

J.E.,
Plaintiff,
v.

CIVIL ACTION NO. 19-C-77
JUDGE: David J. Sims

UNITED STATES CONFERENCE OF CATHOLIC BISHOPS,
DIOCESE OF WHEELING-CHARLESTON,
BISHOP MICHAEL J. BRANSFIELD and
JOHN DOES 1-20,

Defendants.

COMPLAINT

COMES NOW the Plaintiff, J.E.¹, by counsel, Warner Law Offices, PLLC, and for his Complaint against the Defendants, United States Conference of Catholic Bishops, Diocese of Wheeling-Charleston, Bishop Michael J. Bransfield and John Does 1-20, and alleges and avers as follows:

1. The Plaintiff J.E. is currently a resident of Pocahontas County, West Virginia. At all times relevant hereto, J.E. was a resident of St. Clairsville, Ohio.

2. Upon information and belief, the United States Conference of Catholic Bishops is the episcopal conference of the Catholic Church in the United States, composed of all active and retired members of the Catholic hierarchy and is a non-for-profit corporation organized in the District of Columbia. At all times relevant herein, Defendant Bishop Michael Bransfield was a member and secretary general of the Conference.

¹ Consistent with the practice of the West Virginia Supreme Court of Appeals, in cases involving sensitive matters and/or minor children, only the initials of the victim is used. See e.g., *Holmes v. Ballard*, 2013 W.Va. LEXIS 353 (W.Va. 2013); *State v. Edward Charles L.*, 183 W.Va. 641, 645 n. 1, 398 S.E.2d 123, 127 n.1 (1990).

3. Upon information and belief, Defendant Diocese of Wheeling-Charleston, was and continues to be a Roman Catholic organization and a non-profit religious corporation conducting business in the State of West Virginia with a principal place of business located in Wheeling, Ohio County, West Virginia. At all times relevant herein, Defendant Bishop Michael Bransfield was the Bishop of the Diocese of Wheeling-Charleston.

4. At all times relevant herein, Defendant Bishop Michael J. Bransfield (hereinafter sometimes referred to as "Bishop Bransfield") was the Bishop and head of the Diocese of Wheeling-Charleston and a resident of Ohio County, West Virginia.

5. Upon information and belief, Defendants DOES 1-10, are members of the Catholic Church and employees and/or agents of the United States Conference of Catholic Bishops who are not residents of the State of West Virginia.

6. Upon information and belief, Defendant DOES 11-20, are members of the Catholic Church and employees and/or agents of the Diocese of Wheeling-Charleston.

7. Upon information and belief, DOES 1-20, were the co-conspirators, employees, agents, ostensible agents, joint venturers, officers and/or representatives, each of whom assisted in, covered up, authorized and ratified the wrongful conduct of Bishop Michael Bransfield.

JURISDICTION AND VENUE

8. Many of the incidents which form the basis of this Complaint occurred in Ohio County, West Virginia at Bishop Bransfield's office, house and at the Cathedral of St. Joseph of Wheeling.

9. This Court has personal jurisdiction over the Defendant, United States Conference of Catholic Bishops pursuant to West Virginia Code §56-3-33, as this Defendant has caused a tortious injury in the State of West Virginia and otherwise conducts business in and directs activity toward the State of West Virginia.

10. This Court has personal jurisdiction over the Defendants, Diocese of Wheeling-Charleston and Bishop Michael Bransfield as they are each residents of the State of West Virginia, regularly conducting business in Ohio County, West Virginia and causing tortious injury in the State of West Virginia.

11. This Court has personal jurisdiction over the Defendants, John Does 1-20, pursuant to West Virginia Code §56-3-33, as each of them, respectively, caused a tortious injury in the State of West Virginia.

12. Venue is appropriate in accordance with West Virginia Code §56-1-1(a)(2).

FACTS RELEVANT TO ALL COUNTS

13. Bishop Michael Bransfield was ordained to the priesthood by Cardinal John Krol on May 15, 1971. In 1987, Pope John Paul II named Bishop Bransfield as an honorary prelate. Bishop Bransfield was named assistant director of liturgy in 1980; director of finance in 1982, and director of the National Shrine of the Immaculate Conception in 1986. In 1990, Bishop Bransfield was named the first rector of the newly named Basilica of the National Shrine of the Immaculate Conception, where he remained until 2004.

