

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

DIVISION OF HEARING OFFICERS

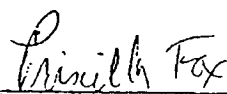
* * * * *
 OFFICE FOR CHILDREN *
 *
 V. *
 *
 ADOLESCENT COUNSELING *
 IN DEVELOPMENT, INC. *
 *
 * * * * *

COMPLAINT NO. 1.31

MOTION TO CONTINUE PREHEARING CONFERENCE

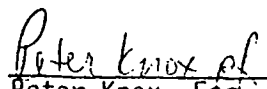
Now comes the Office for Children in the above-entitled matter and moves to continue the prehearing conference, originally scheduled for December 7, 1978, to January 9, 1979 at 10:00 a.m.

By its attorney:



 Priscilla Fox


ASSENTED TO:



 Peter Knox, Esq.

CERTIFICATE OF SERVICE

I, Priscilla Fox, hereby certify that I have mailed a copy of the above Motion to Continue Prehearing Conference to Peter Knox, Esq., Oak Hill Ridge, Box 156, Littleton, MA 01460 by first class mail on December 4, 1978.



 Priscilla Fox

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

DIVISION OF HEARING OFFICERS

* * * * *
OFFICE FOR CHILDREN *
V. *
ADOLESCENT COUNSELING *
IN DEVELOPMENT, INC. *
* * * * *

COMPLAINT NO. 1.31

MOTION TO CONTINUE PREHEARING CONFERENCE

Now comes the Office for Children in the above-entitled matter and moves to continue the prehearing conference, originally scheduled for December 7, 1978, to January 9, 1979 at 10:00 a.m.

By its attorney:

Priscilla Fox
Priscilla Fox

ASSENTED TO:

Peter Knox, Esq.
Peter Knox, Esq.

MOTION ALLOWED
PSW 12/5/78

CERTIFICATE OF SERVICE

I, Priscilla Fox, hereby certify that I have mailed a copy of the above Motion to Continue Prehearing Conference to Peter Knox, Esq., Oak Hill Ridge, Box 156, Littleton, MA 01460 by first class mail on December 4, 1978.

OCCS 0016

Priscilla Fox
Priscilla Fox

DEC 5 1978

260.0
BRIEF DESCRIPTION OF ALPHA OMEGA II

DIR: Rev. Bernard J. Lane
CL DIR: Doctor Stephen Howard
HOUSE MASTER: Steven Ash
CITY A.O.II: Fifteen (15) males between the ages of fourteen and
seventeen, inclusive. (14 - 17)
FEES: \$50.33 per day

PHYSICAL DESCRIPTION

Suburban setting, large family house, three (3) acres bounded by town forest. Fifteen (15) rooms, four (4) dormitories with four (4) per room. Family and group therapy room, offices for staff, Psychiatrist, Psychologist and house master. One live-in staff bedroom. Inter-house and inter-mural sports with local High School, Physical Ed. program, swimming, and various recreational and vocational activities.

SPECIAL NEEDS
CAPABILITY SERVES:

Court committed and referred youths with serious acting out back grounds and family conflict. Anti-Social behavior, for example drug and alcohol usage, car theft, assault and battery, breaking and entering, runaway, etc. More serious adolescent adjustment problems in breakdown of family structure.

In contrast to Alpha Omega I - will treat youths more threatened by affect and intensity of feelings, slightly less limited group pressure over the first two to three months with much more individual, one to one approach. More concentrated with youths whom trust has been so shattered and more apprehensive of developing any type of inter-personal relationship and need constant committed support of one counsellor before ready to move on to relate with peers and other staff

CASES NOT HANDLE: Cases with long psychiatric history and intervention: psychotic or schizophrenic youngster requiring medication or involved medical supervision.

STAFF: 1 Director; 1 Clinical Director; 1 House Master; 1 Psychologist; 2 Remedial Teachers; 1 Reading Specialist; 1 Social Worker; 1 Part time Physical Ed.; 1 Part time Consulting Physician; 6 child care workers and one Secretary. All full time except Phys. Ed. Teacher and Vocational Counsellor and consulting House Doctor.

PROGRAM (S): Several week orientation period with simple basic responsibility decision making - eg to stay and make commitment and beginning to participate with peers in communal family living. Obeying basic rules and guide lines with respect for peers and others feelings. Slow growth toward integration into total community and responsibility of Alpha Omega II, namely group, multiple family therapy, leadership,

GRAM (S): showing responsibility for tone of community and direction of group goals.

Education and tutoring tailored according to Educational plan for each youth, five (5) days a week, all year for two (2) hours with a bi-weekly field trip.

ENSING AND
REDITATION: Chapter 766 approval. OFC Group Care License, and Department of Youth Services approved.

PROPOSAL FOR ALPHA OMEGA

GENERAL PHILOSOPHY AND TREATMENT RATIONALE

The basic philosophy of treatment of Alpha Omega I and II is providing an environment where emotional growth, not punishment, is emphasized. It should exist as an environment for the acquisition of personal growth, social skills and inter-personal gratification. The basic premise stems from our observation, over the years, of youths who have been acting out anti-socially, who are extremely narcissistic youngsters and who, because of early deprivation of nurturance, have been conditioned to fill their need for love through objects rather than people. "I take what I want" rather than "I give in order to receive".

The residences are small therapeutic communities adapted to adolescents having a common goal, namely to grow: i.e. to become more than what they presently are. They are a center for personal and inter-personal growth, focusing the environment and social issues as well as the intra-psychic and physical issues. Emphasis is placed on social living, personal and inter-personal understanding on an emotional level, responsibility and decision making. Responsibility, awareness, sensitivity, examination of one's own behavior and motivation must constantly be done by patients and staff alike. "I can not ask of another what I not ask of myself". The staff must be a role model and will have equal responsibility to other staff and residents alike.

Alpha Omega I and II is a creative, social psychiatric model, specifically designed to meet adolescent needs. It is very much in contrast to the strict medical model which says the patient has an "illness" and it is my role "to heal him". Staff must recognize they are but the facilitators and the patient has to be helped to see he has within himself the potential to become better. He has the responsibility to do the work. Change must come from within himself. The most viable and efficacious program is one that makes use of special skills and "tools" and the experience of a wide range of self help and individual responsibility. Professional supervision, direction and teaching must be an on going process to guard against abuse or "wild therapy".

STAFF AND STAFF EXPECTATIONS

Staff will consist of degreed professionals (psychiatrist, psychologist, social worker, teachers, administrative staff, etc.) as well as para-professionals including ex-clients. All will be required to participate in ongoing staff training and supervision. All staff will be involved in regular case conferences and group process discussions, training seminars, and psychotherapy workshops. The same standards of behavior is expected of staff as of patients. They must be able and willing to deal with their own feelings in work situations, strive for complete honesty and continue to seek out responsibility, professional growth and creativity.

OCCS 0018

PROPOSAL FOR ALPHA OMEGA II

DESCRIPTION

Alpha Omega II is a fifteen (15) bed residential program for youngsters with acting out problems emanating from the serious emotional issues of adolescence which place them in conflict with the law, family, school and the community. The usual time and treatment is seven (7) to nine (9) months followed by extended continuation in weekly family sessions and continual contact with the follow-up worker and peer activities. Medication will not be used except in extreme circumstances where directly indicated by House Doctor or Staff Psychiatrist. Problems such as depression, anxiety, insomnia, violence or any bizzare behavior are issues for discussion, support, confrontation and learning, but not for medication. Clients will be from fourteen (14) to seventeen (17) years of age, male, with a sufficient intelligence to integrate the concepts learned in therapy. Except in the case of older clients where the goal of therapy is to set a youngster up independently upon termination, at least one parent is sought to be involved. Major emphasis is a strong hope of return to the family structure, thus eliminating the use of such a program as a temporary foster placement or simply a way to get a kid off the street. Hopefully, all family members above thirteen (13) years of age will be involved in family therapy. Youngsters with serious physical handicaps, mental retardation, long psychiatric history since primary years, overtly psychotic, suicidal or requiring a high security environment will not be accepted.

CLINICAL PROGRAM

A. TREATMENT-OVERVIEW

The group therapy session is the nucleus around which other treatment components revolve. Due to the nature of the youth to be involved, it is expected that for some youth, individual therapy will be utilized in order to assist the youth in developing the personal strengths necessary to cope with the group therapy process. Time involvement in individual therapy, exclusive of group therapy involvement, will depend on individual need. Openness, support, confrontation and shared emotional experiences in group therapy is required. Staff must be active and open participants rather than detached analytical therapists. We must avoid - "I'm the good person who deals with you, the bad person." We must convey that "you and I are basically the same - my feelings, my obligations and responsibilities are no different than yours." "you can see my feelings and learn that it is possible to tolerate these feelings without running away, being destroyed or losing control." Whether a youth is to remain or be required to terminate will be a total resident and staff decision. Young people must learn to make decisions even if unfavorable, difficult or uncomfortable for the benefit of the whole, not on the basis of popularity.

B. TREATMENT RATIONALE

The therapy within the overall therapeutic community is based on the premise that the individuals have experienced or perceived serious frustrations and negative responses from their parents or other significant others during their personality development. Many of the conflicts of pain of the adolescent years and perhaps later in life as well, find their origins in what has been called the "first adolescence" of the individual when he is defining himself as a separate entity which begins to resemble a "self". The alternative to the burgeoning identity is a type of non-existence which must be comparable to death as the other extreme in the growth continuum of life. This primal fear and the pain connected with the frustrations of the basic needs for protection, support,

C
C
C
C
C
C

CLINICAL PROGRAM (CONTINUED)

B. TREATMENT RATIONALE (CONTINUED)

Structure and realistic limits required for growth are the cause of frustrating defenses which result in disturbed behavior in later years when the physical growth demands that needs be satisfied. If there is no precedent for positive constructive responses to needs of the individual from others, further conflicts arise which carry on the earlier ones or raise them to seriously destructive forces.

C. THERAPEUTIC PROCESS

During the initial phase of the process in the therapeutic community, the individual becomes aware of inner tensions and feelings. Inter-personal reactions, structure and non-verbal techniques are used as well as instruction to follow through with motor behavior appropriate to the tension. An example would be if the individual feels anger and the body sign of forming a fist occurs, he would use the fist to strike a heavy punching bag. This action is accompanied by whatever noises, words or actions feel right as he proceeds. A staff member accomodating these responses would make corresponding responses in the role of the negative object. Following the example given, he would recoil and groan as the punching bag is hit or anger is expressed. After the patient has vented and experienced fully the previously boxed emotion, he invariably becomes aware of another feeling, that of emptiness where he had been filled with anger or other frightening feelings. It is at this point that the most significant response from the therapist or other group member in the role of the positive object (e.g. positive father) occurs. Support and positive appropriate contact is given unconditionally as the need and feeling are fully expressed by the patient. The responses to the individual are determined by the developmental needs which were originally frustrated and the level of emotional development that was blocked by the primitive anxiety, pain and defenses.

