# IN THE SUPREME COURT OF OHIO

JANE DOE,

Plaintiff-Appellee,

-vs-

ARCHDIOCESE OF CINCINNATI,

Defendant-Appellant.

Case No. 2006-1155

On Appeal from the Hamilton County Court of Appeals, First Appellate District

Court of Appeals No. C-050438
Trial Court No. A-0409650

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## SUPPLEMENT OF APPELLANT THE ARCHDIOCESE OF CINCINNATI

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FILED

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MARCIA J. MENGEL, CLERK
SUPREME COURT OF OHIO

**SUPPLEMENT OF APPELLANT**
**THE ARCHDIOCESE OF CINCINNATI**

Appellant the Archdiocese of Cincinnati hereby submits the attached document as its Supplement to the Merit Brief filed by Appellant in this appeal. The Supplement consists of the Complaint filed by the Plaintiff in the Hamilton County Court of Common Pleas, Case No. A049650.

Respectfully submitted,

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**Archdiocese of Cincinnati**

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been duly served upon the following by regular U.S. mail this 21st day of November, 2006:

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**STATE OF OHIO**
**COURT OF COMMON PLEAS**
**HAMILTON COUNTY, OHIO**

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| **JANE DOE,**<br>**C/O Mezibov & Jenkins, LLP**<br>**1726 Young Street**<br>**Cincinnati, Ohio 45202**<br><br>**Plaintiff,** | : | **Case No.:** A049650 |
| **v.** | : | **Judge** _____ |
| **ARCHDIOCESE OF CINCINNATI,**<br>**100 East Eighth Street**<br>**Cincinnati, Ohio 45202**<br><br>**Defendant.** | : | |

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GREGORY HARTMANN
CLERK OF COURTS
HAMILTON COUNTY, OH

**PLAINTIFF'S COMPLAINT AND JURY DEMAND**

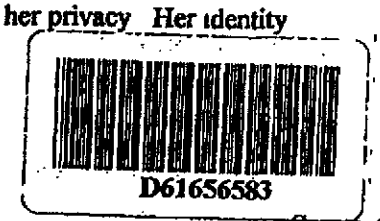
Plaintiff Jane Doe, for her complaint against Defendant, The Archdiocese of Cincinnati, and states as follows [1]

**I. PRELIMINARY STATEMENT**

1 In 1965, when she was sixteen years old, Ms Doe was induced by her parish priest, Father Norman Heil, to enter into an illicit sexual relationship When that relationship resulted in the birth of a child, Ms Doe was placed in a home for unwed mothers and then convinced, through threats and intimidation from Father Heil and others affiliated with the Archdiocese, to abandon her child and to never divulge the child's true parentage These events were the direct result of the negligent, reckless and intentional actions of the Archdiocese of Cincinnati

2 Ms Doe seeks compensatory damages for her emotional distress and loss of relationship

[1]The identity of Plaintiff has been withheld in order to ensure her privacy Her identity will be revealed under seal pursuant to an appropriate court order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with her daughter, punitive damages, her reasonable attorney fees, and the cost of this litigation

## II. PARTIES

3 Plaintiff Ms Doe is a resident of Cincinnati and is a citizen of the United States

4 Defendant The Archdiocese of Cincinnati ("The Archdiocese") is an ecclesiastic province of the Roman Catholic Church, and is located at 100 East Eighth Street, Cincinnati, Ohio 45202 At all times relevant hereto, the Archdiocese was responsible for overseeing and governing the activities of the Roman Catholic Church in the greater Cincinnati area

## III. JURISDICTION AND VENUE

5 This Court has jurisdiction over this matter pursuant to R C 2931 03

6 Venue is appropriate in this Court because the acts complained of occurred within this judicial district

## IV. STATEMENT OF THE CASE

7 Plaintiff Ms Doe was raised in a devout, Catholic family Ms Doe's mother had been raised in a convent by nuns, and the Church was of central importance to Ms Doe's family Ms Doe was educated at Catholic schools and regularly attended mass with her family

