

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS  
STATE OF MISSOURI

JANE DOE 92, )

Plaintiff, )

vs. )

ARCHDIOCESE OF ST. LOUIS, a Non- )  
Profit Corporation, ARCHBISHOP )

ROBERT J. CARLSON of the Archdiocese )  
of St. Louis, and FATHER JOSEPH ROSS )

Defendants. )

Cause No. 1122-CC10165

Division 1

**PETITION**

**JURY TRIAL DEMANDED**

**SERVE:**

Archdiocese of St. Louis )

Reverend Monsignor Jerome Billing )

Registered Agent )

20 Archbishop May Drive )

St. Louis, MO 63119 )

Archbishop Robert J. Carlson )

of the Archdiocese of St. Louis )

4445 Lindell Blvd. )

St. Louis, MO 63108-2333 )

Father Joseph Ross )

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**PETITION**

Plaintiff Jane Doe 92, for her Petition against the defendants named herein, alleges as follows:

1. Plaintiff brings this lawsuit in order to hold defendants responsible for the injuries she suffered due to the sexual abuse perpetrated upon her by one of defendants' priests, Joseph Ross, and to protect other children from the pain of childhood sexual abuse.

## JURISDICTION AND VENUE

2. This Court has jurisdiction over the causes of action asserted herein and over the parties to this action. Plaintiff asserts claims under Missouri common law. This Court has jurisdiction because Defendants Archdiocese and Archbishop owned and operated St. Cronan's Parish, are licensed to do business or transact business in Missouri and have obtained the benefits of the laws of the State of Missouri and the benefits of the Missouri location for St. Cronan's Parish. Finally, the sexual molestation described herein occurred at St. Cronan's Parish which is located in the City of St. Louis, within the State of Missouri.

3. Venue is proper in this Court under R.S.Mo. § 508.010 (4), because Plaintiff Jane Doe 92 was first injured at St. Cronan's Parish which is located in St. Louis, Missouri.

## PARTIES

4. Plaintiff Jane Doe 92 is nineteen years old and is a resident of the State of Missouri. Plaintiff Jane Doe 92 was sexually, physically and emotionally abused by Father Joseph Ross at St. Cronan's Parish in the City of St. Louis, Missouri, when she was a minor.

5. Defendant Archdiocese of St. Louis (hereinafter "Archdiocese"), which runs St. Cronan's Parish, was an unincorporated association doing business in Missouri at the time the injuries to Plaintiff occurred. Defendant Archdiocese incorporated in 2004 and is now a domestic non-profit corporation, incorporated and doing business in Missouri. Defendant Archdiocese has obtained the benefits of the laws of the State of Missouri and the benefits of the Missouri location.

6. Upon information and belief, Defendant Archdiocese was formed in 1847 out of the Diocese of St. Louis, Defendant Archdiocese has approximately 700 priests working for it, and Defendant Archdiocese has approximately 550,000 catholic members.

7. Defendant Archbishop Carlson (hereinafter “Archbishop”) is a citizen of the State of Missouri and is the current Archbishop in charge of the Archdiocese of St. Louis, Missouri. He is currently responsible for overseeing the day to day operations of the Archdiocese of St. Louis. Defendant Archbishop Carlson is sued herein solely in his capacity as Archbishop of the Archdiocese.

8. Defendant Father Joseph Ross was an ordained priest working at St. Cronan’s Church, within the Archdiocese of St. Louis during all times material here. Defendant Ross viciously and repeatedly abused Plaintiff while he was functioning in his role as a priest and authority figure.

9. At all relevant times herein, Defendant Ross was under the direct supervision, employ and control of the Archdiocese of St. Louis and its representative the Archbishop. Defendant Archdiocese and its representative the Archbishop provided training to Defendant Ross on how to perform the specific positions of a priest and a pastor. Defendant Archdiocese and its representative the Archbishop hired, supervised and paid assistants to Defendant Ross. At all times, Defendant Ross acted upon the authority of and at the request and/or permission of the Defendant Archdiocese and Defendant Archbishop.

10. Defendant Ross resided on the premises owned by Defendant Archdiocese at all times relevant in this matter. He also performed his work on premises owned by the Archdiocese and Archbishop.

11. Defendant Ross' conduct was undertaken while in the course and scope of his employment with, and on property owned by, Defendants Archdiocese and Archbishop.

