

harassment, molestation and abuse caused by the actions and inactions of the Defendants.

Plaintiffs were minors during the entire time of the sexual misconduct alleged herein.

2. Plaintiff JOHN MS DOE is currently a resident of New Castle County. He is presently 37 years old. At the times he was sexually assaulted, he ranged from ages 14 to 16 years old. Plaintiff JOHN MS DOE has sued anonymously for the reason that revealing his identity and having the details of his sexual abuse made public will compound his present injuries and will cause plaintiff additional anxiety and stress.

3. Defendant OBLATES OF ST. FRANCIS de SALES (“OBLATES”) is a voluntary worldwide religious association of 446 male Roman Catholic priests, among others. It operates through twelve provinces and reports to the Pope of the Roman Catholic Church in Rome, Italy. It operates schools, universities, hospitals, churches, parishes and other religious activities worldwide and in American cities. Its United States headquarters is located at 1621 Otis Street, N.E., Washington, DC 20018 and acts as its own agent. It is sued in its associational or corporate capacity and as agent of Defendant the Catholic Diocese of Wilmington, Inc. It is the surrogate, alter-ego, associational, spiritual or ecclesiastical counterpart or is otherwise engaged in a symbiotic relationship with the Delaware corporation known as OBLATES OF ST. FRANCIS de SALES, INCORPORATED.

4. Defendant OBLATES OF ST. FRANCIS de SALES, INCORPORATED, (“OBLATES, INC.”), at all times mentioned herein was and is, a religious corporation and Order of the Roman Catholic Church, organized under the laws of the State of Delaware, having its principal place of business at 2200 Kentmere Parkway, Wilmington, DE 19806 and acts as its own registered agent.

5. Defendant SALESIANUM SCHOOL, INC., (“SALESIANUM”), at all times

mentioned herein was and is, a religious corporation and school of the Roman Catholic Church, organized under the laws of the State of Delaware, having its principal place of business at 1801 Broom Street, Wilmington, DE 19802. SALESIANUM is wholly owned, operated and controlled by Defendants DIOCESE OF WILMINGTON, INC. and OBLATES OF ST. FRANCIS de SALES, INCORPORATED, was and is a Roman Catholic school, providing education to boys from ninth (9th) grade to twelfth (12th) grade, including boys generally aged 14 to 18 years of age. SALESIANUM acts as its own registered agent.

6. Defendant CATHOLIC DIOCESE OF WILMINGTON, INC. (“DIOCESE OF WILMINGTON”), at all times mentioned herein was and is, a religious corporation and Diocese of the Roman Catholic Church, organized under the laws of the State of Delaware, having its principal place of business at 1925 Delaware Avenue, Wilmington, Delaware 19806 and acts as its own registered agent.

7. Defendant DENNIS W. KILLION a/k/a REV. DENNIS W. KILLION, O.S.F.S. (“FATHER KILLION”) at all times mentioned herein was and is, an individual who Plaintiffs are informed and believe, and on that basis, allege, currently resides at 5625 Sunrise Drive, Fort Myers, FL 33919-1723. During the period of time during which the childhood sexual harassment, molestation and abuse alleged herein took place, FATHER KILLION, a Roman Catholic Priest, was an employee, agent, apparent agent, member and/or servant of Defendants OBLATES, OBLATES, INC., SALESIANUM AND THE DIOCESE OF WILMINGTON and/or was under their complete control and/or active supervision, employed as a priest, teacher, counselor, mentor, supervisor over campus activities, campus minister, spiritual director, and provider of religious services including Mass, confession, spiritual education and other religious services at SALESIANUM, residing in the City of Wilmington, County of New Castle, State of

Delaware. FATHER KILLION'S duties at SALESIANUM included teaching and providing spiritual leadership, guidance, mentoring and counseling to male high school students between 14 and 18 years of age.

8. At all times mentioned herein, each and every Defendant was an employee, agent, apparent agent and/or servant of Defendants OBLATES, OBLATES, INC., SALESIANUM and DIOCESE OF WILMINGTON, was under their complete control and/or active supervision. Defendants and each of them and FATHER KILLION are individuals, corporations, partnerships and/or other entities jointly provided priestly, pastoral and religious services, education, spiritual moral and ethical guidance, supervision over campus activities and religious instruction to plaintiffs, and each and every Defendant engaged in, joined in, aided and abetted and conspired with FATHER KILLION and other Defendants and other wrongdoers in carrying out the tortious and unlawful activities described in this Complaint.

9. Defendants OBLATES, OBLATES, INC., SALESIANUM, DIOCESE OF WILMINGTON, and KILLION are sometimes collectively referred to herein as "Defendants" and/or as "All Defendants"; such collective reference refers to all specifically named Defendants.

10. Plaintiffs, based on information and belief, allege that at all times mentioned herein, there existed a unity of interest and ownership among Defendants and each of them, such that any individuality and separateness between Defendants, and each of them, ceased to exist. Defendants and each of them, were the successors-in-interest and/or alter egos of the other Defendants, and each of them, in that they purchased, controlled, dominated and operated each other without any separate identity, observation of formalities, or other manner of division.

11. Plaintiffs, based on information and belief, allege that at all times mentioned herein,

Defendants and each of them and FATHER KILLION were the agents, apparent agents, representatives and/or employees of each and every other Defendant. In doing the things hereinafter alleged, Defendants and each of them, and FATHER KILLION, were acting within the course and scope of said alternative personality, capacity, identity, agency, apparent agency, representation and/or employment and were within the scope of their authority, whether actual or apparent.

12. Plaintiffs, based on information and belief, allege that at all times mentioned herein, Defendants and each of them and FATHER KILLION were the trustees, partners, servants, joint venturers, shareholders, contractors, and/or employees of each and every other Defendant, and the acts and omissions herein alleged were done by them, acting individually, through such capacity and within the scope of their authority, and with the permission and consent of each and every other Defendant and that said conduct was thereafter ratified by each and every other Defendant, and that each of them is jointly and severally liable to Plaintiffs.

FACTUAL ALLEGATIONS APPLICABLE TO ALL CLAIMS

13. At all times material hereto, Plaintiffs were parishioners in the DIOCESE OF WILMINGTON, and students at SALESIANUM. As students at SALESIANUM, where FATHER KILLION was employed and worked, Plaintiffs were under FATHER KILLION's supervision, care and control, thus creating a special relationship, fiduciary relationship, and/or special care relationship with Defendants, and each of them. Additionally, as minors under the custody, care and control of Defendants, Defendants stood *in loco parentis* with respect to Plaintiffs while they were attending parish, pastoral, church and school-related or sponsored functions, programs and activities, including but not limited to Mass, confession, religious services, academic education and services, academic and spiritual guidance and counseling, on

campus services and events of Defendants OBLATES, OBLATES, INC., SALESIANUM and DIOCESE OF WILMINGTON. As the responsible parties and/or employers controlling FATHER KILLION, Defendants OBLATES, OBLATES, INC., SALESIANUM and DIOCESE OF WILMINGTON, were also in a special relationship with Plaintiffs, and owed special duties to the Plaintiffs.

14. At all times material hereto, FATHER KILLION's employment duties with the named Defendants included providing for the religious, educational, spiritual, and emotional needs and well-being of students, including Plaintiffs, of Defendants OBLATES, OBLATES, INC., SALESIANUM and DIOCESE OF WILMINGTON, as well as students and parishioners of the Roman Catholic Church. It is while Plaintiffs were students at SALESIANUM that Plaintiffs came to be under the direction and control of FATHER KILLION, who used his position of authority and trust over Plaintiffs to sexually harass, molest and abuse them. FATHER KILLION did sexually harass, molest and abuse Plaintiffs, who were minors at the time. Such conduct was done for FATHER KILLION's sexual gratification, and was performed on Plaintiffs without their free consent, as Plaintiffs were mere minors and thus unwilling to give valid, legal consent to such sexual acts.

15. Plaintiffs, based on information and belief, allege that as employers, members, surrogates, associates, alter-egos, and agents of FATHER KILLION with previous knowledge of FATHER KILLION's dangerous propensities and tendencies as a child molester, child abuser, sexual harasser and sexual abuser, Defendants OBLATES, OBLATES, INC., SALESIANUM and DIOCESE OF WILMINGTON had a duty to reveal to Plaintiffs, Plaintiffs' parents, and students of SALESIANUM the truth about FATHER KILLION and his dangerous propensities. Defendants never provided Plaintiffs, Plaintiffs' parents, or students of SALESIANUM with

such notice of FATHER KILLION's dangerous propensities. Defendants had a duty to disclose to Plaintiffs and students, parishioners, minors, parents, caretakers and others under FATHER KILLION's supervision, control, apparent authority, actual authority, direction and/or guidance that FATHER KILLION had in the past engaged, and/or was continuing to engage, in sexually-related conduct with minors and with parishioners and/or students of Defendants OBLATES, OBLATES, INC., SALESIANUM and DIOCESE OF WILMINGTON, but with gross negligence and/or intentionally suppressed, concealed or failed to disclose this information. The duty to disclose this information arose by the special, trusting, confidential, and/or fiduciary relationship between Defendants and Plaintiffs. Defendants had a duty to disclose to Plaintiffs, and students, parishioners, minors, parents, caretakers and others under Defendants OBLATES, OBLATES, INC., SALESIANUM and DIOCESE OF WILMINGTON's supervision, apparent authority, actual authority, control, direction, and guidance, that FATHER KILLION was known to be a child molester.