8 In 1965, sixteen-year-old Ms Doe was a student at Regina High School in Norwood, the local Catholic high school In addition to the Catholic instruction she received at school, she often supplemented this education by taking part in youth group meetings at St John the Evangelist (St John's), her family's parish church, located in the city of Deer Park, Hamilton County, Ohio

9 The then twenty-six-year-old Father Heil was the parish priest at St John's and was employed by the Archdiocese As part of his pastoral responsibilities, Father Heil headed the youth group meetings that Ms Doe attended

10 Ms Doe and Father Heil grew to know each other on a priest-parishioner basis After youth group meetings, Father Heil would sometimes drive Ms Doe home After the fourth or fifth time he did so, Father Heil professed his love to Ms Doe and induced her to enter into a sexual relationship The couple's sexual unions always occurred off church property Ms Doe initially believed that she and Father Heil were the only ones who knew of their affair, but she later discovered that other employees of the Archdiocese knew that she and Father Heil had been sexually involved with one another

11 Though Ms Doe was a devout Catholic, she believed she was in love with Father Heil and felt extremely conflicted by her predicament She turned to Father Heil for spiritual guidance Father Heil responded by allowing Ms Doe to confess to him regarding her sin of pre-marital sex and then would absolve Ms Doe of her sins

12 A few months into their relationship, Father Heil impregnated Ms Doe

13 Upon learning that Ms Doe was pregnant, Sister Irenea, the principal of Regina High School, and an employee of the Archdiocese, would not allow Ms Doe to remain in school

14 Ms Doe's parents initially sent Ms Doe to her Grandparents' house in Kentucky to await the birth of her child The Archdiocese, however, through its office of Catholic Charities, arranged for Ms Doe to spend the balance of her pregnancy at a private institution, Maple Knoll Hospital and Home The Archdiocese promised to pay Ms Doe's Maple Knoll bill and doctor's fees Ms Doe's family did not have much money, and Ms Doe felt financial pressure to acquiesce to the Church's demands Given her upbringing, Ms Doe also felt she could not disobey the wishes of the Church

15 Maple Knoll housed approximately one hundred unwed, pregnant teenagers living four or five to a room While Ms Doe was at Maple Knoll, she was required to work in the laundry, the

kitchen, and in the nursery taking care of the newborn babies other girls had recently delivered She could not leave and was allowed visitors only on the weekends

16 Before, during, and after her stay at Maple Knoll, Ms Doe was subject to intense pressure to never reveal the identity of her baby's father, and -- against Ms Doe's wishes -- to relinquish her parental rights once the baby was born Though Ms Doe did not want to give her baby up for adoption, agents of the Archdiocese intimidated her into doing so in order to protect Father Heil and the Church This intense pressure and intimidation came from a number of sources, including Father Heil and Sister Mary Patrick, a former teacher of Ms Doe Upon information and belief, each of these agents of the Archdiocese, and others whose identity is currently unknown, acted within the scope of their employment or within the scope of their apparent authority in furtherance of the objectives of the Archdiocese, and/or with the direct participation, authorization or ratification of the Archdiocese

17 Sister Mary Patrick was a Catholic nun and an elementary school teacher at St John's Upon information and belief, St John's was owned and operated by the Archdiocese Sister Mary Patrick had been Ms Doe's teacher She knew that Father Heil was the father of Ms Doe's baby, and became Ms Doe's "spiritual advisor" during her pregnancy Through intentional acts of coercion, duress and intimidation, Sister Mary Patrick was instrumental in ensuring that Ms Doe remained silent and that she relinquished her parental rights By way of example, Sister Mary Patrick impressed upon Ms Doe that the pregnancy was her fault, alone, and that she had no one to blame but herself for her predicament Ms Doe was told to suffer in silence, to offer her suffering up to God, and that God would bless Ms Doe for the sacrifice of giving her child up for adoption A few months before Ms Doe was due, Sister Mary Patrick wrote to her that "the biggest sacrifice will be when you put the baby up for adoption, when you sign away your rights to your child You

