



**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL  
WILL COUNTY, ILLINOIS**

JOHN DOE, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 ROMAN CATHOLIC DIOCESE OF JOLIET, a Trust; )  
 )  
 Defendant. )

No. 2013L393

**COMPLAINT AT LAW**

NOW COMES the Plaintiff, JOHN DOE, by and through his attorneys, HURLEY, McKENNA & MERTZ, P.C., and as his Complaint at Law against the defendant, ROMAN CATHOLIC DIOCESE OF JOLIET (hereinafter referred to as “DIOCESE OF JOLIET”), states as follows:

**PARTIES**

1. At all relevant times, Plaintiff JOHN DOE was born a minor, born in 1963.
2. FRED LENCYZCKI was ordained a Roman Catholic Priest on October 21, 1972.
3. FRED LENCYZCKI served at various parishes and schools in the DIOCESE OF JOLIET from 1972 until 1985, when he was placed on leave. FRED LENCYZCKI was removed from ministry in 2002. FRED LENCYZCKI is listed on the DIOCESE OF JOLIET’s website as a priest who has at least one credible allegation of sexual abuse of a child made against him while serving in the Diocese of Joliet.
4. Between 1972 and 2002, including but not limited to the years 1978 through 1980, FRED LENCYZCKI was under the direct supervision and control of the DIOCESE OF JOLIET, its officials, Bishops, and its agents and supervisors.

**Initial case management set for**  
\_\_\_\_\_09/03/2013\_\_\_\_\_ **at: 9:00AM a.m.**  
Transaction ID : 171978822

**FACTS COMMON TO ALL COUNTS**

5. THE DIOCESE OF JOLIET, through its agents, invited families, including the family of Plaintiff, to send their young boys to seminary schools, including without limitation St. Charles Borromeo Seminary in Joliet, Illinois, to educate and train the young boys in preparation for ministry as a Roman Catholic priest.

6. Thus, the DIOCESE OF JOLIET was in the business of educating young boys and preparing them for ministry as a Roman Catholic priest.

7. The DIOCESE OF JOLIET charged parents, including Plaintiff's family, fees to educate young boys in the seminaries of the DIOCESE OF JOLIET.

8. Thus, the young boys attending seminaries were invitees; or in the alternative were business invitees of the DIOCESE OF JOLIET.

9. Between 1978 and 1980, St. Charles Borromeo Seminary was operated and controlled by employees and agents of the DIOCESE OF JOLIET.

10. During the time that young boys, including Plaintiff, attended seminaries of the DIOCESE OF JOLIET, including St. Charles Borromeo Seminary, the DIOCESE OF JOLIET had exclusive control over the children.

11. At all times relevant herein during the academic school years between 1978 through and including 1980, Plaintiff attended school at St. Charles Borromeo Seminary, a seminary owned and/or operated by defendant DIOCESE OF JOLIET.

12. At all times relevant herein, the DIOCESE OF JOLIET, owned, operated and controlled the premises commonly known as St. Charles Borromeo Seminary, including but not limited to the school, the seminarians' living quarters and the living quarters of the priests assigned to St. Charles Borromeo Seminary.

13. The DIOCESE OF JOLIET held itself out to Plaintiff JOHN DOE, then a minor, and his parents that it stood and acted in place of the parents of minor children, and thus the DIOCESE OF JOLIET held itself out to Plaintiff and his parents as acting **in loco parentis** while Plaintiff was enrolled in school at St. Charles Borromeo Seminary.

14. While Plaintiff attended school at St. Charles Borromeo Seminary, the DIOCESE OF JOLIET had exclusive custody and control of Plaintiff under such circumstances as to deprive his parents of their normal opportunities for protection of their then minor son. This protection is similar to that which a mother or father would exhibit to a newborn or young child. This includes, without limitations, the deprivation of a parent of their normal opportunity to protect their child from the sexual abuse of a predator or pedophile.

15. While Plaintiff attended school at St. Charles Borromeo Seminary, the DIOCESE OF JOLIET had exclusive custody and control of Plaintiff under such circumstances, and the DIOCESE OF JOLIET had a fiduciary duty to Plaintiff, acting as a protector of a minor ward Plaintiff's age. As an entity exercising exclusive custody and control of a minor boy such as Plaintiff, the DIOCESE OF JOLIET had a special duty to anticipate danger; and to exercise reasonable diligence to protect Plaintiff and other children from groups or individuals of notoriously dangerous character.

16. Specifically, the DIOCESE OF JOLIET knew or reasonably should have known that a group of notoriously dangerous characters, namely predatory and pedophile priests, served in active ministry in the DIOCESE OF JOLIET in the years before, during and after 1978. These predatory priests were in the habit of sexually abusing juvenile boys and girls within the DIOCESE OF JOLIET, a fact the DIOCESE OF JOLIET knew or reasonably should have known. As a result, the DIOCESE OF JOLIET owed a duty to all the youth of the DIOCESE OF

JOLIET, including Plaintiff, and Plaintiff's parents, to exercise due diligence to ascertain and anticipate dangers and make careful preparation to give Plaintiff effective protection, when the need would arise, from such predatory or pedophile priests serving in active ministry in the DIOCESE OF JOLIET.

17. In addition, the DIOCESE OF JOLIET armed with the knowledge of the preceding paragraph, would be under an affirmative duty to interfere and intervene when it knew or reasonably should have known of such predatory conduct; and would also have the duty to be reasonably vigilant in the supervision of the juveniles over which it had exclusive control so as to ascertain when such predatory conduct was about to occur.

18. During the time that FRED LENCYZCKI was a priest assigned to St. Charles Borromeo Seminary and as a result of the affiliation Plaintiff had with the Roman Catholic Church and the DIOCESE OF JOLIET, a special fiduciary relationship of human, religious and spiritual trust developed between Plaintiff, and FRED LENCYZCKI and defendant DIOCESE OF JOLIET, with concomitant *in loco parentis* duties, including providing a safe haven for Plaintiff by providing for his physical and emotional care and safety. As a result of representations made by FRED LENCYZCKI and defendant DIOCESE OF JOLIET and because the DIOCESE OF JOLIET and its agents held themselves out as counselors and instructors on matters that were spiritual, moral and ethical, Plaintiff placed great trust in the DIOCESE OF JOLIET and its priests so that the DIOCESE OF JOLIET gained control and influence over Plaintiff, and therefore defendant DIOCESE OF JOLIET entered into a fiduciary relationship with the Plaintiff.