14. On December 4, 2004, Bishop Bransfield was appointed the eighth Bishop of the Diocese of Wheeling-Charleston by Pope John Paul II.

15. On February 22, 2005, Bishop Bransfield received episcopal consecration from Cardinal William Henry Keeler, with Cardinal Theodore Edgar McCarrick and Bishop Bernard William Schmitt serving as co-consecrators at St. Joseph's Cathedral in Wheeling, West Virginia.

16. Bishop Bransfield was trustee and president of The Papal Foundation which purportedly raises millions of dollars for Vatican projects and sat on the Board of Trustees of St. Charles Borromeo Seminary and the Basilica of the National Shrine of the Immaculate Conception.

17. At all times relevant herein, Bishop Bransfield was a member of the Knights of Columbus and the Knights of the Holy Sepulchre.

18. At all times relevant herein, Bishop Bransfield was a member of the United States Conference of Catholic Bishops, serving as treasurer for the organization and sitting on the Communications Committee and National Collections Committee.

19. At all times relevant herein, and beginning with his consecration and appointment as the Bishop of the Diocese of Wheeling-Charleston, Defendant Bishop Bransfield was employed by the Diocese of Wheeling -Charleston and was in charge of the congregation, and by and through his employment, Bishop Bransfield interacted with countless adolescent boys in the church and community and quickly gained the trust of parents and children.

20. The Diocese of Wheeling-Charleston covers the entire State of West Virginia; the Bishop of the Diocese of Wheeling-Charleston is the head of the Catholic Church and all of its operations in the State of West Virginia.

21. Plaintiff J.E. was raised to trust, revere and respect the Catholic Church including its employees, agents and servants. Plaintiff came into contact with Defendant Bishop Bransfield

through his attendance and participation at the Cathedral of St. Joseph, which Bishop Bransfield was acting as an employee, agent and head of the Diocese of Wheeling-Charleston.

22. Upon information and belief, during his tenure as Bishop, the Diocese of Wheeling-Charleston covered all living expenses for Bishop Bransfield, including the purchase of all food and drink consumed by the Bishop, as well as providing a personal chef.

23. Upon information and belief, at all times relevant herein, Bishop Bransfield was a binge drinker of alcohol, nightly consuming one-half (1/2) to one whole bottle of Cointreau liquor, an 80 proof orange flavored alcohol, costing well over Twenty Dollars (\$20.00) a bottle.

24. Upon information and belief, Defendant Bishop Bransfield was known to Defendants to drink until he was intoxicated at which point he would engage in grossly inappropriate behavior, including but not limited to making sexually suggestive gestures, hugging, kissing, inappropriately touching and fondling seminarians.

25. At all times relevant herein, Defendant Bishop Bransfield was a sexual predator with lustful disposition toward adolescent males. After being placed in a position of trust by Defendants, Bishop Bransfield sexually abused, molested, fondled, and assaulted J.E. and other adolescent and 'adult' males, by, through and during his employment as Bishop with the Diocese of Wheeling-Charleston.

26. Upon information and belief, in 2007, the Defendants became aware of a complaint that Bishop Bransfield had fondled a young male under his care and supervision, and yet took no action to appropriately investigate, counsel or sanction Bishop Bransfield.

27. In approximately 2008, J.E. became part of the pontifical crew servicing Bishop Bransfield during mass held at the Cathedral of St. Joseph's in Wheeling, West Virginia. At Bishop Bransfield's request, J.E. eventually became the personal altar server to Bishop Bransfield.

28. During his tenure on the pontifical crew and while he was a seminarian, J.E. was subjected to sexually suggestive gestures, hugging, kissing, inappropriate touching and fondling by Bishop Bransfield with the full knowledge of other employees, agents and servants of the Diocese of Wheeling-Charleston.

29. In 2012, during a trial of Catholic Church leaders in Philadelphia, Bishop Bransfield was accused by two (2) witnesses of associating with a priest who sexually abused minors and of being aware of the sexual abuse. Bishop Bransfield was accused of allowing the Philadelphia priest to sexually abuse children at a beach house he owned on the New Jersey shore.

30. These allegations were allegedly investigated by the Catholic Church and no harm to his stature or reputation, no discipline, counseling, additional supervision or demotion was issued to Bishop Bransfield by the Catholic Church.

