

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT

EDWARD COLOMB)
)
 Plaintiff,)
)
 v.) Case No.:
)
 ROMAN CATHOLIC DIOCESE OF)
 BURLINGTON, VERMONT, INC.)
 Defendant.)

COMPLAINT AND DEMAND FOR TRIAL BY JURY

Preliminary Statement

1. This is a civil action brought by Edward Colomb for the recovery of compensatory and exemplary damages for injuries suffered as a result of childhood sexual abuse as that term is defined in 12 V.S.A. § 551(c).
2. Within the six years predating the filing of this complaint Plaintiff discovered that the injuries and conditions as to which he complains herein were caused by the childhood sexual abuse set out in this Complaint and that Defendant was responsible for the injuries and conditions.

PARTIES AND OTHER PERSONS

3. Plaintiff was a child under the age of 18 during the time of the sexual abuse and sexual exploitation alleged in this Complaint.
4. Plaintiff is a citizen of the State of California.
5. At all times material, Defendant Roman Catholic Diocese of Burlington, Vermont ("Diocese") was a Vermont nonprofit religious corporation, authorized to conduct business and conducting business in this state, with its principal place of business at 351 North Avenue, Burlington, Vermont.
6. From 1972 to 1978 Edward Paquette ("Paquette") was an employee of the Diocese ["this period"].

JURISDICTION

7. This court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332(a), there being in excess of \$75,000, exclusive of interest and costs, in controversy and this action being between citizens of different states.

SEXUAL ABUSE

8. Plaintiff was raised, baptized and confirmed in the Roman Catholic faith as professed and taught by Defendant Diocese and as furthered by Edward Paquette.

9. As a youth, Plaintiff was a parishioner and an altar boy in the Burlington Diocese and received religious training.

10. During this period, Plaintiff regularly attended mass and celebrated the sacraments in the Diocese of Vermont.

11. Plaintiff came to know and trust Edward Paquette as a priest of the Diocese, as a Roman Catholic priest and as a holy man.

12. During this period Plaintiff relied on the expressed and implied representation of the Roman Catholic Diocese of Vermont that Edward Paquette was a priest of good standing, was a person of the highest morality, was a man who could be entrusted with the religious, moral and physical care of youths entrusted to him.

13. Edward Paquette sexually abused and sexually exploited Plaintiff.

COUNT 1: DEFENDANT DIOCESE - BREACH OF FIDUCIARY DUTY

14. By permitting Edward Paquette to hold himself out as a qualified Roman Catholic priest, religious instructor and counselor during this period, and by permitting him to undertake the religious instruction and spiritual and emotional counseling of minors, Defendant Diocese entered into a fiduciary relationship with the minor Plaintiff.

15. Defendant Diocese breached its fiduciary duty to the Plaintiff by not preventing Edward Paquette from engaging in the wrongful conduct described herein.

COUNT 2: DEFENDANT DIOCESE - NEGLIGENT HIRING

16. Before Edward Paquette's assaults on the Plaintiff, Defendant Diocese knew that many of the men it hired, retained and supervised had pedophilic tendencies and were sexually abusing children.

17. During the time before Edward Paquette abused plaintiff, Defendant Diocese knew of Edward Paquette's prior sexual abuse of children.

18. Defendant Diocese had a duty to those with whom Edward Paquette would come in contact as one of its employees, before hiring him and placing him in a situation where he would or might come in contact with children, to screen him out of employment with the Diocese.

19. Although Edward Paquette was a person Defendant Diocese should have known would sexually abuse children, Defendant Diocese chose to continue to employ Edward Paquette in the Roman Catholic Diocese of Burlington, Vermont.

20. Defendant Diocese failed to screen out Edward Paquette from employment and chose to permit him to remain one of its employees in the Diocese notwithstanding his known tendencies to sexually abuse children and his actual sexual abuse of children in Vermont.

