IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

FILED 8 - 15
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DOROTHY BROWN
CLERK OF THE CIRCUIT COURT
OF COOK COUNTY, IL

JOHN DOE 1, JOHN DOE 2, and JOHN DOE 3 Plaintiffs, v. CHICAGO PRESBYTERIAN CHURCH, PRESBYTERY OF CHICAGO, AUSTIN UNITED PRESBYTERIAN CHURCH, and CHURCH EXTENSION BOARD OF THE PRESBYTERY OF CHICAGO, Defendants.	)	**TRIAL BY JURY DEMANDED** 2015L000574 CALENDAR/ROOM X TIME 00:00 PI Other

COUNT I – JOHN DOE 1 v. CHICAGO PRESBYTERIAN CHURCH, PRESBYTERY OF CHICAGO, AUSTIN UNITED PRESBYTERIAN CHURCH and CHURCH EXTENSION BOARD OF THE PRESBYTERY OF CHICAGO – NEGLIGENCE

NOW COMES the Plaintiff, JOHN DOE 1, by and through his attorneys in this regard, HURLEY McKENNA & MERTZ, and as Count I of his Complaint against defendants, CHICAGO PRESBYTERIAN CHURCH, PRESBYTERY OF CHICAGO, AUSTIN UNITED PRESBYTERIAN CHURCH and CHURCH EXTENSION BOARD OF THE PRESBYTERY OF CHICAGO (hereinafter collectively referred to as "PRESBYTERY OF CHICAGO"), they states as follows:

1. At all relevant times to this Complaint, JOHN DOE 1 was a minor, born in 1972.

2. At all times relevant to this Complaint, JOHN DOE 1 was a youth member of the AUSTIN UNITED PRESBYTERIAN CHURCH, located at the intersection of N. Waller Avenue and W. Fulton Street, in the Austin neighborhood of Chicago.

3. Beginning prior to 1983, JOHN DOE 1 attended church at the AUSTIN UNITED PRESBYTERIAN CHURCH.

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4. Beginning in or before 1983, the AUSTIN UNITED PRESBYTERIAN CHURCH was led by Pastor Douglas Mason.

5. Upon information and belief, at all times relevant to this Complaint, the AUSTIN UNITED PRESBYTERIAN CHURCH was a member of, part of, or church affiliated with the PRESBYTERY OF CHICAGO.

6. At all times relevant to this Complaint, Pastor Douglas Mason was under certain direction, supervision and control of Defendant PRESBYTERY OF CHICAGO.

7. DOUGLAS MASON was, at various times material hereto, up to and including approximately 1986, an employee, servant, officer, volunteer, agent and/or apparent agent of defendant PRESBYTERY OF CHICAGO.

8. Pastor Mason's work and duties for defendant PRESBYTERY OF CHICAGO included duties and activities in Cook County, Illinois.

9. Pastor Mason's work and duties for defendant PRESBYTERY OF CHICAGO included leadership duties of the AUSTIN UNITED PRESBYTERIAN CHURCH.

10. Pastor Mason's work and duties for defendant PRESBYTERY OF CHICAGO included ministering to youth that attended the AUSTIN UNITED PRESBYTERIAN CHURCH.

11. Prior to 1983, PRESBYTERY OF CHICAGO ignored repeated warnings that Pastor Douglas Mason was a pedophile.

12. Using the power, authority, and trust of his positions as a PRESBYTERY OF CHICAGO leader, Pastor Douglas Mason enticed, induced, directed, coerced, and forced JOHN DOE 1 to engage in deviant sexual acts with him between 1983 and 1986.

13. Pastor Douglas Mason physically, mentally, and sexually abused JOHN DOE 1 between 1983 and 1986.

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14. Pastor Douglas Mason physically, mentally, and sexually abused JOHN DOE 1 at various locations, including within the AUSTIN UNITED PRESBYTERIAN CHURCH.

15. Based upon PRESBYTERY OF CHICAGO's knowledge of previous incidents involving Pastor Douglas Mason and its knowledge and information regarding pedophiles within its organization, PRESBYTERY OF CHICAGO could reasonably foresee future incidents involving pedophile pastors, leaders, volunteers, employees, agents, and/or apparent agents, including Mason.

16. Defendant PRESBYTERY OF CHICAGO owed a duty to Plaintiff JOHN DOE 1 to prevent known child molesters from serving as pastors or leaders with access to children.

17. Defendants, CHICAGO PRESBYTERIAN CHURCH, PRESBYTERY OF CHICAGO, AUSTIN UNITED PRESBYTERIAN CHURCH and CHURCH EXTENSION BOARD OF THE PRESBYTERY OF CHICAGO were negligent in the manner that they screened, supervised, retained Mason as a pastor, and were negligent in one or more of the following ways:

a. Allowed Mason to routinely be alone with Plaintiff JOHN DOE 1 for hours;

b. Failed to timely adopt policies and procedures to protect children;

c. Allowed Mason to serve as a Pastor, working with youth, despite his history of child abuse and despite previous incidents involving children;

d. Allowed Mason to continue in his position as Pastor despite incidents involving inappropriate sexual contact with children;

e. Failed to supervise Mason when Mason was with children;

f. Voluntarily undertook to protect minor parishioners from child molesters but did so in a negligent fashion;

g. Voluntarily undertook to vet and screen pastors but did so in a negligent fashion;

h. Improperly deprived JOHN DOE 1 of the normal protection of his guardian and

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directed minor Plaintiff to be alone with Douglas Mason, a pastor that they knew or should have known was a pedophile;

i. Failed to take affirmative acts of protection or vigilance to protect JOHN DOE 1 from physical harm while he was in the sole and exclusive custody of AUSTIN UNITED PRESBYTERIAN CHURCH;

j. Improperly exposed minor Plaintiff to unsupervised contact with Douglas Mason wherein he was able to sexually abuse JOHN DOE 1, when they knew or should have known Douglas Mason had a history of repeatedly sexually abusing minors

18. As a direct and proximate result of the aforementioned actions by the Defendant, Plaintiff JOHN DOE 1 has suffered permanent injuries of a personal and pecuniary nature, and has been psychologically damaged and continues to be damaged psychologically and to experience mental anguish, humiliation and emotional and physical pain, suffering and distress.

19. Further, as a result of the aforementioned sexual abuse and breach of trust, Plaintiff JOHN DOE 1 has suffered and will continue to suffer physical and emotional pain and dysfunction, and both economic and non-economic damages in an amount to be proved at trial.

Repressed Memory

20. Because this abuse began when Plaintiff JOHN DOE 1 was a minor, Plaintiff JOHN DOE 1 has repressed the memories of this abuse.

21. It was not until approximately February 7, 2014 or February 8, 2014 – when a news program reported the story of the Chicago Presbytery selling a campground in Northern Michigan – that Plaintiff JOHN DOE 1 discovered that he were repressing the memories of abuse, discovered his injuries, and became aware of his cause of action against Defendants.

22. Plaintiff JOHN DOE 1 therefore did not discover that Defendant acted negligently until February 7, 2014 or February 8, 2014.

23. Likewise, the nature of the injuries – mental and emotional damages caused by sexual abuse at a young age – are such that said injuries are not discovered until later in life.

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24. In this instance, the Plaintiff JOHN DOE 1 did not discover his injuries until February 7, 2014 or February 8, 2014.

25. The nature of childhood sexual abuse makes disclosure of abuse less likely and more difficult. It is an event over which most survivors feel great embarrassment, shame, and guilt.

26. Feeling responsible for your own abuse is a common reaction of abuse survivors and can serve as a protective factor. The social and psychological effects themselves carry shame, embarrassment, and often occupy the attention and resources of the survivor.

27. These serve to prevent disclosure and many function to protect the survivor from full awareness of the impact of the experience of abuse that happened many years previous in their childhood.

28. Most sexual abuse takes place in the context of an ongoing relationship between victim and offender where many or even most aspects of the relationship are viewed as positive to the victim.