31. J.E. was thereafter hand selected by Bishop Bransfield to serve as his interim secretary. As was the usual custom with Bishop Bransfield's secretary, Bishop Bransfield lobbied to have J.E. move into his home and live with the Bishop full time. Monsignor Kevin M. Quirk, rector of the Cathedral of St. Joseph, knowing Bishop Bransfield's illegal and improper propensities toward molestation of young males, fought to keep J.E. from moving into Bishop Bransfield's home, but did so in a manner that protected Bishop Bransfield's true nature as a sexual predator.

32. While acting as the interim secretary for Bishop Bransfield, J.E. was required to travel with the Bishop around the Diocese. In May of 2014, during a multi-day trip to Charleston, West Virginia, to conduct mass, Bishop Bransfield was drinking heavily and inadvertently locked himself out of the parish. Msgr. Kevin M. Quirk, a member of the executive staff to Bishop

Bransfield, telephoned J.E. late at night to have him unlock the parish doors and let in the drunken Bishop Bransfield.

33. Initially Msgr. Kevin M. Quirk agreed to stay on the telephone with J.E. while he let Defendant Bishop Bransfield into the parish, but upon opening the door and letting Bishop Bransfield in the home, J.E. ended the conversation in order to be able to assist the drunken Bishop Bransfield into the parish.

34. Once inside the parish, Defendant Bishop Bransfield exposed his erect penis, grabbed J.E. from behind, pulled J.E. against him, running his hands down J.E.'s chest and over his genitals. J.E. struggled free of Bishop Bransfield's grasp, ran into another part of the parish and locked himself in a room until daylight.

35. J.E. was mortified and emotionally traumatized by the attack. The following morning Bishop Bransfield acted as if nothing had happened and carried on with Church business as usual.

36. Since he was a young boy J.E. had dreamed of going to seminary and becoming a priest. However, the Rev. Monsignor Paul A. Hudock, who was previously Bishop Bransfield's secretary, and who was then Director of the Office of Vocations, did not believe J.E. was "right" for the clergy and worked to make J.E.'s admission into seminary school difficult.

37. Following his attack on J.E., Bishop Bransfield pulled rank and got J.E. admitted to seminary over the objection of Msgr. Hudock.

38. J.E. did not excel in seminary school. He found himself overcome with depression and suffering a severe crisis of faith as a result of the behavior of Bishop Bransfield and the sexual assault he had endured.

39. J.E. dropped out of seminary school after which he was effectively ostracized by his former colleagues and friends. J.E. has had no further involvement in the Catholic Church and struggles to find purpose and meaning in his life, having lost forever the lifelong dream of joining the clergy.

40. In July of 2018, Bishop Bransfield's close associate, Cardinal Theodore E. McCarrick, from whom Bishop Bransfield received episcopal consecration in February of 2005, resigned from the College of Cardinals amidst allegations that he molested an altar server and coerced adult seminary students to sleep in his bed.

41. Pope Francis is reported to have assigned Cardinal McCarrick to "live in seclusion, prayer and penance" while he awaits the outcome of the canonical process alleged to be investigating the allegations against him.

42. Defendant Bishop Bransfield was allowed to continue his ministry and sexually deviant behaviors completely unhindered for years.

43. J.E. did not dare report Bishop Bransfield's conduct for fear of reprisal. J.E., being part of the Bishop's inner circle, had seen the treatment and ostracism of once highly regarded church members who had dared to criticize or speak ill of the Catholic Church or Bishop Bransfield. J.E. was fearful of retribution not only for himself, but also for his parents and members of his extended family.

44. In September of 2018, five days past his 75th birthday, the age at which it is customary for bishops to offer to resign and retire, Pope Francis accepted Bishop Bransfield's resignation amidst allegations of misconduct.

45. Upon information and belief, following Defendant Bishop Bransfield's resignation, his second in command, Msgr. Frederick P. Annie, has been removed from his post amidst

allegations of misconduct, which include knowledge of Bishop Bransfield's sexual deviancy, as well as allegations of missing church funds.

46. It was not until the recent public invitation by the Diocese of Wheeling-Charleston inviting anyone who has been victimized by a priest to report their experiences that J.E. believed he might be able to safely tell his story without retribution coming to him or his family.

COUNT I-SEXUAL HARASSMENT/SEXUAL ASSAULT

47. Plaintiff incorporates by reference all of the preceding paragraphs of this Complaint as if fully set forth herein.

48. Defendant Bishop Bransfield engaged in sexual harassment under the West Virginia Human Rights Act, West Virginia Code §5-11-1, *et. seq.*, based upon a hostile and/or abusive work and volunteer environment.