19. During the time that FRED LENCYZCKI served as the spiritual director of Plaintiff while Plaintiff attended St. Charles Borromeo Seminary and as a result of the affiliation

Plaintiff had with the Roman Catholic Church and the DIOCESE OF JOLIET, a special fiduciary relationship of trust developed between Plaintiff and FRED LENCYZCKI and defendant DIOCESE OF JOLIET, with concomitant *in loco parentis* duties, including providing safe haven for Plaintiff by providing for his physical and emotional care and safety. As a result of representations made by FRED LENCYZCKI and defendant DIOCESE OF JOLIET and because the DIOCESE OF JOLIET and its agents held themselves out as supervisors and providers of food, shelter and protection, Plaintiff placed great trust in the DIOCESE OF JOLIET and its priests so that the DIOCESE OF JOLIET and FRED LENCYZCKI gained control and influence over Plaintiff, and therefore entered into a fiduciary relationship with Plaintiff.

20. Defendant's fiduciary relationship with the Plaintiff established upon defendant a duty of good faith, fair dealing and the duty to act with the highest degree of trust and confidence. This fiduciary relationship includes the duty to warn and to disclose and the duty to protect children from sexual abuse and exploitation by Catholic priests whom the defendant promote as being celibate and chaste representatives of God on earth and whom the DIOCESE OF JOLIET holds out to parishioners as safe, trustworthy community members. Defendant's fiduciary relationship with Plaintiff was based upon justifiable trust on Plaintiff's side and superiority and influence on defendant's side particularly during the time Plaintiff attended St. Charles Borromeo Seminary.

21. The local leaders of defendant DIOCESE OF JOLIET were in a specialized or superior position to receive and did receive specific information regarding misconduct by priests and other agents and employees that was of critical importance to the well-being, protection, care and treatment of innocent victims, including the Plaintiff. This knowledge was not otherwise

readily available. Defendant DIOCESE OF JOLIET exercised its special or superior position to assume control of said knowledge and any response thereto.

22. Plaintiff was in a subordinate position of weakness, vulnerability, and inequality and was lacking knowledge. Further, the ability of Plaintiff or his family to monitor the use or misuse of the power and authority of defendant DIOCESE OF JOLIET and FRED LENCYZCKI was compromised, inhibited or restricted by the DIOCESE OF JOLIET and FRED LENCYZCKI.

23. Defendant DIOCESE OF JOLIET had a secular standard of fiduciary duty which it breached by failing to act upon, or insufficiently acting upon or responding to, information which it had obtained by virtue of its superior status, known only or secretly to them, that was indicative or highly suggestive of a pattern of wrongful, unlawful or criminal behavior of FRED LENCYZCKI and its other priests. Defendant DIOCESE OF JOLIET breached this duty, as well as other duties, through inaction, manipulation, intimidation, evasion, intended deception, undue influence, duress or otherwise, as more fully described and set forth elsewhere in this Complaint, resulting in negative consequences to the welfare and well-being of Plaintiff.

24. By tradition, Roman Catholics, including Plaintiff, are taught to hold priests in the highest esteem as earthly representatives of God, and that priests, unlike lay people, belong to separate and higher station in life, the so called "clerical state," which it represents to be of divine origin and which it represents entitles them to special privileges. For these and other reasons relating to the practices of Church, priests and other persons in leadership positions in the Church have traditionally occupied a position of great trust and allegiance among the parents and youth of Illinois, including Plaintiff.

25. As part of this traditional reverence of Church clergy, Plaintiff and his parents were instructed and indoctrinated by the DIOCESE OF JOLIET as children to show obedience to priests, including FRED LENCZYCKI, and were taught to believe and did believe that it would be “sinful” or wrong to make any kind of accusation against a priest or a bishop. Additionally, Plaintiff and his parents were instructed and believed that priests and Bishops follow their vow or promise of celibacy and chastity and could not and would not engage in conduct considered sexual, or evil or wrong. Plaintiff and his parents relied upon these teachings and incorporated them into Plaintiff’s religious beliefs and practices.

26. Plaintiff and his parents had the right to rely and did rely, on the representations and teachings of the Church and Defendant DIOCESE OF JOLIET including, but not limited to, representations regarding priests in general and FRED LENCZYCKI in particular (including the representation that FRED LENCZYCKI was a priest in “good standing”). Plaintiff and his parents also expected and believed that the Church and defendant DIOCESE OF JOLIET would not tolerate criminal misconduct that represented a known threat to children by any priest. Accordingly, Plaintiff and his parents also relied on defendant’s omissions and silence.

27. The Church and defendant DIOCESE OF JOLIET created the misperception in the mind of Plaintiff and his parents and others that Plaintiff and other children were safe with priests in general and with FRED LENCZYCKI in particular. In fact, Plaintiff was a victim of a known and preventable hazard that the Church, the DIOCESE OF JOLIET and FRED LENCZYCKI created and allowed to continue.

28. Further, as a result of the early instruction and indoctrination described herein, Plaintiff and his parents believed that defendant DIOCESE OF JOLIET was unaware and

uninvolved in facilitating the criminal sexual behavior of its priests, and the wide-ranging efforts of defendant to conceal that criminal conduct from Plaintiff, his family and all parishioners.

**29. Knowledge of the DIOCESE OF JOLIET of Predator and Pedophile Priests:**

At the time Plaintiff was enrolled at St. Charles Borromeo Seminary, and no later than the year 1978, the DIOCESE OF JOLIET, including members of its hierarchy and its officials, had actual knowledge that Catholic priests sexually abused minor parishioners within the DIOCESE OF JOLIET.

30. In the alternative, no later than the year 1978, the DIOCESE OF JOLIET knew or should have known that Catholic priests, specifically FRED LENCYZCKI, sexually abused young boys attending schools and programs operated by the DIOCESE OF JOLIET, including but not limited to St. Charles Borromeo Seminary.

31. No official or agent of the DIOCESE OF JOLIET has ever warned Plaintiff, his parents or others similarly situated, of such a problem of predatory and pedophile priests having infected the active ministry of the DIOCESE OF JOLIET's priests when Plaintiff attended a seminary operated by the DIOCESE OF JOLIET and St. Charles Borromeo Seminary.