29. Most, but not all, offenders engage children in a "grooming process" whereby the child is gradually but systematically conditioned into sexual contact; is bribed, threatened or manipulated into not disclosing the abuse; and is made to feel a participant in his/her own abuse.

30. Far from being an impulsive act by offenders, sexual abuse of children is most typically undertaken by individuals who have long histories of practicing their predilections and identify vulnerable children; take efforts to use their authority, position or relationship with adults who would otherwise protect children to lull the adults into believing that their children are safe with the offender; and by using their position, authority and the relationship with the child to gain sexual access to the child and maintain secrecy.

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31. People often blame themselves for their personal problems (e.g. health related risk behaviors such as drinking or risky sexual behaviors) and do not easily make a connection between a current problem and some event in the past which they have spent years trying to forget.

32. The characteristics of the childhood sexual abuse, outlined above, delayed Plaintiff JOHN DOE 1 from discovering his cause of action and prevented Plaintiff JOHN DOE 1 from discovering his cause of action until February 7, 2014 or February 8, 2014.

WHEREFORE, Plaintiff JOHN DOE 1, by and through Plaintiff's attorneys, HURLEY McKENNA & MERTZ pray for damages against defendants CHICAGO PRESBYTERIAN CHURCH, PRESBYTERY OF CHICAGO, AUSTIN UNITED PRESBYTERIAN CHURCH and CHURCH EXTENSION BOARD OF THE PRESBYTERY OF CHICAGO in a sum in excess of $50,000.00, plus the costs of suit, and all other relief permitted by law.

COUNT II – JOHN DOE 1 v. CHICAGO PRESBYTERIAN CHURCH, PRESBYTERY OF CHICAGO, AUSTIN UNITED PRESBYTERIAN CHURCH and CHURCH EXTENSION BOARD OF THE PRESBYTERY OF CHICAGO – FRAUDULENT CONCEALMENT OF CLAIMS

NOW COMES the Plaintiff, JOHN DOE 1, by and through his attorneys in this regard, HURLEY McKENNA & MERTZ, and as Count II of his Complaint against defendants, CHICAGO PRESBYTERIAN CHURCH, PRESBYTERY OF CHICAGO, AUSTIN UNITED PRESBYTERIAN CHURCH and CHURCH EXTENSION BOARD OF THE PRESBYTERY OF CHICAGO (hereinafter collectively referred to as "PRESBYTERY OF CHICAGO"), he states as follows:

1-19. Plaintiff reasserts and realleges paragraphs 1 through 19 of Count I of the section of this Complaint as and for Paragraphs 1-19 of Count II of this Complaint at Law.

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Special Relationship

20. PRESBYTERY OF CHICAGO stands in a special, fiduciary relationship with its minor parishioners, including Plaintiff JOHN DOE 1.

21. PRESBYTERY OF CHICAGO holds itself out as a "beacon of hope guiding leaders, congregations and communities."

22. PRESBYTERY OF CHICAGO undertakes to recruit, train, and employ pastors for the purposes of operating and leading its Chicago-area churches.

23. PRESBYTERY OF CHICAGO encourages and fosters emotionally intimate relationships between its youth members and its adult leaders of youth, including pastors.

24. Specifically, during the time frame in which the Plaintiffs were molested, PRESBYTERY OF CHICAGO encouraged pastors to counsel youth in private.

25. Douglas Mason used the intimate relationship, encouraged, promoted, and fostered by PRESBYTERY OF CHICAGO, to gain the trust of JOHN DOE 1 and molest JOHN DOE 1.

26. As an organization promoting counseling of youth in private and fostering close personal relationships between pastors and youth, PRESBYTERY OF CHICAGO stood in a special and fiduciary relationship with JOHN DOE 1.

27. As an organization that knew boys and youth would trust their pastors, PRESBYTERY OF CHICAGO stood in a special and fiduciary relationship with the Plaintiffs.

28. After Mason molested JOHN DOE 1, PRESBYTERY OF CHICAGO hid its culpability by both making affirmative misrepresentations and by standing by, purposefully silent.

29. Because of the fiduciary relationship between PRESBYTERY OF CHICAGO and

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the JOHN DOE 1, PRESBYTERY OF CHICAGO owed a duty to JOHN DOE 1 to disclose its knowledge of Mason's previous incidents involving children.

30. At all times relevant to this Complaint, PRESBYTERY OF CHICAGO failed to disclose the truth about Mason's prior history with the scouts to JOHN DOE 1 and therefore breached its fiduciary duty to JOHN DOE 1.

31. At all times relevant to this Complaint, instead of disclosing the truth, PRESBYTERY OF CHICAGO hid and covered up its liability by making statements and/or resolving cases with confidentiality provisions, so as to deprive JOHN DOE 1 of knowledge of PRESBYTERY OF CHICAGO's wrongdoing.

32. The PRESBYTERY OF CHICAGO has had and presently do have a financial incentive to misrepresent and hide the true nature and scope of this problem of predatory and pedophile leaders, more particularly described below.

33. CHICAGO PRESBYTERIAN CHURCH, PRESBYTERY OF CHICAGO, AUSTIN UNITED PRESBYTERIAN CHURCH and CHURCH EXTENSION BOARD OF THE PRESBYTERY OF CHICAGO fraudulently concealed its culpability for the molestation of JOHN DOE 1 by:

a. Failing to disclose its knowledge of Douglas Mason's predatory tendencies;

b. Failing to disclose to the abused children and their parents and/or guardians, including JOHN DOE 1 and his guardian, their knowledge of Mason's predatory tendencies;

c. Settling claims of other minors for confidential sums and making said settlements subject to confidentiality provisions;

d. Failing to disclose their negligence to JOHN DOE 1.

34. If Defendant PRESBYTERY OF CHICAGO and its agents had not misrepresented or concealed the true nature of Douglas Mason's predatory tendencies, JOHN

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DOE 1 would have discovered his claim earlier, and within the limitation period (whatever that may be held to in this case) and Plaintiff JOHN DOE 1 would have filed his cause of action (a) before his 18th birthday; (b) in less than 2 years after of his 18th birthdays; or (c) earlier than he did and within any applicable Discovery Rule.

35. Because of the Defendant's misrepresentation and concealment, JOHN DOE 1 (a) was unaware of his claim when he turned 18; (b) did not know the PRESBYTERY OF CHICAGO had done something wrong at any time, and (c) because of the misrepresentation and concealment of the PRESBYTERY OF CHICAGO, was otherwise not aware of his injuries or the cause of his injuries.

Separate Injury Caused by Fraudulent Concealment

36. In addition to any injuries caused by the childhood sexual abuse, the fraudulent concealment by the PRESBYTERY OF CHICAGO proximately caused separate and distinct injuries to JOHN DOE 1.

37. By fraudulently concealing its liability, PRESBYTERY OF CHICAGO prevented JOHN DOE 1 from receiving the mental health care he needed in order to recover from the abuse.

38. By fraudulently concealing its liability, PRESBYTERY OF CHICAGO caused further mental injuries or exacerbated the mental injuries stemming from the childhood sexual abuse.

39. By fraudulently concealing its liability, PRESBYTERY OF CHICAGO caused further emotional damages or exacerbated the emotional damages that stemmed from the childhood sexual abuse.

40. By fraudulently concealing its liability, PRESBYTERY OF CHICAGO's silence

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caused JOHN DOE 1 to withhold disclosing his abuse to friends and family and prevented JOHN DOE 1 from leading a healthy life.

41. By fraudulently concealing its liability, PRESBYTERY OF CHICAGO caused JOHN DOE 1 to shoulder all of the guilt and shame associated with Mason's molestation.

42. By fraudulently concealing its liability, PRESBYTERY OF CHICAGO increased the risk of harm to JOHN DOE 1 from abuse.

43. The fraudulent concealment of the PRESBYTERY OF CHICAGO caused a lost chance of JOHN DOE 1 to mitigate his damages from abuse.