will realize that it is for his own good that this child must never, under any condition learn of its parentage, that God will provide some other Mother and Father to love and care for him and yet all your motherly instincts will long for your child It will be unbelievably hard, but even for yourself it is the only answer" Sister Mary Patrick further wrote that Ms Doe should use the experience of giving her child up for adoption to make her "a less selfish, a more mature, a more wholesome woman" Sister Mary Patrick even told Ms Doe that, if she refused to place her baby for adoption, the Church would not baptize her child According to the Catechism of the Catholic Church, babies who die without being baptized are never cleansed of "original sin" and spend eternity in limbo, separated from God

18 In a letter dated June 26, 1965, Sister Mary Patrick wrote that adoption was absolutely necessary because she was "thinking of you and eternity and your child and the whole Mystical Body" Ms Doe was told to meditate on these words because, Sister Mary Patrick wrote, "they are based on a real complete understanding of the Church and grace and all " Ms Doe was particularly susceptible to Sister Mary Patrick's representations, as she had been taught from a young age that she should always obey the Church, and that the Church was to be trusted and believed

19 As soon as Father Heil discovered that Ms Doe was pregnant, he immediately called upon her to abandon her interest in her child in deference to that of the Church During Ms Doe's time in Maple Knoll, Father Heil indicated in letters and other communication that adoption was the only option for their child Father Heil told Ms Doe that she must give their child up for adoption because he could not remain a priest if the Church had to pay eighteen years of child support

20 The statements to Ms Doe by Father Heil, Sister Mary Patrick and others, acting for and on behalf of the Archdiocese regarding the ramifications for and consequences to Ms Doe and her

child for not heeding the directives, admonitions, and threats to abandon her child and to withhold the identity of the child's father were self-serving, deceitful, illusory and objectively unprovable and were made with the sole purpose and intent to coerce Ms Doe to forgo the best legal interests of her and of her child for the supposed well-being of her spiritual self and for the pecuniary interests of the Church

21 The false and fraudulent statements of Sister Mary Patrick and others carried particular weight with Ms Doe because they were reinforced by the teachings of the Church Ms Doe had been taught Catholic principles regarding sin from a young age She feared that her baby would never be cleansed of sin if she did not follow the directives of Sister Mary Patrick Ms Doe also feared the consequences of her own sins if she refused to follow the Church's demands As a part of Ms Doe's Catholic faith, the threat of eternal damnation for committal of grave sins and disobedience of Catholic doctrine was very real

22 Ms Doe gave birth to a baby girl on November 7, 1965 Against her wishes, she succumbed to the above-described intense intimidation and pressure, and relinquished her parental rights The baby was placed for adoption through St Joseph's Orphanage, an organization which fell under the auspices of the Archdiocese

23 After Ms Doe gave birth, Sister Irenea would not allow Ms Doe to re-enroll at Regina High School She was forced to change schools and to attend the local public high school

24 By virtue of her age, her status as an active parishioner, penitent, student at a Catholic high school, and as a member of St John's youth group, the Archdiocese owed Ms Doe a legal, equitable and fiduciary duty to protect her from the improper actions of those employed by or affiliated with the Archdiocese

25 The above-described actions of agents of the Archdiocese demonstrate malice,

aggravated or egregious fraud, oppression or insult The Archdiocese authorized, ratified or participated in these acts through the threats and acts of intimidation of Sister Mary Patrick, Father Heil and others which were calculated to, and resulted in, Ms Doe's relinquishment of her parental rights and the withholding of and forbearance from any legal action, and otherwise by using its power, prestige and moral authority to control Ms Doe's actions as relates to these events