49. Defendant Bishop Bransfield did, without permission, wrongfully and unlawfully expose his erect penis, grabbed J.E. from behind, pulled J.E. against him, running his hands down J.E.'s chest and over his genitals. This inappropriate sexual action caused J.E. to be denied an equal opportunity in the workplace because he had to work in an atmosphere which was oppressive and in which J.E. feared for his personal safety and well-being. This harassment created a hostile work environment which caused J.E. great humiliation, embarrassment and emotional distress.

50. Defendant Bishop Bransfield's conduct was unwelcomed by J.E. and was done without J.E.'s permission.

51. Defendant Bishop Bransfield's conduct was based upon sex, as such conduct would not have been directed on a female employee.

52. Defendant Diocese of Wheeling-Charleston failed to take any action to stop such wrongful and unlawful conduct and failed to make any attempt to exercise restraint over the amount of alcohol it provided and made available to Bishop Bransfield.

53. Plaintiff J.E.'s working conditions were severely altered, as he was no longer able to feel safe from being physically violated by Bishop Bransfield, created a hostile and abusive working environment which was so intolerable that J.E. sought ways to leave his employment with Diocese of Wheeling-Charleston.

54. As a direct and proximate result of such wrongful and unlawful conduct, J.E. suffered personal injuries and damages, including but not limited to permanent psychological injuries, past and future medical/psychological bills, past and future pain, suffering and mental anguish, past and future loss of enjoyment of life, past and future humiliation, embarrassment, indignity and shame, economic damages, diminished earning capacity and future lost wages, and other general and special damages afforded under West Virginia law.

COUNT II - NEGLIGENT CONDUCT

55. Plaintiff incorporates by reference all of the preceding paragraphs of this Complaint as if fully set forth herein.

56. The Defendant Diocese of Wheeling-Charleston owed J.E. a duty of care to effectively screen monitor and supervise its clergy.

57. The Defendant Diocese of Wheeling-Charleston owed J.E. a duty of care to appropriately respond to suspicions, complaints and reports regarding the conduct of its clergy.

58. Having received a complaint of sexual abuse and harassment, the Defendant Diocese of Wheeling-Charleston, owed J.E. a special duty to act appropriately upon the complaints by virtue of its special relationship with the Plaintiff, J.E.

59. The Defendant Diocese of Wheeling-Charleston owed J.E. a duty of care to provide him with a safe environment while performing volunteer services as member of the pontifical crew and also while employed as a member of its staff.

60. The Defendant Diocese of Wheeling-Charleston owed J.E. a duty of care to keep him free from sexual harassment, sexual assault, intimidation and retaliation from its administration and staff.

61. The Defendant Diocese of Wheeling-Charleston breached its duty of care to J.E. when it failed to properly supervise its clergy and allowed multiple incidents of sexual abuse, harassment, assault, molestation, physical restraint and intimidation to occur on its property and under its watch.

62. The Defendant Diocese of Wheeling-Charleston breached its duty of care to J.E. when it failed to retain, train and/or supervise its employees, including but not limited to Defendant Bishop Bransfield, and his staff and other clergy to properly respond to complaints of sexual assault and harassment.

63. The Defendant Diocese of Wheeling-Charleston breached its duty of care to J.E. when it failed to appropriately respond to suspicions, complaints and reports that Defendant Bishop Bransfield was sexually abusing, harassing, assaulting, and intimidating other male altar boys under its care and watch.

64. As a direct and proximate result of the Defendant Diocese of Wheeling-Charleston's negligent and/or reckless acts and/or omissions, J.E. has suffered personal injury and damages including but not limited to permanent psychological injuries, past and future medical/psychological bills, past and future pain, suffering and mental anguish past and future loss

of enjoyment of life, past and future humiliation, embarrassment, indignity and shame, economic losses, diminished earning capacity and future lost wages.

COUNT III – NEGLIGENCE, MISFEASANCE, NONFEASANCE,
CARELESSNESS AND/OR RECKLESSNESS

65. Plaintiff incorporates by reference all of the preceding paragraphs of this Complaint as if fully set forth herein.

66. The Defendants John Does 1-10, as agents, representatives and/or employees of the Diocese of Wheeling-Charleston owed J.E. a duty of care to provide him with a safe environment during his church service, while employed by the church and while traveling to and from church in the company of church personnel for church sanctioned activities and business.

