

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY
STATE OF MISSOURI

FATHER ALEXANDER R. ANDERSON,)	
)	
Plaintiff,)	
)	
vs.)	CAUSE NO: 02CC-002804
)	
ARTHUR P. ANDREAS,)	DIV.: 15
)	
Defendant and Counterclaimant)	
_____)	

ANSWER AND FIRST AMENDED COUNTERCLAIM

For his Answer to Plaintiff's Petition for Defamation ("Petition"), Defendant Arthur P. Andreas states:

FIRST DEFENSE

1. Regarding the allegations appearing in paragraph 1 of the Petition, Defendant is without sufficient knowledge or information to form a belief as to whether the Plaintiff is and was at all times material a resident of St. Louis County, State of Missouri as alleged in paragraph 1 of the Petition. Defendant admits that Plaintiff is employed as a Priest by the Archdiocese of St. Louis, Missouri. Defendant denies all remaining allegations in paragraph 1 of the Petition.
2. Regarding the allegations appearing in paragraph 2 of the Petition, Defendant is without sufficient knowledge or information to form a belief as to whether the Plaintiff is and was at all times material a resident of St. Louis County, State of Missouri.
3. Regarding the allegations appearing in paragraph 3 of the Petition, Defendant admits that

during the months of May and/or June of 2002, Defendant reported that Plaintiff had sexually abused him on multiple occasions to the St. Louis Circuit Attorney's office. Defendant also admits the during the months of March and/or April of 2002, and in response to a public request by the Archdiocese of St. Louis for all victims of sexual abuse to come forward for healing, Defendant reported to the Archdiocese of St. Louis that Plaintiff had sexually abused him on multiple occasions. Defendant is without sufficient knowledge or information to form a belief as to the meaning of what Plaintiff means by the phrase "that was 'repetitious' in nature" and accordingly denies the same. Defendant denies all remaining allegations in paragraph 3 of the Petition.

4. Regarding the allegations appearing in paragraph 4 of the Petition, Defendant admits that he authored a document entitled "Narrative" which he, through others, provided to law enforcement authorities and to the Archdiocese of St. Louis. Defendant also admits that the document entitled "Narrative" described four incidents of sexual abuse by Plaintiff involving Defendant when he was a child and another child named Louis. Defendant is without sufficient knowledge or information to form a belief as to the remaining allegations contained in paragraph 4 of the Petition.

5. Defendant denies all of the allegations appearing in paragraph 5 of the Petition.

6. Defendant denies all of the allegations appearing in paragraph 6 of the Petition.

7. Defendant denies all of the allegations appearing in paragraph 7 of the Petition.

AFFIRMATIVE DEFENSES

SECOND DEFENSE

8. Defendant pleads that all statements made to the Archdiocese of St. Louis and to law enforcement authorities are true and therefore not defamatory.

THIRD DEFENSE

9. Defendant may enjoy absolute or qualified privilege or immunities regarding all or part of the communications he made to law enforcement authorities and/or the Archdiocese of St. Louis.

WHEREFORE, Defendant demands judgment against the Plaintiff dismissing the Plaintiff's Petition on the merits and whatever other relief the Court deems just and equitable.

COUNTERCLAIM

For his First Amended Counterclaim against the Plaintiff, the Defendant states the following:

PARTIES

10. Defendant is an adult man and a resident of the State of Missouri. Defendant was a minor at the time of the sexual abuse described herein.

11. At all times material, Plaintiff was a Roman Catholic Priest in St. Louis, Missouri and surrounding areas, currently residing at the rectory at Sacred Heart Catholic Church, 350 E. Fourth Street, Eureka, Missouri 63025. At all times relating to the sexual abuse described herein, Plaintiff was a Roman Catholic Priest at St. Joseph's Home for Boys located in St. Louis, Missouri.

BACKGROUND FACTS APPLICABLE TO ALL COUNTS OF COUNTERCLAIM

12. Plaintiff attended school at St. Joseph's Home for Boys in St. Louis, Missouri where Plaintiff was a priest.

13. During approximately 1988 - 1989, while Defendant attended St. Joseph's Home for Boys, Plaintiff, in the course of their relationship, had unlawful sexual contact with Defendant in and

around St. Joseph's Home for Boys. At the time, Defendant was a minor.

14. In approximately the months of March and/or April of 2002, and in response to a public request by the Archdiocese of St. Louis for all victims of sexual abuse to come forward for healing, Defendant reported to the Archdiocese of St. Louis that Plaintiff had sexually abused him on multiple occasions.

15. This report was made in confidence to the agents of the Archdiocese of St. Louis.

16. In approximately the months of May and/or June of 2002, Defendant reported that Plaintiff had sexually abused him on multiple occasions to the St. Louis Circuit Attorney.

17. This report was made in confidence to the St. Louis Circuit Attorney.

18. Prior to June 2, 2002, Plaintiff and the Archdiocese of St. Louis came to an agreement whereby Plaintiff would maliciously and publicly file a lawsuit against Defendant for defamation in order to intimidate the Defendant into withdrawing his sexual abuse complaint with the St. Louis Archdiocese. In addition, Plaintiff and the Archdiocese of St. Louis came to an agreement that Plaintiff would engage in a media campaign in promotion of his lawsuit against Defendant in order to avoid criminal and civil liability by discouraging other victims of sexual abuse by Roman Catholic clergy from contacting law enforcement authorities to report the abuse for fear they would be sued for defamation.

