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OF COUNSEL:  
JOHN F. DUNN

April 8, 2002

District Attorney Daniel F. Conley  
Suffolk County  
One Bullfinch Place  
Boston, MA 02114-2997

District Attorney Philip A. Rollins  
Barnstable County  
3231 Main Street  
P. O. Box 455  
Barnstable, MA 02630


Dear District Attorneys Conley and Rollins:

In accordance with the Letter Agreement which this office signed on behalf of the Roman Catholic Archbishop of Boston, a Corporation Sole with the Attorney General's Office, dated March 1, 2002, enclosed please find a copy of a Complaint which has now been filed on behalf of [REDACTED] and [REDACTED] in the Middlesex Superior Court setting forth allegations of sexual misconduct by Rev. Ernest Tourigny.

By copy of this letter to Kurt N. Schwartz, I trust that you will forward this matter to the attention of the appropriate authorities in New Hampshire.

Thank you for your attention to this matter.

Very truly yours,

  
Wilson D. Rogers, Jr.

WDR/mc  
Enclosure

cc: Kurt N. Schwartz, Esquire

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GREENBERG  
ATTORNEYS AT LAW  
TRAURIG

April 5, 2002

Wilson Rogers, III, Esq.  
Dunn and Rogers  
One Union Street, Third Floor  
Boston, MA 02108

Re: *John Doe and Jane Doe v. Bernard Cardinal Law, Roman Catholic  
Archbishop of Boston, Ernest Tourigney*

Dear Attorney Rogers:

Please be advised that we represent [redacted] and [redacted] with respect to sexual abuse suffered by [redacted] as a child at the hands of Ernest Tourigney. We are filing suit today on behalf of [redacted], [redacted]'s mother and [redacted] as Jane Doe and John Doe respectively. Enclosed is a copy of the complaint to be filed today.

Very truly yours,

*Courtney B. Pillsbury*  
Courtney B. Pillsbury

Enclosure  
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COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss

SUPERIOR COURT DEPARTMENT  
OF THE TRIAL COURT  
CIVIL ACTION NO.:

JOHN DOE and JANE DOE,

Plaintiffs,

v.

BERNARD CARDINAL LAW, a.k.a.,  
CARDINAL BERNARD F. LAW, ROMAN  
CATHOLIC ARCHBISHOP OF BOSTON, a  
Corporation Sole, and ERNEST  
TOURIGNEY,

Defendants.

COMPLAINT AND JURY DEMAND

1. This action is brought by plaintiffs JOHN DOE ("John") and his mother JANE DOE ("Mrs. Doe") (separately, "Plaintiff" and collectively, "Plaintiffs") against defendants Bernard Cardinal Law, a.k.a., Cardinal Bernard F. Law ("Cardinal Law"), the ROMAN CATHOLIC ARCHBISHOP OF BOSTON, a Corporation Sole ("RCAB") and Ernest Tourigney ("Father Tourigney"), arising from Cardinal Law's intentional, reckless, and/or negligent acts or omissions in allowing Reverend Ernest Tourigney ("Father Tourigney") to repeatedly sexually molest John for many years while John was a minor. Specifically, John brings this action against Cardinal Law and the RCAB for negligent hiring/supervision, intentional/reckless infliction of emotional distress, and violation of the Massachusetts Civil Rights Act, MASS. GEN. LAWS, Ch. 12, §§ 11H and 11I; and against Father Tourigney for assault, battery, intentional infliction of emotional distress and a claim under MASS. GEN. L. ch. 12, §§ 11H and 11I. In addition, Mrs.

Doe joins with John, her son, and brings this action against Cardinal Law and RCAB for negligent hiring/supervision, loss of consortium, and intentional/reckless infliction of emotional distress. Concomitantly, Plaintiffs seek damages resulting from the wrongful and unlawful conduct of Cardinal Law, the RCAB and Father Tourigney.