16. While Plaintiffs were students at SALESIANUM, Defendants OBLATES, OBLATES, INC., SALESIANUM and DIOCESE OF WILMINGTON acted with gross negligence and/or intentionally by engaging in a pattern and practice of employing and/or placing into positions of authority and/or trust over children persons who were child molesters and/or staff known to be a danger to minors in their care. In addition to employing and/or placing FATHER KILLION into a position of authority and/or trust over children, Defendants employed and/or placed into positions of authority and/or trust over children multiple other priests, spiritual advisors, counselors, teachers, mentors, coaches, staff members, counselors, employees, assistants, administrators, faculty members and others who were known to have sexually abused minors.

17. Plaintiffs, based on information and belief, allege that Defendants were apprised, knew or should have known and/or were put on notice of FATHER KILLION's past sexual abuse of minors, charges, claims and/or investigations related thereto, and his propensity and disposition to engage in unlawful activity and unlawful sexual activity with minors such that Defendants knew or should have known that FATHER KILLION would commit wrongful sexual acts with minors, including Plaintiffs. This belief is founded on the knowledge that the personnel and/or school records and other records of Defendants OBLATES, OBLATES, INC., SALESIANUM and DIOCESE OF WILMINGTON reflect numerous incidents of sexual contact and inappropriate conduct with minors by priests, teachers, staff, counselors, coaches and others, and the belief that these records contain other incidents involving FATHER KILLION. Based on these records, Defendants knew and/or should have known of FATHER KILLION's past sexual abuse of minors, charges, claims and/or investigations related thereto, and his propensity and disposition to engage in unlawful activity and unlawful sexual activity with minors such that Defendants knew or should have known that FATHER KILLION would commit wrongful sexual acts with minors, including Plaintiffs.

18. Defendants failed to take reasonable steps and/or implement reasonable safeguards to avoid acts of unlawful sexual conduct by FATHER KILLION in the future, including, but not limited to, preventing abuse of Plaintiffs by FATHER KILLION, avoiding placement of FATHER KILLION in a function or environment in which contact with children is an inherent part of that function or environment. Instead, Defendants ignored and/or covered up the sexual abuse of Plaintiffs and others by FATHER KILLION that had already occurred. Plaintiffs are informed and believe, and on that basis allege, that Defendants and each of them were given

specific notice of incidents of inappropriate conduct by FATHER KILLION, including such facts as those set forth in this Complaint.

19. Plaintiffs, based on information and belief, allege that prior to and during the sexual harassment, molestation and abuse of Plaintiffs, Defendants knew or should have known that FATHER KILLION would commit wrongful sexual acts with minors. This belief is founded on the knowledge that church, personnel and/or school records and other records of Defendants OBLATES, OBLATES, INC., SALESIANUM and DIOCESE OF WILMINGTON reflect numerous incidents of inappropriate sexual contact and conduct with minors by priests, teachers, coaches, staff, counselors, employees, assistants, faculty members and others, and the belief that these records contain other incidents involving FATHER KILLION. Additionally, Defendants knew or should have known that FATHER KILLION had violated his role as a teacher, coach, spiritual advisor, youth counselor and mentor, and used this position of authority and trust acting on behalf of Defendants to gain access to minors, including Plaintiffs, on and off the school facilities and grounds, to allow him to touch Plaintiffs in a sexual manner, and engaged in sexual conduct and abuse, including harassment and molestation, with such minors including Plaintiffs.

20. Because of the relationship between Plaintiffs and Defendants, Defendants had an obligation/duty under law not to hide material facts and information about FATHER KILLION's past, including but not limited to, allegations of sexual misconduct lodged against him. Additionally, Defendants had an affirmative duty to inform, warn, and institute appropriate protective measures to safeguard minors who were reasonably likely to come in contact with Defendants' employees and other perpetrators of childhood sexual harassment, molestation and abuse at SALESIANUM. Plaintiffs further allege that the Defendants willfully refused to notify,

give adequate warning and/or to implement appropriate safeguards and thereby created the peril that ultimately damaged Plaintiffs.

21. With actual or constructive knowledge that FATHER KILLION was a child molester, Defendants conspired to and did knowingly fail to take reasonable steps, and failed to implement reasonable safeguards to avoid acts of unlawful sexual conduct in the future by FATHER KILLION, including but not limited to, preventing or avoiding placement of FATHER KILLION in a function or environment in which contact with minors is an inherent aspect of that function or environment.

22. With actual or constructive knowledge that Defendant FATHER KILLION was incapable of supervising and/or stopping other child molesters, Defendants conspired to and did knowingly fail to take reasonable steps, and failed to implement reasonable safeguards to avoid acts of unlawful sexual conduct in the future by those supervised by FATHER KILLION, including but not limited to, preventing or avoiding placement of FATHER KILLION in a function or environment in which supervision of employees whose contact with minors is an inherent aspect of that function or environment.

23. Plaintiffs further allege that Defendants failed to report and did hide and conceal from students, parents, parishioners, care givers, teachers, law enforcement authorities, civil authorities and others, the true facts and relevant information necessary to bring FATHER KILLION to justice for the sexual misconduct he committed with minors, as well as protect their fiduciaries, including Plaintiffs.

24. Plaintiffs further allege Defendants have engaged in a pattern and practice of employing and/or placing into positions of trust and authority over children sexual abusers as faculty and staff administration within the ownership and control of Defendants OBLATES,

OBLATES, INC., SALESIANUM and DIOCESE OF WILMINGTON, Defendants knowingly and/or with gross negligence concealed these facts from students, their parents, the Catholic community, the public at large and law enforcement.

25. Plaintiffs, based on information and belief, allege that Defendants intentionally, conspiratorially, and fraudulently attempted to hide and conceal FATHER KILLION's propensities and acts of sexual harassment, molestation and abuse from public scrutiny and criminal investigation. The Bishop of the DIOCESE OF WILMINGTON created and implemented a "Conspiracy of Silence," a policy and procedure whereby any and all allegations of sexual misconduct by employees and agents would be squelched, concealed and hidden from the public, parishioners and law enforcement. Defendants concealed from Plaintiffs, the public and law enforcement the fact that Defendants had several, individuals working within their ranks who had been accused of sexual misconduct with minors, and/or were at the time sexually abusing minors.

26. Defendants also implemented various measures designed to, or which effectively, made FATHER KILLION's conduct harder to detect including, but not limited to:

- a. Failing to disclose FATHER KILLION's prior record of sexual abuse and molestation of minors and his propensity to commit such acts to the church and school community including parishioners, students, parents, care givers, teachers and staff, the public at large, and law enforcement;
- b. Permitting FATHER KILLION to remain in a position of authority and trust after Defendants knew or should have known he was a molester of children;
- c. Placing FATHER KILLION in a separate and secluded environment, including placing him in charge of minors, academic programs, and school functions and jobs where he would select the minors to work such as Bingo and the Book Store, where he purported to supervise the minors, which allowed him to sexually and physically interact with and abuse the minors, including Plaintiffs;
- d. Allowing FATHER KILLION to come into contact with minors, including Plaintiffs, without supervision;

- e. Failing to adequately hire, supervise, or retain FATHER KILLION, who they permitted and enabled to have access to minors, including Plaintiffs;
- f. Failing to investigate or otherwise confirm or deny such facts about FATHER KILLION, including charges, claims and investigations for sexual abuse of minors;
- g. Failing to inform, or concealing from Plaintiffs, Plaintiffs' parents, students, parishioners, the church community, the community as a whole, and law enforcement officials the fact that FATHER KILLION was or may have been sexually abusing minors;
- h. Failing to inform, or concealing from Plaintiffs, Plaintiffs' parents and law enforcement officials the fact that Plaintiffs and others were or may have been sexually abused after Defendants knew or had reason to know that FATHER KILLION may have sexually abused Plaintiffs or others, thereby enabling Plaintiffs to continue to be endangered and sexually abused, and/or creating the circumstance where Plaintiffs and others were less likely to receive medical/mental health care and treatment, thus exacerbating the harm to Plaintiffs;
- i. Holding out FATHER KILLION to Plaintiffs and their parents, students, parishioners, and to the school and church community as being in good standing and trustworthy;
- j. Cloaking FATHER KILLION's contact and actions within the facade of normalcy, thereby disguising the nature of his sexual abuse and contact with minors;
- k. Failing to take reasonable steps, and to implement reasonable safeguards to avoid acts of unlawful sexual conduct by FATHER KILLION with students and parishioners, who were minors, including but not limited to preventing or avoiding placement of FATHER KILLION in functions or environments in which his solitary contact with minors was inherent; and
- l. Failing to put in place a system or procedure to supervise or monitor employees, volunteers, representatives or agents to insure that they did not molest or abuse minors in Defendants' care, including Plaintiffs.