67. Defendants John Does 1-10, as agents, representatives and/or employees of the Defendant Diocese of Wheeling-Charleston, owed J.E. a duty, *in loco parentis*, to observe, investigate, report and take action on all inappropriate interaction between altar boys and clergy, especially interaction involving allegations of sexual assault, harassment, molestation, fondling, etc.

68. Defendants John Does 1-10, in their capacity as agents, representatives and/or employees of the Diocese of Wheeling-Charleston, failed to properly investigate allegations of sexual abuse by other adolescent males, failed to appropriately supervise Bishop Bransfield and failed to respond to credible reports that Bishop Bransfield was sexually assaulting, harassing and intimidating male altar boys and male staff at the Church, including but not limited to J.E.

69. Defendants John Does 1-10 in their capacity as agents, representatives and/or employees of the Diocese of Wheeling-Charleston in response to credible reports that Bishop Bransfield was sexually assaulting, harassing and intimidating altar boys at the Cathedral of St. Joseph, including but not limited to J.E., actively sought to cover up and discourage the allegations

and actively intimidated, harassed and retaliated against J.E. and other altar boys for making said complaints.

70. In the alternative, the actions of the Defendants were willful, wanton and/or undertaken with conscious, reckless and outrageous indifference to the health, safety and welfare of J.E., the pontifical crew and church staff

71. As a direct and proximate result of the Defendants John Does 1-10's negligence, misfeasance, nonfeasance, carelessness and/or recklessness, J.E. has suffered personal injury and damages including but not limited to permanent psychological injuries, past and future medical/psychological bills, past and future pain, suffering and mental anguish, past and future loss of enjoyment of life, past and future humiliation, embarrassment, indignity and shame, economic losses, diminished earning capacity and future lost wages.

COUNT IV – VICARIOUS LIABILITY

72. Plaintiff incorporates by reference all of the preceding paragraphs of this Complaint as if fully set forth herein.

73. Defendants were acting as the agents, representatives and employees of the Catholic Church and the Diocese of Wheeling-Charleston while selecting and appointing the agents/employees/servants of, and/or while preaching and working at the Cathedral of St. Joseph.

74. The Defendant Diocese of Wheeling-Charleston is liable for injury to J.E. caused by its agents/employees Defendant Bishop Bransfield and John Does 1-10 in the course and scope of their employment.

75. The Defendants Bishop Bransfield and John Does 1-10 were acting as the agents, representatives and/or employees of the Defendant Diocese of Wheeling-Charleston while supervising the altar boys at the Cathedral of St. Joseph; while investigating the allegations of

others against Bishop Bransfield; and while supervising and disciplining Bishop Bransfield following reports of abuse.

76. The Defendant Diocese of Wheeling-Charleston is liable for injury to J.E. caused by the negligent performance of their duties and acts by its employees Defendants Bishop Bransfield and John Does 1-10 while engaged within the course and scope of their employment.

77. As a direct and proximate result of the acts and/or omissions of the agents, representatives and employees of Defendant Diocese of Wheeling-Charleston, including but not limited to Defendants Bishop Bransfield and John Does 1-10, J.E. suffered personal injuries and damages, including but not limited to permanent psychological injuries, past and future medical/psychological bills, past and future pain, suffering and mental anguish, past and future loss of enjoyment of life, past and future humiliation, embarrassment, indignity and shame, economic damages, diminished earning capacity and future lost wages, and other general and special damages afforded under West Virginia law for all of which the Defendant Diocese of Wheeling-Charleston is vicariously liable.

COUNT V-BREACH OF NON-DELEGABLE DUTY

78. Plaintiff incorporates by reference all of the preceding paragraphs of this Complaint as if fully set forth herein.

79. At all times relevant hereto, Defendant Diocese of Wheeling-Charleston was acting *in loco parentis* with respect to J.E. who was a minor child attending church services and assisting with the activities of mass on the pontifical crew at the Cathedral of St. Joseph.

80. As a result of its status, Defendant Diocese of Wheeling-Charleston owed J.E. a non-delegable fiduciary duty.

81. Defendant Diocese of Wheeling-Charleston breached that duty when they recklessly and negligently exposed J.E. to Bishop Bransfield knowing he was a sexual predator.

82. The actions of the Defendant were willful, wanton and/or undertaken with conscious, reckless and outrageous indifference to the health, safety and welfare of J.E., the pontifical crew and church staff.