THE PARTIES

2. Plaintiff John is an adult [REDACTED] Middlesex County, Commonwealth of Massachusetts.

3. Plaintiff Mrs. Doe is an adult [REDACTED] Middlesex County, Commonwealth of Massachusetts. Mrs. Doe is John's mother.

4. Defendant Bernard Cardinal Law, a.k.a., Cardinal Bernard F. Law, is an adult residing in Suffolk County in the Commonwealth of Massachusetts. Cardinal Law is the head of the Roman Catholic Archbishop of Boston (the "RCAB"), which operates parishes, schools, and programs for children in the Commonwealth of Massachusetts. Cardinal Law was elevated from Archbishop to Cardinal in 1985.

5. The defendant, the RCAB, is a corporation sole, with its principal place of business at 2121 Commonwealth Avenue, Boston, Suffolk County, Commonwealth of Massachusetts. The RCAB operates parishes, schools and programs for children.

6. Defendant Father Tourigney is an individual who resides in Pocasset, Barnstable County, Commonwealth of Massachusetts.

STATEMENT OF FACTS

**A. *Father Tourigney, Immaculate Conception, and Accusations of Sexual Molestation of Children.***

7. Upon information and belief, Father Tourigney has been a priest within the RCAB since the 1960's. In or about the 1960's, Father Tourigney was assigned to the

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Immaculate Conception Church in Weymouth, Massachusetts.

6. Upon information and belief, Father Tourigney molested at least two young boys, before and apart from the plaintiff John while he was Immaculate Conception Church in Weymouth.

7. Later, Father Tourigney was transferred to the St. Mary's Church in Holliston, Massachusetts. Upon information and belief, Father Tourigney molested at least one minor parishioner while he was a Pastor at St. Mary's Church.

8. Thereafter, Father Tourigney was transferred to Matignon High School in Cambridge, Massachusetts. Upon information and belief, while at Matignon High School, Father Tourigney would take members of the high school football team out on the field late at night and consume alcoholic beverage with them.

9. After leaving Matignon High School, Father Tourigney was assigned to the Immaculate Conception Church in Revere, Massachusetts.

10. While at the Immaculate Conception Church in Revere, Sister Katherine O'Brien, S.N.D. ("Sister Katherine"), Sister Winifred Miller ("Sister Winifred"), and Reverend Richard Messina ("Father Messina") each had concerns regarding Father Tourigney's abuse of alcohol and behavior with small children. Upon information and belief, Father Messina observed Father Tourigney with young boys in his room at the rectory, on some occasions with the door closed and on some occasions with the door open. Upon information and belief, Father Messina discussed these concerns with Sister Katherine and Sister Winifred. Upon information and belief, Sister Katherine, Sister Winifred and Father Messina consulted Cardinal Law on various occasions regarding their concerns about Father Tourigney's involvement with small children as well as Father Tourigney's abuse of alcohol.

11. At some point in 1991, Father Tourigney was sent to St. Louis, Missouri for treatment for alcoholism and pedophilia.

12. Upon information and belief, in 1992, when Father Tourigney returned from St. Louis, he was sent to a half-way-house in Milton, Massachusetts. Also upon information and belief, Father Tourigney had additional meetings with Cardinal Law at that time regarding returning to a parish. Upon information and belief, Father Tourigney was prevented from serving at any parish.

**B. *Cardinal Law's Actual Knowledge of Sexual Molestation Charges Against Father Tourigney.***

13. During the early 1990's, at least two parishioners at the Immaculate Conception Church in Weymouth, Massachusetts reported to Cardinal Law that they had been molested by Father Tourigney when they were children. After the RCAB failed to satisfactorily address the problem, in or about 1995, these two parishioners brought suit against Father Tourigney.

14. Moreover, upon information and belief, Cardinal Law became aware of other allegations of sexual molestation of children by various RCAB priests during the period from 1984 (when he arrived as Archbishop) to 1989, separate and apart from Father Tourigney. In an effort to conceal the actions of pedophiles, some of those priests were transferred from parish to parish or returned to active ministry despite substantiated allegations of pedophilia. Cardinal Law's decision to ignore the complaints of various parishioners concerning Father Tourigney and others was consistent with Cardinal Law's inaction and ostensible acquiescence to pedophilia within the RCAB.