44. The fraudulent concealment by PRESBYTERY OF CHICAGO caused additional further suffering by the JOHN DOE 1.

45. The fraudulent concealment by PRESBYTERY OF CHICAGO prevented JOHN DOE 1 from getting the mental health care required and, in the absence of said care, JOHN DOE 1 engaged in dangerous behaviors.

46. Had PRESBYTERY OF CHICAGO promptly disclosed its liability, rather than covered-up its liability, JOHN DOE 1 would not have suffered problems with shame, depression, inability to have normal relationship and inability to trust.

WHEREFORE, Plaintiff JOHN DOE 1, by and through Plaintiff's attorneys, HURLEY McKENNA & MERTZ pray for damages against defendants CHICAGO PRESBYTERIAN CHURCH, PRESBYTERY OF CHICAGO, AUSTIN UNITED PRESBYTERIAN CHURCH and CHURCH EXTENSION BOARD OF THE PRESBYTERY OF CHICAGO in a sum in excess of $50,000.00, plus the costs of suit, and all other relief permitted by law.

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COUNT III – JOHN DOE 1 v. CHICAGO PRESBYTERIAN CHURCH, PRESBYTERY OF CHICAGO, AUSTIN UNITED PRESBYTERIAN CHURCH and CHURCH EXTENSION BOARD OF THE PRESBYTERY OF CHICAGO – EQUITABLE ESTOPPEL

NOW COMES the Plaintiff, JOHN DOE 1, by and through his attorneys in this regard, HURLEY McKENNA & MERTZ, and as Count III of his Complaint against defendants, CHICAGO PRESBYTERIAN CHURCH, PRESBYTERY OF CHICAGO, AUSTIN UNITED PRESBYTERIAN CHURCH and CHURCH EXTENSION BOARD OF THE PRESBYTERY OF CHICAGO (hereinafter collectively referred to as "PRESBYTERY OF CHICAGO"), he states as follows:

1-46. Plaintiff reasserts and realleges paragraphs 1 through 46 of Count II of the Complaint at Law as and for Paragraphs 1-46 of Count III of this Second Amended Complaint at Law.

47. As more particularly described in Paragraphs 28-33, including in subparagraphs (a)-(d) of Paragraph 33, PRESBYTERY OF CHICAGO misrepresented and concealed material facts about Douglas Mason's predatory tendencies and history of abuse.

48. PRESBYTERY OF CHICAGO knew at the time the representations were made, and when the concealment occurred, that they were untrue.

49. At no time did Plaintiff JOHN DOE 1 know that the representations made by the PRESBYTERY OF CHICAGO were untrue.

50. The PRESBYTERY OF CHICAGO intended and expected the representation to be acted upon by Plaintiff JOHN DOE 1 and his guardian and by other victims of sexual abuse by Douglas Mason.

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51. PRESBYTERY OF CHICAGO intended Plaintiff JOHN DOE 1 and his guardian to act upon the misrepresentation because it had financial incentive to induce Plaintiff and his PRESBYTERY OF CHICAGO to rely upon the misrepresentation.

52. Specifically, had PRESBYTERY OF CHICAGO disclosed its knowledge of Douglas Mason's history of abuse to Douglas Mason's victims, it would likely have subjected PRESBYTERY OF CHICAGO to substantial liability.

53. Accordingly, instead of disclosing said information and knowledge to victims and guardians, following Mason's dismissal from the church, PRESBYTERY OF CHICAGO concealed and hid the information and made the misrepresentation outlined in Paragraphs 28-33.

53. Plaintiff JOHN DOE 1 and his guardian reasonably relied upon the representations of the PRESBYTERY OF CHICAGO in good faith and to their detriment.

54. Specifically, before, during and after 1986, Plaintiff JOHN DOE 1 and his guardian detrimentally relied on the false statements and non-disclosures of the PRESBYTERY OF CHICAGO Mason's history of abuse.

55. At no time before the disclosure of the sale of Michigan lake front property in February of 2014, did Plaintiff JOHN DOE 1 know, nor reasonably should have known that he was injured in any way, or that he had been the victims of any wrongful conduct on the part of Defendant PRESBYTERY OF CHICAGO.

56. Plaintiff JOHN DOE 1 has been prejudiced by his reliance on the representations of the PRESBYTERY OF CHICAGO and fraudulent misrepresentation of the PRESBYTERY OF CHICAGO described above.

57. As a result, the PRESBYTERY OF CHICAGO should be equitably estopped from asserting any statute of limitation defense.

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WHEREFORE, Plaintiff JOHN DOE 1 by and through Plaintiff's attorneys, HURLEY McKENNA & MERTZ, pray for damages against Defendant CHICAGO PRESBYTERIAN CHURCH, PRESBYTERY OF CHICAGO, AUSTIN UNITED PRESBYTERIAN CHURCH and CHURCH EXTENSION BOARD OF THE PRESBYTERY OF CHICAGO in a sum in excess of $50,000.00, plus the costs of suit, and all other relief permitted by law.

COUNT IV – JOHN DOE 2 v. CHICAGO PRESBYTERIAN CHURCH, PRESBYTERY OF CHICAGO, AUSTIN UNITED PRESBYTERIAN CHURCH and CHURCH EXTENSION BOARD OF THE PRESBYTERY OF CHICAGO – NEGLIGENCE

NOW COMES the Plaintiff, JOHN DOE 2, by and through his attorneys in this regard, HURLEY McKENNA & MERTZ, and as Count IV of his Complaint against defendants, CHICAGO PRESBYTERIAN CHURCH, PRESBYTERY OF CHICAGO, AUSTIN UNITED PRESBYTERIAN CHURCH and CHURCH EXTENSION BOARD OF THE PRESBYTERY OF CHICAGO (hereinafter collectively referred to as "PRESBYTERY OF CHICAGO"), they states as follows:

1. At all relevant times to this Complaint, JOHN DOE 2 was a minor, born in 1971.

2. At all times relevant to this Complaint, JOHN DOE 2 was a youth member of the AUSTIN UNITED PRESBYTERIAN CHURCH, located at the intersection of N. Waller Avenue and W. Fulton Street, in the Austin neighborhood of Chicago.

3. Beginning prior to 1983, JOHN DOE 2 attended church at the AUSTIN UNITED PRESBYTERIAN CHURCH.

4. Beginning in or before 1983, the AUSTIN UNITED PRESBYTERIAN CHURCH was led by Pastor Douglas Mason.

5. Upon information and belief, at all times relevant to this Complaint, the AUSTIN UNITED PRESBYTERIAN CHURCH was a member of, part of, or church affiliated with the

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PRESBYTERY OF CHICAGO.

6. At all times relevant to this Complaint, Pastor Douglas Mason was under certain direction, supervision and control of Defendant PRESBYTERY OF CHICAGO.

7. DOUGLAS MASON was, at various times material hereto, up to and including approximately 1985, an employee, servant, officer, volunteer, agent and/or apparent agent of co-defendant PRESBYTERY OF CHICAGO.

8. Pastor Mason's work and duties for defendant PRESBYTERY OF CHICAGO included duties and activities in Cook County, Illinois.

9. Pastor Mason's work and duties for defendant PRESBYTERY OF CHICAGO included duties and activities including leadership of the AUSTIN UNITED PRESBYTERIAN CHURCH.

10. Pastor Mason's work and duties for defendant PRESBYTERY OF CHICAGO included duties related to ministering to youth that attended the AUSTIN UNITED PRESBYTERIAN CHURCH.

11. Prior to 1983, PRESBYTERY OF CHICAGO ignored repeated warnings that Pastor Douglas Mason was a pedophile.

12. Using the power, authority, and trust of his positions as a PRESBYTERY OF CHICAGO leader, Pastor Douglas Mason enticed, induced, directed, coerced, and forced JOHN DOE 2 to engage in deviant sexual acts with him between 1983 and 1985.

13. Pastor Douglas Mason physically, mentally, and sexually abused JOHN DOE 2 between 1983 and 1985.

14. Pastor Douglas Mason physically, mentally, and sexually abused JOHN DOE 2 at various locations, including within the AUSTIN UNITED PRESBYTERIAN CHURCH.

