through 8, above, for Plaintiff’s damages set out in paragraphs 9 and 10, above, as a result of Fr. Poole’s and Fr. Duffy’s intentional infliction of emotional distress because the Jesuits placed these priests in a position of trust over Plaintiff, and the intentional infliction of emotional distress was the culmination of a series of acts stemming from and causally related to their employment duties.

**THIRD CLAIM FOR RELIEF**  
Against Defendant Jesuits  
*Negligence*

19.

Plaintiff realleges and incorporates by reference paragraphs 1 through 18, above.

20.

In or about the year 1960, the Jesuits became aware of numerous instances of Fr. Poole behaving in a sexually inappropriate manner with minor girls at a boarding school in Alaska. In 1964, the Jesuits abruptly reassigned Fr. Poole to the Portland, Oregon area. This reassignment was made without any apparent restrictions on Fr. Poole’s interactions with minors or females in the Portland area.

1 21.

2 The Jesuits created a special relationship with Plaintiff by inviting and encouraging her to  
3 participate in religious and other activities with priests of the Order, and to associate with clergy  
4 in her home. Furthermore, as a minor parishioner, Plaintiff was within the class of persons to be  
5 protected by the Jesuits' hiring and supervisory processes, and the risk of sexual molestation by  
6 employees is within the general type of potential incidents and injuries that require Defendant to  
7 properly supervise and monitor employees, particularly where reports of sexual misconduct had  
8 occurred in the past with the same priest.

9 22.

10 The Jesuits' failure to supervise, monitor, or restrict Fr. Poole's activities around young  
11 girls, and its retention of Fr. Poole after allegations of sexual misconduct came to light, created a  
12 foreseeable risk of harm to the safety of minor girls and other parishioners of Jesuit-operated  
13 parishes. Plaintiff's interest in being free from sexual molestation is an interest of a kind that the  
14 law protects against negligent invasion. The Jesuits' failure to supervise, monitor, or restrict Fr.  
15 Poole's activities around young girls, and its retention of Fr. Poole after allegations of sexual  
16 misconduct came to light was unreasonable in light of the risk posed to minor girls by priests  
17 with a recognized problem with sexual misconduct around them. Defendant's failure to monitor  
18 and supervise, or in the alternative terminate, was a cause of the molestation and harassment  
19 suffered by Plaintiff, and the damages alleged in paragraphs 9 and 10, above.

20 23.

21 Specifically, Defendant Jesuits were thus negligent to Plaintiff in one or more of the  
22 following particulars:

23 a. The Jesuits failed to investigate potential past victims of Fr. Poole after they  
24 became aware of the priest's deviant sexual interest in young girls;

25 b. The Jesuits allowed Fr. Poole to interact with adolescent and teenage girls as part  
26 of his employment duties after they knew of his propensity to use his position as a priest to

1 engage in deviant conduct with young girls;

2 c. The Jesuits failed to notify parents and parishioners of Jesuit-operated parishes or  
3 the students and parents of students at Jesuit Operated Schools after they knew of Fr. Poole's  
4 deviant sexual interest in young girls; and

5 d. The Jesuits failed to revoke the authority of Fr. Poole as priest, employee, and  
6 agent of the Jesuits.

7 24.

8 Pursuant to ORS § 30.725, Plaintiff hereby provides notice of her intent to amend this  
9 Complaint to add a claim for punitive damages against the Jesuits for the negligence Defendant  
10 showed in relation to Fr. Poole, because through its negligence, the Jesuits acted with malice or  
11 showed a reckless and outrageous indifference to a highly unreasonable risk of harm and acted  
12 with a conscious indifference to the health, safety and welfare of others, including Plaintiff.

13

14 **WHEREFORE**, Plaintiff prays for judgment against Defendant as follows:

15 1. On Plaintiff's First Claim for Relief, non-economic damages for Plaintiff in the  
16 amount of \$5,000,000.00, the exact amount to be determined by the jury at the time of trial;

17 2. On Plaintiff's First Claim for Relief, economic damages for Plaintiff in the  
18 amount of \$100,000.00, the exact amount to be determined by the jury at the time of trial;

19 3. On Plaintiff's Second Claim for Relief, non-economic damages for Plaintiff in the  
20 amount of \$5,000,000.00, the exact amount to be determined by the jury at the time of trial;

21 4. On Plaintiff's Second Claim for Relief, economic damages for Plaintiff in the  
22 amount of \$100,000.00, the exact amount to be determined by the jury at the time of trial;

23 5. On Plaintiff's Third Claim for Relief, non-economic damages for Plaintiff in the  
24 amount of \$5,000,000.00, the exact amount to be determined by the jury at the time of trial;

25 6. On Plaintiff's Third Claim for Relief, economic damages for Plaintiff in the  
26 amount of \$100,000.00, the exact amount to be determined by the jury at the time of trial;