ADDENDUM TO PROPOSAL FOR ALPHA OMEGA II- FURTHER CONSIDERATIONS

1.0) This project, with implementation, will accept youth who do not have an immediate family or whose immediate family refuse to participate in the therapeutic process that shall occur within the home. In accordance with this condition, the writers of this proposal request that the Department of Youth Services, through their Regional Offices, agree to give their best effort in assuring that proper aftercare services: i.e. a sound family setting be secured for youth without family, as described above, upon termination of the youths' stay within the therapeutic home.

Where a problem should arise surrounding improper aftercare procedures with a youth, it is requested that personnel from the Alpha Omega II have direct access to Region III Department of Youth Services personnel in order to utilize said personnel as advocates for resolving the problem.

1.1) It is understood by the writers of this proposal that aftercare re-entry procedures are primarily the responsibility of Department of Youth Services Regional Staff. This project proposal foes seek to incorporate specific aftercare procedures in order to assist the Department of Youth Services personnel in their responsibilities and to help insure maximum re-entry success for each youth upon termination from the home. Such procedures would include the provision of

DENDUM TO RPOPOSAL FOR ALPHA OMEGA II (CONTINUED)

- 1) periodic counseling services to youth and his family over a short period of time following termination from the from the home. In conjunction with the Department of Youth Services Regional staff, staff from Alpha Omega II would seek to coordinate and assist on all other efforts made in relation to after care services. (e.g. vocational or educational placement).

PROGRAM MEMBER INVOLVEMENT IN PROGRAM OPERATION

Beyond the specific treatment services within which each program member participates: all program members participate in program operation and new program development.

Responsibility for management of activities and maintenance of the facility rests with program members. Each program member is responsible for maintenance of his personal sleeping quarters as well as a specific maintenance duty (e. g. cooking, laundry, cleaning of specific rooms, etc.) Program participants meet as a group, at least twice a week, to discuss issues related to House maintenance (e. g. a member fails to perform his duty or does perform, but in a "sloppy" manner). Collectively, program members develop and implement special activities. These include camping trips, educational excursions, various recreational programs, etc. Staff and program members participate in evaluation sessions. This process allows for (1) individual input on present operational efficiency: (2) collective determinations related to the implementation of additional program elements and or change in present elements: (3) criticism and/or praise of individual staff and/or program members: (4) collective decisions on maintenance, change, and/or new implementation in the specific area of treatment delivery and follow-up services. A similar collective staff and program member group is utilized in relation to intake of new program members, hiring and/or release of staff, and termination of program participation by a program member.

POLICY STATEMENT

NON-DISCRIMINATION

a. Equal Employment Opportunity

The Corporation, Acid Inc., and its program Alpha Omega does not and shall not discriminate against any employee or applicant for employment because of race, national origin, religion, sex, age or ancestry, and shall comply with all applicable provisions of Title VII of the Civil Rights Act of 1964 and MGLA c151B

OLICY STATEMENT (CONTINUED)

Civil Rights of Clients

Acid Inc. and its program Alpha Omega does comply with Title VII of the Civil Rights Act of 1964 (42 USC 2000) which provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal Financial Assistance."

The Rate established by the Rate setting Commission should be posted in the main foyer of each house in the area of the Secretaries desk along with licenses and proper permits, visible to all visitors.

ADMINISTRATIVE RESPONSIBILITY

Rev. Bernard J. Lane, founder and director of the program has total administrative responsibility over the total program. He shall be accountable to, for all administrative decisions by the designated Educational Coordinator, Mrs. Martha McKenna.

All clinical, therapeutic decisions shall ultimately be made by and be accountable to for such, by the Clinical Director, Dr. Stephen Howard. He shall constantly keep the program director aware of these decisions and jointly establish policy together.

Organizational table and lines of accountability as posted in all staff offices, so there is no excuse for a staff not to know who his immediate supervisor is and to whom he is accountable.

FINANCES 204.0

Except for a small cash account for all small items such as eggs, bread, cigarettes, toiletries etc., budget, payroll, and all accounting and payment of bills will be done through contact with Adolescent Counseling in Development, 170 Pleasant St., Malden Mass. through Mrs. Judy Browne and Mr. Peter Knox. All billing invoices will be forwarded and processed by that office. All records maintained in Malden. Any inquiries are to go to Mr. Peter Knox, phone Number 324-2218.

RELEASE, RESEARCH, EXPERIMENTATION, CONFIDENTIALITY

Protecting the identity, rights and confidentiality of the youths in residence must be of prime concern to all staff. No information even to presence of youth in program should ever be given by any staff. Staff must be especially aware of any such request by means of the telephone. No personal information is ever to be released without permission and awareness of the director or clinical director or in the absence of both, then permission may be gotten from the house master.

No youth shall ever be the subject of research or experimentation. No pictures, movies, video tape or any other potential invasion of privacy shall be used without written consent of parents for any youth under (18) eighteen years of age.

No person, besides directly involved clients and staff shall ever be allowed to observe groups or confidential sessions. It is our firm conviction any authorized agency conducting evaluation can do so effectively by interviewing clients or their parents and receive feed back of staff and observing behavior, this best indicates the results of therapy. Insistence of violating the confidentiality of the group while in actual therapy by being an observer, we feel is unethical and a violation of patients rights.

COMMONWEALTH OF MASSACHUSETTS
OFFICE FOR CHILDREN

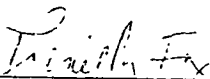
* * * * *
OFFICE FOR CHILDREN
V.
ADOLESCENT COUNSELLING IN
DEVELOPMENT, INC.
* * * * *

COMPLAINT NO. 1.31

MOTION TO WITHDRAW

Now comes the Office for Children pursuant to Office for Children Rule of Procedure 15 and moves to withdraw the complaint filed in the above entitled matter, for the reason that the facility has come into compliance with the regulations described therein.

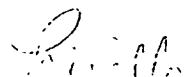
Respectfully submitted,



Priscilla Fox
Attorney for the Office for Children

CERTIFICATE OF SERVICE

I, Priscilla Fox, hereby certify that I have mailed a copy of the within Motion to Peter Knox, Attorney for Adolescent Counselling in Development, Inc., Oak Hill Ridge, Box 156, Littleton, MA 01460 by first class mail on December 22, 1978.



Priscilla Fox

COMMONWEALTH OF MASSACHUSETTS

OFFICE FOR CHILDREN

* * * * *
OFFICE FOR CHILDREN
V.
ADOLESCENT COUNSELLING IN
DEVELOPMENT, INC.
* * * * *

COMPLAINT NO. 1.31

MOTION TO WITHDRAW

Now comes the Office for Children pursuant to Office for Children Rule of Procedure 15 and moves to withdraw the complaint filed in the above entitled matter, for the reason that the facility has come into compliance with the regulations described therein.

Respectfully submitted,

Priscilla Fox

Priscilla Fox
Attorney for the Office for Children
12/27/78

CERTIFICATE OF SERVICE

I, Priscilla Fox, hereby certify that I have mailed a copy of the within Motion to Peter Knox, Attorney for Adolescent Counselling in Development, Inc., Oak Hill Ridge, Box 156, Littleton, MA 01460 by first class mail on December 22, 1978.

Priscilla Fox

PRISCILLA FOX

12/27/78

PROGRAM DESCRIPTION

A. PROGRAM PHASES When a client is accepted into the group home he moves through a three phase process. The first phase is set up with a maximum of support and controls. During this phase the person participates in group therapy and individual therapy, and where appropriate, the family becomes part of the treatment process. As a client develops awareness, especially in terms of self image, he is helped to acquire the needed skills to accept himself as a person, and to cope with that self, his nuclear family, and general area of inter and intra personal behavior. The client enters the second phase of residential care when the staff and his peers judge that he has developed the capacity to accept and carry out responsible behavior toward himself and society in general. During this phase visits to his home are initiated. During this phase the controls over the person are lessened according to the individual's ability to handle new responsibility.

B. TREATMENT SERVICES/DEFINITIONS

1. Intake - Initial intake interviews will be conducted by Residential Director and Program Psychologist. All relevant data on each new client will precede the client to the initial interview. If appropriate, the client's parents or legal guardian will also be interviewed individually and with their child at the time of the initial intake. The Program Psychiatric Consultant will review all intakes and participate in the Intake interview when appropriate. Pre-requisites to entrance into the residence and a part of the intake process is the accomplishment of a physical examination and evaluation of a new program participant by current program members.

The utilization of multi-professional staff and program members in the intake process necessary in order to achieve a comprehensive evaluation of each new client and, therefore, determine whether resi-

dential care is appropriate for the applicant. Recent admission interview results have shown an increase in clients who present varying degrees of psychiatric problems.

Of importance during the intake interview is the communication of program philosophy and methodologies, program expectations, and time involvement to the client. Communication is meant in the full sense of the word; i.e. the client achieves a full understanding of his commitment. A personal and social history, a medical history, and a drug history will also be accomplished at intake. Applicants diagnosed as experiencing psychotic manifestations or serious medical illness needing intensive medical or psychiatric care, will not be admitted, but shall be referred to a resource that can be of immediate assistance.

2. Informal Rap: The informal rap allows for the entire community (staff and clients) to deal with community problems and their effect on each other, i.e., the opportunity to ventilate feelings and voice opinions concerning community life. (e.g. issues which deal with interpersonal communication, resident projects, specific job tasks, etc.) These groups foster openness and communication among participants and staff and provide a forum for dealing with complaints and general information sharing and therefore assuring that other activities and groups are not disrupted by these issues.

3. Intensive Peer Group Therapy: The purpose of peer group therapy is to allow for structured time periods where participants can deal with and alleviate intense feelings which most often seem to be related to anger, hurt, and excessive guilt. The group is geared to help the person respond to his feelings of rejection and loneliness, inadequacies, low self-esteem, and other feelings of rejection and hurt. Acceptance of the person-regardless of past behaviors is important. All group activity is confidential and no observers are allowed. A variety of techniques are utili-

zed by the group leader to elicit feelings and maintain correct direction of group activity. The leaders have the ability to assist the passive, non-verbal client in expressing his feeling level either verbally or through actions. All group leaders are experienced and trained.

4. Multiple Family Therapy: The initial purpose of this group is *family work* to orient families to the program. After accomplishment of this orientation process, the group becomes more intense in design and seeks to elicit open communication patterns between child and family. Communication of feelings between parent and child is fostered. The goal of the group is not to eliminate "bad feelings" that exist in relation to parent for the child and/or child for the parent, but to achieve a level of understanding by all parties concerning specific feelings and where feasible to encourage activity between parent and child that can alleviate or mitigate feelings that have become debilitating for specific individuals or the family as a whole.

5. Individual Counseling: Each resident member is expected to meet individually with a specific staff counselor. Upon entrance into residential care these sessions are geared to help the client adapt to community life and are primarily supportive in nature. These sessions have particular importance at the time when a client is beginning to become involved in activities (work, school, etc.) outside the residence, especially during the period of reentry. Each client has the opportunity to meet with the Residential Director at any time. In addition, Psychiatric and Psychological counseling is available when appropriate.