19. Pursuant to this agreement between Plaintiff and the Archdiocese of St. Louis, Plaintiff committed at least one act in furtherance of this agreement by filing the current lawsuit and the related press coverage.

20. On or about June 2, 2002, Plaintiff, in concert with the Archdiocese of St. Louis, caused to be published to third persons both orally and in writing that Defendant, by name, had reported

Plaintiff's sexual abuse of Defendant. Plaintiff, in concert with the Archdiocese of St. Louis, also caused to be published both orally and in writing that Defendant, by name, was a liar and that Plaintiff never abused Defendant. Specifically Father Anderson caused to be published to third persons a document dated June 2, 2002 and entitled "Statement of Fr. Alex Anderson" which states:

In the Gospel of St. Matthew, the Lord exhorts us to "turn the other cheek" (5:39). No one interprets this to mean however that He wants our lives to be used as doormats.

A priest without a good name is like a carpenter without a hammer. He may be the best carpenter in the world, but no one will ever know, and no one will ever call upon him for help. In justice, and in order to continue in my work as a priest and pastor, I need and I am certainly entitled to the restoration of my honor.

We must all take responsibility for our actions. If I had done to my accuser what he has alleged, I would have to suffer the consequences. In fairness, he should now take responsibility for what he has done to my reputation. Therefore, it is only reasonable and fair, I believe, that within a week of receiving this message, Arthur Andreas withdraws his allegations of sexual abuse against me and makes an apology for the damage and disruption he has caused to me, to Sacred Heart Parish, and to anyone else associated with this situation. Failure to do so will result in legal action against him for slander.

If I was the only one affected by these allegations, I would be inclined to let this matter go. But I am not. The future reputation of too many innocent people - priests, coaches, teachers, volunteers and all those work with children is at stake here. In a genuine effort to protect the innocence of children, let us not lose sight of fairness and honesty.

21. Upon information and belief, after June 2, 2002, Plaintiff caused additional statements similar to those appearing in the June 2, 2002 statement to be published to third persons

22. The applicable statutes of limitations relating to the sexual abuse/battery described herein are tolled because Plaintiff waived his right to assert the statute of limitations as a defense to

Defendant's sexual abuse claim by filing the Petition in the current matter.

23. The applicable statutes of limitations relating to the sexual abuse/battery described herein are tolled because Plaintiff is equitably estopped from asserting the statute of limitations as a defense to Defendant's sexual abuse claim.

24. The Plaintiff may not assert the statute of limitations as a defense to the sexual abuse/battery because it would be inequitable and the rules of equity prohibit the Plaintiff from so asserting.

25. As a direct result of the acts described herein, Defendant has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing his daily activities and obtaining the full enjoyment of life; has sustained loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

COUNT I

TORT OF UNREASONABLE PUBLICITY

26. Defendant incorporates all paragraphs of this Counterclaim as if fully set forth herein.

27. By engaging in the conduct described herein, the Plaintiff published to third persons Defendant's name, the fact that Defendant had been sexually abused as a child by Plaintiff and that Defendant had reported the fact of the abuse to the Archdiocese of St. Louis and to the St. Louis Circuit Attorney's office.

28. The public had no legitimate concern in the private and confidential matter of the above facts.

29. As a direct result of the acts described herein, Defendant has suffered, and continues to suffer shame, humiliation, great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, and loss of enjoyment of life; was prevented and will continue to be prevented from performing his daily activities and obtaining the full enjoyment of life; has sustained loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

COUNT II

DEFAMATION

30. Defendant incorporates all paragraphs of this Counterclaim as if fully set forth herein.

31. By engaging in the conduct described herein, Plaintiff published a defamatory statement that identifies Defendant.

32. Said defamatory statement was false and Plaintiff knew that the statement was false.

33. As a direct result of the acts described herein, Defendant has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing his daily activities and obtaining the full enjoyment of life; has sustained loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

COUNT III

CHILD SEXUAL ABUSE AND/OR BATTERY

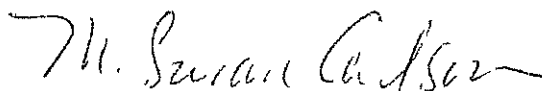
34. Defendant incorporates all paragraphs of this Counterclaim as if fully set forth herein.

35. In approximately 1988 through 1989, Plaintiff engaged in unpermitted, harmful and offensive sexual conduct and contact upon the person of the Defendant, a minor.

36. As a result of the above-described acts, Defendant has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing his daily activities and obtaining the full enjoyment of life; has sustained loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

WHEREFORE, Defendant demands judgment against the Plaintiff in an amount exceeding \$50,000 that is adjudged as fair and reasonable, plus costs, disbursements, interest, and whatever other relief the Court deems just and equitable.

Respectfully submitted,



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Certificate of Service

I certify that on September 4, 2003, a copy of the foregoing was mailed, postage prepaid to each of the following:

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