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15. Based upon PRESBYTERY OF CHICAGO's knowledge of previous incidents involving Pastor Douglas Mason and its knowledge and information regarding pedophiles within its organization, PRESBYTERY OF CHICAGO could reasonably foresee future incidents involving pedophile pastors, leaders, volunteers, employees, agents, and/or apparent agents, including Mason.

16. Defendant PRESBYTERY OF CHICAGO owed a duty to Plaintiff JOHN DOE 2 to prevent known child molesters from serving as pastors or leaders with access to children.

17. Defendants, CHICAGO PRESBYTERIAN CHURCH, PRESBYTERY OF CHICAGO, AUSTIN UNITED PRESBYTERIAN CHURCH and CHURCH EXTENSION BOARD OF THE PRESBYTERY OF CHICAGO were negligent in the manner that they screened, supervised, retained Mason as a pastor, and were negligent in one or more of the following ways:

a. Allowed Mason to routinely be alone with Plaintiff JOHN DOE 2 for hours;

b. Failed to timely adopt policies and procedures to protect children;

c. Allowed Mason to serve as a Pastor, working with youth, despite his history of child abuse and despite previous incidents involving children;

d. Allowed Mason to continue in his position as Pastor despite incidents involving inappropriate sexual contact with children;

e. Failed to supervise Mason when Mason was with children;

f. Voluntarily undertook to protect minor parishioners from child molesters but did so in a negligent fashion;

g. Voluntarily undertook to vet and screen pastors but did so in a negligent fashion;

h. Improperly deprived each JOHN DOE 2 of the normal protection of his guardian and directed minor Plaintiff to be alone with Douglas Mason, a pastor that they knew or should have known was a pedophile;

i. Failed to take affirmative acts of protection or vigilance to protect JOHN DOE 2

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from physical harm while he was in the sole and exclusive custody of AUSTIN UNITED PRESBYTERIAN CHURCH;

j. Improperly exposed minor Plaintiff to unsupervised contact with Douglas Mason wherein he was able to sexually abuse JOHN DOE 2, when they knew or should have known Douglas Mason had a history of repeatedly sexually abusing minors

18. As a direct and proximate result of the aforementioned actions by the Defendant, Plaintiff JOHN DOE 2 has suffered permanent injuries of a personal and pecuniary nature, and has been psychologically damaged and continues to be damaged psychologically and to experience mental anguish, humiliation and emotional and physical pain, suffering and distress.

19. Further, as a result of the aforementioned sexual abuse and breach of trust, Plaintiff JOHN DOE 2 has suffered and will continue to suffer physical and emotional pain and dysfunction, and both economic and non-economic damages in an amount to be proved at trial.

Repressed Memory

20. Because this abuse began when Plaintiff JOHN DOE 2 was a minor, Plaintiff JOHN DOE 2 has repressed the memories of this abuse.

21. It was not until approximately February 7, 2014 or February 8, 2014 – when a news program reported the story of the Chicago Presbytery selling a campground in Northern Michigan – that Plaintiff JOHN DOE 2 discovered that he were repressing the memories of abuse, discovered his injuries, and became aware of his cause of action against Defendants.

22. Plaintiff JOHN DOE 2 therefore did not discover that Defendant acted negligently until February 7, 2014 or February 8, 2014.

23. Likewise, the nature of the injuries – mental and emotional damages caused by sexual abuse at a young age – are such that said injuries are not discovered until later in life.

24. In this instance, the Plaintiff JOHN DOE 2 did not discover his injuries until February 7, 2014 or February 8, 2014.

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25. The nature of childhood sexual abuse makes disclosure of abuse less likely and more difficult. It is an event over which most survivors feel great embarrassment, shame, and guilt.

26. Feeling responsible for your own abuse is a common reaction of abuse survivors and can serve as a protective factor. The social and psychological effects themselves carry shame, embarrassment, and often occupy the attention and resources of the survivor.

27. These serve to prevent disclosure and many function to protect the survivor from full awareness of the impact of the experience of abuse that happened many years previous in their childhood.

28. Most sexual abuse takes place in the context of an ongoing relationship between victim and offender where many or even most aspects of the relationship are viewed as positive to the victim.

29. Most, but not all, offenders engage children in a "grooming process" whereby the child is gradually but systematically conditioned into sexual contact; is bribed, threatened or manipulated into not disclosing the abuse; and is made to feel a participant in his/her own abuse.

30. Far from being an impulsive act by offenders, sexual abuse of children is most typically undertaken by individuals who have long histories of practicing their predilections and identify vulnerable children; take efforts to use their authority, position or relationship with adults who would otherwise protect children to lull the adults into believing that their children are safe with the offender; and by using their position, authority and the relationship with the child to gain sexual access to the child and maintain secrecy.

31. People often blame themselves for their personal problems (e.g. health related risk behaviors such as drinking or risky sexual behaviors) and do not easily make a connection

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between a current problem and some event in the past which they have spent years trying to forget.

32. The characteristics of the childhood sexual abuse, outlined above, delayed Plaintiff JOHN DOE 2 from discovering his cause of action and prevented Plaintiff JOHN DOE 2 from discovering his cause of action until February 7, 2014 or February 8, 2014.

WHEREFORE, Plaintiff JOHN DOE 2, by and through Plaintiff's attorneys, HURLEY McKENNA & MERTZ pray for damages against defendants CHICAGO PRESBYTERIAN CHURCH, PRESBYTERY OF CHICAGO, AUSTIN UNITED PRESBYTERIAN CHURCH and CHURCH EXTENSION BOARD OF THE PRESBYTERY OF CHICAGO in a sum in excess of $50,000.00, plus the costs of suit, and all other relief permitted by law.

COUNT V – JOHN DOE 2 v. CHICAGO PRESBYTERIAN CHURCH, PRESBYTERY OF CHICAGO, AUSTIN UNITED PRESBYTERIAN CHURCH and CHURCH EXTENSION BOARD OF THE PRESBYTERY OF CHICAGO – FRAUDULENT CONCEALMENT OF CLAIMS

NOW COMES the Plaintiff, JOHN DOE 2, by and through his attorneys in this regard, HURLEY McKENNA & MERTZ, and as Count V of his Complaint against defendants, CHICAGO PRESBYTERIAN CHURCH, PRESBYTERY OF CHICAGO, AUSTIN UNITED PRESBYTERIAN CHURCH and CHURCH EXTENSION BOARD OF THE PRESBYTERY OF CHICAGO (hereinafter collectively referred to as "PRESBYTERY OF CHICAGO"), he states as follows:

1-19. Plaintiff reasserts and realleges paragraphs 1 through 19 of Count IV of the section of this Complaint as and for Paragraphs 1-19 of Count V of this Complaint at Law.

Special Relationship

20. PRESBYTERY OF CHICAGO stands in a special, fiduciary relationship with its minor parishioners, including Plaintiff JOHN DOE 2.

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21. PRESBYTERY OF CHICAGO holds itself out as a "beacon of hope guiding leaders, congregations and communities."

22. PRESBYTERY OF CHICAGO undertakes to recruit, train, and employ pastors for the purposes of operating and leading its Chicago-area churches.

23. PRESBYTERY OF CHICAGO encourages and fosters emotionally intimate relationships between its youth members and its adult leaders of youth, including pastors.

24. Specifically, during the time frame in which the Plaintiffs were molested, PRESBYTERY OF CHICAGO encouraged pastors to counsel youth in private.

25. Douglas Mason used the intimate relationship, encouraged, promoted, and fostered by PRESBYTERY OF CHICAGO, to gain the trust of JOHN DOE 2 and molest JOHN DOE 2.

26. As an organization promoting counseling of youth in private and fostering close personal relationships between pastors and youth, PRESBYTERY OF CHICAGO stood in a special and fiduciary relationship with JOHN DOE 2.

27. As an organization that knew boys and youth would trust their pastors, PRESBYTERY OF CHICAGO stood in a special and fiduciary relationship with the Plaintiffs.