6. Urine Surveillance: Urine testing is accomplished on a randomly scheduled basis and is collected at least once every month. The test results are recorded in a client's file and are primarily for patient management and in the determination of treatment plans.

7. Remedial Education: A remedial Education Specialist who is

part of the full time residential staff provides direct individual and group educational activities for all clients. Based on accumulated data from other resources and testing done by the Remedial Specialist, the teacher, with the client, develops an educational plan geared for the individual's specific needs. Educational goals vary but primarily fall within one of the following areas:

- a.) A program geared towards achieving a specific grade level so that the client can reenter the public school setting at a level commensurate with age.
- b.) A program geared towards allowing a client to achieve a basic understanding of specific processes which are essential to living (i.e. understanding credit and bank terms, percentages and taxes, reading consumer contracts, etc.)
- c.) A program geared to taking and passing the "High School Equivalency Exam".
- d.) Assisting a client to prepare for specific exams (college entrance, civil service, etc.)

C. COMMUNITY INVOLVEMENT

It's Alpha Omega's program policy to be involved in the "larger community" as much as is possible and allowable. Such involvement is as follows:

- 1.) Program members involvement in local vocational and/or educational situations; i.e. part and full time work in local business or industry; matriculation to local educational systems.
- 2.) Staff and program members involvement in voluntary community activities; e.g. environmental "clean up days"; assisting other non-profit programs in operating community events; e.g. "church fairs", firemen's fair", etc.
- 3.) Staff and program member giving free time for community education programs as such relate to "drug problems", "youth problems", etc.

These are most often sponsored by local groups such as the Rotary Club, Women's Club, etc.

Alpha Omega has relationships with the following community agencies: District Courts of Ayer, Concord, and Waltham, Mass., Region III DYS Offices, Acton Medical Associates in Acton, Mass., Region III Division of Drug Rehabilitation, Littleton Police Department, and various other groups and clubs.

D. MEDICAL AND PSYCHIATRIC BACK-UP

Alpha Omega currently utilized a Psychiatric Consultant 3 hours per week for staff consultation and psychiatric counseling for youth when necessary.

HOUSE REGULATIONS

1. No alcohol or drugs in the house at any time.
2. No sexual acting out.
3. No physical violence.

STAGE 1.

Total restrictions for a minimum of two (2) months. This means a resident is not to leave the house for any reason unless with staff member or a resident on privileges. No person is allowed any visitors except from immediate family (father, mother, brothers or sisters) and this only when requested and approved by staff. Likewise, no telephone calls may be made or received except to or from immediate family and only with permission of staff each time. No alcohol or sexual involvement under any condition during this time. Privileges may be sought after this period of time and will be granted or not by staff and group together on the basis of a resident's fulfilling all functional and emotional responsibility.

STAGE 11.

Intermediary (2-6 months)

Privileges: Be able to receive visitors, go out with parents any time not scheduled for other responsibilities with notification of staff member. Visitors must be straight, non users. Residents must be present for all groups and house activities, and responsible for adherence to house schedule. May be able to make or receive telephone calls with only good judgement and responsibility. Be able to leave residence alone in surrounding community (not home or neighborhood) giving destination, activity, and expected time of return. And such, only with permission of staff member. May be able to attend public, vocational school and business needs alone. No use of alcohol without express permission. Such will be granted only at home or special situations with family. No sexual involvements. All residents must be in the house by 11:00 P.M. weekdays and 12:00 midnight weekends. After a minimum of four months, privileges may be granted to go home for a four or five hour period, preferably on weekends. Increase of length of stay, overnight and eventually weekends will be gained gradually on approval by group and the individual's indication of emotional readiness to handle return to old environment.

STAGE 111.

Re-entry

As much latitude as possible will be given, recognizing responsibility to group living and awareness of other residents, for an individual to assume individual responsibility and decision making. He is responsible for care of own room and a job responsibility in the residence. Goals as far as job, school, program or community involvement should be implemented at this time. Work assignment if not in permanent employment, will be of assistance to AcID and community programs. An individual should be able to make the decision for himself (if of age) as to whether or not he chooses to drink socially (example, with a dinner or date or at a party) as well as responsible for his own sexual activities. He is required to be present for parent and two evening groups as well as house marathons. He is responsible for own hours and direction of own activities, use of time, and day. In the final four weeks more time should be spent at home than at the house in the environment he has to return to, being required to attend family and one group a week as well as one weekly individual counseling period. Upon total separation from residency, he will return for individual counseling on a bi-weekly basis for three months and parents group for a minimum of six weeks.

alpha Omega -

~~02.1 "adequate to protect the health and safety"~~

✓ 105.2 "misleading or false statements."

~~109.0 "notification of legal proceedings" ?~~

~~206.2 "substantial change in policy, program services" ? ? ?~~

✓ 301.3 (b) "child care workers help develop positive human relat."

✓ 313.0 "unusual treatment"

~~401.1 "separate sleeping quarters" ?~~

✓ 405.2 "behavior management - maximize growth & development"

names -

~~alterations~~

rule level - no

Alpha Omega 11/21

Lauer + Howard are out

We need: new org. chart for program - how fill void?

Who is new clinician

written descrip. of O'Malley's duties, who supervises, + when

Ask how Police Invest. progressing - have they interviewed kids in program.

Chox: Haven't filled Howard's position - don't plan to
not taking as disturbed kids anymore.

Now have full-time clinical psychologist
more reality therapy now-verbalizing things

D/S sent out monitoring team - they wrote report - we
could request

Police: hearsay info - they've decided not to pursue further
didn't interview kids in program - they were told could do this
if wanted

copy of complaint - to Tom Saltunstall

EOHS

Mark Personal & Confidential

Howard said: I became aware of this (Lane taking kids home) about 2 yrs ago - I was shocked - but when you see it in context you see it has therapeutic value.

O'Malley - described himself as participating in hugging + kissing kids when both nude

DYS report (Avery) - talked to Lane who disagreed w/ only small particulars of kids' stories - admitted going to bed w/ kids nude, etc.
9/28 - 10/3

We have told that we will file the complaint:

[redacted] Ed.

[redacted] - EOHS

[redacted] - DYS

Alpha Omega

memo from

Charles Boardman - Reg Dir. of IV - says [redacted] (kid) complained about program. Refused to participate in nudity

Paul found out allegations 10/10 or 10/11 from [redacted] who had talked to Calhoun
Paul called Susan Wayne - Dep Comr. - 10/12 who gave him story from mem.

Avery wrote report based on interviews w/ kids [redacted]

Isaacson: "Lane has done wonderful things for kids"

"Howard - brilliant, dedicated, skilled"

"He made serious error"

Name of state police guy heading investigation

Coordinate w/ DA's office - Middlesex - if necessary

Draft complaint for [redacted]

Bill Lisano - State Trooper doing investigation - we want use their invest. less trauma to kids coord. w/ their time sched.
Isaacson - we'll contact state police to share info etc. how would they handle publicity if it blows
we can dig out our own info but it would be more disruption of program, kids

we could amend Cpt to add police stuff if nec.

Bernard Lane - former Exec. Dir.

Joe O'Malley - succeeded Lane

Steven Howard - holding program together now

Complainants:

[redacted] - in program from [redacted] 78 to [redacted] 78 - left on request
[redacted] still in program

To Priscilla
Date 11/20 Time 1:00

WHILE YOU WERE OUT

M. Peter
of
Phone 486-8321 or 486-8133
Area Code Number Extension

TELEPHONED	PLEASE CALL	<input checked="" type="checkbox"/>
CALLED TO SEE YOU	WILL CALL AGAIN	
WANTS TO SEE YOU	URGENT	
RETURNED YOUR CALL		

Message
re further recognition
prior to filing
with a number
for Alpha Storage
Account to be paid
Answer

No. 2725 S. C. STIMPSON CO. WORCESTER, MASS.
IBM 18413

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT
SUFFOLK COUNTY
CIVIL ACTION
NO. 02-04560-T1
(Consolidated with 02-1296)
(Originally entered in Middlesex
County as No. 02-1456)

MICHAEL K. SIMONDS,

PLAINTIFF,

v.

THE ROMAN CATHOLIC ARCHBISHOP
OF BOSTON, A CORPORATION SOLE,

DEFENDANT.

AFFIDAVIT OF MICHAEL KENNEDY SIMONDS

I, Michael Kennedy Simonds, depose and say as follows:

1. My name is Michael K. Simonds and I live in Haverhill, Massachusetts. My date of birth is July 9, 1974.

2. As a boy, I attended St. John the Baptist Church in Haverhill, Massachusetts on Sundays with my family. My oldest brother was an altar boy and I decided to become one too.

3. At that time, my family had become friendly with the three active priests at the Church. There was Father O'Neil, Father Joe and Father Ronald Paquin who was a newer priest to the Church.

4. I became friendly with Fr. Paquin. As altar boys we used to clean up within the Church on Saturday nights and we also would collect money for parking in the Church parking lot.

5. In 1987, when I was 13 years old, Fr. Paquin brought me and some of my friends some beer. Around that time Fr. Paquin asked me and Keith Townsend to come to his camp in Kennybunkport, Maine, where he had a trailer in the campground.

6. We went up to Maine with Fr. Paquin for a night and Fr. Paquin gave us wine coolers until we were drunk. The three of us were sitting on the couch in the camper and at that time Fr. Paquin put his hands down my pants and fondled my penis and at the same time, he did the same thing to Keith. I was scared and very confused. I pretended to pass out. The next morning, nothing was said by anyone and we went home.

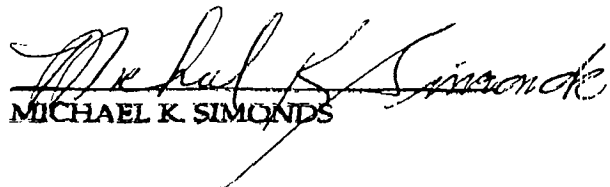
7. On about three separate occasions after that, Fr. Paquin brought us to Maine on the weekends. Each time Fr. Paquin brought us alcohol and played with my penis with his hands. On the last time in Kennybunkport, Fr. Paquin

asked me to come into his bedroom alone and made me fondle his penis as he had done to me. I felt ashamed.

8. There was another incident after that in Maine where Fr. Paquin gave me and another boy a lot of alcohol and told us to fondle each other in front of him. After the boy left the room, Fr. Paquin used his mouth on my penis until I ejaculated. Again, nothing was said the next day.

9. The same year, Fr. Paquin took me and another boy to Bourne on Cape Cod to a hotel room. He gave us wine coolers until we were drunk and asked us to fondle each other while he watched. By this time, I felt that I could not say anything about what was happening because I felt guilty as if I was doing something wrong. Fr. Paquin watched us and then performed oral sex on me.

SUBSCRIBED AND SWORN UNDER THE PAINS AND PENALTIES
OF PERJURY THIS 21 DAY OF JULY, 2003.


MICHAEL K. SIMONDS

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT

CIVIL ACTION NO.: 02-3167

PATRICK McKEEVER, MICHAEL T.
ACETO, JOHN DOE and JANE DOE,

Plaintiffs,

v.