**BACKGROUND FACTS APPLICABLE TO ALL COUNTS**

12. In approximately 1988 Ross pleaded guilty in St. Louis County, Missouri, to actions involving sexually assaulting a minor. Following the conviction the Defendant Archdiocese and/or its agents sent Ross to the St. Luke Institute - a mental health treatment facility located in Silver Springs, Maryland, that primarily treats Catholic priests for, among other things, sexual disorders.

13. Following his time at the St. Luke Institute, the Defendant Archdiocese assigned Defendant Ross to St. Cronan's Parish.

14. Another priest who lived and worked for the Defendant Archdiocese at the St. Cronan Parish Center at the time Defendant Ross was sent there, learned that Ross had just come from treatment at the St. Luke Institute. This priest was aware that priests typically went to the St. Luke's Institute for problems that sometimes include, among other things, sexual abuse of children. Out of concern for the parishioners, this priest asked two officials at the Defendant Archdiocese to advise him about whether Ross was fit to return as a pastor. Both officials informed this priest that the Archbishop had assured them that Defendant Ross was not a danger to others.

15. Plaintiff Jane Doe 92 attended St. Cronan's Church in the late 1990's and became acquainted with Defendant Ross who was the Pastor of the church. Plaintiff, who was approximately five or six years old when her abuse began, developed great admiration, trust, reverence and respect for Defendant Ross and other Archdiocesan priests.

16. Plaintiff saw Defendant Ross on most Sundays when she attended church with her family. Plaintiff and her siblings attended services and generally spent time at the church. Often, their mother was performing duties in the church choir or in other church functions while Plaintiff Jane Doe 92 was in the church.

17. Defendants assumed responsibility for supervising and caring for Plaintiff while her mother was in the church choir or performing other church functions.

18. Supervising and directing minors within the Church during church time, including Plaintiff Jane Doe 92, were tasks within the course and scope of Defendants' responsibilities.

19. During all times relevant to this matter, Defendants were responsible for the care and well-being of Plaintiff Jane Doe 92 while she attended Church.

20. During her time attending Church Defendant Ross repeatedly abused Plaintiff Jane Doe 92 sexually, physically, and emotionally. This happened in or between approximately 1997 and 2001.

21. Defendant Ross committed repeated hand to genital contact, penis to genital contact, and penetration of Plaintiff's genitals with his fingers, his penis, and with objects.

22. Ross began the abuse when Plaintiff was approximately five or six years old. Among his many statements to Plaintiff about the abuse, he told her that her parents did not "discipline" her properly, and that by complying with the abuse, she was doing what God intended for her. He further told her that he "liked boys more than girls," and that she was helping him to overcome that issue.

23. Over the course of approximately three years, while Plaintiff was approximately age five or six to age nine, Defendant Ross sexually abused Plaintiff on numerous occasions in

various rooms of the church and other locations at the Parish, all of which was on Archdiocese property.

24. Defendant Ross was an Archdiocesan priest during the time of the abuse alleged herein. At all times material hereto, Defendant Ross was under the direct supervision, employ and control of the Defendants Archdiocese and Archbishop. Defendants authorized and selected Defendant Ross to be a priest, and to educate and minister to individuals in the Archdiocese.

25. All acts of sexual abuse alleged herein took place when Defendant Ross served in his role as a priest and authority figure.

26. Defendants Archdiocese and Archbishop provided training to Defendant Ross on how to perform the position of priest. At all times relevant, Defendant Ross acted upon the authority of and at the request and/or permission of the defendants Archdiocese and Archbishop.

27. Defendant Ross resided and the abuse alleged herein occurred at St. Cronan's Parish, St. Louis, Missouri, a premises owned and controlled by Defendants Archdiocese and Archbishop.

28. Defendants furnished tools and materials to aid and abet Defendant Ross' conduct.

29. Defendants empowered Defendant Ross to perform all duties of a priest, including counseling, spiritual and moral guidance, and religious instruction. Defendants knew that in fulfilling his duties as a priest, Defendant Ross would be in a position of trust and confidence with parishioners, including plaintiff. They further knew that empowering Defendant Ross to perform the duties of a priest would make parishioners, like Plaintiff's parents, feel safe in allowing him to spend time with their children.