32. The DIOCESE OF JOLIET had a pattern and practice of hiding and non-disclosing facts that pedophile and predatory priests served in active ministry in the DIOCESE OF JOLIET.

33. The DIOCESE OF JOLIET had a pattern and practice of secretly transferring predatory priest in and out of the State of Illinois; and in and out of the DIOCESE OF JOLIET to the detriment of Plaintiff, his parents and all parishioners of the DIOCESE OF JOLIET.

34. Defendant DIOCESE OF JOLIET knew or should have known of the pedophilic behavior of its priests assigned to St. Charles Borremeo Seminary before Plaintiff was first sexually abused by FRED LENCYZCKI in 1979.

35. Defendant DIOCESE OF JOLIET failed to act on its knowledge regarding the pedophilic behavior of its priests assigned to St. Charles Borremeo Seminary in and prior to 1979.

36. Defendant DIOCESE OF JOLIET failure to act on its knowledge regarding the pedophilic behavior of its priests assigned to St. Charles Borremeo Seminary in and prior to 1979 increased the likelihood that Plaintiff would be harmed. Defendant DIOCESE OF JOLIET's failure to act on that knowledge also contributed to Plaintiff's inability to have any knowledge of the wrongful nature of the events.

37. As of 1979, when Plaintiff was first sexually abused by FRED LENCYZCKI, the DIOCESE OF JOLIET had abandoned, or in the alternative, had failed to fully follow its own procedures with respect to the voluntary undertaking described herein.

38. **Various Church Documents Which Confirm a Voluntary Undertaking to Prevent the Crime of Solicitation and Sexual Abuse:** The DIOCESE OF JOLIET voluntarily undertook a duty to protect persons like Plaintiff from being sexually abused by priests employed by the defendant DIOCESE OF JOLIET.

39. The DIOCESE OF JOLIET possessed various other documents which confirmed that the DIOCESE OF JOLIET voluntarily undertook a duty to prevent the crime of sexual abuse of minors and other persons. These include, without limitations, various portions of the Code of Canon Law, under which the DIOCESE OF JOLIET operated, such Code which was first formulated in 1917, and remained in force until 1983.

40. When Plaintiff, at 15 years of age, was enrolled at St. Charles Borromeo Seminary, Plaintiff came under the exclusive custody and control of the employees and agents of the DIOCESE OF JOLIET.

41. When Plaintiff, at 15 years of age, was enrolled at St. Charles Borromeo Seminary, FRED LENCYZCKI, an employee and agent of the DIOCESE OF JOLIET, was in charge of, or otherwise supervised, the young boys attending that school, including but not limited to, feeding, sheltering, disciplining, and other supervisory duties.

42. At all relevant times herein, FRED LENCYZCKI served as the spiritual director of several young seminarians enrolled at St. Charles Borromeo Seminary. As their spiritual advisor, FRED LENCYZCKI met with the seminarians several times each month. During these meetings, FRED LENCYZCKI would be alone with the minor seminarian in a secluded area, often in FRED LENCYZCKI's private living quarters. FRED LENCYZCKI began serving as Plaintiff's spiritual director in January 1979. FRED LENCYZCKI used these spiritual director meetings to sexually abuse young boys such as Plaintiff.

43. The DIOCESE OF JOLIET knew or should have known prior to 1978 that FRED LENCYZCKI was a predatory or pedophile priest and prevented him from supervising minor children.

44. The DIOCESE OF JOLIET knew or should have known about the inappropriate and illegal activities that occurred at St. Charles Borromeo Seminary in 1979.

45. In approximately January of 1979, Plaintiff began meeting with FRED LENCYZCKI, who was appointed as Plaintiff's spiritual director. Plaintiff was instructed to meet with FRED LENCYZCKI in LENCYZCKI's private living quarters. When Plaintiff arrived at FRED LENCYZCKI's private living quarters, FRED LENCYZCKI invited him in and

they began discussing Plaintiff's schooling and progress in the seminary. During this conversation, FRED LENCYZCKI told Plaintiff that a family recently contacted him to preside over the funeral of their deceased son. FRED LENCYZCKI told Plaintiff that the family had requested that the deceased child be dressed as Jesus Christ in a loincloth. FRED LENCYZCKI told Plaintiff that he was nervous to dress the deceased child in a loincloth, as he had never done it before, and asked Plaintiff if he could "practice" on Plaintiff. Because FRED LENCYZCKI was Plaintiff's supervisor and spiritual director, Plaintiff agreed to be dressed in the loincloth. FRED LENCYZCKI instructed Plaintiff to remove all of his clothing, except for his underwear, and then began wrapping the cloth over Plaintiff's underwear. As FRED LENCYZCKI was "dressing" Plaintiff in the loincloth, he began touching and prodding Plaintiff's waist, buttocks and genital area under the guise of tucking in and adjusting the loincloth. FRED LENCYZCKI continued "dressing" and touching Plaintiff for a period of five to ten minutes.

46. Plaintiff continued to meet with FRED LENCYZCKI, his spiritual director, several times per month, as required by St. Charles Borromeo Seminary. Approximately every other or every third meeting, FRED LENCYZCKI would again insist on "practicing" with the loincloth and requesting Plaintiff to remove his clothing, including his underwear. Because FRED LENCYZCKI was Plaintiff's supervisor and spiritual director, Plaintiff complied, except that he did not remove his underwear. On at least one occasion, FRED LENCYZCKI also removed his clothing, down to his underwear. Each time FRED LENCYZCKI "dressed" Plaintiff in the loincloth, FRED LENCYZCKI became more aggressive in his fondling of Plaintiff, including fondling of Plaintiff's buttocks and penis. On some occasions, FRED LENCYZCKI would pull down the loincloth and Plaintiff's underwear, exposing Plaintiff's penis. On one occasion in 1980, while FRED LENCYZCKI was fondling Plaintiff's buttocks,

FRED LENCYZCKI inserted his finger into Plaintiff's anus. FRED LENCYZCKI abused Plaintiff in this manner no less than 12 times throughout 1979 and 1980.

47. When FRED LENCYZCKI was molesting Plaintiff as stated above, Plaintiff was 15 and 16 years old, did not understand what was occurring, and believed that he could not tell anyone about FRED LENCYZCKI's behavior.