ROMAN CATHOLIC ARCHBISHOP OF
BOSTON, a Corporation Sole, LIFE
RESOURCES, INC., THOMAS V. DAILY,
CARDINAL BERNARD LAW, a.k.a.,
BERNARD F. LAW, and JOHN B.
McCORMACK,

Defendants.

COMPLAINT AND JURY DEMAND

INTRODUCTION

This action is brought by plaintiffs Patrick McKeever, Michael T. Aceto, John Doe and Jane Doe (collectively, the "Plaintiffs") against the Roman Catholic Archbishop of Boston, a Corporation Sole, Life Resources, Inc., Thomas V. Daily, Bernard Cardinal Law, a.k.a., Bernard F. Law, and/or John B. McCormack, arising from the intentional, reckless, and/or negligent acts or omissions in allowing Bernard J. Lane ("Father Lane") to sexually molest Patrick, Michael, and John Doe while they were minors and by failing to take appropriate action to abate the emotional distress and other ongoing damages suffered by the Plaintiffs upon becoming aware of Father Lane's predatory acts of abuse.

THE PARTIES AND OTHER RELATED ENTITIES

1. Plaintiff Patrick McKeever ("Patrick") is an adult residing in Uxbridge, Worcester County, Massachusetts.

2. Plaintiff Michael T. Aceto ("Michael") is an adult residing in Medfield, Norfolk County, Massachusetts.

3. Plaintiff John Doe is an adult residing in Nashua, New Hampshire.

4. Plaintiff Jane Doe is an adult residing in Pepperell, Middlesex County, Massachusetts. Jane Doe is John Doe's mother.

5. Defendant the Roman Catholic Archbishop of Boston (the "RCAB") is a Corporation Sole, organized and existing pursuant to Chapter 506 of the Massachusetts Acts of 1897, with a usual principal place of business at 2121 Commonwealth Avenue, Boston, Suffolk County, Massachusetts. On information and belief, since 1969, either directly or by and through various corporate entities, the RCAB has operated a program known as Alpha Omega House ("Alpha Omega"), which is located in Littleton, Massachusetts. From 1973 to 1982, the RCAB owned the property located at 4 Omega Way, Littleton, Middlesex County, Massachusetts, where Alpha Omega was located. In 1982, the RCAB sold Alpha Omega to Life Resources, Inc. for \$1.00.

6. Defendant Life Resources, Inc. ("Life Resources") is a not-for-profit corporation organized in 1978, and has a usual place of business at 5 Beale Street, Wollaston, Norfolk County, Massachusetts. Humberto Cardinal Medeiros ("Cardinal Medeiros") was the founding President and Treasurer of Life Resources. Reverend C. Melvin Surette ("Father Surette") was the founding Clerk of Life Resources. Life Resources delivers services to youthful offenders referred by the Division of Youth Services of the Commonwealth of Massachusetts ("DYS").

On information and belief, since 1978 Life Resources has operated Alpha Omega. Since 1982, Life Resources has owned the property at Alpha Omega, located at 4 Omega Way, Littleton, Massachusetts. Upon information and belief, Life Resources was a subsidiary of or otherwise affiliated with the RCAB.

7. Tri-City Mental Health and Retardation Center, Inc. ("Tri-City") is a not-for-profit corporation with a usual place of business at 10 Cabot Road, Medford, Middlesex County, Massachusetts. In 1998 Tri-City merged with Adult/Adolescent Counseling, Inc., a successor corporation to Adult/Adolescent Counseling in Development, Inc. ("ACID"). ACID was incorporated in 1969 to provide, among other things, drug rehabilitation and preventative education to youths in Malden, Massachusetts. Father Lane was ACID's founding President and a member of its initial Board of Directors. On information and belief, ACID operated Alpha Omega during the 1970s and was a subsidiary of or otherwise affiliated with the RCAB.

8. Defendant Thomas V. Daily ("Bishop Daily") is an adult residing in Brooklyn, New York. Bishop Daily is the head of the Roman Catholic Diocese of Brooklyn, New York. Bishop Daily was ordained as a priest in the RCAB on January 10, 1952, where he served as a parish priest in the Greater Boston area for approximately twenty years. After serving Cardinal Medeiros in several positions, Bishop Daily was appointed Vicar General in or about 1976, a position he maintained until 1984 at the RCAB.

9. Defendant Bernard Cardinal Law, a.k.a. Cardinal Bernard F. Law, is an adult residing in Boston, Suffolk County, Massachusetts. Cardinal Law is the head of the RCAB and has held that position since 1984.

10. Defendant John B. McCormack ("Bishop McCormack") is an adult residing in Manchester, New Hampshire. Bishop McCormack is the head of the Roman Catholic Diocese of

Manchester, New Hampshire. Bishop McCormack was ordained as a priest on February 2, 1960, and served in various positions within parishes and Catholic Charities in Massachusetts. Prior to becoming Bishop of the Roman Catholic Diocese of Manchester, New Hampshire, Bishop McCormack served as Secretary for Ministerial Personnel from 1985 until 1994 at the RCAB.

STATEMENT OF RELEVANT FACTS

A. Father Lane – Ordination And Activities At ACID And Alpha Omega.

11. Father Lane graduated from St. John's Seminary, Brighton, Massachusetts in 1960. Fellow seminarians included, among others, Joseph E. Birmingham, John M. Cotter, Eugene O'Sullivan, and Paul R. Shanley ("Father Shanley"), all of whom have been accused of sexually molesting minors while serving as priests of the RCAB. Since his ordination, Father Lane has worked as priest within the RCAB.

12. In 1961, Father Lane was assigned to St. Anne Parish in Littleton, Massachusetts ("St. Anne's") and remained there until in or around 1969 when he left St. Anne's to serve as chaplain at Malden Catholic High School ("Malden Catholic"). During that year, along with Father Shanley and Father Surette, Father Lane began working with runaways. By 1969, the RCAB already had received allegations that Father Shanley had been sexually molesting boys in a cabin in Massachusetts and was aware of sexual abuse of children by priests. In addition, the RCAB had received other allegations about other priests committing unlawful acts of pedophilia and ephebophilia.

13. Before the end of 1969, Father Lane was re-assigned from Malden Catholic by RCAB Cardinal Richard Cushing ("Cardinal Cushing") to establish a program to counsel adolescents on drug abuse in Malden, Massachusetts. Upon information and belief, the Malden

program was or became ACID. Upon information and belief, the RCAB financially assisted Father Lane in establishing ACID.

B. *Father Lane – Alpha Omega’s “Therapeutic” Approach and Sexual Abuse of John Doe.*

14. Upon information and belief, at all relevant times herein, the RCAB owned, operated, and financially supported Alpha Omega, either through ACID, Life Resources, or directly. Father Lane was Director of Alpha Omega from its inception to approximately 1978 or 1979. Upon information and belief, Father Surette ran Alpha Omega with Father Lane, and succeeded Father Lane as Director of Alpha Omega. Cardinal Medeiros not only encouraged Father Lane’s work at Alpha Omega, Cardinal Medeiros dedicated the property to Alpha Omega and made yearly visits to have private suppers with the young residents. Cardinal Medeiros also administered confirmation to the residents and spent an evening during the 1977 Christmas week with them.

15. Upon information and belief, Father Lane and Father Surette sexually abused scores of residents while operating Alpha Omega under the guise of “therapy” throughout the 1970s and 1980s. The “therapeutic” approach employed by Father Lane and Father Surette to “help” residents at Alpha Omega generally involved the following steps, in whole or in part:

- Gain a resident’s trust through meetings and social outings, either alone or with other individuals.
- After establishing trust, teach residents to celebrate their bodies. In so teaching, begin by giving a resident a massage, then gradually ask a resident to remove articles of clothing, and eventually to remove all clothing for a full-body massage. These massages were known as “rushes,” a “rush,” or “feelings” and consisted of staff lightly touching different parts or all of a resident’s body.
- Encourage nudity among residents and encourage residents to celebrate their sexual arousal.
- Encourage residents to touch one another and as well as to touch staff and to allow staff to touch residents.

- Encourage residents to sleep together and with staff, sometimes in the nude.
- Encourage residents to “skinny dip” together in the presence of staff and to perform various lewd, sexually charged acts during group “therapy.”
- Encourage body-to-body or person-to person nude contact between students and staff.
- Explain to residents that engaging in this type of “therapy” would allow them to better satisfy women after they graduated from Alpha Omega.
- Explain to residents that they were all called upon by the “Creator” to be great lovers.
- Encourage residents and staff to shower together.

16. Upon information and belief, by using this so-called “therapy,” Father Lane, in particular, coerced residents to, among other things, (i) allow Father Lane to masturbate and perform fellatio on the residents, (ii) masturbate and perform fellatio on Father Lane, and (iii) allow Father Lane to sodomize the residents.

17. Upon information and belief, the RCAB financially supported the “therapy” practices at Alpha Omega. Not only were Father Lane and Father Surette priests serving under the RCAB, they were also officers, directors, and/or board members of ACID or Life Resources, respectively, while engaging in predatory practices of sexually abusing children. Upon information and belief, it was common knowledge among Alpha Omega staff that Father Lane and Father Surette would have sexual interactions with Alpha Omega residents. Upon information and belief, RCAB employees also shared that common knowledge.

18. Upon information and belief, in or around 1975 and 1976, a DYS evaluation team was sent to Alpha Omega to review the program and its therapeutic approach. Father Lane refused to allow the DYS evaluation team access to Alpha Omega. The RCAB was made aware of Father Lane’s refusal to allow DYS to evaluate Alpha Omega and knew or should have known about the “therapy” Father Lane was conducting. Rather than stopping Father Lane’s practices,

the RCAB continued its pattern of protecting child molesters and not informing those children entrusted to its care, or their families, of the danger that Father Lane presented to them.

19. Upon information and belief, residents were placed at Alpha Omega by DYS and were told that they could not leave the program voluntarily without DYS approval. Upon information and belief, residents were told that if a resident ran away from Alpha Omega that the police would return them to the program or they would be sent to another state facility. Upon information and belief, if a resident complained about the "therapy," the resident understood that Father Lane would not give DYS a favorable report of that resident's work in the program. Upon information and belief, Father Lane used this to coerce, threaten and intimidate the residents.

20. In or around 1976 to 1978, John Doe was assigned to Alpha Omega by DYS. Much like the other residents, Father Lane sexually abused John Doe under the guise of therapy. Father Lane would have John Doe meet with other residents upstairs, in the common area at Alpha Omega, to masturbate or 'tickle' each other so as to give each other "feelings." Father Lane said that as long as the residents didn't penetrate each other, it was alright. John Doe had no choice but to obey Father Lane. John Doe had been raised a Catholic and he and his family held priests in highest esteem. In addition, John Doe did not want Father Lane to give DYS an unfavorable report.

21. At Alpha Omega, Father Lane would call John Doe, at the time the youngest of the residents, to participate in a form of therapy that involved drawing out John Doe's "feelings" and then having John Doe hit a heavy bag on the floor. This would invariably result in John Doe crying, at which point Father Lane would hug him very tightly and pull John Doe closer and

closer to him so that John Doe would feel Father Lane's sexual arousal. This type of therapy occurred often.