30. Defendants taught plaintiff and her parents to trust defendants' priests and other church officials.

31. While working for defendants, and for the purpose of furthering his duties as a priest, Defendant Ross sought and gained the trust, friendship, admiration and obedience of plaintiff and her parents. As a result of Defendant Ross' efforts and position, plaintiff and her parents were conditioned to trust Ross, to comply with Ross' directions, and to respect Ross as a person of authority in spiritual, moral and ethical matters. The above course of conduct described in this paragraph and the preceding paragraphs is hereinafter collectively referred to as establishing "the trust relationship."

32. As a result of representations made by defendants and by virtue of the fact that defendants held themselves out as the counselors and instructors on matters that were spiritual, moral and ethical, defendants had domination and influence over plaintiff and her parents. As a result of this special trust relationship between plaintiff, her parents, and defendants, plaintiff trusted and relied upon defendants to nurture and protect her. The power imbalance between defendants and plaintiff increased plaintiff's vulnerability to Ross.

33. Defendant Ross sexually abused the plaintiff while acting within the course and scope of his employment and agency, and using the authority and position of trust as a priest for defendants, through the process of establishing the trust relationship.

34. Defendant Ross used the process of establishing the trust relationship to accomplish his acts of sexual abuse of the plaintiff. Ross' process of establishing the trust relationship was (1) committed in direct connection with and for the purposes of fulfilling Ross' employment and agency with defendants; (2) committed within the time and space limits of his

agency; (3) done initially and at least in part from a desire to serve the interests of defendants; (4) done directly in the performance of his duties as priest; (5) generally actions of a kind and nature which Ross was required to perform as a priest; and (6) done at the direction of, and pursuant to, the power vested in him by the Defendants.

35. Defendants were aware of previous sexual misconduct by clergy within its boundaries, including by Defendant Ross, and that future harm was certain or substantially certain to result without proper supervision. In 1988, while Defendant Ross was an ordained priest working within the Archdiocese, Ross pleaded guilty to sexually assaulting a minor. Accordingly, defendants knew or should have known that their allowing Defendant Ross access to young children as part of his official duties after reports of impropriety involved an unreasonable risk of causing harm to Plaintiff and other similarly situated individuals.

36. In approximately 2002 Defendants Archdiocese and Archbishop removed Defendant Ross from St. Cronan's Parish but failed to inform the parishioners the extent of Ross's history involving sexual abuse of children, including the fact that he pleaded guilty to molesting a child. Had Defendants fully informed the parishioners, parents, including Plaintiff's parents, could have asked their children at that time if Ross had done anything improper to them and Plaintiff's healing process could have begun at that time.

37. The Defendants' actions in allowing Defendant Ross to continue holding himself out as a priest and father figure to his parishioners and young children with whom he came into contact were outrageous and utterly repugnant to a civilized society. Defendants acted with depraved hearts knowing harm would occur, including the damages to Plaintiff described herein and other similarly situated children. Defendants knew or should have known this outrageous



behavior would cause emotional distress to the victims and the families of the victims, including Plaintiff.

38. As a direct result of defendants' wrongful conduct, plaintiff has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; and has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

**COUNT I  
SEXUAL ABUSE AND/OR BATTERY  
AGAINST ALL DEFENDANTS**

39. Plaintiff incorporates all paragraphs of this Petition as if fully set forth herein.

40. In approximately the late 1990s, and until approximately 2001, Defendant Ross engaged in unpermitted, harmful and offensive sexual conduct and contact upon the person of the plaintiff, a minor.

41. Defendants' actions were willful, wanton or reckless for which punitive damages and/or an award for aggravating circumstances are appropriate.

42. As a result of the above-described acts, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing her daily activities and obtaining the full enjoyment of life; and has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

**COUNT II**  
**NEGLIGENT SUPERVISION OF PRIEST**  
**AGAINST DEFENDANTS ARCHDIOCESE AND ARCHBISHOP**

43. Plaintiff incorporates all paragraphs of this Petition as if fully set forth herein.

44. Defendants, by and through their agents, servants and employees, knew or reasonably should have known of Defendant Ross' dangerous and exploitive propensities and/or that he was an unfit agent, and despite such knowledge, defendants negligently failed to supervise Ross' interactions with children, where he was able to commit the wrongful acts against the plaintiff.

45. Defendants' actions and/or inactions were willful, wanton and reckless for which punitive damages and/or damages for aggravating circumstances are appropriate.