27. By his position within the Defendants' institutions, FATHER KILLION attained a position of respect and influence over Plaintiffs, and others. A position that was only available to him by the ongoing approval, consent and agreement of all of the Defendants acting as co-

conspirators. Defendants' conduct created a situation of peril that was not, and could not be appreciated by Plaintiffs. By virtue of Defendants' conspiratorial and fraudulent conduct, and in keeping with their intent to fail to disclose and hide FATHER KILLION's past and present conduct from the school and church community, the public at large, and law enforcement, Defendants allowed molester FATHER KILLION to remain in a position of influence where his unsupervised or negligently supervised conduct with minors made the molestation and abuse of minors possible.

28. By his position within the Defendants' institutions, Defendants and FATHER KILLION demanded and required Plaintiffs respect FATHER KILLION in his position of priest, teacher, counselor, mentor, supervisor over campus activities, campus minister, spiritual director, and provider of religious services including Mass, confession, spiritual education and other religious services at SALESIANUM.

29. The incidents of sexual abuse outlined herein took place while Plaintiffs were under the control of FATHER KILLION, in his capacity and position as a priest, spiritual advisor, counselor, teacher and mentor at SALESIANUM, and while acting specifically on behalf of the OBLATES, OBLATES, INC., SALESIANUM and DIOCESE OF WILMINGTON including, but not limited to, the following:

- a. Defendants (except FATHER KILLION) and each of them did willfully assign FATHER KILLION as a priest, teacher and mentor, supervisor over campus activities, campus minister, spiritual director, and provider of religious services including Mass, confession, spiritual education and other religious services at SALESIANUM. Before FATHER KILLION was assigned to SALESIANUM, Defendants OBLATES, OBLATES, INC., SALESIANUM and DIOCESE OF WILMINGTON, were well aware that FATHER KILLION took an unusual interest, and spent an inordinate amount of time with minor parishioners, students, and other minors in his charge;
- b. Plaintiff ADEMSKI was born in 1969. In or around 1983 through 1987, Plaintiff ADEMSKI was a student at SALESIANUM. During that time period,

Plaintiff was a minor, of approximately fourteen (14) to seventeen (17) years of age. Plaintiff ADEMSKI, when he was a freshman at SALESIANUM worked for FATHER KILLION at the Book Store and Bingo. Approximately during the summer of 1985 Plaintiff ADEMSKI was doing inventory at the Book Store where FATHER KILLION sexually assaulted Plaintiff ADEMSKI. FATHER KILLION grabbed Plaintiff ADEMSKI and asked Plaintiff ADEMSKI if he was lying to him about something, then FATHER KILLION put his hand down Plaintiff ADEMSKI's pants and grabbed him and told him he would squeeze harder if he lied to him. Some time later while working at Bingo, FATHER KILLION put his hand down Plaintiff ADEMSKI's pants and grabbed him under the same pretext of "are you lying to me?";

- c. Plaintiff KRAMEDAS was born in 1969. In or around 1983 through 1987, Plaintiff KRAMEDAS was a student at SALESIANUM. During that time period, Plaintiff was a minor of approximately fourteen (14) to seventeen (17) years of age. FATHER KILLION sexually assaulted Plaintiff KRAMEDAS from freshman year throughout the four (4) years to senior year. Plaintiff KRAMEDAS worked for FATHER KILLION at the Book Store and the SALESIANUM Faculty House. There were incidents of sexual assault by FATHER KILLION to Plaintiff KRAMEDAS while Plaintiff KRAMEDAS worked at Bingo, worked in the SALESIANUM Faculty House, during confession in the confessional and on a school trip. FATHER KILLION solicited sex from Plaintiff KRAMEDAS in the confessional as defined by the 1922 and 1962 Papal Instruction, Crimen Sollicitationis. FATHER KILLION used the forum of the sacred confessional to sexually exploit and assault Plaintiff KRAMEDAS during and after the celebration of a Holy Sacrament. The nature of the abuse was heavy petting, touching and fondling to the point of masturbation. FATHER KILLION always gave Plaintiff KRAMEDAS "special" treatment such as giving Plaintiff KRAMEDAS money, the Teacher's Edition of school books, free school books, items that were confiscated from other students and protection from trouble.
- d. Plaintiff MAURO was born in 1969. In or around 1983 through 1987, Plaintiff MAURO was a student at SALESIANUM. During that time period Plaintiff was a minor of approximately fourteen (14) to seventeen (17) years of age. FATHER KILLION sexually assaulted Plaintiff MAURO from freshman year throughout the four (4) years to senior year. Plaintiff MAURO worked for FATHER KILLION at the Book Store and the SALESIANUM Faculty House. There were incidents of sexual assault by FATHER KILLION to Plaintiff MAURO while Plaintiff MAURO worked at Bingo, worked in the SALESIANUM Faculty House and on a school trip. The nature of the abuse was heavy petting, touching and fondling to the point of masturbation. FATHER KILLION always gave Plaintiff MAURO "special" treatment such as giving Plaintiff MAURO money, free books and protection from trouble;
- e. Plaintiff DOE was born in 1971. In or around 1985 through 1989,

Plaintiff DOE was a student at SALESIANUM. During that time period Plaintiff was a minor of approximately fourteen (14) to seventeen (17) years of age. Plaintiff DOE, when he was a freshman at SALESIANUM worked for FATHER KILLION at Bingo. Approximately in 1985 Plaintiff DOE was working at Bingo where FATHER KILLION sexually assaulted Plaintiff DOE. Plaintiff DOE was alone with FATHER KILLION when FATHER KILLION took a scooper full of ice from the ice machine and grabbed Plaintiff DOE's pants and pulled them away and said "it would be cold if I dropped this down your pants, wouldn't it?" Again while working at Bingo, FATHER KILLION asked Plaintiff DOE to help him carry some things from upstairs and as they were going up a dark staircase, FATHER KILLION backed Plaintiff DOE into a corner and shoved his hand down Plaintiff DOE'S pants;

- f. In his capacity as priest, teacher and mentor for Defendants, FATHER KILLION was given custody and supervision of minors, including Plaintiffs. FATHER KILLION was able to use his position at SALESIANUM to require minors to give into his sexual suggestions, and to use his authority and position of trust to exploit them physically and emotionally. At no time did Defendants or any of them take any action to restrict FATHER KILLION's access and/or interaction with minors, including Plaintiffs. In fact, Defendants' conduct made it a virtual certainty that Plaintiffs and other minors would be victimized, as they placed FATHER KILLION in such positions as Confessor, Religion Teacher, Freshman Moderator, School Sacristan and Bingo Moderator at SALESIANUM;
- g. Plaintiffs, as minors, acted as students performing scholarly duties for Defendants, including attending class, attending school functions, participating in school-related events and functions, and performing other services for Defendants. While acting students under Defendants' control, Plaintiffs came under the influence of FATHER KILLION;
- h. FATHER KILLION took a special interest in Plaintiffs, and gained Plaintiffs' confidence by feigning to be a friend and mentor to Plaintiffs. While with Plaintiffs, FATHER KILLION attempted to get increasingly and physically closer to Plaintiffs during and after class, services, and functions by isolating Plaintiffs for periods of time from Plaintiffs' classmates, friends and family. Using his position as a priest, teacher and mentor, FATHER KILLION would befriend minor plaintiffs and give them jobs at the Book Store, Bingo and the SALESIANUM Faculty House;
- i. All of these acts were done at a time after Defendants knew of sexual abuse by FATHER KILLION of other students at SALESIANUM, and
- j. Many of these acts were done on the premises of SALESIANUM and within full view of other priests, students, teachers, administrators, and staff.

30. As set forth more fully herein above, FATHER KILLION did sexually harass, molest and abuse Plaintiffs, who were minors at the time. Plaintiffs are informed and believe, and on that basis allege, that such conduct by Defendant FATHER KILLION was done for his sexual gratification. These actions upon Plaintiffs were performed by Defendant FATHER KILLION without the free consent of Plaintiffs, who were minors.

31. Plaintiffs, based on information and belief, allege that Defendants and each of them were or should have been aware of FATHER KILLION's prior and continuing wrongful conduct within SALESIANUM and the DIOCESE OF WILMINGTON, and elsewhere, and of his wrongful conduct at or about the time it was occurring, and thereafter, but took no action to obstruct, inhibit or stop such continuing conduct, or to help Plaintiffs endure the trauma from such conduct. Despite the authority and ability to do so, Defendants by gross negligence and/or willfully refused to, and/or did not, act effectively to stop the sexual assaults on Plaintiffs, to inhibit or obstruct such abuse, or to protect Plaintiffs from the results of that trauma.