28. After Mason molested JOHN DOE 2, PRESBYTERY OF CHICAGO hid its culpability by both making affirmative misrepresentations and by standing by, purposefully silent.

29. Because of the fiduciary relationship between PRESBYTERY OF CHICAGO and the JOHN DOE 2, PRESBYTERY OF CHICAGO owed a duty to JOHN DOE 2 to disclose its knowledge of Mason's previous incidents involving children.

30. At all times relevant to this Complaint, PRESBYTERY OF CHICAGO failed to

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disclose the truth about Mason's prior history with the scouts to JOHN DOE 2 and therefore breached its fiduciary duty to JOHN DOE 2.

31. At all times relevant to this Complaint, instead of disclosing the truth, PRESBYTERY OF CHICAGO hid and covered up its liability by making statements and/or resolving cases with confidentiality provisions, so as to deprive JOHN DOE 2 of knowledge of PRESBYTERY OF CHICAGO's wrongdoing.

32. The PRESBYTERY OF CHICAGO has had and presently do have a financial incentive to misrepresent and hide the true nature and scope of this problem of predatory and pedophile leaders, more particularly described below.

33. CHICAGO PRESBYTERIAN CHURCH, PRESBYTERY OF CHICAGO, AUSTIN UNITED PRESBYTERIAN CHURCH and CHURCH EXTENSION BOARD OF THE PRESBYTERY OF CHICAGO fraudulently concealed its culpability for the molestation of JOHN DOE 2 by:

a. Failing to disclose its knowledge of Douglas Mason's predatory tendencies;

b. Failing to disclose to the abused children and their parents and/or guardians, including JOHN DOE 2 and his guardian, their knowledge of Mason's predatory tendencies;

c. Settling claims of other minors for confidential sums and making said settlements subject to confidentiality provisions;

d. Failing to disclose their negligence to JOHN DOE 2.

34. If Defendant PRESBYTERY OF CHICAGO and its agents had not misrepresented or concealed the true nature of Douglas Mason's predatory tendencies, JOHN

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DOE 2 would have discovered his claim earlier, and within the limitation period (whatever that may be held to in this case) and Plaintiff JOHN DOE 2 would have filed his cause of action (a) before his 18th birthday; (b) in less than 2 years after of his 18th birthdays; or (c) earlier than he did and within any applicable Discovery Rule.

35. Because of the Defendant's misrepresentation and concealment, JOHN DOE 2 (a) was unaware of his claim when he turned 18; (b) did not know the PRESBYTERY OF CHICAGO had done something wrong at any time, and (c) because of the misrepresentation and concealment of the PRESBYTERY OF CHICAGO, was otherwise not aware of his injuries or the cause of his injuries.

Separate Injury Caused by Fraudulent Concealment

36. In addition to any injuries caused by the childhood sexual abuse, the fraudulent concealment by the PRESBYTERY OF CHICAGO proximately caused separate and distinct injuries to JOHN DOE 2.

37. By fraudulently concealing its liability, PRESBYTERY OF CHICAGO prevented JOHN DOE 2 from receiving the mental health care he needed in order to recover from the abuse.

38. By fraudulently concealing its liability, PRESBYTERY OF CHICAGO caused further mental injuries or exacerbated the mental injuries stemming from the childhood sexual abuse.

39. By fraudulently concealing its liability, PRESBYTERY OF CHICAGO caused further emotional damages or exacerbated the emotional damages that stemmed from the childhood sexual abuse.

40. By fraudulently concealing its liability, PRESBYTERY OF CHICAGO's silence

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caused JOHN DOE 2 to withhold disclosing his abuse to friends and family and prevented JOHN DOE 2 from leading a healthy life.

41. By fraudulently concealing its liability, PRESBYTERY OF CHICAGO caused JOHN DOE 2 to shoulder all of the guilt and shame associated with Mason's molestation.

42. By fraudulently concealing its liability, PRESBYTERY OF CHICAGO increased the risk of harm to JOHN DOE 2 from abuse.

43. The fraudulent concealment of the PRESBYTERY OF CHICAGO caused a lost chance of JOHN DOE 2 to mitigate his damages from abuse.

44. The fraudulent concealment by PRESBYTERY OF CHICAGO caused additional further suffering by the JOHN DOE 2.

45. The fraudulent concealment by PRESBYTERY OF CHICAGO prevented JOHN DOE 2 from getting the mental health care required and, in the absence of said care, JOHN DOE 2 engaged in dangerous behaviors.

46. Had PRESBYTERY OF CHICAGO promptly disclosed its liability, rather than covered-up its liability, JOHN DOE 2 would not have suffered problems with shame, depression, inability to have normal relationship and inability to trust.

WHEREFORE, Plaintiff JOHN DOE 2, by and through Plaintiff's attorneys, HURLEY McKENNA & MERTZ pray for damages against defendants CHICAGO PRESBYTERIAN CHURCH, PRESBYTERY OF CHICAGO, AUSTIN UNITED PRESBYTERIAN CHURCH and CHURCH EXTENSION BOARD OF THE PRESBYTERY OF CHICAGO in a sum in excess of $50,000.00, plus the costs of suit, and all other relief permitted by law.

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COUNT VI – JOHN DOE 2 v. CHICAGO PRESBYTERIAN CHURCH, PRESBYTERY OF CHICAGO, AUSTIN UNITED PRESBYTERIAN CHURCH and CHURCH EXTENSION BOARD OF THE PRESBYTERY OF CHICAGO – EQUITABLE ESTOPPEL

NOW COMES the Plaintiff, JOHN DOE 2, by and through his attorneys in this regard, HURLEY McKENNA & MERTZ, and as Count VI of his Complaint against defendants, CHICAGO PRESBYTERIAN CHURCH, PRESBYTERY OF CHICAGO, AUSTIN UNITED PRESBYTERIAN CHURCH and CHURCH EXTENSION BOARD OF THE PRESBYTERY OF CHICAGO (hereinafter collectively referred to as "PRESBYTERY OF CHICAGO"), he states as follows:

1-46. Plaintiff reasserts and realleges paragraphs 1 through 46 of Count V of the Complaint at Law as and for Paragraphs 1-46 of Count VI of this Second Amended Complaint at Law.

47. As more particularly described in Paragraphs 28-33, including in subparagraphs (a)-(d) of Paragraph 33, PRESBYTERY OF CHICAGO misrepresented and concealed material facts about Douglas Mason's predatory tendencies and history of abuse.

48. PRESBYTERY OF CHICAGO knew at the time the representations were made, and when the concealment occurred, that they were untrue.

49. At no time did Plaintiff JOHN DOE 2 know that the representations made by the PRESBYTERY OF CHICAGO were untrue.

50. The PRESBYTERY OF CHICAGO intended and expected the representation to be acted upon by Plaintiff JOHN DOE 2 and his guardian and by other victims of sexual abuse by Douglas Mason.

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51. PRESBYTERY OF CHICAGO intended Plaintiff JOHN DOE 2 and his guardian to act upon the misrepresentation because it had financial incentive to induce Plaintiff and his PRESBYTERY OF CHICAGO to rely upon the misrepresentation.

52. Specifically, had PRESBYTERY OF CHICAGO disclosed its knowledge of Douglas Mason's history of abuse to Douglas Mason's victims, it would likely have subjected PRESBYTERY OF CHICAGO to substantial liability.

53. Accordingly, instead of disclosing said information and knowledge to victims and guardians, following Mason's dismissal from the church, PRESBYTERY OF CHICAGO concealed and hid the information and made the misrepresentation outlined in Paragraphs 28-33.

53. Plaintiff JOHN DOE 2 and his guardian reasonably relied upon the representations of the PRESBYTERY OF CHICAGO in good faith and to their detriment.

54. Specifically, before, during and after 1985, Plaintiff JOHN DOE 2 and his guardian detrimentally relied on the false statements and non-disclosures of the PRESBYTERY OF CHICAGO Mason's history of abuse.