**C. *Father Tourigney's Sexual Molestation of John.***

15. John was born in 1970. While John was between the ages of thirteen (13) and sixteen (16), Father Tourigney repeatedly sexually molested him (approximately between 1984

through 1987).

16. John has just began counseling regarding the sexual abuse he has suffered at the hands of Father Tourigney. John has remembered that Father Tourigney had sexually abused him when he was a child and is in the process of making the causal connection between these acts and his psychological injury. John is still in the process of treatment and is continuing to remember more instances of the abuse.

17. On at least two occasions, John stayed overnight at the Rectory at the Immaculate Conception Church in Revere, Massachusetts, when Mrs. Doe was out of town. On each of those two events, after John came out of the shower, Father Tourigney dried John off with a towel. While Father Tourigney dried John off, he fondled John's penis and testicles.

18. On another occasions, John stayed with Father Tourigney at Father Tourigney's house on the Cape. While the two were on the beach, Father Tourigney wrestled with John during which time he touched John's penis and testicles. When they returned from the beach to the house, Father Tourigney commented that John was covered in sand and that he should remove his swim suit so it could be washed. When John removed his swim suit, Father Tourigney again dried John off with a towel and fondled John's penis and/or testicles.

19. Father Tourigney was close to the Doe family and would often visit John and Mrs. Doe at their home and would also invite John And Mrs. Doe to his home on the Cape. On various occasions while at the Doe home, his home on the Cape or at the Rectory, Father Tourigney asked John to sit on his lap. John would sit on Father Tourigney's lap and find that Father Tourigney's penis was erect.

20. Also, on numerous occasions, at the Does' home, Father Tourigney's home on the Cape and at the Immaculate Conception Church in Revere, Father Tourigney would hug John

very tightly and closely.

21. On a different occasion, Father Tourigney took John to house in New Hampshire. At night, John was sleeping on the floor next to another child. Father Tourigney woke up the child who was sleeping next to John and instructed him to sleep in another location. Father Tourigney then laid down next to John and was facing him. John felt uncomfortable and turned his back to Father Tourigney. Father Tourigney then held John close and pressed his body close to John's. Father Tourigney also placed John's hand on his leg. John felt Father Tourigney's skin and hair and realized that Father Tourigney had removed his pants. Father Tourigney then proceeded to masturbate on John. John started to cry and asked Father Tourigney to stop. Father Tourigney stated that he loved John and continued to rub John's chest, legs and penis.

22. During the time Father Tourigney began molesting John, John began developing various behavior problems. In junior high and high school, John had problems controlling his bowel movements would have accidents at school. Since then, John has suffered various other maladies, including, without limitation, sleeping problems, depressions, sexual problems, and problems controlling anger and frustration.

***D. Breach of Duty and Failure to Act Responsibly by Cardinal Law and the RCAB.***

23. Put simply, between 1984 and 1990, Cardinal Law and the RCAB completely failed to notify, let alone warn, Plaintiffs of the danger and foreseeable problems with Father Tourigney, despite the fact that Cardinal Law and the RCAB was aware of the complaints made by the other priest and nuns in Father Tourigney's parish. Moreover, Cardinal Law and the RCAB were aware, or reasonably should have been aware, of Father Tourigney's deviant behavior toward children and the complaints that had been made against him before his arrival at Immaculate Conception in Revere. Moreover, Cardinal Law and the RCAB breached his duty to



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John when they failed to notify parishioners of the Immaculate Conception Parish that there were serious allegations of pedophilia against Father Tourigny in 1991. Had Cardinal Law and/or the RCAB notified parishioners of the abuse allegations made in 1991, then it is more likely than not that John would have received treatment more than 11 years ago and would have made substantial progress in his recovery.