48. Further, when FRED LENCYZCKI was molesting Plaintiff, as stated above, FRED LENCYZCKI gave the appearance of authority to Plaintiff and stood **in loco parentis** and as Plaintiff's spiritual leader.

49. Due to shame, embarrassment, fear, and psychological trauma JOHN DOE suppressed the memory of his abuse and was unaware of the injury he suffered as a result of the sexual molestation.

50. In June of 1980, as a result FRED LENCYZCKI's sexual abuse, Plaintiff left St. Charles Borromeo Seminary and Plaintiff had no more contact with FRED LENCYZCKI.

51. Plaintiff continued to repress his memory of the abuse throughout his adult life, suffering greatly as a result of the repression.

52. It was not until after February of 2013, that JOHN DOE discovered that he was repressing the memories of his abuse and discovered his injuries.

53. In approximately March of 2013, after Plaintiff discovered a news story regarding the cover-up of a local priest's sexual abuse of numerous children, he first became aware of the potential involvement of the DIOCESE OF JOLIET in the concealment and facilitation of his abuse by FRED LENCYZCKI.

54. **Fraudulent Misrepresentation and Non-Disclosure of Predatory and Pedophile Priests by DIOCESE OF JOLIET Officials:** The DIOCESE OF JOLIET, through

its bishops, priests, employees, agents, officials and attorneys, has had actual knowledge that predatory and pedophile priests have been an active and unrestricted ministry in the U.S. Roman Catholic Church in general, and within the DIOCESE OF JOLIET specifically, at all relevant times between at least 1978 and the present.

55. Additionally, the DIOCESE OF JOLIET had actual or constructive knowledge that FRED LENCYZCKI routinely took minor parishioners and/or seminarians to his personal living quarters and sexually abused those parishioners and/or seminarians at all relevant times between at least 1978 and the present.

56. Armed with the above knowledge, the DIOCESE OF JOLIET hid the information from its parishioners, including Plaintiff and his parents, up to and including the present.

57. In each of the years between at least 1978 and the date of the filing of this complaint, the DIOCESE OF JOLIET has misrepresented and under-reported the true nature and number of predatory and pedophile priests that have served in active ministry in the DIOCESE OF JOLIET. The DIOCESE OF JOLIET has had and presently does have a financial incentive to misrepresent and non-disclose the true nature and scope of this problem of predatory and pedophile priests, as more particularly described below. The DIOCESE OF JOLIET continues to non-report pedophile priests who have served in active ministry in the DIOCESE OF JOLIET, if such priests were in an Order.

58. In addition, there have been other specific instances and patterns of under reporting, non-disclosure and misrepresentation by the DIOCESE OF JOLIET, of the true nature and extent of pedophile and predatory priests who have served in the DIOCESE OF JOLIET.

59. Because of its “Assumed Duty” described above, and because of its “Special Relationship” with school children and minor seminarians attending St. Charles Borromeo

Seminary over which it had exclusive control and custody, the DIOCESE OF JOLIET had a duty to disclose all that it knew, or reasonably should have known about predatory and pedophile priests. The DIOCESE OF JOLIET had a duty to Plaintiff and his parents to be candid about such a problem of predatory and pedophile priests; and had similar duty not to downplay, under-report, or otherwise mis-inform or non-disclose facts regarding these issues to Plaintiff and his parents.

60. Because of its “Assumed Duty” described above, and because of its “Special Relationship” with school children and minor parishioners over which it had exclusive control and custody, and as a result of the fiduciary relationship between Plaintiff, the DIOCESE OF JOLIET, and FRED LENCYZCKI, the DIOCESE OF JOLIET had a duty to contact Plaintiff and his parents and disavow FRED LENCYZCKI’s representations that the abuse was correct, proper, and authorized by the church.

61. The failure of the defendant DIOCESE OF JOLIET to take any action regarding FRED LENCYZCKI’s sexual abuse of Plaintiff is consistent with its decades-long practice of failing to respond to credible allegations of sexual abuse. On numerous occasions since at least 1978, the DIOCESE OF JOLIET received credible allegations of sexual abuse but failed to take the actions necessary to properly investigate the allegations. On information and belief, the DIOCESE OF JOLIET engaged in a pattern and practice of purposefully hiding claims of sexual abuse, including the frequent transfer of priests accused of pedophilic behavior, to protect its reputation and avoid the scandal and civil liability that would result if parishioners and the public at large were aware of the incidents of pedophilia in the church community.

62. The DIOCESE OF JOLIET did not take appropriate action to safeguard the children of the DIOCESE OF JOLIET. On information and belief, on numerous occasions, the

DIOCESE OF JOLIET transferred priests accused of inappropriate behavior toward a minor from one assignment to another, without disclosing any information about the priest's behavior to anyone in the community or to law enforcement officials. Additionally, the DIOCESE OF JOLIET knowingly accepted known child molesters into the DIOCESE OF JOLIET and assigned them to ministries without warning anyone in the community of pedophilic behavior of these priests. Instead, the DIOCESE OF JOLIET assured parishioners that pedophilic and predatory priests were trustworthy and upstanding community members.

63. Defendant DIOCESE OF JOLIET created the misperception in the mind of Plaintiff and his parents and others that he and other children were safe with the DIOCESE OF JOLIET's priests in general and with FRED LENCYZCKI in particular. At no time during the period in question did defendant DIOCESE OF JOLIET have in place an effective system or procedure to supervise or monitor priests' abstinence from sexual activity or pre-sexual grooming of children in the DIOCESE OF JOLIET to prevent or minimize the risk of sexual contact with minors. Nor did defendant DIOCESE OF JOLIET employ reasonably sufficient procedures for testing and screening priests for dangerous sexual proclivities, such as those shown by FRED LENCYZCKI.

64. If defendant and its agents had not misrepresented or concealed the true nature of predatory and pedophile priests in the DIOCESE OF JOLIET, Plaintiff would have discovered earlier, and within the limitation period (whatever that may be held to in this case) that he had suffered damages as a result of the abuse and/or that the DIOCESE OF JOLIET was responsible and liable for the abuse and damages he suffered; and therefore would have filed his cause of action (a) before his 18<sup>th</sup> birthday; (b) in less than 2 years after of his 18<sup>th</sup> birthday; or (c) earlier than he did without the aid of any applicable Discovery Rule.