55. At no time before the disclosure of the sale of Michigan lake front property in February of 2014, did Plaintiff JOHN DOE 2 know, nor reasonably should have known that he was injured in any way, or that he had been the victims of any wrongful conduct on the part of Defendant PRESBYTERY OF CHICAGO.

56. Plaintiff JOHN DOE 2 has been prejudiced by his reliance on the representations of the PRESBYTERY OF CHICAGO and fraudulent misrepresentation of the PRESBYTERY OF CHICAGO described above.

57. As a result, the PRESBYTERY OF CHICAGO should be equitably estopped from asserting any statute of limitation defense.

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WHEREFORE, Plaintiff JOHN DOE 2 by and through Plaintiff's attorneys, HURLEY McKENNA & MERTZ, pray for damages against Defendant CHICAGO PRESBYTERIAN CHURCH, PRESBYTERY OF CHICAGO, AUSTIN UNITED PRESBYTERIAN CHURCH and CHURCH EXTENSION BOARD OF THE PRESBYTERY OF CHICAGO in a sum in excess of $50,000.00, plus the costs of suit, and all other relief permitted by law.

COUNT VII – JOHN DOE 3 v. CHICAGO PRESBYTERIAN CHURCH, PRESBYTERY OF CHICAGO, AUSTIN UNITED PRESBYTERIAN CHURCH and CHURCH EXTENSION BOARD OF THE PRESBYTERY OF CHICAGO – NEGLIGENCE

NOW COMES the Plaintiff, JOHN DOE 3, by and through his attorneys in this regard, HURLEY McKENNA & MERTZ, and as Count VII of his Complaint against defendants, CHICAGO PRESBYTERIAN CHURCH, PRESBYTERY OF CHICAGO, AUSTIN UNITED PRESBYTERIAN CHURCH and CHURCH EXTENSION BOARD OF THE PRESBYTERY OF CHICAGO (hereinafter collectively referred to as "PRESBYTERY OF CHICAGO"), they states as follows:

1. At all relevant times to this Complaint, JOHN DOE 3 was a minor, born in 1969.

2. At all times relevant to this Complaint, JOHN DOE 3 was a youth member of the AUSTIN UNITED PRESBYTERIAN CHURCH, located at the intersection of N. Waller Avenue and W. Fulton Street, in the Austin neighborhood of Chicago.

3. Beginning prior to 1982, JOHN DOE 3 attended church at the AUSTIN UNITED PRESBYTERIAN CHURCH.

4. Beginning in or before 1982, the AUSTIN UNITED PRESBYTERIAN CHURCH was led by Pastor Douglas Mason.

5. Upon information and belief, at all times relevant to this Complaint, the AUSTIN UNITED PRESBYTERIAN CHURCH was a member of, part of, or church affiliated with the

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PRESBYTERY OF CHICAGO.

6. At all times relevant to this Complaint, Pastor Douglas Mason was under certain direction, supervision and control of Defendant PRESBYTERY OF CHICAGO.

7. DOUGLAS MASON was, at various times material hereto, up to and including approximately 1984 or 1985, an employee, servant, officer, volunteer, agent and/or apparent agent of co-defendant PRESBYTERY OF CHICAGO.

8. Pastor Mason's work and duties for defendant PRESBYTERY OF CHICAGO included duties and activities in Cook County, Illinois.

9. Pastor Mason's work and duties for defendant PRESBYTERY OF CHICAGO included duties and activities including leadership of the AUSTIN UNITED PRESBYTERIAN CHURCH.

10. Pastor Mason's work and duties for defendant PRESBYTERY OF CHICAGO included duties related to ministering to youth that attended the AUSTIN UNITED PRESBYTERIAN CHURCH.

11. Prior to 1982, PRESBYTERY OF CHICAGO ignored repeated warnings that Pastor Douglas Mason was a pedophile.

12. Using the power, authority, and trust of his positions as a PRESBYTERY OF CHICAGO leader, Pastor Douglas Mason enticed, induced, directed, coerced, and forced JOHN DOE 3 to engage in deviant sexual acts with him between 1982 and 1984 or 1985.

13. Pastor Douglas Mason physically, mentally, and sexually abused JOHN DOE 3 between 1982 and 1984 or 1985.

14. Pastor Douglas Mason physically, mentally, and sexually abused JOHN DOE 3 at various locations, including within the AUSTIN UNITED PRESBYTERIAN CHURCH.

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15. Based upon PRESBYTERY OF CHICAGO's knowledge of previous incidents involving Pastor Douglas Mason and its knowledge and information regarding pedophiles within its organization, PRESBYTERY OF CHICAGO could reasonably foresee future incidents involving pedophile pastors, leaders, volunteers, employees, agents, and/or apparent agents, including Mason.

16. Defendant PRESBYTERY OF CHICAGO owed a duty to Plaintiff JOHN DOE 3 to prevent known child molesters from serving as pastors or leaders with access to children.

17. Defendants, CHICAGO PRESBYTERIAN CHURCH, PRESBYTERY OF CHICAGO, AUSTIN UNITED PRESBYTERIAN CHURCH and CHURCH EXTENSION BOARD OF THE PRESBYTERY OF CHICAGO were negligent in the manner that they screened, supervised, retained Mason as a pastor, and were negligent in one or more of the following ways:

a. Allowed Mason to routinely be alone with Plaintiff JOHN DOE 3 for hours;

b. Failed to timely adopt policies and procedures to protect children;

c. Allowed Mason to serve as a Pastor, working with youth, despite his history of child abuse and despite previous incidents involving children;

d. Allowed Mason to continue in his position as Pastor despite incidents involving inappropriate sexual contact with children;

e. Failed to supervise Mason when Mason was with children;

f. Voluntarily undertook to protect minor parishioners from child molesters but did so in a negligent fashion;

g. Voluntarily undertook to vet and screen pastors but did so in a negligent fashion;

h. Improperly deprived each JOHN DOE 3 of the normal protection of his guardian and directed minor Plaintiff to be alone with Douglas Mason, a pastor that they knew or should have known was a pedophile;

i. Failed to take affirmative acts of protection or vigilance to protect JOHN DOE 3

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from physical harm while he was in the sole and exclusive custody of AUSTIN UNITED PRESBYTERIAN CHURCH;

j. Improperly exposed minor Plaintiff to unsupervised contact with Douglas Mason wherein he was able to sexually abuse JOHN DOE 3, when they knew or should have known Douglas Mason had a history of repeatedly sexually abusing minors

18. As a direct and proximate result of the aforementioned actions by the Defendant, Plaintiff JOHN DOE 3 has suffered permanent injuries of a personal and pecuniary nature, and has been psychologically damaged and continues to be damaged psychologically and to experience mental anguish, humiliation and emotional and physical pain, suffering and distress.

19. Further, as a result of the aforementioned sexual abuse and breach of trust, Plaintiff JOHN DOE 3 has suffered and will continue to suffer physical and emotional pain and dysfunction, and both economic and non-economic damages in an amount to be proved at trial.

Repressed Memory

20. Because this abuse began when Plaintiff JOHN DOE 3 was a minor, Plaintiff JOHN DOE 3 has repressed the memories of this abuse.

21. It was not until approximately February 7, 2014 or February 8, 2014 – when a news program reported the story of the Chicago Presbytery selling a campground in Northern Michigan – that Plaintiff JOHN DOE 3 discovered that he were repressing the memories of abuse, discovered his injuries, and became aware of his cause of action against Defendants.

22. Plaintiff JOHN DOE 3 therefore did not discover that Defendant acted negligently until February 7, 2014 or February 8, 2014.

23. Likewise, the nature of the injuries – mental and emotional damages caused by sexual abuse at a young age – are such that said injuries are not discovered until later in life.

24. In this instance, the Plaintiff JOHN DOE 3 did not discover his injuries until February 7, 2014 or February 8, 2014.

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25. The nature of childhood sexual abuse makes disclosure of abuse less likely and more difficult. It is an event over which most survivors feel great embarrassment, shame, and guilt.