32. During the period of abuse of Plaintiffs at the hands of FATHER KILLION, Defendants and each of them had the authority and the ability to obstruct or stop FATHER KILLION's sexual assaults on Plaintiffs, but by gross negligence and/or willfully failed to do so, thereby allowing the abuse to occur and to continue unabated. This failure was a part of Defendants' "Conspiracy of Silence"- a conspiratorial plan and arrangement to conceal wrongful acts, to avoid and inhibit detection, to block public disclosure, to avoid scandal, to avoid the disclosure of their tolerance of child sexual molestation and abuse, to preserve a false appearance of propriety, and to avoid investigation and action by public authority including law enforcement. Plaintiffs are informed and believe, and on that basis allege, that such actions were motivated by a desire to protect the reputation of Defendants and each of them, and to protect the monetary support of Defendants while fostering an environment where such abuse could continue to occur.

33. Subsequent to the sexual harassment and abuse they suffered at the hands of FATHER KILLION, Plaintiffs have lived with and have been harmed by the memories of the sexual abuse done to them by FATHER KILLION. Such memories have caused each of them pain and suffering, including but not limited to, anxiety, embarrassment and emotional distress. Plaintiffs began to discover their mental and/or emotional issues were proximately caused by the minor sexual harassment, molestation and abuse they suffered as minors at the hands of FATHER KILLION.

34. As is set forth herein, Defendants and each of them have failed to uphold numerous mandatory duties imposed upon them by state and federal law, and by written policies and procedures applicable to Defendants, including but not limited to the following:

- a. Duty to use reasonable care to protect students from known or foreseeable dangers;
- b. Duty to enact policies and procedures that are not in contravention of the Federal Civil Rights Act, section 1983, and the 14th Amendment of the United States Constitution;
- c. Duty to protect students and staff, and provide adequate supervision;
- d. Duty to ensure that any direction given to students is lawful, and that adults act fairly, responsibly and respectfully towards parishioners and students;
- e. Duty to properly train priests, spiritual advisors, counselors, teachers, mentors, administrators and staff so that they are aware of their individual responsibility for creating and maintaining a safe environment;
- f. Duty to review the criminal history of priests, spiritual advisors, counselors, teachers, mentors, administrators, staff, applicants and current employees;
- g. Duty to supervise students and enforce rules and regulations prescribed for schools, exercise reasonable control over students as is reasonably necessary to maintain order, protect property, or protect the health and safety of students or to maintain proper and appropriate conditions conducive to learning;
- h. Duty to exercise careful supervision of the moral conditions in the church and school;

- i. Duty to hold pupils to a strict account for their conduct on the way to and from school, on the playgrounds or during recess;
- j. Duty to properly monitor students, prevent or correct harmful situations or call for help when a situation is beyond their control;
- k. Duty to ensure that personnel are actually on hand and supervising students;
- l. Duty to provide enough supervision to students;
- m. Duty to supervise diligently;
- n. Duty to act promptly and diligently and not ignore or minimize problems;
- o. Duty to refrain from violating Plaintiffs' right to protection from bodily restraint or harm, from personal insult, from defamation, and from injury to their personal relations;
- p. Duty to abstain from injuring the person or property of Plaintiffs, or infringing upon any of their rights; and
- q. Duty to report suspected incidents of child abuse and more specifically childhood sexual abuse as required by 16 Del.C.§903 and 42 U.S.C. §5101 et seq.

35. Compulsory education laws create a special relationship between students and Defendants, and students have a constitutional guarantee to a safe, secure and peaceful school environment. Defendants and each of them failed to acknowledge unsafe conditions, and therefore failed to guarantee safe surroundings in an environment in which Plaintiffs were not free to leave, specifically including but not limited to allowing FATHER KILLION to take minors for purposes of sexual activity and allowing FATHER KILLION to operate isolated environments, incapable of monitoring from the outside, wherein Defendants sexually harassed, molested and abused Plaintiffs and others.

36. Defendants and each of them had and have a duty to protect students, including

Plaintiffs. Defendants were required to, and failed, to provide adequate supervision for campus, church and off-site school-related functions, events, programs and activities, and failed to be properly vigilant in seeing that supervision was sufficient to ensure the safety of Plaintiffs and others.

37. Defendants and each of them lodged with FATHER KILLION the color of authority, by which he was able to influence, direct and abuse the Plaintiffs and others, and to act illegally, unreasonably and without respect for the person and safety of Plaintiffs.

38. Defendants and each of them had a duty to and failed to adequately train and supervise all teachers, spiritual advisors, coaches, youth counselors, mentors and staff to create a positive, safe, spiritual and educational environment, specifically including training to perceive, report and stop inappropriate conduct by other members of the clergy and staff, specifically including FATHER KILLION, with minors.

39. Defendants and each of them had a duty to and failed to enact and enforce rules and regulations prescribed for schools, and execute reasonable control over students necessary to protect the health and safety of the student and maintain proper and appropriate conditions conducive to learning.

40. Defendants and each of them were required to and failed to exercise careful supervision of the moral conditions in their schools, and provide supervision before and after school as well as during recess and other scheduled breaks. This duty extended beyond the classroom.

41. In subjecting Plaintiffs to the wrongful treatment herein described, Defendants OBLATES, OBLATES, INC., SALESIANUM, DIOCESE OF WILMINGTON and FATHER KILLION acted recklessly, willfully and maliciously with gross negligence, and in conscious

disregard of Plaintiffs' rights. Plaintiffs are informed, and on that basis, allege that these reckless, willful, malicious, and/or gross negligent acts, as alleged herein above, were ratified by the officers, directors, and/or managing agents of the Defendants. Plaintiffs are therefore entitled to the recovery of punitive damages, in an amount to be determined by the court, against FATHER KILLION, OBLATES, OBLATES, INC., SALESIANUM and DIOCESE OF WILMINGTON in a sum to be shown according to proof.

FIRST CAUSE OF ACTION
GROSS NEGLIGENCE
(Against all Defendants)

42. Plaintiffs re-allege and incorporate by reference herein each and every allegation contained herein above as though fully set forth and brought in this cause of action.

43. Plaintiffs, based on information and belief, allege that prior to and after the first incident of FATHER KILLION's sexual harassment, molestation and abuse of Plaintiffs, through the present, Defendants, knew or should have reasonably known that FATHER KILLION had or was capable of sexually, physically, and/or mentally abusing Plaintiffs and other victims.

44. Defendants and each of them had special duties to protect the minor Plaintiffs and the other students within SALESIANUM and the DIOCESE OF WILMINGTON, when such students were entrusted to their care by their parents. Plaintiffs' care, welfare and/or physical custody was entrusted to Defendants. Defendants voluntarily accepted the entrusted care of Plaintiffs. As such, Defendants owed Plaintiffs, all minors, a special duty of care, in addition to a duty of ordinary care, and owed Plaintiffs the higher duty of care that adults dealing with minors owe to protect them from harm. The duty to protect and warn arose from the special, trusting, confidential, and/or fiduciary relationship between Defendants and Plaintiffs. Plaintiffs

felt great trust, faith and confidence in Defendants, and in FATHER KILLION as their priest, teacher and mentor.

45. Plaintiffs, based on information and belief, allege that Defendants breached their duties of care to the minor Plaintiffs by allowing FATHER KILLION to come into contact with the minor Plaintiffs and other students, without supervision; by failing to adequately hire, supervise and/or retain FATHER KILLION who they permitted and enabled to have access to Plaintiffs; by failing to investigate or otherwise confirm or deny such facts about FATHER KILLION; by failing to tell or concealing from Plaintiffs, their parents, guardians and law enforcement officials that FATHER KILLION was or may have been sexually harassing, molesting and abusing minors; by failing to tell or concealing from Plaintiffs' parents, guardians or law enforcement officials that Plaintiffs were or may have been sexually harassed, molested and abused after Defendants knew or had reason to know that FATHER KILLION may have sexually harassed, molested and abused Plaintiffs or others, thereby enabling Plaintiffs to continue to be endangered and sexually harassed, molested and abused, and/or creating the circumstance where Plaintiffs were less likely to receive medical/mental health care or treatment, thus exacerbating the harm done to Plaintiffs; and/or by holding out FATHER KILLION to Plaintiffs and to their parents as being in good standing and trustworthy. Defendants cloaked within the facade of normalcy Defendants' conduct, contact and actions with Plaintiffs and/or other children who were FATHER KILLION's victims, and/or disguised the nature of the sexual harassment, molestation and abuse and contact.

46. Defendants, and each of them, breached their duty to Plaintiffs by, inter alia, failing to investigate or otherwise confirm or deny such facts, failing to reveal such facts to Plaintiffs, the community of the school, students, minors, and law enforcement agencies, placing and

continuing to place FATHER KILLION in positions of trust and authority and continuing to hold out FATHER KILLION to Plaintiffs, the public, the community of the school, students, minors, and law enforcement agencies as being in good standing and trustworthy.