26 As a direct and proximate result of the above-described actions by agents of the Archdiocese, Ms Doe has suffered severe and debilitating mental anguish She has undergone years of psychotherapy and has been hospitalized for mental anguish arising from these events

27 As a direct and proximate result of the above described actions by agents of the Archdiocese forcing Ms Doe to relinquish her parental rights, Ms Doe has suffered the loss of a relationship with her daughter, including the loss of services, society, companionship, comfort, love and solace As of the date of the filing of this complaint, Ms Doe has yet to be reunited with her daughter

28 All of the threats, promises, inducements, representations and acts of intimidation by the Archdiocese, described herein above, were made intentionally, maliciously and purposefully to buy and to ensure Plaintiff's continued silence with respect to the wrongs perpetrated against her

29 When the Archdiocese made the above-described threats and false, fraudulent affirmative representations to Ms Doe, the Archdiocese knew of and relied upon Ms Doe's devotion to the Catholic Church as a device by which to shield itself from legal liability for the ongoing damages suffered by Ms Doe

30 As anticipated by the Archdiocese, Ms Doe did in fact rely on its false and fraudulent affirmative representations For years, Ms Doe has suffered intense emotional, mental, and spiritual

distress before she was able to appreciate and knowingly, wilfully and voluntarily act on the fact that she had been victimized by Defendant, and that she therefore had a basis in law to pursue claims against the Archdiocese

## V. STATEMENT OF THE CLAIMS

### COUNT I

### NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

31 Plaintiff repeats and reaffirms the assertions of fact contained in paragraphs 1 through 30, above

32 The actions of the Archdiocese and its agents herein described constitute the tort of negligent infliction of emotional distress

### COUNT II

### INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

33 Plaintiff repeats and reaffirms the assertions of fact contained in paragraphs 1 through 32, above

34 The actions of agents of the Archdiocese and its agents herein described constitute the tort of intentional infliction of emotional distress

### COUNT III

### TORTIOUS INTERFERENCE WITH FAMILIAL RELATIONSHIPS

35 Plaintiff repeats and reaffirms the assertions of fact contained in paragraphs 1 through 34, above

36 The actions of the Archdiocese and its agents herein described constitute tortious interference with familial relationships

## COUNT IV

## LOSS OF FILIAL CONSORTIUM

37 Plaintiff repeats and reaffirms the assertions of fact contained in paragraphs 1 through 36, above

38 The actions the Archdiocese and its agents herein described directly and proximately caused a loss of filial consortium between Ms Doe and her daughter

## COUNT V

## BREACH OF FIDUCIARY DUTY

39 Plaintiff repeats and reaffirms the assertions of fact contained in paragraphs 1 through 38, above

40 The actions the Archdiocese and its agents herein described constitute a breach of Defendant's fiduciary duty toward Plaintiff

## COUNT VI

## NEGLIGENT SUPERVISION AND RETENTION

41 Plaintiff repeats and reaffirms the assertions of fact contained in paragraphs 1 through 40, above

42 The actions of the Archdiocese and its agents herein described constitute the tort of negligent supervision and retention

## VI. PRAYER FOR RELIEF

Plaintiff Jane Doe repeats and reaffirms the assertions of fact contained in paragraphs 1 through 42 above and demands judgment against Defendant Archdiocese as follows

1 For an order of judgment for compensatory damages for past, present and future mental anguish, emotional distress, and medical expenses, as well as any other economic losses incurred

as the result of the tortious conduct by agents of the Archdiocese in an amount in excess of $25,000,

2 For an order of judgment awarding punitive damages in an amount to be determined by a jury,

3 For an order of judgment awarding reasonable attorney fees and costs incurred by Ms Doe in prosecuting this matter

4 For an order of judgment awarding such other relief in law and equity to which Ms Doe may be entitled under the premises

Respectfully submitted,

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JURY DEMAND

Plaintiff demands a jury trial as to all issues so triable in this matter.

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