22. On many occasions, Father Lane would wake John Doe up in the middle of the night and sexually abuse him. When John Doe would refuse to cooperate, Father Lane would threaten to send John Doe back to DYS. On other occasions, Father Lane took John Doe and others to Father Lane's cabin in New Hampshire, where Father Lane again abused John Doe. Father Lane told John Doe that all of this behavior was alright as long as they didn't penetrate each other.

23. Since the time Father Lane entered John Doe's life and began sexually abusing him, John Doe's behavior deteriorated greatly. John Doe made no causal connection in his mind between the abuse and his continued and worsening problems. That all changed with the recent media coverage concerning child molesting priests in the RCAB. It was only then that John Doe realized that his many years of pain were related to the abuse by Father Lane.

C. Father Lane – Alpha Omega and Sexual Abuse of Patrick McKeever.

24. Upon information and belief, in 1978, DYS received an allegation that Father Lane had sexually abused a resident at Alpha Omega. The abuse occurred during an outing at Father Lane's New Hampshire cabin. DYS officials met with representatives of the RCAB and informed them of the allegation. The Massachusetts Office for Child Care Service, then known as the Massachusetts Office for Children ("OCCS"), conducted a joint investigation with DYS. Upon information and belief, Father Surette was placed in charge of the investigation for the RCAB and Life Resources.

25. As a result of the allegation, Father Lane was sent to the House of Affirmation, a program in or around 1978 serving priests accused of sexual misconduct. Upon information and

belief, while at the program Father Lane admitted that he invited the resident into his room, asked the resident to disrobe, and touched the resident's naked body. The program counselor recommended that Father Lane seek additional help and a more thorough evaluation. Father Lane, however, only visited the program two times and, upon information and belief, did not seek additional help or a more thorough evaluation. The RCAB, moreover, did not immediately remove Father Lane from his position at Alpha Omega, seek to warn other residents, or mitigate damages caused to past residents, including John Doe. Rather, the RCAB continued to allow Father Lane to have access to residents, notwithstanding Father Lane's admission of inappropriate sexual contact with a resident.

26. In or around 1977 or 1978, Patrick was placed at Alpha Omega by DYS for approximately ten (10) months. At no time did anyone warn Patrick or his parents that Father Lane had been accused of sexually molesting residents or of the type of "therapy" practiced at Alpha Omega. Rather, Father Lane misrepresented the therapy approach to Patrick and his parents.

27. Prior to attending Alpha Omega, Patrick was a student at a Chapter 766 school, which he was attending for problems he was having as a result of the death of his father. Patrick first met Father Lane in a post-admission interview at Alpha Omega. Patrick's initial impression of Father Lane was that he wanted to help Patrick and would be a friend and father figure to Patrick, something which Patrick desperately needed at the time.

28. Patrick's hopes, however, were shattered by Father Lane. Specifically, Father Lane encouraged Patrick to engage in the "therapy" described above. Patrick at first was extremely uncomfortable about "skinny dipping" in the pool with other students, sitting around naked in the recreation lounge, allowing Father Lane to perform "rushes" on him, and engaging

in lewd sexual conduct during group therapy. Father Lane convinced Patrick, however, that the “therapy” was necessary and that it would help Patrick. That “therapy” led to genital fondling, masturbation, and other acts of sexual molestation. Father Lane also took Patrick to his house in Littleton, where Father Lane sexually molested and raped Patrick. Although Father Lane apologized for getting “carried away” with Patrick, Patrick was left in utter shock, disbelief, and embarrassment. Then, Father Lane took Patrick to his New Hampshire cabin and sexually molested Patrick there, as well.

29. Since the time Father Lane entered Patrick’s life and sexually abused him, Patrick’s behavior deteriorated greatly. Patrick made no causal connection in his mind between the abuse and his continued and worsening problems. That all changed with the recent media coverage concerning child molesting priests in the RCAB. It was only then that Patrick realized that his many years of pain were related to the abuse by Father Lane.

30. Upon information and belief, in 1978 or 1979, OCCS threatened to close Alpha Omega and the RCAB re-assigned Father Lane to St. Peter’s Parish in Lowell Massachusetts to develop a youth program. Bishop Daily of the RCAB approved the re-assignment, despite, upon information and belief, Bishop Daily’s knowledge of Father Lane’s inappropriate practices at Alpha Omega. At Alpha Omega at this time, Father Lane was officially replaced by Father Surette. At no time did anyone seek to warn or inform the Plaintiffs who had been exposed to Father Lane about the danger and harm he had presented, or to mitigate the harm caused to them.

D. Father Lane – Post Alpha Omega and Sexual Abuse of Michael Aceto.

31. In or around April of 1980, Father Lane became a spiritual director in a program serving teenagers in Methuen, Massachusetts. On April 29, 1980, Thomas C. Hudgins (“Vicar Hudgins”), Episcopal Vicar, wrote Bishop Daily a letter questioning the reasons for Father

Lane's removal from Alpha Omega and re-assignment to Lowell, Massachusetts. In that letter, Vicar Hudgins expressed concern about Father Lane's continued involvement with Alpha Omega. Nevertheless, upon information and belief, Father Lane was allowed to regularly conduct Sunday masses, run youth groups and outings, and counsel adolescents at Alpha Omega.

32. In or around 1982, Michael was placed at Alpha Omega by DYS because of problems he was experiencing at the time. Michael met Father Lane during a Sunday mass at Alpha Omega, which Father Lane conducted weekly. As a result, Michael did not suspect anything inappropriate when he was invited to go on a group outing with Father Lane on a boat in Massachusetts. Going out with Father Lane on the boat was a "privilege" given to Alpha Omega residents who behaved and participated in the "therapy" at Alpha Omega.

33. During the outing, and after playing, swimming, and eating with other Alpha Omega residents, Michael went to sleep. Michael later was awoken by Father Lane molesting him and performing other lewd sexual acts. Michael does not feel that it was a privilege to be sexually molested by Father Lane.

34. Michael spoke with an individual working at Alpha Omega about what had happened on the boat with Father Lane. The individual made Michael feel guilty about the incident. Further, the individual said that if Michael told anyone about what Father Lane had done, it could ruin Alpha Omega and the priest, Father Lane, who started the program. The individual convinced Michael, who was still a teenager, that Alpha Omega and Father Lane helped children, and that Michael would hinder this help if he repeated this story. Because Alpha Omega initially had helped him, Michael believed the individual and did not tell anybody else about this encounter. In addition, Michael was in shock, fearful, and embarrassed about the incident at the time.

35. Since the time Father Lane entered Michael's life and sexually abused him, Michael's behavior deteriorated greatly. Michael made no causal connection in his mind between the abuse and his continued and worsening problems. That all changed with the recent media coverage concerning child molesting priests in the RCAB. It was only then that Michael realized that his many years of pain were related to the abuse by Father Lane.

E. Father Lane – Post Alpha Omega.

36. The RCAB also re-assigned Father Lane to St. Maria Gorett's Parish (Lynnfield, Massachusetts), St. Charles's Parish (Waltham, Massachusetts), St. Anthony's Parish (Cambridge, Massachusetts), and Our Lady of Grace Parish (Chelsea, Massachusetts) in 1981, 1983, 1986, and 1987, respectively. After being reassigned from Alpha Omega, Father Lane continued to develop youth programs for the RCAB and was assigned as a Parochial Vicar and eventually Pastor of a parish with a school.

37. In 1993, the RCAB was again notified of allegations against Father Lane dating back to the mid-1970s. At the time, the RCAB was aware that Father Lane was operating a youth program. Father Lane, however, remained as Pastor at Our Lady of Grace Parish until Cardinal Law placed Father Lane on "sick leave" or "administrative leave." Upon information and belief, the term "sick leave" or "administrative leave" are sometimes used euphemistically to refer to priests accused of sexually molesting children. Our Lady of Grace Parish had a grammar school at the time. At no time did the RCAB, Bishop Daily, or Cardinal Law seek to warn or inform individuals who had been exposed to Father Lane about the danger and harm Father Lane had presented, or to mitigate the damages caused to those persons exposed to Father Lane, including the Plaintiffs.

38. In March of 1993, while reviewing what to do with Father Lane and considering appointing him to Pastor, Bishop McCormack indicated that, with regard to the one allegation to which Father Lane admitted, Father Lane must have been overextended and probably was not using good judgment at the time. On May 3, 1993, after reviewing Father Lane's confidential file, which contained an admission by Father Lane that he had touched at least one naked boy at Alpha Omega, Bishop McCormack counseled that the RCAB not pursue whether Father Lane had acted inappropriately. At no time did Bishop McCormack seek to warn individuals who had been exposed to Father Lane about the danger and harm Father Lane had presented, or to mitigate the damages caused to those persons exposed to Father Lane, including the Plaintiffs.

39. On or about August 6, 1993, Father Lane admitted that he did not take a good professional and common sense approach to the "therapy" at Alpha Omega. Thereafter, Cardinal Law accepted Father Lane's resignation from Our Lady of Grace Parish and placed Father Lane on administrative leave "for health reasons." Upon information and belief, Cardinal Law was well aware of the allegations against Father Lane and that such allegations dated back to 1978 or even earlier. At no time did the RCAB or Cardinal Law seek to warn or inform those who had been in exposed to Father Lane about the danger and harm Father Lane had presented, or to mitigate the harm caused to those persons exposed to Father Lane, including the Plaintiffs.

40. On or about October 4, 1993, Father Lane admitted that the "therapy" at Alpha Omega consisted of nudity and body-to-body or person-to-person contact between staff and students. He admitted that although he engaged in this type of contact with students that he felt it was acceptable at the time because he told the students that "I will not be anal or oral with you[,]," which, upon information and belief, was a falsity nonetheless. At no time did the RCAB or Cardinal Law seek to warn or inform those who had been in exposed to Father Lane about the

danger and harm Father Lane had presented, or to mitigate the harm caused to those persons exposed to Father Lane, including the Plaintiffs.

41. In either 1993 or 1994, the RCAB sent Father Lane to St. Luke's Institute ("SLI") for an assessment. The assessment at SLI diagnosed Father Lane with ephebophilia by history. Upon information and belief, after receiving the negative assessment by SLI, the RCAB sent Father Lane to the Institute for Living (the "IOL"), another facility used by the RCAB to assess priests alleged to be pedophiles or ephebophiles. Upon information and belief, other child molesting priests were sent to the IOL to get a clean bill of health to return to ministry.

42. In January of 1994, when commenting on a discussion with a doctor at the IOL, Bishop McCormack acknowledged that the allegations against Father Lane seemed to have substance to them. In March of 1994, it was reported to the RCAB that Father Lane had molested over one hundred (100) youths at Alpha Omega and at the New Hampshire cabin. In April of 1994, Bishop McCormack learned that Father Lane had many more allegations against him and that the allegations that sent Father Lane to the IOL were only the beginning. At no time did Bishop McCormack seek to warn additional individuals who had been in contact with Father Lane, or to mitigate damages caused to those persons who had been exposed to Father Lane, including the Plaintiffs.

