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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

J.B., an individual proceeding under a fictitious name; **S.R.**, an individual proceeding under a fictitious name; and **S.F.**, and individual proceeding under a fictitious name,

Plaintiffs,

v.

THE ARCHDIOCESE OF PORTLAND IN OREGON, an Oregon corporation; **THE ROMAN CATHOLIC ARCHBISHOP OF PORTLAND IN OREGON** and successors, a corporation sole d.b.a. **THE ARCHDIOCESE OF PORTLAND IN OREGON**,

Defendants.

Case No. 3:18-cv-00050

COMPLAINT

(Sexual Battery of a Child/*Respondeat Superior*, Intentional Infliction of Emotional Distress/*Respondeat Superior*)

JURY TRIAL DEMANDED

Not Subject to Mandatory Arbitration

STATEMENT OF JURISDICTION AND VENUE

1.

This Court has jurisdiction over this case pursuant to 28 USC 1334(a), and Sections 6.4.3 and 11.1 of the Third Amended and Restated Joint Plan of Reorganization of Debtor, Tort Claimants Committee, Future Claimants Representative, and Parish and Parishioners Committee, dated April 9, 2007, *In the Matter of Roman Catholic Archbishop of Portland in Oregon, and*

Successors, a Corporation Sole, dba Archdiocese of Portland in Oregon, Debtor, United States Bankruptcy Court for the District of Oregon Case No. 04-37154-elp11 (2007) (“The Plan”). Venue is proper in that court pursuant to 28 USC 1409(a) and 28 USC 1391(b), and pursuant to the above cited paragraphs of The Plan.

PARTIES

2.

Plaintiff “J.B.” is an adult male born in the year 1970. Plaintiff “S.R.” is an adult male born in the year 1970. Plaintiff “S.F.” is an adult male born in the year 1973. Plaintiff J.B., Plaintiff S.R., and Plaintiff S.F. will hereinafter be referred to collectively as “Plaintiffs.” At all times relevant to the acts alleged in this complaint, Plaintiffs were unemancipated minors and attended Holy Redeemer Catholic Church, located in North Bend, Oregon. “J.B.,” “S.R.” and “S.F.” are pseudonyms. Plaintiffs use these pseudonyms as each was the victim of childhood sexual abuse and disclosure of his identity to the public would further victimize him and cause emotional injury. Plaintiffs’ claims are sensitive in nature and proceeding under fictitious names will minimize additional fear, embarrassment, humiliation, and possible retaliation from third parties that public disclosure of Plaintiffs’ identity might otherwise generate. Plaintiffs will inform Defendants of Plaintiffs’ identity and thus Defendants will not be prejudiced by Plaintiffs proceeding under fictitious names.

3.

At all times relevant to this complaint, the Archdiocese of Portland in Oregon and the Roman Catholic Archbishop of Portland in Oregon, d.b.a. the Archdiocese of Portland in Oregon (hereinafter referred to as “Defendants”) were Oregon corporations. At all times relevant to this complaint, Defendants owned, controlled, and operated Holy Redeemer Church.

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ALLEGATIONS AND CLAIMS FOR RELIEF

4.

At all times relevant to the allegations in this complaint, Father Pius Brazauskas (hereinafter “Fr. Brazauskas”) was a priest employed by and assigned to the Archdiocese of Portland at Holy Redeemer Catholic Church in North Bend, Oregon. At all times relevant to this complaint, Fr. Brazauskas was an employee and agent of Defendants. During that employment and agency, Fr. Brazauskas provided pastoral services to Plaintiffs, and was acting within the course and scope of his employment or agency in performing duties for and on behalf of the Defendants.

5.

At all times relevant to this complaint, Defendants empowered Fr. Brazauskas to perform all duties of a priest, including pastoral and religious services, counseling, spiritual and moral guidance, and religious instruction, and other duties of a priest. Defendants knew that as part of his duties as a priest, Fr. Brazauskas would be in a position of trust and confidence with children and their families, including the Plaintiffs in this case. Defendants retained the right to control the means, methods, and physical details of any priest with faculties in the Archdiocese.