26. Feeling responsible for your own abuse is a common reaction of abuse survivors and can serve as a protective factor. The social and psychological effects themselves carry shame, embarrassment, and often occupy the attention and resources of the survivor.

27. These serve to prevent disclosure and many function to protect the survivor from full awareness of the impact of the experience of abuse that happened many years previous in their childhood.

28. Most sexual abuse takes place in the context of an ongoing relationship between victim and offender where many or even most aspects of the relationship are viewed as positive to the victim.

29. Most, but not all, offenders engage children in a "grooming process" whereby the child is gradually but systematically conditioned into sexual contact; is bribed, threatened or manipulated into not disclosing the abuse; and is made to feel a participant in his/her own abuse.

30. Far from being an impulsive act by offenders, sexual abuse of children is most typically undertaken by individuals who have long histories of practicing their predilections and identify vulnerable children; take efforts to use their authority, position or relationship with adults who would otherwise protect children to lull the adults into believing that their children are safe with the offender; and by using their position, authority and the relationship with the child to gain sexual access to the child and maintain secrecy.

31. People often blame themselves for their personal problems (e.g. health related risk behaviors such as drinking or risky sexual behaviors) and do not easily make a connection

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between a current problem and some event in the past which they have spent years trying to forget.

32. The characteristics of the childhood sexual abuse, outlined above, delayed Plaintiff JOHN DOE 3 from discovering his cause of action and prevented Plaintiff JOHN DOE 3 from discovering his cause of action until February 7, 2014 or February 8, 2014.

WHEREFORE, Plaintiff JOHN DOE 3, by and through Plaintiff's attorneys, HURLEY McKENNA & MERTZ pray for damages against defendants CHICAGO PRESBYTERIAN CHURCH, PRESBYTERY OF CHICAGO, AUSTIN UNITED PRESBYTERIAN CHURCH and CHURCH EXTENSION BOARD OF THE PRESBYTERY OF CHICAGO in a sum in excess of $50,000.00, plus the costs of suit, and all other relief permitted by law.

COUNT VIII – JOHN DOE 3 v. CHICAGO PRESBYTERIAN CHURCH, PRESBYTERY OF CHICAGO, AUSTIN UNITED PRESBYTERIAN CHURCH and CHURCH EXTENSION BOARD OF THE PRESBYTERY OF CHICAGO – FRAUDULENT CONCEALMENT OF CLAIMS

NOW COMES the Plaintiff, JOHN DOE 3, by and through his attorneys in this regard, HURLEY McKENNA & MERTZ, and as Count VIII of his Complaint against defendants, CHICAGO PRESBYTERIAN CHURCH, PRESBYTERY OF CHICAGO, AUSTIN UNITED PRESBYTERIAN CHURCH and CHURCH EXTENSION BOARD OF THE PRESBYTERY OF CHICAGO (hereinafter collectively referred to as "PRESBYTERY OF CHICAGO"), he states as follows:

1-19. Plaintiff reasserts and realleges paragraphs 1 through 19 of Count VII of the section of this Complaint as and for Paragraphs 1-19 of Count VIII of this Complaint at Law.

Special Relationship

20. PRESBYTERY OF CHICAGO stands in a special, fiduciary relationship with its minor parishioners, including Plaintiff JOHN DOE 3.

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21. PRESBYTERY OF CHICAGO holds itself out as a "beacon of hope guiding leaders, congregations and communities."

22. PRESBYTERY OF CHICAGO undertakes to recruit, train, and employ pastors for the purposes of operating and leading its Chicago-area churches.

23. PRESBYTERY OF CHICAGO encourages and fosters emotionally intimate relationships between its youth members and its adult leaders of youth, including pastors.

24. Specifically, during the time frame in which the Plaintiffs were molested, PRESBYTERY OF CHICAGO encouraged pastors to counsel youth in private.

25. Douglas Mason used the intimate relationship, encouraged, promoted, and fostered by PRESBYTERY OF CHICAGO, to gain the trust of JOHN DOE 3 and molest JOHN DOE 3.

26. As an organization promoting counseling of youth in private and fostering close personal relationships between pastors and youth, PRESBYTERY OF CHICAGO stood in a special and fiduciary relationship with JOHN DOE 3.

27. As an organization that knew boys and youth would trust their pastors, PRESBYTERY OF CHICAGO stood in a special and fiduciary relationship with the Plaintiffs.

28. After Mason molested JOHN DOE 3, PRESBYTERY OF CHICAGO hid its culpability by both making affirmative misrepresentations and by standing by, purposefully silent.

29. Because of the fiduciary relationship between PRESBYTERY OF CHICAGO and the JOHN DOE 3, PRESBYTERY OF CHICAGO owed a duty to JOHN DOE 3 to disclose its knowledge of Mason's previous incidents involving children.

30. At all times relevant to this Complaint, PRESBYTERY OF CHICAGO failed to

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disclose the truth about Mason's prior history with the scouts to JOHN DOE 3 and therefore breached its fiduciary duty to JOHN DOE 3.

31. At all times relevant to this Complaint, instead of disclosing the truth, PRESBYTERY OF CHICAGO hid and covered up its liability by making statements and/or resolving cases with confidentiality provisions, so as to deprive JOHN DOE 3 of knowledge of PRESBYTERY OF CHICAGO's wrongdoing.

32. The PRESBYTERY OF CHICAGO has had and presently do have a financial incentive to misrepresent and hide the true nature and scope of this problem of predatory and pedophile leaders, more particularly described below.

33. CHICAGO PRESBYTERIAN CHURCH, PRESBYTERY OF CHICAGO, AUSTIN UNITED PRESBYTERIAN CHURCH and CHURCH EXTENSION BOARD OF THE PRESBYTERY OF CHICAGO fraudulently concealed its culpability for the molestation of JOHN DOE 3 by:

a. Failing to disclose its knowledge of Douglas Mason's predatory tendencies;

b. Failing to disclose to the abused children and their parents and/or guardians, including JOHN DOE 3 and his guardian, their knowledge of Mason's predatory tendencies;

c. Settling claims of other minors for confidential sums and making said settlements subject to confidentiality provisions;

d. Failing to disclose their negligence to JOHN DOE 3.

34. If Defendant PRESBYTERY OF CHICAGO and its agents had not misrepresented or concealed the true nature of Douglas Mason's predatory tendencies, JOHN

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DOE 3 would have discovered his claim earlier, and within the limitation period (whatever that may be held to in this case) and Plaintiff JOHN DOE 3 would have filed his cause of action (a) before his 18th birthday; (b) in less than 2 years after of his 18th birthdays; or (c) earlier than he did and within any applicable Discovery Rule.

35. Because of the Defendant's misrepresentation and concealment, JOHN DOE 3 (a) was unaware of his claim when he turned 18; (b) did not know the PRESBYTERY OF CHICAGO had done something wrong at any time, and (c) because of the misrepresentation and concealment of the PRESBYTERY OF CHICAGO, was otherwise not aware of his injuries or the cause of his injuries.

Separate Injury Caused by Fraudulent Concealment

36. In addition to any injuries caused by the childhood sexual abuse, the fraudulent concealment by the PRESBYTERY OF CHICAGO proximately caused separate and distinct injuries to JOHN DOE 3.

37. By fraudulently concealing its liability, PRESBYTERY OF CHICAGO prevented JOHN DOE 3 from receiving the mental health care he needed in order to recover from the abuse.

38. By fraudulently concealing its liability, PRESBYTERY OF CHICAGO caused further mental injuries or exacerbated the mental injuries stemming from the childhood sexual abuse.

39. By fraudulently concealing its liability, PRESBYTERY OF CHICAGO caused further emotional damages or exacerbated the emotional damages that stemmed from the childhood sexual abuse.

40. By fraudulently concealing its liability, PRESBYTERY OF CHICAGO's silence

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caused JOHN DOE 3 to withhold disclosing his abuse to friends and family and prevented JOHN DOE 3 from leading a healthy life.

