

2010 01T No. 2027

IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
TRIAL DIVISION

BETWEEN: **TODD BOLAND** **PLAINTIFF**

AND: **RAYMOND LAHEY** **FIRST DEFENDANT**

AND: **ROMAN CATHOLIC EPISCOPAL**
 CORPORATION OF ST. JOHN'S **SECOND DEFENDANT**

STATEMENT OF CLAIM

1. The Plaintiff is a resident of the City of St. John's, in the Province of Newfoundland and Labrador.
2. The First Defendant, Raymond Lahey, is presently residing in the City of Ottawa, in the Province of Ontario, and at all material times to this action was employed as a Roman Catholic Priest by Archbishop Alphonsus Penney ("Archbishop Penney") and the Second Defendant, in the Archdiocese of St. John's, in the Province of Newfoundland and Labrador, and as such was under the control and direction of Archbishop Penney and the Second Defendant. In particular, the First Defendant was employed by Archbishop Penney and the Second Defendant from August 11, 1982 to July 8, 1986 as a Roman Catholic Priest at St. Peter's Parish in the Archdiocese of St. John's and as Vicar General of the Archdiocese of St. Johns from August 1981 to July 8, 1986.
3. The Second Defendant, the Roman Catholic Episcopal Corporation of St. John's, is a corporation sole by virtue of an Act of the Newfoundland and Labrador House of Assembly, entitled *An Act to Incorporate the Roman Catholic Bishop of St. John's* (Nfld) Act. 3.Geo. V.c.10, as amended, and as such incorporates the Roman Catholic Archbishop of the Archdiocese of St. John's in the Province of Newfoundland and Labrador, carrying out the

Filed April 7/10 [Signature]

religious, charitable and educational purposes and uses of the Roman Catholic Church within the aforesaid Archdiocese, including the appointment, control and direction of its parish priests, such as the First Defendant.

4. Between 1979 and 1991, Alphonsus Penney was the Roman Catholic Archbishop of the Archdiocese of St. John's in the Province of Newfoundland and Labrador and as such was the head of the Roman Catholic Church, within the Archdiocese, embodied by the Roman Catholic Episcopal Corporation of St. John's, and was at all material times to the within action vicariously liable for the actions and inactions of the First Defendant in the latter's employment as a Roman Catholic Priest within the aforesaid Archdiocese.
5. Archbishop Martin Currie is the current Archbishop of the Archdiocese of St. John's in the Province of Newfoundland and Labrador and as such is the head of the Roman Catholic Church, within the Archdiocese, embodied by the Roman Catholic Episcopal Corporation of St. John's, and is the successor of Alphonsus Penney, who was directly responsible for the control and direction of the First Defendant in the latter's employment as Roman Catholic Priest within the said Archdiocese. Archbishop Martin Currie, as the Archbishop of St. Johns, and as embodied by the Roman Catholic Episcopal Corporation of St. John's, is vicariously liable for the actions and inactions of Archbishop Penney and the First Defendant.
6. The Plaintiff is Roman Catholic, and at all material times to this action, was a resident of Mount Cashel Orphanage in the City of St. John's, in the Province of Newfoundland and Labrador.
7. Beginning in 1982 and continuing through 1985, the Plaintiff became acquainted with the First Defendant when the latter performed pastoral services at Mount Cashel Orphanage in St. John's. During this time, the First Defendant frequently took the Plaintiff on outings in and around the City of St. John's, which outings included, but were not limited to, fishing

trips and the like.

8. The Plaintiff states that all material times to the within action, the First Defendant held the office of Roman Catholic Priest and discharged duties commensurate with the office of a Roman Catholic Priest. The Plaintiff states that during the period referred to in the preceding paragraph, the First Defendant sexually assaulted the Plaintiff, which assaults included, but were not limited to acts of fondling, frottage and simulated anal intercourse.
9. Archbishop Penney and the Defendants were under a positive fiduciary duty to protect the Plaintiff from injury to his person and physical or mental health or morals, and Archbishop Penney and the Defendants knew or ought to have known that the Plaintiff would suffer damages if Archbishop Penney and the Defendants failed to carry out their duty.
10. Archbishop Penney and the Second Defendant knew or ought to have known of the actions, activities, and propensities of the First Defendant, but continued to employ him as a parish priest being aware that doing so would result in the continuing exposure of vulnerable persons, such as the Plaintiff, to the illicit attentions of the First Defendant.
11. The Plaintiff repeats the foregoing and states that as a result of the actions of the First Defendant and of the further actions and negligence and breach of fiduciary and other statutory and common law duties of Archbishop Penney and the Second Defendant, the Plaintiff has suffered damages and losses, some particulars of which are as follows:
 - (a) physical pain;
 - (b) mental suffering and anguish, including but not limited to nervous shock and humiliation;
 - (c) loss of enjoyment of life;