47. Defendants, and each of them, breached their duty to Plaintiffs by, inter alia, by failing to adequately monitor and supervise FATHER KILLION and/or stopping FATHER KILLION from committing wrongful sexual acts with minors including Plaintiffs. This belief is founded on the facts that church, personnel and/or school records of OBLATES, OBLATES, INC., SALESIANUM and DIOCESE OF WILMINGTON reflect numerous incidents of inappropriate sexual contact and conduct with minors by priests, spiritual advisors, counselors, teachers, mentors, staff, coaches, and others, including incidents involving FATHER KILLION, both on and off the premises of such Defendants. Based on these records, Defendants knew and/or should have known of FATHER KILLION's incapacity to supervise and/or stop employees of Defendants from committing wrongful sexual acts with minors.

48. Defendants, by and through their employees and agents, were minor custodians and were under a statutory duty to report known or suspected incidents of sexual harassment, molestation or abuse of minors to a child protective agency, and/or not to impede the filing of any such report.

49. Plaintiffs, based on information and belief, allege that Defendants knew or should have known that FATHER KILLION, their agents, teachers, coaches, spiritual advisors, youth counselors, mentors and other priests, teachers and staff of OBLATES, OBLATES, INC., SALESIANUM and DIOCESE OF WILMINGTON had sexually molested, abused, or caused touching, battery, harm, and other injuries to minors, including Plaintiffs, giving rise to a duty to report such conduct.

50. Plaintiffs, based on information and belief, allege that Defendants also knew, or should have known in the exercise of reasonable diligence, that an undue risk to minors, including Plaintiffs, existed because Defendants did not comply with their mandatory reporting requirements of 16 Del.C. §903 and 42 U.S.C. §5101 et seq.

51. By failing to report the continuing molestations and abuse, which Defendants and each of them knew or should have known, and by ignoring the fulfillment of the mandated compliance with the reporting requirements, Defendants created the risk and danger contemplated by the mandatory reporting requirements, and as a result, unreasonably and wrongfully exposed Plaintiffs and other minors to sexual molestation and abuse.

52. Plaintiffs were members of the class of persons for whose protection the mandatory reporting requirements were specifically adopted to protect.

53. Had Defendants adequately reported the molestation of Plaintiffs and other minors as required, further harm to Plaintiffs and other minors would have been avoided.

54. As a proximate result of Defendants' failure to follow the numerous duties owed to the Plaintiffs, Defendants wrongfully denied Plaintiffs and other minors, the intervention of child protection services. Such public agencies would have changed the then-existing arrangements and conditions that provided the access and opportunities for the molestation of Plaintiffs by FATHER KILLION.

55. The physical, mental, and emotional damages and injuries resulting from the sexual molestation of Plaintiffs by FATHER KILLION, were the type of occurrence and injuries that the mandatory reporting requirements and other owed duties were designed to prevent.

56. As a result, Defendants' failure to comply with the mandatory reporting requirements also constituted a per se breach of Defendants' duties to Plaintiffs.

57. As a result of the above-described conduct, Plaintiffs have suffered and continue to suffer pain and suffering, including but not limited to, anxiety, embarrassment and emotional distress.

SECOND CAUSE OF ACTION
GROSSLY NEGLIGENT SUPERVISION
(Against ALL Defendants)

58. Plaintiffs re-allege and incorporate by reference herein each and every allegation contained herein above as though fully set forth and brought in this cause of action.

59. By virtue of Plaintiffs' special relationship with Defendants, and Defendants' relation to FATHER KILLION, Defendants owed Plaintiffs a duty to provide reasonable supervision of FATHER KILLION to use reasonable care in investigating FATHER KILLION's background, and to provide adequate warning to the Plaintiffs, the Plaintiffs' family, and minor students of FATHER KILLION's dangerous propensities and unfitness.

60. As a Diocese and/or representatives of the Roman Catholic Church, and a school, where all of the students are minors entrusted to the church, the schools, their priests and their teachers, OBLATES, OBLATES, INC., SALESIANUM and DIOCESE OF WILMINGTON expressly and implicitly represented that their priests, spiritual advisors, counselors, teachers and mentors, including FATHER KILLION, were not a sexual threat to minors and others who would fall under FATHER KILLION's influence, control, direction, and guidance.

61. Plaintiffs, based on information and belief, allege that OBLATES, OBLATES, INC., SALESIANUM and DIOCESE OF WILMINGTON, and other Defendants, by and through their respective agents, servants and employees, knew or should have reasonably known of FATHER KILLION's dangerous and exploitive propensities and/or that FATHER KILLION was an unfit agent. Despite such knowledge, Defendants negligently failed to supervise FATHER KILLION

in his position of trust and authority as a priest, teacher, mentor, and/or other authority figure, where he was able to commit wrongful acts against the Plaintiffs. Defendants failed to provide reasonable supervision of FATHER KILLION, failed to use reasonable care in investigating FATHER KILLION, and failed to provide adequate warning to Plaintiffs and Plaintiffs' family of FATHER KILLION's dangerous propensities and unfitness. Defendants further failed to take reasonable measures to prevent sexual harassment, molestation and abuse of minors, including Plaintiffs.

62. Plaintiffs, based on information and belief, allege that at no time during the periods of time alleged did Defendants have in place a system or procedure to reasonably investigate, supervise and/or monitor teachers, including FATHER KILLION, to prevent pre-sexual grooming and/or sexual harassment, molestation and abuse of children, nor did they implement a system or procedure to oversee or monitor conduct toward minors, students and others in Defendants' care.

63. Defendants and each of them were or should have been aware and understood how vulnerable minors were to sexual harassment, molestation and abuse by priests, teachers and other persons of authority within the OBLATES, OBLATES, INC., SALESIANUM and DIOCESE OF WILMINGTON.

64. Plaintiffs, based on information and belief, allege that Defendants were put on notice, and knew or should have known, that FATHER KILLION had previously engaged and was continuing to engage in unlawful sexual conduct with minors and committed other felonies, for his own personal gratification, and that it was, or should have been foreseeable that he was engaging, or would engage in illicit sexual activities with Plaintiffs, and others, under the cloak

of their authority, confidence, and trust, bestowed upon him through Defendants, and each of them.

65. Plaintiffs, based on information and belief, allege that Defendants were placed on actual and/or constructive notice that FATHER KILLION had molested other minors and students, both before his employment at the OBLATES, OBLATES, INC., SALESIANUM and DIOCESE OF WILMINGTON, and/or during that employment. Plaintiffs are informed, and thereon allege, that other third parties, minor students, law enforcement officials and/or parents informed Defendants of molestations committed by FATHER KILLION or of conduct that would put a reasonable person on notice of such propensity to molest and abuse.

66. The abuse in these cases and others lasted for years. Years in which the Defendants knew or should have known of these activities by FATHER KILLION, Defendants did nothing to investigate, supervise or monitor FATHER KILLION to ensure the safety of the minor students.

67. Defendants' conduct was a breach of their duties to Plaintiffs.

68. Defendants, by and through their employees and agents, were minor custodians and were under a statutory duty to report known or suspected incidents of sexual molestation or abuse of minors to a child protective agency, and/or not to impede the filing of any such report.

69. Plaintiffs, based on information and belief, allege that Defendants knew or should have known that their priest, teacher and mentor, FATHER KILLION, and other priests, teachers and staff of the OBLATES, OBLATES, INC., SALESIANUM and DIOCESE OF WILMINGTON had sexually molested, abused or caused touching, battery, harm, and other injuries to minors, including Plaintiffs, giving rise to a duty to report such conduct.

70. Plaintiffs, based on information and belief, allege that Defendants knew, or should

have known in the exercise of reasonable diligence, that an undue risk to minors, including Plaintiffs, existed because Defendants did not comply with Delaware's mandatory reporting requirements.

71. By failing to report the continuing molestations and abuse, which Defendants and each of them knew or should have known, and by ignoring the fulfillment of the mandated compliance with the mandatory reporting requirements, Defendants created the risk and danger contemplated by the mandatory reporting requirements, and as a result, unreasonably and wrongfully exposed Plaintiffs and other minors to sexual molestation and abuse.

72. Plaintiffs were members of the class of persons for whose protection the mandatory reporting requirements were specifically adopted to protect.

73. Had Defendants adequately reported the molestation of Plaintiffs and other minors as required by the mandatory reporting requirements, further harm to Plaintiffs and other minors would have been avoided.

74. As a proximate result of Defendants' gross failure to follow the mandatory reporting requirements, Defendants wrongfully denied Plaintiffs and other minors the intervention of child protection services. Such public agencies would have changed the then-existing arrangements and conditions that provided the access and opportunities for the molestation of Plaintiffs by FATHER KILLION.

75. The physical, mental, and emotional damages and injuries resulting from the sexual molestation of Plaintiffs by FATHER KILLION were the type of occurrence and injuries that the mandatory reporting requirements were designed to prevent.

76. As a result, Defendants' gross failure to comply with the mandatory reporting requirements also constituted a per se breach of Defendants' duties to Plaintiffs.