24. Despite the fact that (a) Cardinal Law headed the RCAB, which operated numerous programs; (b) a reasonable person in Cardinal Law's position would know, or should have known, that pedophiles, like Father Tourigny, would be attracted to situations where they could gain access to children; (c) Cardinal Law had a duty to ensure that reasonable steps were taken to make certain that innocent and unknowing children were not exposed to pedophilia or unsafe situations where they could be abused; and (d) at least two complaints were made by other parishioners as well as complaints by nuns and at least one priest in Father Tourigny's parish itself directly to Cardinal Law about Father Tourigny's deviant behavior, Cardinal Law allowed Father Tourigny to continue as Pastor at Immaculate Conception, where he eventually sexually molested John continuously for many years. In addition, during the years that John was being abused by Father Tourigny, the RCAB was a haven for priests who engaged in pedophilia.

25. During the time that Father Tourigny was sexually molesting John, the RCAB, under the supervision and direction of Cardinal Law, knowingly permitted pedophiles such as Father Tourigny to remain in situations within the RCAB where they could gain access to children. In addition, the RCAB failed to adopt proper procedures to prevent children attending parishes and schools within the Archdiocese from being abused by priests and others associated with the RCAB.

26. Despite Cardinal Law's actual knowledge of credible allegations of child molestation against Father Tourigney, Cardinal Law allowed, condoned, and provided Father Tourigney with free access to children within the Immaculate Conception Parish, including John. With this access to children, Father Tourigney did assault, batter, intentionally inflict emotional distress and violate MASS. GEN. L. ch. 12, §§ 11H and 11L. In addition, the RCAB is vicariously liable for these actions of Cardinal Law. Moreover, the protection of pedophiles is not an activity protected by the limitation of liability set forth in MASS. GEN. L. ch. 231, §85K.

#### STATEMENT OF CLAIMS

#### COUNT I

#### **(Negligent Hiring/Supervision – All Plaintiffs Against Cardinal Law and the RCAB)**

27. Plaintiffs reallege and incorporate by reference herein in their entirety the allegations contained in above paragraphs.
28. Cardinal Law and the RCAB had a duty to hire and supervise competent, fit, and otherwise qualified priests for the RCAB and to make sure that children involved in RCAB programs were safe and not exposed to known or suspected pedophiles.
29. As early as 1985, when Cardinal Law became Cardinal for the RCAB, Cardinal Law knew or should have known that Father Tourigney had sexually molested children at the parishes where he had worked prior to arriving at Immaculate Conception in Revere. Cardinal Law also should have taken action to thoroughly investigate the reports made to him by the parishioners concerning Father Tourigney's deviant behavior toward children.
30. As early as 1985, the RCAB knew or should have known that Father Tourigney had sexually molested children at the parishes where he had worked prior to arriving at Immaculate Conception in Revere. The RCAB should have taken action to thoroughly

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investigate the reports made to him by the parishioners concerning Father Tourigney's deviant behavior toward children.

31. Cardinal Law and the RCAB breached their duty by, among other things, the following acts or omissions: (a) not protecting John from Father Tourigney's foreseeable and probable sexual molestation; (b) not taking prompt remedial action; (c) not taking any effort whatsoever to inform parishioners at Immaculate Conception that their children had been exposed to a known or suspected pedophile; and (d) not taking appropriate actions to investigate the two complaints from other parishioners.

32. As a direct and proximate result of the wrongful acts or omissions of Cardinal Law and the RCAB, Plaintiffs have suffered damages.

WHEREFORE, Plaintiffs respectfully request that this Court enter judgment for Plaintiffs and order Cardinal Law and the RCAB, jointly and severally, to pay forthwith to Plaintiffs their damages in an amount to be determined by this Court, plus interests, costs, attorneys' fees, and all such further relief as this Court deems appropriate.

## COUNT II

### **(Intentional/Reckless Infliction of Emotional Distress – All Plaintiffs Against Cardinal Law and the RCAB)**

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

34. The RCAB and Cardinal Law recklessly and/or intentionally assigned Father Tourigney to, and allowed Father Tourigney to remain at Immaculate Conception.

35. The Conduct of the RCAB and Cardinal Law was extreme and outrageous, beyond all possible bounds of decency, and utterly intolerable in a civilized community.