- (d) impairment of his opportunity to experience a normal adolescence and adulthood;
- (e) impairment of his ability and opportunity to obtain and complete an education appropriate to his abilities and aptitude;
- (f) impairment of his ability to earn an income and support himself; and
- (g) impairment of his mental health and well-being.

12. The Plaintiff repeats the foregoing and states that Archbishop Penney and the Defendants breached their duty to the Plaintiff in that the First Defendant, as an employee of Archbishop Penney and the Second Defendant and being under the control and direction of same, did willfully and/or negligently inflict pain and suffering, mental suffering, humiliation and degradation upon the Plaintiff, assaulted the Plaintiff, and interfered with the normal healthy upbringing of the Plaintiff.

13. Archbishop Penney and the Second Defendant were negligent and breached their trust and their fiduciary, statutory and other duties towards the Plaintiff, some particulars of which are as follows:

- (a) failure to protect the Plaintiff from the First Defendant having been aware that the Plaintiff, as a young boy, was vulnerable to the attentions and influence of the First Defendant;
- (b) failure to remove the First Defendant from his duties as a parish priest when Archbishop Penney and the Second Defendant knew, or ought to have known, of sexual misconduct during the posting of the First Defendant to the parish stated herein, thereby leaving young males, such as the Plaintiff, vulnerable to the First Defendant's improper and illicit intentions;

- (c) failure to properly supervise and to give proper guidance, direction, and control to their employee, the First Defendant;
- (d) failure to warn the Plaintiff about the First Defendant's propensities and/or past allegations made against the First Defendant;
- (e) failure to counsel and assist the Plaintiff once they learned of the First Defendant's actions;
- (f) failure, in general, to take proper and reasonable steps to prevent injury to the Plaintiff's mental and physical well-being and moral safety while the Plaintiff was in the company of the First Defendant;
- (g) failure to take proper and reasonable steps to ensure that its priests were adequately screened prior to being placed in positions where they would be left alone with children and young persons; and
- (h) such other negligence as may appear.


14. The Plaintiff repeats the preceding paragraphs and states that the Second Defendant is vicariously liable for the actions of the First Defendant and Archbishop Penney.

15. The Plaintiff repeats the foregoing and states the damages suffered by the Plaintiff are a result of the negligence and/or willful actions of the First Defendant, Archbishop Penney and the Second Defendant, for which the Plaintiff claims:

- (a) general damages
- (b) aggravated damages;
- (c) special damages;

- (d) exemplary and punitive damages;
- (e) costs; and
- (f) such other relief as this Honourable Court deems just and meet.

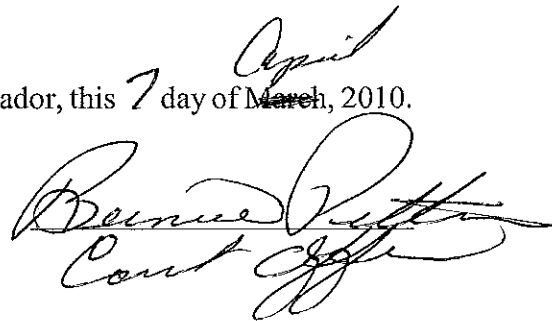
DATED at St. John's in the Province of Newfoundland and Labrador this 30th day of March, 2010.


STACK & ASSOCIATES
Solicitors for the Plaintiff
Whose Address for Service is:
135 Campbell Avenue
St. John's, NL A1E 2Z5

TO: The First Defendant
Raymond Lahey

TO: The Second Defendant
Roman Catholic Episcopal Corporation of St. John's
c/o Cox and Palmer
Solicitors for the First Defendant
Suite 1000, Scotia Centre
235 Water Street
St. John's, NL A1C 1B6
Attn: Mr. Thomas O'Reilly, Q.C.

ISSUED at St. John's, in the Province of Newfoundland and Labrador, this ^{7 April} ~~30~~ day of ~~March~~, 2010.


Court Officer