65. Because of the defendant's misrepresentation and concealment, Plaintiff (a) was unaware of his claim when he turned 18; (b) did not know the DIOCESE OF JOLIET had done something wrong at any time until approximately March of 2013, and because of the misrepresentation and concealment of the DIOCESE OF JOLIET, was otherwise not aware of his injury or the cause of his injury until approximately March of 2013.

66. **Detrimental Reliance:** Before, during and after the 1978-1980 school years, Plaintiff and his parents detrimentally relied on the false statements and non-disclosures of the DIOCESE OF JOLIET about predatory and pedophile priests serving in the DIOCESE OF JOLIET.

67. If the parents of Plaintiff were informed by defendant prior to 1978 that the DIOCESE OF JOLIET knew or reasonably should have known at that time about pedophile priests working for and/or on behalf of the defendant, they would not have permitted Plaintiff, their then minor son to be enrolled at St. Charles Borromeo Seminary or to be alone with any priest at St. Charles Borromeo, including FRED LENCYZCKI.

68. **The DIOCESE OF JOLIET had a financial incentive to withhold facts about predatory and pedophile priests:** If the DIOCESE OF JOLIET were to disclose the true extent of predatory pedophile priests described above, collections from church members to the DIOCESE OF JOLIET in the form of cash, pledges, bequests under Wills, Trusts and Estate Plans would significantly diminish.

69. Thus, one of the reasons the DIOCESE OF JOLIET misrepresented or failed to disclose that agents and/or employees of the DIOCESE OF JOLIET, generally, and FRED LENCYZCKI in particular, could be dangerous to minors, and failed to disclose the true nature and extent of predatory and pedophile priests, was not because it did not have knowledge of such

misconduct. Rather, the reason for the misrepresentation and non-disclosure by the DIOCESE OF JOLIET was because such disclosure would put the DIOCESE OF JOLIET at significant risk of losing millions of dollars per year in the form of donations, pledges or other inflows of cash or cash equivalents.

70. At no time before approximately March of 2013 did Plaintiff know, nor reasonably should have known that he was injured in any way, or that he had been the victim of any wrongful conduct, on the part of defendant DIOCESE OF JOLIET.

71. **Damages:** As a direct result of FRED LENCYZCKI's sexual abuse, and the fraudulent and wrongful conduct of defendant DIOCESE OF JOLIET, Plaintiff has suffered and continues to suffer severe and permanent emotional distress, anger, terror, embarrassment, loss of self-esteem, disgrace, humiliation, loss of enjoyment of life, loss of religious faith, difficulty in practicing his religion through the Church, severe psychological injury and deprivation of earning capacity reasonably certain to occur in the future, and has incurred and will continue to incur expenses for psychological treatment, therapy and counseling.

72. **Equitable Estoppel:** First, as more particularly described above, the DIOCESE OF JOLIET misrepresented and concealed material facts about the true nature of predatory and pedophile priests in DIOCESE OF JOLIET.

73. Second, the DIOCESE OF JOLIET knew at the time the representations were made, and when the concealment occurred, that they were untrue.

74. Third, at no time did Plaintiff know that the representations made by the DIOCESE OF JOLIET were untrue.

75. Fourth, the DIOCESE OF JOLIET intended to reasonably expect the representation to be acted upon by Plaintiff, an abused person, and his parents and by other victims of sexual abuse by a priest.

76. Fifth, Plaintiff and his parents reasonably relied upon the representations of the DIOCESE OF JOLIET in good faith and to their detriment; and

77. Sixth, Plaintiff has been prejudiced by his reliance on the representations of the DIOCESE OF JOLIET and fraudulent misrepresentation of the DIOCESE OF JOLIET described above.

78. As a result, the DIOCESE OF JOLIET should be equitably estopped from asserting any statute of limitation defense.

### COUNT I

#### **Special Relationship: Duty of Persons Having Custody of Another – Restatement of Torts (Second) §314A(4), § 320**

Plaintiff, JOHN DOE, complains of the defendant, DIOCESE OF JOLIET as follows:

1-78. Plaintiff incorporates Paragraphs 1 through 78 of this Complaint as if fully set forth herein.

79. The allegations of fact and law above confirm that the DIOCESE OF JOLIET had a special relationship and duty to intervene and protect Plaintiff consistent with the Restatement of Torts (Second), sec. 314 (A)(4) and sec. 320; and as more particularly described above regarding a person or entity who has exclusive custody or control of a minor boy.

80. Because the DIOCESE OF JOLIET voluntarily took custody of Plaintiff under circumstances described above which deprived him, and his parents, of their normal powers of self-protection; and thereby subjected Plaintiff to associations with persons likely to harm him, the DIOCESE OF JOLIET was under a duty to exercise reasonable care as to control the conduct of third persons as to prevent them from intentionally harming Plaintiff, or so conducting

themselves as to create an unreasonable risk of harm to Plaintiff as the DIOCESE OF JOLIET knew or had reason to know that it had the ability to control the conduct of third persons, and knew or should have known that it had the ability to control the conduct of third persons, and knew or should know of the necessity and opportunity for exercising such control.

81. In addition, defendant DIOCESE OF JOLIET had a duty of affirmative action for the aid and protection of Plaintiff; had a duty to anticipate danger, and had a duty to be reasonably vigilant in the supervision of priests working at churches in the DIOCESE OF JOLIET, when the DIOCESE OF JOLIET knew or reasonably should have known such churches were staffed by predatory pedophiles.

82. That the defendant DIOCESE OF JOLIET breached the duty of care owed to Plaintiff, a minor boy, and his parents, and was guilty of one or more of the following wrongful acts and/or omissions.

- a. Improperly deprived Plaintiff of the normal protection of his parents and directed minor Plaintiff to be alone with FRED LENCYZCKI, a priest that it knew or should have known was a pedophile;
- b. Improperly deprived Plaintiff of the normal protection of his parents and directed minor Plaintiff to be alone with FRED LENCYZCKI, a priest at a seminary that defendant knew or should have known was staffed by priests who were pedophiles;
- c. Failed to take affirmative acts of protection or vigilance to protect minor Plaintiff from physical harm while he was in its sole and exclusive custody while enrolled at St. Charles Borromeo Seminary and supervised by predatory or pedophile priests of the DIOCESE OF JOLIET and St. Charles Borromeo Seminary, including FRED LENCYZCKI;
- d. Improperly exposing the minor Plaintiff to unsupervised contact with FRED LENCYZCKI wherein he was able to sexually abuse Plaintiff at St. Charles Borromeo Seminary, when it knew or should have known FRED LENCYZCKI had a history of repeatedly sexually abusing minors.