21. As a result of Defendant Diocese's failure to adequately screen Edward Paquette before placing him in a parish where he would come in regular contact with children, Defendant Diocese chose to place Edward Paquette in a situation where he had the opportunity to and did molest and otherwise sexually abuse a number of pre-teen and teenage boys, including Plaintiff.

COUNT 3: DEFENDANT DIOCESE - NEGLIGENT SUPERVISION

22. Edward Paquette engaged in sexual abuse of young boys before, during and after his abuse of Plaintiff while assigned as a priest in the Diocese of Burlington.

23. Defendant Diocese had a duty to the persons with whom Edward Paquette would and did come in contact as a priest, particularly children, to supervise Edward Paquette, to be observant for instances of sexual misconduct and to remove Edward Paquette from any situation where he was a danger to other people, particularly children such as Plaintiff.

24. The failure of Defendant Diocese to adequately supervise Edward Paquette and to investigate his conduct permitted Edward Paquette to be in a position to sexually abuse Plaintiff and other children and otherwise take inappropriate advantage of Plaintiff and other children as asserted in this complaint.

COUNT 4: DEFENDANT DIOCESE - NEGLIGENT RETENTION

25. Defendant Diocese had a duty to Plaintiff not to retain someone as one of its employees whom it knew or should have known was a child molester.

26. At all times material Defendant Diocese employed and supervised Edward Paquette.

27. Edward Paquette was under Defendant Diocese's supervision, employ and control when he committed the acts complained of herein.

28. Edward Paquette engaged in the wrongful conduct complained of in this complaint while acting in the course and scope of his employment with Defendant Diocese and accomplished the sexual abuse by virtue of his job-created authority.

29. Defendant Diocese failed to exercise ordinary care in supervising and in retaining Edward Paquette as an employee, thereby failing to prevent the foreseeable conduct of Edward Paquette from happening.

30. As a direct and proximate result of the negligent conduct of Defendant Diocese, Plaintiff has suffered the injuries and damages described in this Complaint.

COUNT 5: DEFENDANT DIOCESE - FOSTERING AND PROMOTING AN ATMOSPHERE IN WHICH CHILD SEXUAL ABUSE COULD AND DID TAKE PLACE

31. Defendant Diocese fostered an atmosphere in which Edward Paquette and other Catholic priests felt that they could engage in sexual abuse of children without fear of being investigated, disciplined or being referred for criminal prosecution. This atmosphere permitted Edward Paquette to sexually abuse children, including Plaintiff, since he had no real fear of

investigation, discipline or criminal prosecution.

32. Defendant Diocese had a duty to children such as the Plaintiff to conduct their activities in such a way that the Catholic clergy in Vermont would be sensitive to concerns about sexual abuse of children, would be alert to such misconduct, would actively and aggressively look for such misconduct in the ranks of its employees, would not tolerate such conduct and would report such abuse promptly to Defendant Diocese for immediate action and to State authorities for criminal prosecution.

33. Defendant Diocese had a duty to take immediate and aggressive action to root out sexual abuse as perpetrated by Edward Paquette and to prevent its recurrence by him and by others.

34. Defendant Diocese breached these duties, and in so doing, permitted Edward Paquette to continue to be in a position to molest children such as the Plaintiff after he had abused other children.

**COUNT 6: DEFENDANT DIOCESE - FAILURE TO PROVIDE
TREATMENT TO VICTIMS**

35. Defendant Diocese had a duty to children such as the Plaintiff to uncover sexual abuse by its employees in Vermont, to provide assistance and counseling to the victims of such abuse and to mitigate the damages which were accruing to victims of this sexual abuse as a result of the misconduct of its employees.

36. Defendant Diocese failed to uncover or ignored the extensive sexual abuse perpetrated by Edward Paquette and other Diocesan employees and chose not to provide counseling or assistance to his victims, including Plaintiff, thereby exacerbating the injuries suffered by Plaintiff and others.