77. Defendants, and each of them, grossly breached their duty to Plaintiffs by, inter alia, by failing to adequately monitor and supervise FATHER KILLION and/or stopping FATHER KILLION from committing wrongful sexual acts with minors including Plaintiffs. This belief is founded on the facts that church, personnel and/or school records of the OBLATES, OBLATES, INC., SALESIANUM and DIOCESE OF WILMINGTON reflect numerous incidents of inappropriate sexual contact and conduct with minors by teachers, staff, counselors and others, including incidents involving FATHER KILLION, both on and off the premises of such Defendants. Based on these records, Defendants knew and/or should have known of FATHER KILLION's incapacity to supervise and/or stop employees of Defendants from committing wrongful sexual acts with minors.

78. As a result of the above-described conduct, Plaintiffs have suffered and continue to suffer pain and suffering including but not limited to, anxiety, embarrassment and emotional distress.

THIRD CAUSE OF ACTION
GROSSLY NEGLIGENT HIRING/RETENTION
(Against ALL Defendants)

79. Plaintiffs re-allege and incorporate by reference herein each and every allegation contained herein above as though fully set forth and brought in this cause of action.

80. By virtue of Plaintiffs' special relationship with Defendants and each of them, and Defendants' relation to FATHER KILLION, Defendants owed Plaintiffs a duty to not hire and/or retain FATHER KILLION, given his dangerous and exploitive propensities, which Defendants knew or reasonably should have known had they engaged in a meaningful and adequate investigation of his background prior to his hiring.

81. As a Diocese and/or representative of the Roman Catholic Church, and operator of a

school, where all of the students are minors entrusted to the church, the schools, their priests and their teachers and their coaches, the OBLATES, OBLATES, INC., SALESIANUM and DIOCESE OF WILMINGTON expressly and implicitly represented that the priests and teachers, including FATHER KILLION, were not a sexual threat to minors and others who would fall under FATHER KILLION's influence, control, direction, and guidance.

82. Plaintiffs, based on information and belief, allege that at no time during the periods of time alleged did Defendants have in place a system or procedure to reasonably investigate, supervise and/or monitor teachers, including FATHER KILLION, to prevent pre-sexual grooming and/or sexual harassment, molestation and abuse of minors, nor did they implement a system or procedure to oversee or monitor conduct toward minors, students and others in Defendants' care.

83. Defendants and each of them were or should have been aware and understood how vulnerable minors were to sexual harassment, molestation and abuse by teachers and other persons of authority within the control of the OBLATES, OBLATES, INC., SALESIANUM and DIOCESE OF WILMINGTON.

84. Plaintiffs, based on information and belief, allege that the Defendants were put on notice, and should have known that FATHER KILLION had previously engaged and continued to engage in unlawful sexual conduct with minors and other felonies, for his own personal gratification, and that it was, or should have been foreseeable that he was engaging, or would engage in illicit sexual activities with Plaintiffs, and others, under the cloak of his authority, confidence, and trust, bestowed upon him through the OBLATES, OBLATES, INC., SALESIANUM and DIOCESE OF WILMINGTON.

85. Defendants were placed on actual and/or constructive notice that FATHER KILLION

had molested and/or was molesting minors and students, both before his employment within the OBLATES, OBLATES, INC., SALESIANUM and DIOCESE OF WILMINGTON and during that employment. Plaintiffs are informed, and thereon allege, that other third parties, minors, students, law enforcement officials and/or parents informed Defendants of inappropriate conduct and molestations committed by FATHER KILLION.

86. Even though Defendants knew or should have known of these activities by FATHER KILLION, Plaintiffs are informed that Defendants grossly failed to use reasonable care in investigating FATHER KILLION and did nothing to investigate, supervise or monitor FATHER KILLION to ensure the safety of the minor students.

87. Defendants' conduct was a gross breach of their duty to Plaintiffs.

88. Defendants, by and through their employees and agents, were minor custodians and were under a statutory duty to report known or suspected incidents of sexual molestation or abuse of minors to a child protective agency, and/or not to impede the filing of any such report.

89. Plaintiffs, based on information and belief, allege that Defendants knew or should have known that their priest, teacher and mentor, FATHER KILLION, and other priests, teachers and staff within the OBLATES, OBLATES, INC., SALESIANUM and DIOCESE OF WILMINGTON had sexually molested, abused or caused touching, battery, harm, and other injuries to minors, including Plaintiffs, giving rise to a duty to report such conduct.

90. Plaintiffs, based on information and belief, allege that Defendants knew, or should have known in the exercise of reasonable diligence, that an undue risk to minors, including Plaintiffs, existed because Defendants did not comply with Delaware's mandatory reporting requirements and Federal requirements under 42 U.S.C. §5101 et seq.

91. By failing to report the continuing molestations and abuse, which Defendants and each

of them knew or should have known, and by ignoring the fulfillment of the mandated compliance with the reporting requirements provided under Delaware law, Defendants created the risk and danger contemplated by the mandatory reporting requirements, and as a result, unreasonably and wrongfully exposed Plaintiffs and other minors to sexual molestation and abuse.

92. Plaintiffs were members of the class of persons for whose protection the Delaware mandatory reporting requirements were specifically adopted to protect.

93. Had Defendants adequately reported the molestation of Plaintiffs and other minors as required by the Delaware mandatory reporting requirements, further harm to Plaintiffs and other minors would have been avoided.

94. As a proximate result of Defendants' gross failure to follow the mandatory reporting requirements of Delaware law, Defendants wrongfully denied Plaintiffs and other minors the intervention of child protection services. Such public agencies would have changed the then-existing arrangements and conditions that provided the access and opportunities for the molestation of Plaintiffs by FATHER KILLION.

95. The physical, mental, and emotional damages and injuries resulting from the sexual molestation of Plaintiffs by FATHER KILLION were the type of occurrences and injuries that the mandatory reporting requirements were designed to prevent.

96. As a result, Defendants' gross failure to comply with the mandatory reporting requirements of Delaware's mandatory reporting requirements also constituted a per se breach of Defendants' duties to Plaintiffs.

97. As a result of the above-described conduct, Plaintiffs have suffered and continue to suffer pain and suffering, including but not limited to, anxiety, embarrassment and emotional distress.

FOURTH CAUSE OF ACTION
GROSSLY NEGLIGENT FAILURE TO WARN, TRAIN, or EDUCATE
(Against ALL Defendants)

98. Plaintiffs re-allege and incorporate by reference herein each and every allegation contained herein above as though fully set forth and brought in this cause of action.

99. Defendants owed Plaintiffs a duty to take reasonable protective measures to protect Plaintiffs and other minor students from the risk of childhood sexual harassment, molestation and abuse by FATHER KILLION by properly warning, training or educating Plaintiffs and other students about how to avoid such a risk.

100. Defendants grossly breached their duty to take reasonable protective measures to protect Plaintiffs and other minor students from the risk of childhood sexual harassment, molestation and abuse by FATHER KILLION, such as the failure to properly warn, train or educate Plaintiffs and other students about how to avoid such a risk.

101. Defendants grossly breached their duty to take reasonable protective measures to protect Plaintiffs and other minor students from the risk of childhood sexual harassment, molestation and abuse by FATHER KILLION, by failing to supervising and/or stop employees of Defendants, including FATHER KILLION, from committing wrongful sexual acts with minors, including Plaintiffs.

102. Under the Delaware mandatory reporting requirements, Defendants, by and through their employees and agents, were minor custodians and were under a statutory duty to report known or suspected incidents of sexual molestation or abuse of minors to a child protective agency, pursuant to Delaware law, and/or not to impede the filing of any such report.

103. Plaintiffs, based on information and belief, allege that Defendants knew or should

have known that their priest, teacher and mentor, FATHER KILLION, and other priests, teachers and staff of the OBLATES, OBLATES, INC., SALESIANUM and DIOCESE OF WILMINGTON had sexually molested, abused or caused touching, battery, harm, and other injuries to minors, including Plaintiffs, giving rise to a duty to report such conduct under Delaware's mandatory reporting requirements.

104. Plaintiffs, based on information and belief, allege that Defendants knew, or should have known in the exercise of reasonable diligence, that an undue risk to minors, including Plaintiffs, existed because Defendants did not comply with Delaware's mandatory reporting requirements.

105. By failing to report the continuing molestations and abuse, which Defendants and each of them knew or should have known, and by ignoring the fulfillment of the mandated compliance with the reporting requirements provided under Delaware law, Defendants created the risk and danger contemplated by the mandatory reporting requirements, and as a result, unreasonably and wrongfully exposed Plaintiffs and other minors to sexual molestation and abuse.

106. Plaintiffs were members of the class of persons for whose protection Delaware's mandatory reporting requirements were specifically adopted to protect.

107. Had Defendants adequately reported the molestation of Plaintiffs and other minors as required by Delaware law, further harm to Plaintiffs and other minors would have been avoided.