83. As a direct and proximate result of one or more of the foregoing wrongful acts and omissions of the defendant DIOCESE OF JOLIET, Plaintiff suffered injuries and damages

as more particularly described above; and such other damages to which experts in this case may testify.

WHEREFORE, Plaintiff JOHN DOE, demands judgment against defendant ROMAN CATHOLIC DIOCESE OF JOLIET in an amount in excess of \$50,000, and such other relief as the Court deems just and equitable.

**COUNT II**  
**Voluntary Undertaking:**  
**Duty to Protect Against Predatory and Pedophile Priests**

Plaintiff, JOHN DOE, complains of the defendant, DIOCESE OF JOLIET as follows:

1-78. Plaintiff incorporates Paragraphs 1 through 78 of this Complaint as if fully set forth herein.

79. Defendant DIOCESE OF JOLIET, through its own policies and procedures, and the provisions of Canon Law, voluntarily undertook and did assume the duty to establish a security, investigation, and prosecution program, to deter pedophile and predatory conduct by priests; and to protect its parishioners and members from harm in the event predatory and pedophile priests were service in the DIOCESE OF JOLIET.

80. The DIOCESE OF JOLIET failed to exercise reasonable care in carrying out this voluntary undertaking, and the failure to exercise reasonable care increased the risk of harm to Plaintiff from predatory and pedophile priests who were serving in the DIOCESE OF JOLIET.

81. That the defendant DIOCESE OF JOLIET breached the duty of care owed to Plaintiff, a minor boy, and his parents, and was guilty of one or more of the following wrongful acts and/or omissions:

- a. Failed to properly investigate, prosecute and punish priests who were reported to have been guilty of predatory or pedophile conduct;

- b. Failed to properly investigate all priests involved in staffing a particular parish or seminary when defendant knew, or should have known, that one or more of the priests staffing a particular parish or seminary was a pedophile;
- c. Improperly deprived Plaintiff of the normal protection of his parents and directed minor Plaintiff to be alone with FRED LENCYZCKI, a priest that it knew or should have known was a pedophile;
- d. Improperly deprived Plaintiff of the normal protection of his parents and directed minor Plaintiff to be alone with FRED LENCYZCKI, a priest at a seminary that defendant knew or should have known was staffed by priests who were pedophiles;
- e. Failed to take affirmative acts of protection or vigilance to protect minor Plaintiff from physical harm while he was in its sole and exclusive custody as minor parishioner attending a seminary operated by the DIOCESE OF JOLIET, when it knew or reasonably should have known that predatory and pedophile priests were in active ministry in the DIOCESE OF JOLIET;
- f. Improperly exposing the minor Plaintiff to unsupervised contact with FRED LENCYZCKI wherein he was able to sexually abuse Plaintiff when it knew or should have known FRED LENCYZCKI had a history of repeatedly sexually abusing minors.

82. As a direct and proximate result of one or more of the foregoing wrongful acts and omissions of the defendant DIOCESE OF JOLIET, Plaintiff suffered injuries and damages as more particularly described above; and such other damages to which experts in this case may testify.

WHEREFORE, Plaintiff JOHN DOE demands judgment against defendant the ROMAN CATHOLIC DIOCESE OF JOLIET in an amount in excess of \$50,000, and such other relief as the Court deems just and equitable.

**COUNT III**  
**Respondeat Superior:**  
**Acts within the Scope of Employment**

Plaintiff JOHN DOE complains of the defendant DIOCESE OF JOLIET as follows:

1-78. Plaintiff incorporates Paragraphs 1 through 78 of this Complaint as if fully set forth herein.

79. It was the duty of the defendant DIOCESE OF JOLIET, through the acts of its employees and agents, to exercise reasonable care for the protection and benefit of the Plaintiff, then a minor boy, when it had exclusive custody and control of the Plaintiff.

80. At all times relevant herein, the actions of FRED LENCYZCKI, as described above, were acts within the scope of FRED LENCYZCKI's employment by the defendant DIOCESE OF JOLIET. Since the acts of sexual abuse of the then minor Plaintiff took place during the time when Plaintiff attended a seminary operated by the DIOCESE OF JOLIET and St. Charles Borromeo Seminary, they were acts within the scope of FRED LENCYZCKI's employment by the defendant DIOCESE OF JOLIET.

81. Since the acts of sexual abuse of the then-minor Plaintiff took place by FRED LENCYZCKI, the spiritual director of St. Charles Borromeo Seminary of the DIOCESE OF JOLIET, at a seminary operated by the DIOCESE OF JOLIET, such acts of sexual abuse, were acts within the scope of FRED LENCYZCKI's employment.

82. In the alternative, and in the light of the facts as more particularly described above, including paragraphs 1-78 above, the DIOCESE OF JOLIET should be estopped from denying that all such acts of FRED LENCYZCKI were not within the scope of his employment.

83. That the defendant DIOCESE OF JOLIET breached the duty of care owed to Plaintiff, a minor boy, and his parents, and was guilty of one or more of the following wrongful acts and/or omissions, through the actions or omissions of FRED LENCYZCKI:

- a. Improperly fondled and sexually abused Plaintiff, a minor, while he was under the exclusive control of the DIOCESE OF JOLIET;
- b. Improperly fondled and sexually abused while he was under the exclusive control of the DIOCESE OF JOLIET, while Plaintiff attended a seminary operated by the DIOCESE OF JOLIET and St. Charles Borromeo Seminary.

84. As a direct and proximate result of one or more of the foregoing wrongful acts and omissions of the defendant DIOCESE OF JOLIET, Plaintiff suffered injuries and damages as more particularly described above; and such other damages to which experts in this case may testify.

WHEREFORE, Plaintiff JOHN DOE demands judgment against defendant the ROMAN CATHOLIC DIOCESE OF JOLIET in an amount in excess of \$50,000, and such other relief as the Court deems just and equitable.