**COUNT 7: FAILURE TO PREVENT HARM
RESTATEMENT 2d OF TORTS §§ 315 and 320**

37. By virtue of Edward Paquette's position as a Diocesan priest, a special relationship existed between Plaintiff and Defendant Diocese such that Defendant Diocese was under a duty to exercise reasonable care to prevent third persons from intentionally harming Plaintiff.

38. In allowing Edward Paquette to be in contact with young children that were parishioners of the Diocese, thereby giving him the opportunity to sexually abuse children, Defendant Diocese breached the duty it owed Plaintiff to prevent third persons from intentionally harming Plaintiff.

39. Plaintiff suffered damages as a direct and proximate result of Defendant Diocese's failure to prevent Edward Paquette from harming him.

COUNT 8: OUTRAGEOUS CONDUCT

40. The conduct of Edward Paquette and Defendant Diocese, as described in this complaint, constituted outrageous conduct, done intentionally or with reckless disregard of the

probability of causing emotional distress.

41. Defendant's outrageous conduct proximately or actually caused the Plaintiff to suffer extreme emotional distress.

COUNT 9: CIVIL CONSPIRACY

42. Defendant, through Bishops Robert Joyce, John Marshall and Kenneth Angell, and other high ranking Diocesan clergy personnel, such as the Vicar General, the Vicar for Clergy, the Chancellor, the Director of Vocations and others unknown ["the bishops and their agents"] engaged in a conspiracy to:

- a. conceal and cover up facts known to them of sexual misconduct by Diocesan employees involving children;
- b. suppress the reporting and filing of complaints of child sexual abuse by Diocesan employees to civil authorities and to parents of minor children, all in an attempt to coerce the silence of the victims and suppress the victims' claims;
- c. conceal material information concerning these incidents of childhood sexual abuse from plaintiff and others similarly situated, as a consequence of which Plaintiff in this case and other childhood sexual abuse victims of Diocesan employees did not learn of this fraudulent concealment until at least 2003;
- d. cover up and conceal child molestation by its employees, including but not limited to the facts as set out in this complaint and in pleadings filed in other cases against the Diocese;
- e. move Diocesan employees who sexually molested children from parish to parish, affirmatively conceal the criminal actions of those employees and as part of the conspiracy fail to warn victims, then current and prospective students, altar servers, their families, parishioners or the public of the known criminal actions and propensities of some of their employees;
- f. defend against claims by Plaintiff and other childhood sexual abuse victims through the use of misleading or false information they fed to victims, through the use of attorneys to try to insulate the Diocese from liability and to mislead childhood sex abuse victims, to settle claims for a fraction of their actual value, and to require complete confidentiality as it relates to settlements so as to avoid other victims becoming aware that they were not the only victim.

43. The collective conduct of the bishops and their agents in furtherance of the conspiracy to suppress facts and to commit unlawful, intentional acts and to achieve unlawful results facilitated and allowed Defendant's employees who sexually molested children access,

opportunity, and an open environment for sexual misconduct with Plaintiff and other children.

44. This conspiracy has traceable origins commencing in 1963, if not before, and continued, at least into 2006, if not to the present, amongst the bishops and their agents.

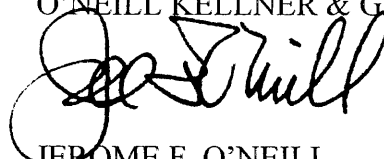
DAMAGES - SEXUAL ABUSE

45. As a direct result of the misconduct alleged in this complaint, Plaintiff has suffered and will continue to suffer severe pain, emotional distress, embarrassment, humiliation, loss of self-esteem, post-traumatic stress disorder and other psychological injuries; was prevented and will continue to be prevented from performing his normal daily activities and obtaining the full enjoyment of life; has sustained loss of earning capacity and has incurred and will continue to incur expenses for medical ,and psychological treatment, therapy and counseling.

WHEREFORE, Plaintiff respectfully requests that the court award compensatory damages and exemplary damages in an amount deemed appropriate by the jury, together with interest, costs and such other relief as may be available to.

PLAINTIFF DEMANDS A TRIAL BY JURY.

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October 20, 2010