43. On or about May 9, 1994, Father Lane admitted to "boundary violations" with students at Alpha Omega. On or about May 16, 1994, Father Lane admitted that he had no excuse for using the "therapy" he used at Alpha Omega. In or around June of 1994, Father Lane admitted to nudity at Alpha Omega and wished that he had greater supervision in the "therapy" portion of the program. Towards the end of 1994, Father Lane met with Cardinal Law and discussed the allegations made against Father Lane. Upon information and belief, Cardinal Law

was well aware of the diagnosis by SLI. At no time did the RCAB or Cardinal Law seek to warn or inform individuals who had been exposed to Father Lane about the danger and harm Father Lane had presented, or to mitigate the damages caused to those persons exposed to Father Lane, including the Plaintiffs.

44. Father Lane remained on "sick leave" until 1997 when he was assigned to work as associate director of the Office of Senior Priests at Regina Cleri, in Boston, Massachusetts. Upon information and belief, Father Lane was removed from active ministry as a result of the RCAB's review of Father Lane's confidential file which detailed a history of sexual abuse against children. Regina Cleri is a home for retired priests and, upon information and belief, is used sometimes as an assignment for priests accused of sexually molesting children at previous assignments.

45. In September of 1997, the RCAB learned of another allegation of child sexual abuse by Father Lane dating back to 1973 or 1974 at Alpha Omega. On October 15, 1997, the RCAB, through Monsignor William F. Murphy ("Monsignor Murphy"), decided not to inform Father Lane's then-supervisor of this new allegation. Rather, Monsignor Murphy seemed more concerned with whether or not the attorney representing the alleged victim would uncover other victims willing to make claims, and whether the process would become public.

46. In 1999, the RCAB received other allegations against Father Lane. At the time, the RCAB also was informed that Father Lane was celebrating mass at St. Linus Parish in Natick, Massachusetts. Upon information and belief, the RCAB did not warn anyone at St. Linus Parish of Father Lane's history of abuse of children. In August of 1999, Father Lane admitted that nude hugging, genital fondling, touching, and sexual arousal were all part of the "therapy" at Alpha Omega. At no time did the RCAB, Cardinal Law, Bishop Daily or Bishop

McCormack seek to warn or inform individuals who had been exposed to Father Lane about the danger and harm Father Lane had presented, or to mitigate the damages caused to those persons exposed to Father Lane, including the Plaintiffs.

47. Father Lane retired in 1999. Notwithstanding his history, as well as additional allegations brought against him in 2000 and 2002, Father Lane remains a priest with the RCAB and lives in Barnstead, New Hampshire.

48. Upon information and belief, it was the RCAB's standard practice in the 1970s and 1980s simply to re-assign priests accused of child molesting to other parishes or states to avoid public scandal. In addition, upon information and belief, it was the RCAB's standard practice to financially support such priests, regardless of the crimes that they had committed.

49. By allowing Father Lane to found and direct Alpha Omega, and by supervising Father Lane as an RCAB priest, the RCAB fostered and encouraged a special relationship by and between Father Lane and the RCAB as well as those children and their parents coming in contact with him. Accordingly, the RCAB owed a duty to prevent and protect those children from foreseeable risks of harm caused by Father Lane. In light of the fact that Alpha Omega residents needed additional support in caring for themselves and could not, upon information and belief, voluntarily resign from the Alpha Omega program, the RCAB had an even greater duty to protect them from foreseeable risks of harm.

50. By retaining Father Lane as an RCAB priest, and by allowing Father Lane to have continued access to children, the RCAB, Bishop Daily, Cardinal Law, and Bishop McCormack had a duty to protect and warn the Plaintiffs of Father Lane's predatory practices, as well as a duty to mitigate any damages caused by Father Lane once the RCAB learned about Father Lane's predatory practices.

51. By failing to take appropriate action, it was foreseeable that the Plaintiffs would be harmed by Father Lane's predatory behavior. The RCAB, Bishop Daily, Cardinal Law, and Bishop McCormack acted with such indifference and reckless disregard for the Plaintiffs that the natural and probable consequences was the injury suffered by the Plaintiffs.

52. The RCAB, Bishop Daily, Cardinal Law, and Bishop McCormack knew or should have known that Father Lane was a danger to the safety and well-being of children entrusted or required to be under Father Lane's care.

STATEMENT OF CLAIMS

COUNT I

NEGLIGENCE/PREMISES LIABILITY

(Patrick v. RCAB and Life Resources)

53. The Plaintiffs reallege and incorporate by reference herein in their entirety the allegations contained in the preceding paragraphs.

54. The RCAB and Life Resources, through their ownership, occupation, operation and/or control of the property located at 4 Omega Way (a/k/a Newton Road) and Alpha Omega, owed Patrick a duty to provide safe premises free from unreasonable risks of harm.

55. Father Lane's overt acts were committed while he was acting within the scope of his employment as an agent of the RCAB and Life Resources.

56. By their unlawful conduct, the RCAB and Life Resources breached that duty.

57. As a direct and proximate result of that breach of duty, Patrick sustained severe and permanent personal injuries; suffered and will continue to suffer great pain of body and anguish of mind; has and will continue to be unable to pursue his usual activities; has been permanently and adversely affected in his ability to enjoy life; has incurred expenses for medical

care and treatment; has suffered a crisis of faith and spiritual damage; and has suffered from the inability to trust himself and others, among other damages.

COUNT II

NEGLIGENCE

(Patrick v. the RCAB, Life Resources, Bishop Daily, Cardinal Law, and Bishop McCormack)

58. The Plaintiffs reallege and incorporate by reference herein in their entirety the allegations contained in the preceding paragraphs.

59. The RCAB, Life Resources, Bishop Daily, Cardinal Law, and Bishop McCormack owed Patrick a duty to, among other things, protect him from unreasonable risks of harm and/or to mitigate his damages once they knew or should have known of the unreasonable risks of harm he was exposed to at Alpha Omega.

60. By their unlawful conduct, the RCAB, Life Resources, Bishop Daily, Cardinal Law, and Bishop McCormack breached that duty.

61. As a direct and proximate result of that breach of duty, Patrick sustained severe and permanent personal injuries; suffered and will continue to suffer great pain of body and anguish of mind; has and will continue to be unable to pursue his usual activities; has been permanently and adversely affected in his ability to enjoy life; has incurred expenses for medical care and treatment; has suffered a crisis of faith and spiritual damage; and has suffered from the inability to trust himself and others, among other damages.

COUNT III

NEGLIGENT RETENTION/SUPERVISION

(Patrick v. the RCAB, Life Resources, and Bishop Daily)

62. The Plaintiffs reallege and incorporate by reference herein in their entirety the allegations contained in the above paragraphs.

63. The RCAB, Life Resources, and Bishop Daily owed Patrick a duty to retain and/or supervise competent, fit, and otherwise qualified priests and/or employees.

64. The RCAB, Life Resources, and Bishop Daily also owed Patrick a duty to thoroughly investigate reports made concerning Father Lane's deviant behavior toward children and take necessary action to protect children.

65. The RCAB, Life Resources, and Bishop Daily breached their duties with respect to the retention and supervision of Father Lane.

66. As a direct and proximate result of that breach of duty, Patrick sustained severe and permanent personal injuries; suffered and will continue to suffer great pain of body and anguish of mind; has and will continue to be unable to pursue his usual activities; has been permanently and adversely affected in his ability to enjoy life; has incurred expenses for medical care and treatment; has suffered a crisis of faith and spiritual damage; and has suffered from the inability to trust himself and others, among other damages.

COUNT IV

**INTENTIONAL/RECKLESS INFLICTION OF
EMOTIONAL DISTRESS**

(Patrick v. the RCAB, Life Resources, and Bishop Daily)

67. Plaintiffs reallege and incorporate by reference herein in their entirety the allegations contained in above paragraphs.

68. The RCAB, Life Resources, and Bishop Daily intentionally and/or recklessly assigned Father Lane to Alpha Omega and/or allowed him to remain at Alpha Omega where he had unfettered contact with children, notwithstanding the fact that they knew or were reckless in not knowing of that emotional distress was likely to result from Father Lane's inappropriate conduct.

69. The RCAB's, Life Resources's, and Bishop Daily's conduct was extreme and outrageous, beyond all possible bounds of decency, and utterly intolerable in a civilized community.

70. The RCAB's, Life Resources's, and Bishop Daily's conduct directly and proximately caused Patrick's extreme emotional distress of a nature that no reasonable man could be expected to endure.

71. The RCAB's, Life Resources's, and Bishop Daily's unlawful conduct was not privileged.

COUNT V

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

(Patrick v. the RCAB, Life Resources, and Bishop Daily)

72. Plaintiffs reallege and incorporate by reference herein in their entirety the allegations contained in above paragraphs.

73. The RCAB, Life Resources, and Bishop Daily negligently assigned Father Lane to Alpha Omega and/or allowed him to remain at Alpha Omega where he had unfettered contact with children when they knew or should have known that emotional distress was likely to result from Father Lane's inappropriate conduct.

74. The RCAB's, Life Resources's, and Bishop Daily's unlawful conduct directly and

proximately caused Patrick's emotional distress, which a reasonable person would have suffered under the circumstances.

75. As a result, Patrick has suffered physical harm manifested by objective symptomatology.

COUNT VI

VIOLATION OF THE MASSACHUSETTS CIVIL RIGHTS ACT

(Patrick v. the RCAB)

76. Plaintiffs reallege and incorporate by reference herein in their entirety the allegations contained in the above paragraphs.

77. The RCAB, through Father Lane, interfered with or attempted to interfere with Patrick's rights secured by the laws of the Commonwealth through threats, intimidation, or coercion, including the creation, perpetuation, and tolerance of Father Lane's sexually predatory acts against children.

78. As a direct and proximate result, Patrick sustained severe and permanent personal injuries; suffered and will continue to suffer great pain of body and anguish of mind; has been and will continue to be unable to pursue his usual activities; has been permanently and adversely affected in his ability to enjoy life; has incurred expenses for medical care and treatment; has suffered a crisis of faith and spiritual damage; has suffered from the inability to trust himself and others, among other damages.

COUNT VII

NEGLIGENCE/PREMISES LIABILITY

(John Doe v. RCAB and Life Resources)

79. The Plaintiffs reallege and incorporate by reference herein in their entirety, the allegations contained in the preceding paragraphs.

80. The RCAB and Life Resources, through their ownership, occupation, operation and/or control of the property located at 4 Omega Way (a/k/a Newton Road) and Alpha Omega, owed John Doe a duty to provide safe premises free from unreasonable risks of harm.

81. Father Lane's overt acts were committed while he was acting within the scope of his employment as an agent of the RCAB and Life Resources.

82. By their unlawful conduct, the RCAB and Life Resources breached that duty.

83. As a direct and proximate result of that breach of duty, John Doe sustained severe and permanent personal injuries; suffered and will continue to suffer great pain of body and anguish of mind; has and will continue to be unable to pursue his usual activities; has been permanently and adversely affected in his ability to enjoy life; has incurred expenses for medical care and treatment; has suffered a crisis of faith and spiritual damage; and has suffered from the inability to trust himself and others, among other damages.