46. As a result of the above-described acts, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing her daily activities and obtaining the full enjoyment of life; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

**COUNT III**  
**INTENTIONAL FAILURE TO SUPERVISE CLERGY**  
**AGAINST DEFENDANTS ARCHDIOCESE AND ARCHBISHOP**

47. Plaintiff incorporates all paragraphs of this Petition as if fully set forth herein.

48. At all times material, Defendants were the supervisors and employers of Ross.

49. Defendants were aware of previous sexual misconduct by clergy within their boundaries, including Ross, and that future harm was certain or substantially certain to result without proper supervision.

50. Defendants disregarded the known risk of sexual abuse.

51. Defendants' inaction caused injury to the plaintiff.

52. Plaintiff was sexually abused on the property owned and operated by defendants.

53. Defendants knew or should have known that inappropriate touching of individuals by their employees and/or designated agents would cause or was substantially certain to cause those individuals harm.

54. Despite the risk posed by Ross, defendants continued to place him in positions in which he would have contact with individuals seeking his counsel including minors.

55. By engaging in these actions, defendants disregarded the risk posed by Ross to individuals who came to him for ministering their psychological, emotional and spiritual needs and their children.

56. Defendants actions and/or inactions were willful, wanton and reckless for which punitive damages and/or damages for aggravating circumstances are appropriate.

57. As a result of the above-described acts, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing her daily activities and obtaining the full enjoyment of life; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

**COUNT IV**  
**NEGLIGENT FAILURE TO SUPERVISE CHILDREN**  
**AGAINST DEFENDANTS ARCHDIOCESE AND ARCHBISHOP**

58. Plaintiff incorporates all paragraphs of this Petition as if fully set forth herein.

59. Defendants had a duty to use ordinary care to protect minors against unreasonable risks of harm while in their churches, including St. Cronan's Church.

60. It is a well-known and foreseeable risk when working with minors that some adults may attempt to have abusive contact, sexual or otherwise, with other minors.

61. Also, as explained above, prior to his contact with Plaintiff Jane Doe 92, defendants knew or should have known that Defendant Ross was dangerous to children. This is particularly true in light of the fact that Defendant Ross was convicted of actions involving the sexual abuse of a minor in 1988 (approximately ten years before coming into contact with Plaintiff). Despite such knowledge, Defendants did not take appropriate steps to protect plaintiff from the sexual abuse described herein.

62. As a well-known risk involved with working with minors and Ross, Defendants had the duty to protect its minor parishioners from damaging sexually abusive contact by implementing sufficient policies, procedures and training to prevent such contact.

63. In addition, Defendants had the duty to supervise and monitor the minor parishioners, including Plaintiff Jane Doe 92, and her interaction with Defendant Ross to avoid situations where Ross could isolate Plaintiff, making her vulnerable to sexual advances and manipulation.

64. Defendants breached their duty to Plaintiff, and were negligent, by:

- (a) Failing to have in effect and /or failing to enforce effective policies, procedures and training prohibiting sexual contact.
- (b) Failing to have in effect and /or failing to enforce effective policies, procedures and training instructing staff on the signs of sexual abuse of a minor.
- (c) Failing to have in effect and /or failing to enforce effective policies, procedures and training instructing staff about the steps to be followed if staff suspects that a minor is having sexual contact with clergy.
- (d) Failing to have in effect and /or failing to enforce effective policies, procedures and training instructing staff about the steps to be followed if a priest is behaving in a sexually inappropriate manner.
- (e) Failing to properly care for and protect Plaintiff whereby Ross was able to isolate her and have sexual contact with her.
- (f) Failing to use reasonable care in supervising minors, and /or failing to provide adequate warning to Plaintiff and her family of the dangerous propensities of Ross and their failure to adequately supervise him.
- (g) Failing to inform Plaintiff and her family that they knew or had reason to believe that Ross had sexually abused children when they removed him from St. Cronan's in approximately 2002.

65. As a result of the above-described acts, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of

enjoyment of life; was prevented and will continue to be prevented from performing her daily activities and obtaining the full enjoyment of life; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

**JURY TRIAL DEMANDED**

66. The plaintiff demands a trial by jury on all issues triable in this case.

WHEREFORE, the plaintiff asks that this Court award judgment against defendants as follows:

1. Award compensatory and punitive damages in favor of the plaintiff against defendants for damages sustained as a result of the wrongdoing of defendants, together with interest thereon;
2. Award the plaintiff her costs and expenses incurred in this action;
3. Grant such other and further relief as the Court deems appropriate and just.

Dated:

Respectfully submitted,

CHACKES, CARLSON & HALQUIST, LLP



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