108. As a proximate result of Defendants' gross failure to follow the mandatory reporting requirements of Delaware law, Defendants wrongfully denied Plaintiffs and other minors the intervention of child protection services. Such public agencies would have changed

the then-existing arrangements and conditions that provided the access and opportunities for the molestation of Plaintiffs by FATHER KILLION.

109. The physical, mental, and emotional damages and injuries resulting from the sexual molestation of Plaintiffs by FATHER KILLION were the type of occurrences and injuries that the mandatory reporting requirements were designed to prevent.

110. As a result, Defendants' gross failure to comply with the mandatory reporting requirements of Delaware law also constituted a per se breach of Defendants' duties to Plaintiffs.

111. As a result of the above-described conduct, Plaintiffs have suffered and continue to suffer pain and suffering, including but not limited to, anxiety, embarrassment and emotional distress.

FIFTH CAUSE OF ACTION
CONSTRUCTIVE FRAUD
(Against all Defendants)

112. Plaintiffs re-allege and incorporate by reference herein each and every allegation contained herein above as though fully set forth and brought in this cause of action.

113. By holding FATHER KILLION out as an agent of the OBLATES, OBLATES, INC., SALESIANUM and DIOCESE OF WILMINGTON and by allowing him to undertake the religious, spiritual, academic, physical and emotional instruction of Plaintiffs, the OBLATES, OBLATES, INC., SALESIANUM and DIOCESE OF WILMINGTON and the other Defendants entered into a fiduciary relationship and special confidential relationship with Plaintiffs.

114. By holding themselves out as qualified institutions of learning for minors, and by undertaking to provide the religious, spiritual, academic, spiritual, and emotional instruction and counseling of Plaintiffs and other minor students, the OBLATES, OBLATES, INC.,

SALESIANUM and DIOCESE OF WILMINGTON entered into a fiduciary relationship and special confidential relationship with Plaintiffs.

115. Defendants, and each of them, breached their fiduciary duty and/or special duties to Plaintiffs by the wrongful and grossly negligent conduct described or incorporated in this Complaint, and in doing so gained an advantage over Plaintiffs in matters relating to Plaintiffs' safety, security and health. In particular and without limiting the generality of the foregoing, in breaching such duties as alleged, Defendants among other things, was able to sustain the status of the OBLATES, OBLATES, INC., SALESIANUM and DIOCESE OF WILMINGTON as institutions of high moral repute, and preserve the reputation of the OBLATES, OBLATES, INC., SALESIANUM and DIOCESE OF WILMINGTON, including their administrators and staff, all at the expense of Plaintiffs' further injury and in violation of Defendants' and each of their mandatory duties.

116. By virtue of their fiduciary relationship and/or special relationship with Plaintiffs, Defendants and each of them owed Plaintiffs a duty to:

- a. Investigate or otherwise confirm or deny such claims of sexual abuse;
- b. Reveal such facts to Plaintiffs, Plaintiffs' parents and caretakers, the church community, school community, and law enforcement agencies;
- c. Refuse to place FATHER KILLION and other molesters in positions of trust and authority within Defendants' institutions;
- d. Refuse to hold out FATHER KILLION and other molesters to the public, the school community, students, minors, parents and law enforcement agencies as being in good standing and, trustworthy in keeping with his and their position as a teacher, mentor, coach and authority figure;
- e. Refuse to assign FATHER KILLION and other molesters to positions of power within the school and over minor students; and

- f. Disclose to Plaintiffs, Plaintiffs' parents, the public, the church community, the school community, students, minors, and law enforcement agencies the wrongful, tortious, and criminal acts of FATHER KILLION and others.

117. Plaintiffs, based on information and belief, allege that Defendants' gross breach of their respective duties included, but were not limited to:

- a. Making no or inadequate investigations of FATHER KILLION;
- b. Issuing no warnings about FATHER KILLION;
- c. Permitting FATHER KILLION to routinely be alone and in control of minors, unsupervised;
- d. Not having adopted a policy to prevent FATHER KILLION from routinely having minors, parishioners, and minor students in his unsupervised control;
- e. Making no reports of any allegations of FATHER KILLION's abuse of students, parishioners, or of minors prior to his employment at the OBLATES, OBLATES, INC., SALESIANUM and DIOCESE OF WILMINGTON and
- f. Assigning and continuing to assign FATHER KILLION to duties which placed him in positions of authority and trust over minors, positions in which FATHER KILLION could easily isolate and sexually abuse minors.

118. At the time that Defendants engaged in such suppression and concealment of acts, such acts were done for the purpose of causing Plaintiffs to forbear on Plaintiffs' rights.

119. Defendants' gross misconduct did reasonably cause Plaintiffs to forbear on Plaintiffs' rights.

120. Plaintiffs, based on information and belief, allege that the misrepresentation, suppressions and concealment of facts were likely to mislead Plaintiffs and others to believe that Defendants had no knowledge of any charges, or that there were no other charges of unlawful and/or sexual misconduct against FATHER KILLION or others and that there was no need for them to take further action or precaution.

121. Plaintiffs, based on information and belief, allege that the misrepresentation,

suppressions and concealment of facts by Defendants was likely to mislead Plaintiffs and others to believe that Defendants had no knowledge of the fact that FATHER KILLION was a molester, and was known to commit wrongful sexual acts with minors, including Plaintiffs.

122. Plaintiffs, based on information and belief, allege that Defendants, and each of them, knew or should have known at the time they suppressed and concealed the true facts regarding FATHER KILLION and others' sexual molestations, that the resulting impressions were misleading.

123. Plaintiffs, based on information and belief, allege that Defendants, and each of them, suppressed and concealed the true facts with the purpose of: preventing Plaintiffs, Plaintiffs' parents, and others, from learning that FATHER KILLION and others had been and were continuing to sexually harass, molest and abuse minors and others under FATHER KILLION's and Defendants' control, direction, and guidance, with complete impunity; inducing people, including Plaintiffs and other benefactors and donors to participate and financially support Defendants' church, school and other enterprises of Defendants; preventing further reports and outside investigations into FATHER KILLION and Defendants' conduct; preventing discovery of Defendants' own conduct; avoiding damage to the reputations of Defendants; protecting Defendants' power and status in the community and the academic community; avoiding damage to the reputation of the OBLATES, OBLATES, INC., SALESIANUM and DIOCESE OF WILMINGTON or Defendants' institutions; and avoiding the civil and criminal liability of Defendants, of FATHER KILLION, and of others.

124. Plaintiffs, based on information and belief, allege that at all times mentioned

herein, Defendants, with knowledge of the tortious nature of their own and each others' conduct, negligently, recklessly, knowingly and intentionally gave each other substantial assistance to perpetrate the misrepresentations, fraud and deceit alleged herein.

125. Plaintiffs, based on information and belief, allege that Plaintiffs and others were misled by Defendants' suppressions and concealment of facts, and in reliance thereon, were induced to act or induced not to act, exactly as intended by Defendants. Specifically, Plaintiffs and Plaintiffs' parents were induced to believe that there were no allegations of criminal or sexual abuse against FATHER KILLION. Had Plaintiffs or others known the true facts, they would have not participated further nor continued to financially support the Defendants' activities alleged herein; they would have reported the matters to the proper authorities, to other minor students and their parents so as to prevent future recurrences; they would not have allowed minors, including Plaintiffs, to be alone with, or have any relationship with FATHER KILLION, they would not have allowed minors, including Plaintiffs, to attend or be under the control of the OBLATES, OBLATES, INC., SALESIANUM and DIOCESE OF WILMINGTON, they would have undertaken their own investigations which would have led to discovery of the true facts; and they would have sought psychological counseling for Plaintiffs, and for other minors molested and abused by FATHER KILLION.

126. By giving FATHER KILLION the position of teacher and mentor, Defendants impliedly represented that FATHER KILLION was safe and morally fit to give minors direction and guidance.

127. Plaintiffs, based on information and belief, allege that when Defendants made these affirmative or implied representations and/or non-disclosures of material facts, Defendants knew or should have known that the facts were otherwise. Defendants knowingly and

intentionally suppressed the material facts that FATHER KILLION had on numerous, prior occasions sexually, physically, and/or mentally abused minors and students of the OBLATES, OBLATES, INC., SALESIANUM and DIOCESE OF WILMINGTON, including Plaintiffs, and/or knew of or learned of conduct, or should have learned of conduct by FATHER KILLION which placed Defendants on notice that FATHER KILLION had previously been suspected of felonies, including unlawful sexual conduct with minors, and was likely abusing minors.

128. Because of Plaintiffs' young ages, and because of the status of FATHER KILLION as an authority figure to Plaintiffs, Plaintiffs were vulnerable to FATHER KILLION. FATHER KILLION sought Plaintiffs out, and was empowered by and accepted Plaintiffs' vulnerability. Plaintiffs' vulnerability also prevented Plaintiffs from effectively protecting themselves from the sexual advances of FATHER KILLION.