83. As a direct and proximate result of Defendant Diocese of Wheeling-Charleston's breach of its non-delegable duty of care, J.E. suffered personal injuries and damages, including but not limited to permanent psychological injuries, past and future medical/psychological bills, past and future pain, suffering and mental anguish, past and future loss of enjoyment of life, past and future humiliation, embarrassment, indignity and shame, economic damages, diminished earning capacity and future lost wages.

COUNT VI-NEGLIGENT HIRING, RETENTION AND SUPERVISION

84. Plaintiff incorporates by reference all of the preceding paragraphs of this Complaint as if fully set forth herein.

85. Upon information and belief, Defendant Bishop Bransfield was at all times relevant herein and employee and agent of Defendant Diocese of Wheeling-Charleston.

86. Defendant Diocese of Wheeling-Charleston had a duty to use reasonable care in the selection and retention of employees and agents who were charged with the management and operation of its religious activities in West Virginia

87. Defendant Diocese of Wheeling-Charleston knew or should have known that the failure to carefully select and retain employees and agents who were qualified, capable and willing to responsibly and morally operate its church would increase the risk of injury to both its parishioners and its employees.

88. Defendant Diocese of Wheeling-Charleston failed to select, train, supervise, manage and/or retain employees and agents, specifically including but not necessarily limited to the Defendant Bishop Bransfield, who had either the capacity or the desire to properly conduct themselves in the affairs of the religion.

89. Defendant Diocese of Wheeling-Charleston negligently and/or recklessly hired and/or trained and/or promoted and/or retained Defendant Bishop Bransfield, despite its knowledge that his excessive drinking, homosexual and pedophilic tendencies would likely cause injury and damage to third persons, including J.E.

90. Defendant Diocese of Wheeling-Charleston breached that duty by selecting, consecrating, hiring and/or appointing Bishop Bransfield when it knew or should have known of his immoral and criminal character, alcohol abuse and sexually deviant behaviors.

91. Defendant Diocese of Wheeling-Charleston further breached its duty of care to J.E. when it became aware of Defendant Bishop Bransfield's excessive drinking and indecent conduct, but nevertheless, chose to retain Defendant Bishop Bransfield as the head of its church in West Virginia.

92. As a direct and proximate result of Defendant Diocese of Wheeling-Charleston's breach of its duty of care, J.E. suffered personal injuries and damages, including but not limited to permanent psychological injuries, past and future medical/psychological bills, past and future pain, suffering and mental anguish, past and future loss of enjoyment of life, past and future humiliation, embarrassment, indignity and shame, economic damages, diminished earning capacity and future lost wages.

COUNT VII-CIVIL CONSPIRACY

93. Plaintiff incorporates by reference all of the preceding paragraphs of this Complaint as if fully set forth herein.

94. On or about February 2005, Defendants, each of them knowingly and willingly conspired and agreed among themselves to elevate Defendant Bishop Bransfield to the position of Bishop in the Catholic Church and place him in a position of trust and authority in the Diocese of Wheeling-Charleston.

95. Thereafter each and every Defendant named in this action, each of them engaged in a campaign of misdirection and deceit and participated in a civil conspiracy to conceal the true nature of the sexual abuse of adolescent males by Defendant Bishop Bransfield.

96. Each and every Defendant took part in, helped, permitted, rectified, suborned and concealed the inappropriate, wrongful and illegal conduct of Defendant Bishop Bransfield in inappropriately touching, fondling, groping and otherwise grooming adolescent males within the Church and specifically seminarians, to be tolerant of Defendant Bishop Bransfield's sexual advances.

97. Each and every Defendant took part in, helped, permitted, rectified, suborned, financed and concealed the excessive drinking of Defendant Bishop Bransfield when they knew or should have known that he got "handsy" when he drank and would inappropriately touch adolescent boys on the pontifical crew making the subjects of his illegal and inappropriate attention feel dirty.

98. As Defendant Bishop Bransfield's transgressions multiplied and increased in frequency, each and every Defendant entered into a civil conspiracy and concerted action to pursue the common purpose of concealing the sexual assaults, the identities of the victims and the patterns

of Defendant Bishop Bransfield from proper legal authorities, protecting Defendant Bishop Bransfield from criminal prosecution, downplaying the sexual assaults endured by the adolescent males on the pontifical crew, allowing Defendant Bishop Bransfield to remain in a position of power and trust and withholding his true nature as a sexual predator from the congregation and community at large.