41. By fraudulently concealing its liability, PRESBYTERY OF CHICAGO caused JOHN DOE 3 to shoulder all of the guilt and shame associated with Mason's molestation.

42. By fraudulently concealing its liability, PRESBYTERY OF CHICAGO increased the risk of harm to JOHN DOE 3 from abuse.

43. The fraudulent concealment of the PRESBYTERY OF CHICAGO caused a lost chance of JOHN DOE 3 to mitigate his damages from abuse.

44. The fraudulent concealment by PRESBYTERY OF CHICAGO caused additional further suffering by the JOHN DOE 3.

45. The fraudulent concealment by PRESBYTERY OF CHICAGO prevented JOHN DOE 3 from getting the mental health care required and, in the absence of said care, JOHN DOE 3 engaged in dangerous behaviors.

46. Had PRESBYTERY OF CHICAGO promptly disclosed its liability, rather than covered-up its liability, JOHN DOE 3 would not have suffered problems with shame, depression, inability to have normal relationship and inability to trust.

WHEREFORE, Plaintiff JOHN DOE 3, by and through Plaintiff's attorneys, HURLEY McKENNA & MERTZ pray for damages against defendants CHICAGO PRESBYTERIAN CHURCH, PRESBYTERY OF CHICAGO, AUSTIN UNITED PRESBYTERIAN CHURCH and CHURCH EXTENSION BOARD OF THE PRESBYTERY OF CHICAGO in a sum in excess of $50,000.00, plus the costs of suit, and all other relief permitted by law.

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COUNT IX – JOHN DOE 3 v. CHICAGO PRESBYTERIAN CHURCH, PRESBYTERY OF CHICAGO, AUSTIN UNITED PRESBYTERIAN CHURCH and CHURCH EXTENSION BOARD OF THE PRESBYTERY OF CHICAGO – EQUITABLE ESTOPPEL

NOW COMES the Plaintiff, JOHN DOE 3, by and through his attorneys in this regard, HURLEY McKENNA & MERTZ, and as Count IX of his Complaint against defendants, CHICAGO PRESBYTERIAN CHURCH, PRESBYTERY OF CHICAGO, AUSTIN UNITED PRESBYTERIAN CHURCH and CHURCH EXTENSION BOARD OF THE PRESBYTERY OF CHICAGO (hereinafter collectively referred to as "PRESBYTERY OF CHICAGO"), he states as follows:

1-46. Plaintiff reasserts and realleges paragraphs 1 through 46 of Count VIII of the Complaint at Law as and for Paragraphs 1-46 of Count IX of this Second Amended Complaint at Law.

47. As more particularly described in Paragraphs 28-33, including in subparagraphs (a)-(d) of Paragraph 33, PRESBYTERY OF CHICAGO misrepresented and concealed material facts about Douglas Mason's predatory tendencies and history of abuse.

48. PRESBYTERY OF CHICAGO knew at the time the representations were made, and when the concealment occurred, that they were untrue.

49. At no time did Plaintiff JOHN DOE 3 know that the representations made by the PRESBYTERY OF CHICAGO were untrue.

50. The PRESBYTERY OF CHICAGO intended and expected the representation to be acted upon by Plaintiff JOHN DOE 3 and his guardian and by other victims of sexual abuse by Douglas Mason.

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51. PRESBYTERY OF CHICAGO intended Plaintiff JOHN DOE 3 and his guardian to act upon the misrepresentation because it had financial incentive to induce Plaintiff and his PRESBYTERY OF CHICAGO to rely upon the misrepresentation.

52. Specifically, had PRESBYTERY OF CHICAGO disclosed its knowledge of Douglas Mason's history of abuse to Douglas Mason's victims, it would likely have subjected PRESBYTERY OF CHICAGO to substantial liability.

53. Accordingly, instead of disclosing said information and knowledge to victims and guardians, following Mason's dismissal from the church, PRESBYTERY OF CHICAGO concealed and hid the information and made the misrepresentation outlined in Paragraphs 28-33.

53. Plaintiff JOHN DOE 3 and his guardian reasonably relied upon the representations of the PRESBYTERY OF CHICAGO in good faith and to their detriment.

54. Specifically, before, during and after 1984 or 1985, Plaintiff JOHN DOE 3 and his guardian detrimentally relied on the false statements and non-disclosures of the PRESBYTERY OF CHICAGO Mason's history of abuse.

55. At no time before the disclosure of the sale of Michigan lake front property in February of 2014, did Plaintiff JOHN DOE 3 know, nor reasonably should have known that he was injured in any way, or that he had been the victims of any wrongful conduct on the part of Defendant PRESBYTERY OF CHICAGO.

56. Plaintiff JOHN DOE 3 has been prejudiced by his reliance on the representations of the PRESBYTERY OF CHICAGO and fraudulent misrepresentation of the PRESBYTERY OF CHICAGO described above.

57. As a result, the PRESBYTERY OF CHICAGO should be equitably estopped from asserting any statute of limitation defense.

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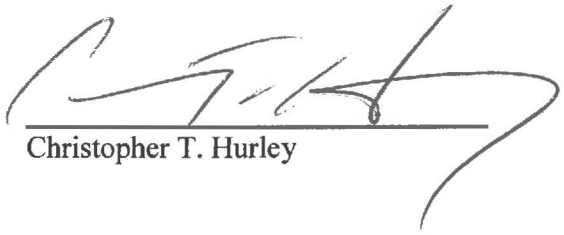
WHEREFORE, Plaintiff JOHN DOE 3 by and through Plaintiff's attorneys, HURLEY McKENNA & MERTZ, pray for damages against Defendant CHICAGO PRESBYTERIAN CHURCH, PRESBYTERY OF CHICAGO, AUSTIN UNITED PRESBYTERIAN CHURCH and CHURCH EXTENSION BOARD OF THE PRESBYTERY OF CHICAGO in a sum in excess of $50,000.00, plus the costs of suit, and all other relief permitted by law.



Christopher T. Hurley

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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

JOHN DOE 1, JOHN DOE 2, and JOHN DOE 3	)	
	)	
	)	**TRIAL BY JURY**
Plaintiffs,	)	**DEMANDED**
	)	
v.	)	
	)	
CHICAGO PRESBYTERIAN CHURCH,	)	
PRESBYTERY OF CHICAGO,	)	
AUSTIN UNITED PRESBYTERIAN CHURCH, and	)	
CHURCH EXTENSION BOARD OF THE	)	
PRESBYTERY OF CHICAGO,	)	
	)	
Defendants.	)	

AFFIDAVIT PURSUANT TO SUPREME COURT RULE 222 (b)

Pursuant to Supreme Court Rule 222 (b), counsel for the above named Plaintiffs certifies that Plaintiff seeks money damages in excess of Fifty Thousand and 00/100ths Dollars ($50,000.00).

Evan Smola
One of the Attorneys for the Plaintiff

Sworn to and subscribed in my presence
this 21 day of January 2015.

OFFICIAL SEAL
CATHI DIFRANCO
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:06/10/18

Notary Public

HURLEY McKENNA & MERTZ, P.C.
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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

JOHN DOE 1, JOHN DOE 2, and JOHN DOE 3	)	
	)	
	)	**TRIAL BY JURY**
Plaintiffs,	)	**DEMANDED**
	)	
v.	)	
	)	
CHICAGO PRESBYTERIAN CHURCH,	)	
PRESBYTERY OF CHICAGO,	)	
AUSTIN UNITED PRESBYTERIAN CHURCH, and	)	
CHURCH EXTENSION BOARD OF THE	)	
PRESBYTERY OF CHICAGO,	)	
	)	
Defendants.	)	

JURY DEMAND

NOW COMES JOHN DOE 1, JOHN DOE 2, and JOHN DOE 3 by and through their attorneys in this regard, Hurley McKenna & Mertz, and hereby demand that this matter be tried before a jury of twelve persons.

Evan M. Smola
One of the Attorneys for Plaintiffs

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Mark R. McKenna
Evan M. Smola
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