6.

At all times relevant to this complaint Defendants also held Fr. Brazauskas out as a “priest” though the act of public ordination and the granting of faculties to Fr. Brazauskas in the Archdiocese. At all times relevant to this complaint, Defendants, in public documents and statements, proclaimed that its priests were subject to a set of behavioral parameters, including celibacy, and were therefore safe and trustworthy. Allowing Fr. Brazauskas to act as a priest was a signal to the public that Fr. Brazauskas comported with Defendants’ internal rules on the proper conduct of priests.

7.

At all times relevant to this complaint, Defendants invited Plaintiffs, their families, and

all other members of the public to enter into a special, fiduciary relationship with the Roman Catholic Church, in part inviting Plaintiffs and their families to entrust the Church with their spiritual matters and encouraging Plaintiffs to submit to the rules of the Church in exchange. At all times relevant to this complaint, one of the teachings of the Roman Catholic Church was a firm and consistent obedience to any instruction from a Roman Catholic priest. Plaintiffs were raised in this belief, and it formed the basis for their relationships with Fr. Brazauskas in this case. In particular, Defendants encouraged Plaintiffs and their families to involve the Defendants' various priests frequently in their lives, including having priests to dinner, inviting them to family and social events, and generally conditioning Plaintiffs—consistent with Defendants' teachings on how children should act toward priests—to respect, obey, and revere any priest of the Roman Catholic faith.

8.

While acting as a priest, and for the purpose of furthering his assigned duties as a priest, Fr. Brazauskas identified Plaintiffs' families as ones with adolescent or teenage boys; befriended the Plaintiffs and their families, gained the families' trust and confidence as a spiritual guide, and as a valuable and trustworthy mentor to Plaintiffs; gained the permission, acquiescence, and support of Plaintiffs' families to spend substantial periods of time alone with the Plaintiffs; and sought and gained the instruction of Plaintiffs' parents to Plaintiffs that they were to have respect for Fr. Brazauskas's authority and to comply with Fr. Brazauskas's instruction and requests.

9.

For the purpose of furthering his duties as a priest, Fr. Brazauskas also sought and gained the trust, friendship, admiration and obedience of the Plaintiffs in this case. As a result, Plaintiffs were conditioned to trust Fr. Brazauskas, to comply with Fr. Brazauskas's direction, and to respect Fr. Brazauskas as a person of authority in religious, spiritual, moral and ethical matters.

10.

While Plaintiffs and their families were parishioners at Holy Redeemer Catholic Church,

Fr. Brazauskas befriended Plaintiffs and had Plaintiffs serve as altar boys with him at Mass. The course of conduct described in this paragraph and in paragraphs 8 and 9, above, is hereinafter collectively referred to as “Grooming.”

11.

Fr. Brazauskas used the Grooming process described in paragraphs 8 through 10, to accomplish his acts of abuse of the Plaintiffs. Fr. Brazauskas’ Grooming was (1) committed in direct connection and for the purposes of fulfilling Fr. Brazauskas’ employment and agency with the Defendants; (2) committed within the time and space limits of his employment and agency as a priest; (3) done directly in the performance of his duties as a priest; (4) undertaken, at least in part, with the desire to serve Defendants; (5) generally actions of a kind and nature which Fr. Brazauskas was required to perform as a priest; and (6) done at the direction of, and pursuant to, the power vested in him by Defendants. In the alternative, acts within the course and scope of Fr. Brazauskas’ employment as an agent for Defendants led to or resulted in Plaintiffs’ abuse.

12.