**COUNT IV**  
**Negligence Regarding Actions Outside the Scope of Employment –**  
**Restatement of Torts (Second), § 317**

Plaintiff JOHN DOE complains of the defendant DIOCESE OF JOLIET as follows:

1-78. Plaintiff incorporates Paragraphs 1 through 78 of this Complaint as if fully set forth herein.

79. It was the duty of the defendant DIOCESE OF JOLIET, through the acts of its employees and agents, to exercise reasonable care for the protection and benefit of the minor boy, Plaintiff, over whom it had exclusive custody and control.

80. In the alternative, if the actions of FRED LENCYZCKI as described above, during the time during Plaintiff attended St. Charles Borromeo Seminary, were acts outside the scope of FRED LENCYZCKI's employment by the defendant DIOCESE OF JOLIET, these acts were such acts for which defendant had legal responsibility as more particularly described below.

81. The DIOCESE OF JOLIET, as master, was under a duty to exercise reasonable care so as to control its servant, FRED LENCYZCKI, while acting outside the scope of his employment as to prevent him from intentionally harming others, or from so conducting himself as to create an unreasonable risk of bodily harm to them as FRED LENCYZCKI at all relevant

times used his position of trust and authority given to him by the DIOCESE OF JOLIET to form relationships with young seminarians and to meet with the seminarians in secluded locations such as his private living quarters; and the DIOCESE OF JOLIET knew or had reason to know that it had the ability to control the servant, FRED LENCYZCKI; and knew or should have known of the necessity and opportunity for exercising such control.

82. The sexual abuse of Plaintiff occurred on seminary property owned by DIOCESE OF JOLIET and St. Charles Borromeo. FRED LENCYZCKI served as the spiritual director of seminarians at St. Charles Borromeo Seminary solely because of his position as a priest, and as a guardian of the then-minor Plaintiff, during the time of Plaintiff's attendance at a seminary operated by the DIOCESE OF JOLIET and St. Charles Borromeo Seminary.

83. In addition, FRED LENCYZCKI served as the spiritual director of seminarians at St. Charles Borromeo Seminary only by his appointment by the DIOCESE OF JOLIET, the DIOCESE OF JOLIET knew that it had the ability to control FRED LENCYZCKI, and the DIOCESE OF JOLIET knew that FRED LENCYZCKI, and other priests at St. Charles Borromeo Seminary, were likely to be alone with the minor boys at St. Charles Borromeo Seminary.

84. DIOCESE OF JOLIET knew or reasonably should have known that to allow predatory and pedophile priests who were sexually attracted to young boys at remote or private locations outside the presence of other adults was a formula for disaster; and disaster did occur in the form of the sexual abuse of Plaintiff by FRED LENCYZCKI, a priest of the DIOCESE OF JOLIET.

85. That the defendant DIOCESE OF JOLIET breached the duty of care owed to Plaintiff, a minor boy, and his parents, and was guilty of one or more of the following wrongful acts and/or omissions, through the actions or omissions of FRED LENCYZCKI:

- a. Improperly fondled and sexually abused Plaintiff, a minor, while he was under the exclusive control of the DIOCESE OF JOLIET;
- b. Improperly fondled and sexually abused Plaintiff, a minor, while he attended a seminary operated by the DIOCESE OF JOLIET and St. Charles Borromeo Seminary, in 1979 and 1980.

86. As a direct and proximate result of one or more of the foregoing wrongful acts and omissions of the defendant DIOCESE OF JOLIET, Plaintiff suffered injuries and damages as more particularly described above; and such other damages to which experts in this case may testify.

WHEREFORE, Plaintiff JOHN DOE demands judgment against defendant the ROMAN CATHOLIC DIOCESE OF JOLIET in an amount in excess of \$50,000 and such other relief as the Court deems just and equitable.

### **COUNT V Institutional Negligence**

Plaintiff JOHN DOE complains of the defendant DIOCESE OF JOLIET as follows:

1-78. Plaintiff incorporates Paragraphs 1 through 78 of this Complaint as if fully set forth herein.

79. Defendant DIOCESE OF JOLIET owed Plaintiff a duty to provide competent and safe care and supervision by instituting and following policies and procedures to govern priests at parishes within the DIOCESE OF JOLIET.

80. Defendant DIOCESE OF JOLIET did not have any policies and/or procedures to identify and remove predatory or pedophile priests from the seminary program before providing them with access to minor parishioners and/or seminarians residing in the

## DIOCESE OF JOLIET.

81. Defendant DIOCESE OF JOLIET had written policies and/or procedures in place requiring the DIOCESE OF JOLIET to investigate and remove all predatory or pedophile priests from active ministry.

82. Defendant DIOCESE OF JOLIET did not have policies and/or procedures in place to prevent predatory or pedophile priests from meeting with minor seminarians in secluded locations such as the priest's private living quarters.

83. From 1978 through 1980 and at all relevant times herein, defendant DIOCESE OF JOLIET, was negligent for one or more of the following reasons:

- a. Failed to create, adopt and/or implement written policies and/or procedures designed to identify and remove predatory or pedophile priests from the seminary before providing them with access to minor children within the DIOCESE OF JOLIET;
- b. Failed to follow the written policies and/or procedures that were in place requiring the defendant DIOCESE OF JOLIET to investigate and remove predatory or pedophile priests;
- c. Failed to institute adequate policies and/or procedures designed to prevent predatory or pedophile priests from molesting minor children;
- d. Failed to adopt and adequately maintain policies and procedures that would prevent predatory or pedophile priests from meeting with minor seminarians at secluded locations such as the priest's private living quarters;
- e. Failed to recognize the predatory or pedophilic tendencies of FRED LENCYZCKI while he was in the seminary.
- f. Ignored the predatory and pedophilic tendencies of FRED LENCYZCKI while he was in the seminary.
- g. Failed to recognize the predatory or pedophilic tendencies of FRED LENCYZCKI while he was in active ministry as a priest of the DIOCESE OF JOLIET;
- h. Ignored the predatory and pedophilic tendencies of FRED LENCYZCKI while he was while he was in active ministry as a priest of the DIOCESE OF JOLIET;

- i. Otherwise failed to institute policies and procedures to protect against the known danger presented by predatory or pedophile priests.