COUNT VIII

NEGLIGENCE

(John Doe v. the RCAB, Life Resources, Bishop Daily, Cardinal Law, and Bishop McCormack)

84. The Plaintiffs reallege and incorporate by reference herein in their entirety the allegations contained in the preceding paragraphs.

85. The RCAB, Life Resources, Bishop Daily, Cardinal Law, and Bishop

McCormack owed John Doe a duty to, among other things, protect him from unreasonable risks of harm and/or to mitigate his damages once they knew or should have known of the unreasonable risks of harm he was exposed to at Alpha Omega.

86. By their unlawful conduct, the RCAB, Life Resources, Bishop Daily, Cardinal Law, and Bishop McCormack breached that duty.

87. As a direct and proximate result of that breach of duty, John Doe sustained severe and permanent personal injuries; suffered and will continue to suffer great pain of body and anguish of mind; has and will continue to be unable to pursue his usual activities; has been permanently and adversely affected in his ability to enjoy life; has incurred expenses for medical care and treatment; has suffered a crisis of faith and spiritual damage; and has suffered from the inability to trust himself and others, among other damages.

COUNT IX

NEGLIGENT RETENTION/SUPERVISION

(John Doe v. the RCAB, Life Resources, and Bishop Daily)

88. The Plaintiffs reallege and incorporate by reference herein in their entirety the allegations contained in the above paragraphs.

89. The RCAB, Life Resources, and Bishop Daily owed John Doe a duty to retain and/or supervise competent, fit, and otherwise qualified priests or employees.

90. The RCAB, Life Resources, and Bishop Daily also owed John Doe a duty to thoroughly investigate reports made concerning Father Lane's deviant behavior toward children and take necessary action to protect children.

91. The RCAB, Life Resources, and Bishop Daily breached their duties with respect to the retention and supervision of Father Lane.

92. As a direct and proximate result of that breach of duty, John Doe sustained severe and permanent personal injuries; suffered and will continue to suffer great pain of body and anguish of mind; has and will continue to be unable to pursue his usual activities; has been permanently and adversely affected in his ability to enjoy life; has incurred expenses for medical care and treatment; has suffered a crisis of faith and spiritual damage; and has suffered from the inability to trust himself and others, among other damages.

COUNT X

**INTENTIONAL/RECKLESS INFLECTION OF
EMOTIONAL DISTRESS**

(John Doe v. the RCAB, Life Resources, and Bishop Daily)

93. Plaintiffs reallege and incorporate by reference herein in their entirety the allegations contained in above paragraphs.

94. The RCAB, Life Resources, and Bishop Daily intentionally and/or recklessly assigned Father Lane to Alpha Omega and/or allowed him to remain at Alpha Omega where he had unfettered contact with children, notwithstanding the fact that they knew or were reckless in not knowing that emotional distress was likely to result from Father Lane's inappropriate conduct.

95. The RCAB's, Life Resources's, and Bishop Daily's conduct was extreme and outrageous, beyond all possible bounds of decency, and utterly intolerable in a civilized community.

96. The RCAB's, Life Resources's, and Bishop Daily's unlawful conduct directly and proximately caused John Doe's extreme emotional distress of a nature that no reasonable man could be expected to endure.

97. The RCAB's, Life Resources's, and Bishop Daily's unlawful conduct was not privileged.

COUNT XI

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

(John Doe v. the RCAB, Life Resources, and Bishop Daily)

98. Plaintiffs reallege and incorporate by reference herein in their entirety the allegations contained in above paragraphs.

99. The RCAB, Life Resources, and Bishop Daily negligently assigned Father Lane to Alpha Omega and/or allowed him to remain at Alpha Omega where he had unfettered contact with children when they knew or should have known that emotional distress was likely to result from Father Lane's inappropriate conduct.

100. The RCAB's, Life Resources's, and Bishop Daily's unlawful conduct directly and proximately caused John Doe's emotional distress, which a reasonable person would have suffered under the circumstances.

101. As a result, John Doe has suffered physical harm manifested by objective symptomatology.

COUNT XII

VIOLATION OF THE MASSACHUSETTS CIVIL RIGHTS ACT

(John Doe v. the RCAB)

102. Plaintiffs reallege and incorporate by reference herein in their entirety the allegations contained in the above paragraphs.

103. The RCAB, through Father Lane, interfered with or attempted to interfere with John Doe rights secured by the laws of the Commonwealth through threats, intimidation, or

GREENBERG
ATTORNEYS AT LAW
TRAURIG

David G. Thomas
617-310-6025
thomasda@gtlaw.com

July 30, 2002

BY ROUNDTRIP MESSENGER

Civil Clerk
Middlesex County Superior Court
40 Thorndike Street
Cambridge, MA 02141

Re: McKeever, et. al. v. Roman Catholic Archdiocese of Boston, et. al.

Dear Sir or Madam:

Enclosed for filing and docketing, please find the following documents:

1. Complaint and Jury Trial Demand;
2. Civil Action Cover Sheet;
3. Motion to Appoint Special Process Server; and
4. Filing fee of \$714.00.

Kindly date-stamp the enclosed copy of this letter and return it to the waiting messenger along with four stamped summonses .

Thank you for your attention to this matter.

Very truly yours,



David G. Thomas

DGT/pdh
Enclosures

GREENBERG TRAURIG, LLP

ONE INTERNATIONAL PLACE 3RD FLOOR BOSTON, MASSACHUSETTS 02110

617-310-6000 FAX 617-310-6001 www.gtlaw.com

MIAMI NEW YORK WASHINGTON, D.C. ATLANTA PHILADELPHIA TYSONS CORNER CHICAGO BOSTON PHOENIX WILMINGTON LOS ANGELES DENVER
FORT LAUDERDALE BOCA RATON WEST PALM BEACH ORLANDO TALLAHASSEE

coercion, including the creation, perpetuation, and tolerance of Father Lane's sexually predatory acts against children.

104. As a direct and proximate result, John Doe sustained severe and permanent personal injuries; suffered and will continue to suffer great pain of body and anguish of mind; has been and will continue to be unable to pursue his usual activities; has been permanently and adversely affected in his ability to enjoy life; has incurred expenses for medical care and treatment; has suffered a crisis of faith and spiritual damage; has suffered from the inability to trust himself and others, among other damages.

COUNT XIII

LOSS OF CONSORTIUM

(Jane Doe v. the RCAB, Life Resources, Bishop Daily, Cardinal Law, and Bishop McCormack)

105. Plaintiffs reallege and incorporate by reference herein in their entirety the allegations contained in above paragraphs.

106. MASS. GEN. LAWS, Ch. 231, § 85X provides that the parents of a minor shall have a cause of action for loss of consortium of a child who has been seriously injured against any person who is legally responsible for causing such injury.

107. Jane Doe is John Doe's mother and is a person entitled by law to the consortium provided by her son, John Doe.

108. The RCAB, Life Resources, Bishop Daily, Cardinal Law, and Bishop McCormack are legally responsible for causing John Doe's serious injuries.

109. As a direct and proximate result of their conduct, Jane Doe has been deprived of John Doe's consortium for many years and has incurred substantial costs in ensuring that John Doe receives appropriate care and treatment.

110. Consequently, the RCAB, Life Resources, Bishop Daily, Cardinal Law, and Bishop McCormack are liable, jointly and severally, for damages in accordance MASS. GEN. LAWS, Ch. 231, § 85X.

COUNT XIV

INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS

(Jane Doe v. the RCAB, Life Resources, and Bishop Daily)

111. Plaintiffs reallege and incorporate by reference herein in their entirety the allegations contained in above paragraphs.

112. The RCAB, Life Resources, and Bishop Daily intentionally and/or recklessly assigned Father Lane to Alpha Omega and/or allowed him to remain at Alpha Omega where he had unfettered contact with children, notwithstanding the fact that they knew or were reckless in not knowing that emotional distress was likely to result from Father Lane's inappropriate conduct.

113. The RCAB's, Life Resources's, and Bishop Daily's conduct was extreme and outrageous, beyond all possible bounds of decency, and utterly intolerable in a civilized community.

114. The RCAB's, Life Resources's, and Bishop Daily's unlawful conduct directly and proximately caused Jane Doe extreme emotional distress of a nature that no reasonable man could be expected to endure.

115. The RCAB's, Life Resources's, and Bishop Daily's unlawful conduct was not privileged.

COUNT XV

NEGLIGENCE/FAILURE TO WARN

(Jane Doe v. the RCAB, Life Resources, and Bishop Daily)

116. Plaintiffs reallege and incorporate by reference herein in their entirety the allegations contained in the above paragraphs.

117. The RCAB, Life Resources, and Bishop Daily knew or should have known that Father Lane had sexually molested children.

118. At all times relevant to this action, The RCAB, Life Resources, and Bishop Daily had a duty of care to warn Jane Doe of the sexual abuse complaints against Father Lane and that John Doe would be subject to an unreasonable risk of harm by exposure to Father Lane at Alpha Omega.

119. The RCAB, Life Resources, and Bishop Daily breached their duty by failing to warn Jane Doe of the risks posed by Father Lane.

120. As a direct and proximate result of those wrongful acts and omissions, Jane Doe has suffered damages.

COUNT XVI

NEGLIGENCE/PREMISES LIABILITY

(Michael v. the RCAB and Life Resources)

121. The Plaintiffs reallege and incorporate by reference herein in their entirety the allegations contained in the preceding paragraphs.

122. The RCAB and Life Resources, though their ownership, operation, and/or control of Alpha Omega, owed Michael a duty to provide safe premises free from unreasonable risks of harm.

123. Father Lane's overt acts were committed while he was acting within the scope of his employment as an agent of the RCAB and Life Resources.

124. By their unlawful conduct, the RCAB and Life Resources breached that duty.

125. As a direct and proximate result of that breach of duty, Michael sustained severe and permanent personal injuries; suffered and will continue to suffer great pain of body and anguish of mind; has and will continue to be unable to pursue his usual activities; has been permanently and adversely affected in his ability to enjoy life; has incurred expenses for medical care and treatment; has suffered a crisis of faith and spiritual damage; and has suffered from the inability to trust himself and others, among other damages.

COUNT XVII

NEGLIGENCE

(Michael v. the RCAB, Life Resources, Bishop Daily, Cardinal Law, and Bishop McCormack)

126. The Plaintiffs reallege and incorporate by reference herein in their entirety the allegations contained in the preceding paragraphs.

127. The RCAB, Life Resources, Bishop Daily, Cardinal Law, and Bishop McCormack owed Michael a duty to protect him from unreasonable risks of harm and/or to mitigate his damages once they knew or should have known of the unreasonable risks of harm he was exposed to at Alpha Omega.

128. By their unlawful conduct, the RCAB, Life Resources, Bishop Daily, Cardinal Law, and Bishop McCormack breached that duty.