Fr. Brazauskas, while acting within the course and scope of his employment and agency, and using the authority and position of trust as a priest and agent for the Defendants—through the Grooming process—induced and directed Plaintiffs to engage in various sexual acts with him. The sexual abuse resulted from a progressive series of actions that began with and continued to involve Fr. Brazauskas’ performance of the ordinary and authorized duties of a priest, and/or the abuse occurred during occasions when Fr. Brazauskas had authority over Plaintiffs in his position as priest for Defendants. Specifically:

- (a) Fr. Brazauskas sexually abused and molested Plaintiff J.B. in or around 1978 to 1982, when Plaintiff J.B. was approximately 8 to 12 years old. The sexual abuse included kissing Plaintiff J.B. and fondling his genitals on multiple occasions.
- (b) Fr. Brazauskas sexually abused and molested Plaintiff S.R. in or around 1978 to 1981, when Plaintiff S.R. was approximately 8 to 11 years old. The sexual abuse included

kissing Plaintiff S.R. and fondling his genitals on multiple occasions.

(c) Fr. Brazauskas sexually abused and molested Plaintiff S.F. in or around 1978 to 1981, when Plaintiff S.F. was approximately 5 to 8 years old. The sexual abuse included kissing Plaintiff S.F. and fondling his genitals on multiple occasions.

13.

As a result of Fr. Brazauskas' sexual abuse, molestation, and breach of authority, trust, and position as a priest, each Plaintiff suffered non-economic damages as follows:

(a) Plaintiff J.B. has suffered and/or will suffer debilitating physical and emotional injury, including pain and suffering, physical and emotional trauma, and permanent psychological damage—distinct in time and logic from the abuse itself—all to his non-economic damages of \$2,000,000.00, the exact amount to be proven at the time of trial.

(b) Plaintiff S.R. has suffered and/or will suffer debilitating physical and emotional injury, including pain and suffering, physical and emotional trauma, and permanent psychological damage—distinct in time and logic from the abuse itself—all to his non-economic damages of \$2,000,000.00, the exact amount to be proven at the time of trial.

(c) Plaintiff S.F. has suffered and/or will suffer severe debilitating physical and emotional injury, including pain and suffering, physical and emotional trauma, and permanent psychological damage—distinct in time and logic from the abuse itself—all to his non-economic damages of \$2,000,000.00, the exact amount to be proven at the time of trial.

14.

As an additional result of Fr. Brazauskas' sexual abuse, molestation, and breach of authority, trust, and position as a priest, each Plaintiff suffered economic damages as follows:

(a) Plaintiff J.B. incurred or will incur costs for counseling, psychiatric, psychological, and medical treatment, all to his economic damages in the approximate amount of \$1,000,000.00, the exact amount of which will be proven at the time of trial.

(b) Plaintiff S.R. incurred or will incur costs for counseling, psychiatric, psychological,

and medical treatment, all to his economic damages in the approximate amount of \$1,000,000.00, the exact amount of which will be proven at the time of trial.

(c) Plaintiff S.F. incurred or will incur costs for counseling, psychiatric, psychological, and medical treatment, all to his economic damages in the approximate amount of \$1,000,000.00, the exact amount of which will be proven at the time of trial.

15.

Less than five years before the date of this Complaint, Plaintiff J.B. discovered the causal connection between his abuse, as set forth in paragraph 12 above, and the damages suffered as a result of the abuse, as set forth in paragraphs 13 and 14, above. Prior to that time, Plaintiff J.B. did not discover and reasonably could not discover the connection between the abuse and the damages he suffered as a result of the abuse. The psychological effects of the abuse Plaintiff J.B. suffered prevented Plaintiff J.B. from discovering the causal connection between the abuse and the damages he suffered as a result of the abuse.

16.

Less than five years before the date of this Complaint, Plaintiff S.R. discovered the causal connection between his abuse, as set forth in paragraph 12 above, and the damages suffered as a result of the abuse, as set forth in paragraphs 13 and 14, above. Prior to that time, Plaintiff S.R. did not discover and reasonably could not discover the connection between the abuse and the damages he suffered as a result of the abuse. The psychological effects of the abuse Plaintiff S.R. suffered prevented Plaintiff S.R. from discovering the causal connection between the abuse and the damages he suffered as a result of the abuse.

17.