84. As a direct and proximate result of one or more of the foregoing wrongful acts and omissions of the defendant DIOCESE OF JOLIET, Plaintiff suffered injuries and damages as more particularly described above; and such other damages to which experts in this case may testify.

WHEREFORE, Plaintiff JOHN DOE demands judgment against defendant the ROMAN CATHOLIC DIOCESE OF JOLIET in an amount in excess of \$50,000 and such other relief as the Court deems just and equitable.

#### **COUNT VI Fraudulent Misrepresentation**

Plaintiff JOHN DOE complains of the defendant DIOCESE OF JOLIET as follows:

1-78. Plaintiff incorporates Paragraphs 1 through 78 of this Complaint as if fully set forth herein.

79. It was the duty of the DIOCESE OF JOLIET to refrain from making fraudulent misrepresentations or non-disclosure of facts that it had a duty to disclose to Plaintiff and his parents at and before the year 1978, and from that year to the present. Because of the "Special Relationship" that the DIOCESE OF JOLIET undertook, as more particularly described above, DIOCESE OF JOLIET had a duty to Plaintiff and his parents to disclose all it knew or reasonably should have known about predatory and pedophile priests who sexually abused minors, including Plaintiff, as described above.

80. That the defendant DIOCESE OF JOLIET breached the duty of care owed to Plaintiff and his parents and was guilty of one or more of the following wrongful acts and/or omissions:

- a. Guilty of fraudulent misrepresentations and non-disclosure of its knowledge regarding predatory and pedophile priests;
- b. Guilty of fraudulent misrepresentations and non-disclosure of its knowledge regarding predatory and pedophile priests serving at St. Charles Borromeo Seminary;
- c. Guilty of fraudulent misrepresentations and non-disclosure of its knowledge regarding FRED LENCYZCKI;
- d. Was otherwise guilty of fraudulent misrepresentations and non-disclosure that will come out during the course of Discovery in this case.

81. Plaintiff, and his parents during the time he was a minor, detrimentally relied on the fraudulent misrepresentations and non-disclosure of the DIOCESE OF JOLIET as more particularly described above.

82. As a direct and proximate result of one or more of the foregoing wrongful acts and omissions of the defendant DIOCESE OF JOLIET, Plaintiff suffered injuries and damages as more particularly described above; and such other damages which experts in this case may testify.

83. As a direct and proximate result of one or more of the foregoing wrongful acts and omissions of the defendant DIOCESE OF JOLIET, Plaintiff failed to discover that his injuries and damages were caused by sexual abuse and failed to discover that his injuries and damages were wrongfully caused until approximately March of 2013.

WHEREFORE, Plaintiff JOHN DOE demands judgment against defendant ROMAN CATHOLIC DIOCESE OF JOLIET in the amount in excess of \$50,000 and such other relief as the Court deems just and equitable.

#### **COUNT VII Equitable Tolling**

Plaintiff JOHN DOE complains of the defendant DIOCESE OF JOLIET as follows:

1-78. Plaintiff incorporates Paragraphs 1 through 78 of this Complaint as if fully set forth herein.

79. It was the duty of the DIOCESE OF JOLIET to refrain from making fraudulent misrepresentations or non-disclosure of facts that it had a duty to disclose to Plaintiff and his parents at and before the year 1978, and from that year to the present. Because of the “Special Relationship” that the DIOCESE OF JOLIET undertook, as more particularly described above, the DIOCESE OF JOLIET had a duty to Plaintiff and his parents to disclose all it knew or reasonably should have known about predatory and pedophile priests who sexually abused minors, including Plaintiff, as described above

80. That the defendant DIOCESE OF JOLIET breached the duty of care owed to Plaintiff and his parents and was guilty of one or more of the following wrongful acts and/or omissions:

- a. Guilty of fraudulent misrepresentations and non-disclosure of its knowledge regarding predatory and pedophile priests, including FRED LENCYZCKI;
- b. Guilty of fraudulent misrepresentations and non-disclosure of its knowledge regarding predatory and pedophile priests serving at St. Charles Borromeo Seminary, including FRED LENCYZCKI;
- c. Guilty of fraudulent misrepresentations and non-disclosure of its knowledge regarding FRED LENCYZCKI;
- d. Was otherwise guilty of fraudulent misrepresentations and non-disclosure that will come out during the course of Discovery in this case.

81. Plaintiff, and his parents during the time he was a minor, detrimentally relied on the fraudulent misrepresentations and non-disclosure of the DIOCESE OF JOLIET as more particularly described above.

82. As a result of this detrimental reliance on the fraudulent misrepresentations and non-disclosure of the DIOCESE OF JOLIET, Plaintiff failed to discover that his injuries and

damages were caused by sexual abuse and failed to discover that his injuries and damages were wrongfully caused until approximately March of 2013.

83. As a result, Plaintiff's complaint is not barred by the statute of limitations or the statute of repose based on the doctrine of equitable tolling.

WHEREFORE, Plaintiff JOHN DOE demands judgment against defendant ROMAN CATHOLIC DIOCESE OF JOLIET in the amount in excess of \$50,000 and such other relief as the Court deems just and equitable.

**COUNT VIII**  
**Res Ipsa Loquitur**

Plaintiff, JOHN DOE, complains of the defendant DIOCESE OF JOLIET as follows:

1-78. Plaintiff incorporates Paragraphs 1 through 78 of this Complaint as if fully set forth herein.

79. This count is plead in the alternative, namely that during Plaintiff's attendance at St. Charles Borremeo Seminary, a seminary operated by the DIOCESE OF JOLIET, Plaintiff was at all relevant times within the exclusive custody and control of the DIOCESE OF JOLIET.

80. In the alternative, that allowing a 15-16 year-old boy to be exposed to a person that sexually molests during a meeting in a secluded location such as private living quarters is something that does not ordinarily occur in the absence of negligence.

81. As a direct and proximate result of the negligence of the defendant DIOCESE OF JOLIET, Plaintiff suffered injuries and damages as more particularly described above; and such other damages to which experts in this case may testify.

WHEREFORE, Plaintiff JOHN DOE demands judgment against defendant ROMAN CATHOLIC DIOCESE OF JOLIET in the amount in excess of \$50,000 and such other relief as the Court deems just and equitable.

Respectfully Submitted

/s/ Mark R. McKenna  
Mark R. McKenna

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