99. As a direct and proximate result of the Defendants' participation in this civil conspiracy, J.E. suffered personal injuries and damages, including but not limited to permanent psychological injuries, past and future medical/psychological bills, past and future pain, suffering and mental anguish, past and future loss of enjoyment of life, past and future humiliation, embarrassment, indignity and shame, economic damages, diminished earning capacity and future lost wages.

COUNT VIII-FRAUDULENT CONCEALMENT

100. Plaintiff incorporates by reference all of the preceding paragraphs of this Complaint as if fully set forth herein.

101. Each and every Defendant had knowledge of Defendant Bishop Bransfield's propensity to drink excessively and engage in inappropriate sexual behavior toward adolescent males.

102. Alternatively, each and every Defendant had the means to know and should have known of Defendant Bishop Bransfield's propensity to drink excessively and engage in inappropriate sexual behavior toward adolescent males.

103. Each and every Defendant had a duty to disclose to Defendant Bishop Bransfield's superiors, to the local authorities and to the community at large, Defendant Bishop Bransfield's

propensity to drink excessively and engage in inappropriate sexual behavior toward adolescent males.

104. Each and every Defendant intended to mislead or defraud members of the Catholic Church, the local authority and the community at large regarding the true nature of Defendant Bishop Bransfield and to conceal his propensity to drink excessively and engage in inappropriate sexual behavior toward adolescent males.

105. J.E. and his parents relied upon the material misrepresentations of the Defendants in allowing J.E. to serve on Defendant Bishop Bransfield's pontifical crew, travel unsupervised with Bishop Bransfield and to accept employment as Defendant Bishop Bransfield's personal secretary.

106. As a direct and proximate result of the Defendants fraudulent concealment of Bishop Bransfield's abhorrent and wrongful acts, J.E. suffered personal injuries and damages, including but not limited to permanent psychological injuries, past and future medical/psychological bills, past and future pain, suffering and mental anguish, past and future loss of enjoyment of life, past and future humiliation, embarrassment, indignity and shame, economic damages, diminished earning capacity and future lost wages.

COUNT IX-INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

107. Plaintiff incorporates by reference all of the preceding paragraphs of this Complaint as if fully set forth herein.

108. The conduct of each and every Defendant was atrocious, intolerable and so extreme and outrageous as to exceed the bounds of decency.

109. Each and every Defendant acted with the intent to inflict emotional distress or acted recklessly when it was certain or substantially certain emotional distress would result from their conduct.

110. The conduct of the Defendants caused J.E. to suffer severe emotional distress.

111. The emotional distress suffered by J.E. was so severe that no person could be expected to endure such duress.

112. The actions of the Defendants were willful, wanton and/or undertaken with conscious, reckless and outrageous indifference to the health, safety and welfare of J.E., the pontifical crew and church staff.

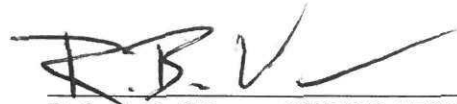
113. As a direct and proximate result of the Defendants' wrongful action, J.E. suffered personal injuries and damages, including but not limited to permanent psychological injuries, past and future medical/psychological bills, past and future pain, suffering and mental anguish, past and future loss of enjoyment of life, past and future humiliation, embarrassment, indignity and shame, economic damages, diminished earning capacity and future lost wages.

WHEREFORE, J.E., by counsel, Warner Law Offices, PLLC, demands judgment against the Defendants United States Conference of Catholic Bishops, Diocese of Wheeling-Charleston, Bishop Michael J. Bransfield and John Does 1-20, jointly and severally in an amount exceeding the minimum jurisdictional requirements of this Court, and in such sums as will fairly and fully compensate J.E., for his losses, injures and damages proximately caused by the wrongful conduct of the Defendants, together with pre and post judgment interests, reasonable attorney fees and costs in and about the prosecution of this action. J.E. further demands judgment against these Defendants which is punitive in nature and is sufficient to punish these Defendants for their willful, wanton, reckless conduct, undertaking with conscious, reckless and outrageous indifference to the

health, safety and welfare of J.E. and others, and to deter like conduct in the future, together with any and all further relief in favor of J.E. that this Court deems just under the circumstances.

PLAINTIFF DEMANDS A TRIAL BY JURY.

J.E.
By Counsel.



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