Less than five years before the date of this Complaint, Plaintiff S.F. discovered the causal connection between his abuse, as set forth in paragraph 12 above, and the damages suffered as a result of the abuse, as set forth in paragraphs 13 and 14, above. Prior to that time, Plaintiff S.F. did not discover and reasonably could not discover the connection between the abuse and the

damages he suffered as a result of the abuse. The psychological effects of the abuse Plaintiff S.F. suffered prevented Plaintiff S.F. from discovering the causal connection between the abuse and the damages he suffered as a result of the abuse.

FIRST CLAIM FOR RELIEF

(Sexual Battery of a Child/Respondeat Superior)

18.

Plaintiffs reallege and incorporate by reference paragraphs 1 through 17, above.

19.

The abuse described in paragraphs 12 above, constituted a harmful and offensive touching of Plaintiffs, to which Plaintiffs could not and did not consent.

20.

As a result of Fr. Brazauskas' abuse of Plaintiffs and Fr. Brazauskas' breach of authority, trust and position as priest and authority figure to the Plaintiffs, Plaintiffs have suffered economic and non-economic damages, as detailed in paragraphs 13 and 14, above.

21.

In molesting Plaintiffs, Fr. Brazauskas acted with malice or a reckless and outrageous indifference to a highly unreasonable risk of harm with a conscious indifference to the health, safety, and welfare of Plaintiffs. Punitive damages against an agent are attributable to a principal when conduct within the course and scope of agency leads to or results in the tort. Plaintiffs are therefore entitled to punitive damages against Defendants in the amount of \$20,000,000.00.

SECOND CLAIM FOR RELIEF

(Intentional Infliction of Emotional Distress/Respondeat Superior)

22.

Plaintiffs reallege and incorporate by reference paragraphs 1 through 21, above.

23.

Fr. Brazauskas, while engaging in the Grooming process described in paragraphs 8 through 10, above, knowingly and intentionally caused severe emotional distress to Plaintiffs when he sexually abused Plaintiffs. Plaintiffs did in fact suffer severe emotional distress as a result of this abuse, and the sexual abuse of a child is beyond the bounds of all socially tolerable conduct.

24.

As a result of Fr. Brazauskas's intentional infliction of emotional distress on Plaintiffs and Fr. Brazauskas's breach of authority, trust and position as priest and authority figure to the Plaintiffs, Plaintiffs have suffered economic and non-economic damages as detailed in paragraphs 13 and 14, above.

25.

In molesting Plaintiffs, Fr. Brazauskas acted with malice or a reckless and outrageous indifference to a highly unreasonable risk of harm with a conscious indifference to the health, safety, and welfare of Plaintiffs. Punitive damages against an agent are attributable to a principal when conduct within the course and scope of agency leads to or results in the tort. Plaintiffs are therefore entitled to punitive damages against Defendants in the amount of \$20,000,000.00.

WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

1. Non-economic damages for Plaintiff J.B. in the amount of \$2,000,000.00, the exact amount to be determined by the jury at the time of trial;
2. Economic damages for Plaintiff J.B. in the amount of \$1,000,000.00, the exact amount to be determined by the jury at the time of trial;
3. Non-economic damages for Plaintiff S.R. in the amount of \$2,000,000.00, the exact amount to be determined by the jury at the time of trial;
4. Economic damages for Plaintiff S.R. in the amount of \$1,000,000.00, the exact

amount to be determined by the jury at the time of trial;

5. Non-economic damages for Plaintiff S.F. in the amount of \$2,000,000.00, the exact amount to be determined by the jury at the time of trial;

6. Economic damages for Plaintiff S.F. in the amount of \$1,000,000.00, the exact amount to be determined by the jury at the time of trial;

7. Punitive damages for Plaintiffs in the amount of \$20,000,000.00, the exact amount to be determined by the jury at the time of trial;

8. For Plaintiffs' costs and disbursements incurred; and

9. For any other relief this Court deems just and equitable.

DATED this 10th day of January, 2018.

CREW JANCI LLP


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Of Attorneys for Plaintiffs