129. As a direct and proximate result of that breach of duty, Michael sustained severe and permanent personal injuries; suffered and will continue to suffer great pain of body and anguish of mind; has and will continue to be unable to pursue his usual activities; has been

permanently and adversely affected in his ability to enjoy life; has incurred expenses for medical care and treatment; has suffered a crisis of faith and spiritual damage; and has suffered from the inability to trust himself and others, among other damages.

COUNT XVIII

NEGLIGENT RETENTION/SUPERVISION

(Michael v. the RCAB, Life Resources, and Bishop Daily)

130. The Plaintiffs reallege and incorporate by reference herein in their entirety the allegations contained in the above paragraphs.

131. The RCAB, Life Resources, and Bishop Daily owed Michael a duty to retain and/or supervise competent, fit, and otherwise qualified priests or employees.

132. The RCAB, Life Resources, and Bishop Daily also owed Michael a duty to thoroughly investigate reports made concerning Father Lane's deviant behavior toward children and take necessary action to protect children.

133. The RCAB, Life Resources, and Bishop Daily breached their duties with respect to the retention and supervision of Father Lane.

134. As a direct and proximate result of that breach of duty, Michael sustained severe and permanent personal injuries; suffered and will continue to suffer great pain of body and anguish of mind; has and will continue to be unable to pursue his usual activities; has been permanently and adversely affected in his ability to enjoy life; has incurred expenses for medical care and treatment; has suffered a crisis of faith and spiritual damage; and has suffered from the inability to trust himself and others, among other damages.

COUNT XIX

**INTENTIONAL/RECKLESS INFLICTION OF
EMOTIONAL DISTRESS**

(Michael v. the RCAB, Life Resources, and Bishop Daily)

135. Plaintiffs reallege and incorporate by reference herein in their entirety the allegations contained in above paragraphs.

136. The RCAB, Life Resources, and Bishop Daily, intentionally and/or recklessly assigned Father Lane to Alpha Omega and/or allowed him to remain at Alpha Omega where he had unfettered contact with children, notwithstanding the fact that they knew or were reckless in not knowing that emotional distress was likely to result from Father Lane's inappropriate conduct.

137. The RCAB's, Life Resources's, and Bishop Daily's conduct was extreme and outrageous, beyond all possible bounds of decency, and utterly intolerable in a civilized community.

138. The RCAB's, Life Resources's, and Bishop Daily's conduct directly and proximately caused Michael's extreme emotional distress of a nature that no reasonable man could be expected to endure.

139. The RCAB's, Life Resources's, Bishop Daily's, Cardinal Law's, and Bishop McCormack's unlawful conduct was not privileged.

COUNT XX

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

(Michael v. the RCAB, Life Resources, and Bishop Daily)

140. Plaintiffs reallege and incorporate by reference herein in their entirety the allegations contained in above paragraphs.

141. The RCAB, Life Resources, and Bishop Daily negligently assigned Father Lane to Alpha Omega and/or allowed him to remain at Alpha Omega where he had unfettered contact with children when they knew or should have known that emotional distress was likely to result from Father Lane's inappropriate conduct.

142. The RCAB's, Life Resources's, and Bishop Daily's unlawful conduct directly and proximately caused Michael's emotional distress, which a reasonable person would have suffered under the circumstances.

143. As a result, Michael has suffered physical harm manifested by objective symptomatology.

COUNT XXI

VIOLATION OF THE MASSACHUSETTS CIVIL RIGHTS ACT

(Michael v. the RCAB)

144. Plaintiffs reallege and incorporate by reference herein in their entirety the allegations contained in the above paragraphs.

145. The RCAB, through Father Lane, interfered with or attempted to interfere with Michael's rights secured by the laws of the Commonwealth through threats, intimidation, or coercion, including the creation, perpetuation, and tolerance of Father Lane's sexually predatory acts against children.

146. As a direct and proximate result, Michael sustained severe and permanent personal injuries; suffered and will continue to suffer great pain of body and anguish of mind; has been and will continue to be unable to pursue his usual activities; has been permanently and adversely affected in his ability to enjoy life; has incurred expenses for medical care and treatment; has suffered a crisis of faith and spiritual damage; has suffered from the inability to

trust himself and others, among other damages.

COUNT XXII

BREACH OF FIDUCIARY DUTY

(The Plaintiffs v. the RCAB, Bishop Daily, Cardinal Law, and Bishop McCormack)

147. Plaintiffs reallege and incorporate by reference herein in their entirety the allegations contained in above paragraphs.

148. At all relevant times, the RCAB, Bishop Daily, Cardinal Law, and Bishop McCormack fostered, encouraged and supported the relationship between the Plaintiffs and Father Lane and had a duty to exercise reasonable care in, among other things, not exposing children entrusted to their care to known risks of harm; to retain and supervise competent, fit, and otherwise qualified priests for the RCAB; to investigate the reports made to them concerning Father Lane; and to take prompt remedial action including, but not limited to, notifying children who had been exposed to Father Lane, as well as their parents, so that they could receive help and mental health treatment to ameliorate any further harm to himself and his family.

149. The RCAB, Bishop Daily, Cardinal Law, and Bishop McCormack, as fiduciaries to the children entrusted to their care and attention, owed the children a duty of trust and loyalty.

150. The RCAB, Bishop Daily, Cardinal Law and Bishop McCormack breached the fiduciary duty they owed to the Plaintiffs and abused their position of trust and confidence.

151. As a direct and proximate result of the RCAB's, Bishop Daily's, Cardinal Law's, and Bishop McCormack's breach of fiduciary duty, the Plaintiffs have suffered damages.

REQUESTS FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court:

A. With respect to Count I, enter judgment for Patrick and order the RCAB and Life Resources, jointly and severally, to pay forthwith his damages in an amount to be determined by this Court, plus interests, costs, and attorneys' fees.

B. With respect to Count II, enter judgment for Patrick and order the RCAB, Life Resources, Bishop Daily, Cardinal Law, and Bishop McCormack, jointly and severally, to pay forthwith his damages in an amount to be determined by this Court, plus interests, costs, and attorneys' fees.

C. With respect to Count III, enter judgment for Patrick and order the RCAB, Life Resources, and Bishop Daily, jointly and severally, to pay forthwith his damages in an amount to be determined by this Court, plus interests, costs, and attorneys' fees.

D. With respect to Count IV, enter judgment for Patrick and order the RCAB, Life Resources, and Bishop Daily, jointly and severally, to pay forthwith his damages in an amount to be determined by this Court, plus interests, costs, and attorneys' fees.

E. With respect to Count V, enter judgment for Patrick and order the RCAB, Life Resources, and Bishop Daily, jointly and severally, to pay forthwith his damages in an amount to be determined by this Court, plus interests, costs, and attorneys' fees.

F. With respect to Count VI, enter judgment for Patrick and order the RCAB, to pay forthwith his damages in an amount to be determined by this Court, plus interests, costs, punitive damages and attorneys' fees.

G. With respect to Count VII, enter judgment for John Doe and order the RCAB and Life Resources, jointly and severally, to pay forthwith his damages in an amount to be

determined by this Court, plus interests, costs, and attorneys' fees.

H. With respect to Count VIII, enter judgment for John Doe and order the RCAB, Life Resources, Bishop Daily, Cardinal Law, and Bishop McCormack, jointly and severally, to pay forthwith his damages in an amount to be determined by this Court, plus interests, costs, and attorneys' fees.

I. With respect to Count IX, enter judgment for John Doe and order the RCAB, Life Resources, and Bishop Daily, jointly and severally, to pay forthwith his damages in an amount to be determined by this Court, plus interests, costs, and attorneys' fees.

J. With respect to Count X, enter judgment for John Doe and order the RCAB, Life Resources, and Bishop Daily, jointly and severally, to pay forthwith his damages in an amount to be determined by this Court, plus interests, costs, and attorneys' fees.

K. With respect to Count XI, enter judgment for John Doe and order the RCAB, Life Resources, and Bishop Daily, jointly and severally, to pay forthwith his damages in an amount to be determined by this Court, plus interests, costs, and attorneys' fees.

L. With respect to Count XII, enter judgment for John Doe and order the RCAB to pay forthwith his damages in an amount to be determined by this Court, plus interests, costs, punitive damages and attorneys' fees.

M. With respect to Count XIII, enter judgment for Jane Doe and order the RCAB, Life Resources, Bishop Daily, Cardinal Law, and Bishop McCormack jointly and severally, to pay forthwith her damages in an amount to be determined by this Court, plus interests, costs, and attorneys' fees.

N. With respect to Count XIV, enter judgment for Jane Doe and order the RCAB, Life Resources, and Bishop Daily, jointly and severally, to pay forthwith her damages in an

amount to be determined by this Court, plus interests, costs, and attorneys' fees.

O. With respect to Count XV, enter judgment for Jane Doe and order the RCAB, Life Resources, and Bishop Daily, jointly and severally, to pay forthwith her damages in an amount to be determined by this Court, plus interests, costs, and attorneys' fees.

P. With respect to Count XVI, enter judgment for Michael and order the RCAB and Life Resources, jointly and severally, to pay forthwith his damages in an amount to be determined by this Court, plus interests, costs, and attorneys' fees.

Q. With respect to Count XVII, enter judgment for Michael and order the RCAB, Life Resources, Bishop Daily, Cardinal Law, and Bishop McCormack, jointly and severally, to pay forthwith his damages in an amount to be determined by this Court, plus interests, costs, and attorneys' fees.

R. With respect to Count XVIII, enter judgment for Michael and order the RCAB, Life Resources, and Bishop Daily, jointly and severally, to pay forthwith his damages in an amount to be determined by this Court, plus interests, costs, and attorneys' fees.

S. With respect to Count XIX, enter judgment for Michael and order the RCAB, Life Resources, and Bishop Daily, jointly and severally, to pay forthwith his damages in an amount to be determined by this Court, plus interests, costs, and attorneys' fees.

T. With respect to Count XX, enter judgment for Michael and order the RCAB, Life Resources, and Bishop Daily, jointly and severally, to pay forthwith his damages in an amount to be determined by this Court, plus interests, costs, and attorneys' fees.

U. With respect to Count XXI, enter judgment for Michael and order the RCAB to pay forthwith his damages in an amount to be determined by this Court, plus interests, costs, punitive damages and attorneys' fees.

V. With respect to Count XXII, enter judgment for all Plaintiffs and order the RCAB, Bishop Daily, Cardinal Law and Bishop McCormack, jointly and severally, to pay forthwith their damages in an amount to be determined by this Court, plus interests, costs, and attorneys' fees.

JURY DEMAND

PLAINTIFFS DEMAND A JURY TRIAL ON ALL ISSUES SO TRIABLE.

PATRICK MCKEEVER, MICHAEL
ACETO, JOHN DOE, and JANE DOE,

By their attorneys:



Roderick MacLeish, Jr., BBO #388110
Gina Dines Holness, BBO #557714
David G. Thomas, BBO # 640854
Greenberg Traurig, LLP.
One International Place, Third Floor
Boston, MA 02110
Tel: (617) 310-6000
Fax: (617) 310-6001

Dated: July 30, 2002