129. Defendants had the duty to obtain and disclose information relating to sexual misconduct of FATHER KILLION.

130. Defendants misrepresented, concealed or failed to disclose information relating to sexual misconduct of FATHER KILLION.

131. Defendants knew that they had misrepresented, concealed or failed to disclose information related to sexual misconduct of FATHER KILLION.

132. Plaintiff justifiably relied upon Defendants for information relating to sexual misconduct of FATHER KILLION.

133. Defendants, in concert with each other and with the intent to conceal and defraud, conspired and came to a meeting of the minds whereby they would misrepresent, conceal or fail to disclose information relating to the sexual misconduct of FATHER KILLION, the inability of Defendants to supervise or stop FATHER KILLION from sexually harassing, molesting and

abusing Plaintiffs, and their own failure to properly investigate, supervise and monitor his conduct with minor students.

134. By so concealing, Defendants committed at least one act in furtherance of the conspiracy.

135. As a result of the above-described conduct, Plaintiffs have suffered and continue to suffer pain and suffering, including but not limited to, anxiety, embarrassment and emotional distress.

136. Plaintiffs, based on information and belief, allege that the conduct of Defendants was oppressive, malicious and despicable in that it was done in conscious disregard for the rights and safety of minors and others, and were carried out with a conscious disregard of their right to be free from such tortious behavior, such as to constitute oppression, fraud or malice, entitling Plaintiffs to punitive damages in an amount appropriate to punish and set an example of FATHER KILLION and Defendants, in a sum to be shown according to proof.

SIXTH CAUSE OF ACTION
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
(Against All Defendants)

137. Plaintiffs re-allege and incorporate by reference herein each and every allegation contained herein above as though fully set forth and brought in this cause of action.

138. FATHER KILLION's conduct toward Plaintiffs, as described herein, was outrageous and extreme.

139. A reasonable person would not expect or tolerate the sexual harassment, molestation and abuse of Plaintiffs by FATHER KILLION. Plaintiffs had great trust, faith and confidence in FATHER KILLION and in Defendants, which, by virtue of FATHER KILLION's and Defendants' wrongful conduct, turned to fear.

140. Defendants' conduct toward Plaintiffs, as described herein, was outrageous and extreme.

141. A reasonable person would not expect or tolerate Defendants putting FATHER KILLION, who was known to Defendants to be a child molester and child abuser, in charge of minors at SALESIANUM , which enabled FATHER KILLION to have access to minor students and so that he could commit wrongful sexual acts, including the conduct described herein, with minors, including Plaintiffs. Plaintiffs had great trust, faith and confidence in Defendants, which, by virtue of Defendants' wrongful conduct, turned to fear.

142. A reasonable person would not expect or tolerate Defendants to be incapable of supervising and/or stopping employees of Defendants, including FATHER KILLION, from committing wrongful sexual acts with minors, including Plaintiffs, or to supervise FATHER KILLION. Plaintiffs had great trust, faith and confidence in Defendants, which, by virtue of Defendants' wrongful conduct, turned to fear.

143. FATHER KILLION's and Defendants' conduct described herein was intentional and malicious and done for the purpose of causing or with the substantial certainty that Plaintiffs would suffer humiliation, mental anguish, and emotional and physical distress.

144. As a result of the above-described conduct, Plaintiffs have suffered and continue to suffer pain and suffering, including but not limited to, anxiety, embarrassment and emotional distress.

145. Plaintiffs, based on information and belief, allege that the conduct of Defendants was oppressive, malicious and despicable in that it was intentional and done in conscious disregard for the rights and safety of others, and were carried out with a conscious disregard of their right to be free from such tortious behavior, such as to constitute oppression, fraud or

malice, entitling Plaintiffs to punitive damages in an amount appropriate to punish and set an example of FATHER KILLION and Defendants, in a sum to be shown according to proof.

SEVENTH CAUSE OF ACTION
SEXUAL BATTERY
(Against All Defendants)

146. Plaintiffs re-allege and incorporate by reference herein each and every allegation contained herein above as though fully set forth and brought in this cause of action.

147. During Plaintiffs' time as minors and students at SALESIANUM, Defendant FATHER KILLION intentionally, recklessly and wantonly did acts which were intended to, and did result in harmful and offensive contact with intimate parts of Plaintiffs' person.

148. Defendant FATHER KILLION did the aforementioned acts with the intent to cause a harmful or offensive contact with an intimate part of Plaintiffs' person, and would offend a reasonable sense of personal dignity. Further, said acts did cause a harmful or offensive contact with an intimate part of Plaintiffs' person that would offend a reasonable sense of personal dignity.

149. Because of FATHER KILLION's position of authority over Plaintiffs, and Plaintiffs' mental and emotional state, and Plaintiffs' young ages under the age of consent, Plaintiffs were unable to, and did not, give meaningful consent to such acts.

150. As a direct, legal and proximate result of the acts of Defendant FATHER KILLION, Plaintiffs sustained serious and permanent injuries to their person, all to their damage in an amount to be shown according to proof and within the jurisdiction of the Court.

151. As a direct result of the sexual abuse by FATHER KILLION, Plaintiffs have suffered and continue to suffer pain and suffering, including but not limited to anxiety, embarrassment and emotional distress.

152. Plaintiffs, based on information and belief, allege that the conduct of Defendants was oppressive, malicious and despicable in that it was done in conscious disregard for the rights and safety of others, and were carried out with a conscious disregard of their right to be free from such tortious behavior, such as to constitute oppression, fraud or malice, entitling Plaintiffs to punitive damages in an amount appropriate to punish and set an example of FATHER KILLION and Defendants, in a sum to be shown according to proof.

EIGHTH CAUSE OF ACTION
SEXUAL HARASSMENT
(Against ALL Defendants)

153. Plaintiffs re-allege and incorporate by reference herein each and every allegation contained herein above as though fully set forth and brought in this cause of action.

154. During Plaintiffs' time as students at SALESIANUM Defendant FATHER KILLION intentionally, recklessly and wantonly made sexual advances, solicitations, requests, demands for sexual compliance of a hostile nature based on Plaintiffs' gender that were unwelcome, pervasive and severe.

155. The incidents of abuse outlined herein above took place while Plaintiffs were under the control of FATHER KILLION, in his capacity and position as a priest, teacher and mentor at SALESIANUM, and while acting specifically on behalf of the OBLATES, OBLATES, INC., SALESIANUM and DIOCESE OF WILMINGTON.

156. During Plaintiffs' time as students at SALESIANUM, Defendant FATHER KILLION intentionally, recklessly and wantonly did acts which resulted in harmful and offensive contact with intimate parts of Plaintiffs' person, including but not limited to, using his position as a teacher and mentor to require Plaintiffs to give into his sexual suggestions, and to use his authority and position of trust to exploit them physically and emotionally.

157. Because of Plaintiffs' relationship with FATHER KILLION as students at SALESIANUM, and Plaintiffs' young ages as minor students, Plaintiffs were unable to easily terminate the student relationship they had with Defendant FATHER KILLION.

158. Because of FATHER KILLION's position of authority over Plaintiffs, and Plaintiffs' mental and emotional state, and Plaintiffs' young ages under the age of consent, Plaintiffs were unable to, and did not give meaningful consent to such acts.

159. Even though the Defendants knew or should have known of these activities by Defendant FATHER KILLION, Defendants did nothing to investigate, supervise or monitor Defendant FATHER KILLION to ensure the safety of the minor students.

160. Defendants' conduct was a gross breach of their duties to Plaintiffs.

161. As a result of the above-described conduct, Plaintiffs have suffered and continue to suffer pain and suffering, including but not limited to, anxiety, embarrassment and emotional distress.

162. Plaintiffs are informed and based thereon allege that the conduct of Defendants was grossly negligent, oppressive, malicious and despicable and done in conscious disregard for the rights and safety of others, and were carried out with a conscious disregard of their right to be free from such tortious behavior, such as to constitute oppression, fraud or malice, entitling Plaintiffs to punitive damages in an amount appropriate to punish and set an example of FATHER KILLION and Defendants, in a sum to be shown according to proof.

WHEREFORE, Plaintiffs demand judgment against the Defendants for general, punitive and special damages, plus attorneys' fees, costs and interest in the amount to be determined by a jury.

/s/ Bartholomew J. Dalton
BARTHOLOMEW J. DALTON, ESQ.
Bar No. 808
DALTON & ASSOCIATES, P.A.
1106 West 10th Street
Wilmington, DE 19806
ATTORNEY FOR PLAINTIFF

/s/ Chipman L. Flowers, Jr.
CHIPMAN L. FLOWERS, JR.,ESQ.
Bar No. 3948
THE FLOWERS COUNSEL GROUP, LLC
818 North Market Street, Suite 200
Wilmington, DE 19801
ATTORNEY FOR PLAINTIFF

/s/ John C. Manly
JOHN C. MANLY, ESQ.
MANLY & STEWART
4220 Von Karman Avenue
Suite 200
Newport Beach, CA 92660
ATTORNEY FOR PLAINTIFF

DATED: 8/4/08