36. The Conduct of Cardinal Law and the RCAB conduct directly and proximately

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caused Plaintiffs extreme emotional distress of a nature that no reasonable man could be expected to endure.

37. The unlawful conduct of the RCAB and Cardinal Law was not privileged.

38. As a direct and proximate result of the conduct of Cardinal Law and the RCAB, Plaintiffs have been damaged.

WHEREFORE, Plaintiffs respectfully request that this Court enter judgment for Plaintiffs and order Cardinal Law and the RCAB, jointly and severally, to pay forthwith to Plaintiffs their damages in an amount to be determined by this Court, plus interests, costs, attorneys' fees and all such further relief as this Court deems appropriate.

### COUNT III

#### **(Intentional/Reckless Infliction of Emotional Distress – All Plaintiffs Against Father Tourigney)**

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

40. Father Tourigney intentionally sexually abused John when he was between the ages of thirteen and sixteen.

41. Father Tourigney's conduct was extreme and outrageous.

42. Father Tourigney's conduct caused Plaintiffs extreme emotional distress.

43. Father Tourigney was not privileged to cause Plaintiffs emotional distress.

WHEREFORE, Plaintiffs respectfully request that this Court enter judgment for Plaintiffs and order Father Tourigney to pay forthwith to Plaintiffs their damages in an amount to be determined by this Court, plus interests, costs, attorneys' fees and all such further relief as this Court deems appropriate.

**COUNT IV**

**(Violation of the Massachusetts Civil Rights Act, MASS. GEN. LAWS  
Ch. 12, §§ 11H and 11I – John Against All Defendants)**

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

45. Father Tourigney, and through him the RCAB and Cardinal Law, interfered with or attempted to interfere with John's rights secured by the laws of the Commonwealth through threats, intimidation, or coercion, including the creation, perpetuation, and tolerance of Father Tourigney's sexually predatory acts against children.

46. As a direct and proximate result of the conduct of Father Tourigney, Cardinal Law and the RCAB, John has been damaged.

WHEREFORE, Plaintiffs respectfully request that this Court enter judgment for John Doe and order Father Tourigney, Cardinal Law and the RCAB, jointly and severally, to pay forthwith to John Doe his damages in an amount to be determined by this Court, plus interests, costs, attorneys' fees and all such further relief as this Court deems appropriate.

**COUNT V**

**(Assault – John Doe Against Father Tourigney)**

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

48. When John was between the ages of thirteen and sixteen, on several occasions, defendant Father Tourigney sexually abused John, including but not limited to masturbating on John, and fondling John's penis and testicles.

49. Father Tourigney intentionally created an apprehension of immediate physical harm on the part of John by these and other overt acts.

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50. John's apprehension was reasonable.

51. As a direct and proximate result of Father Tourigney's actions, John has been injured.

WHEREFORE, Plaintiff John Doe respectfully request that this Court enter judgment for him and order Father Tourigney to pay forthwith to John Doe his damages in an amount to be determined by this Court, plus interests, costs, attorneys' fees, and all such further relief as this Court deems appropriate.

COUNT VI

**(Battery – John Doe Against Father Tourigney)**

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

53. When John was between the ages of thirteen and sixteen, on several occasions, defendant Father Tourigney sexually abused John, including but not limited to masturbating on John, and fondling John's penis and testicles.

54. Father Tourigney intentionally used force against John on several occasions.

55. Father Tourigney's use of force against John was unjustified.

WHEREFORE, Plaintiff John Doe respectfully request that this Court enter judgment for him and order Father Tourigney to pay forthwith to John Doe his damages in an amount to be determined by this Court, plus interests, costs, attorneys' fees, and all such further relief as this Court deems appropriate.

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COUNT VII

**(Loss of Consortium – Mrs. Doe against All Defendants)**

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

57. 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.

58. Mrs. Doe is John's mother and is the person entitled by law to the consortium provided by John.

59. Father Tourigney, the RCAB and Cardinal Law are legally responsible for causing John's serious injuries.

60. As a direct and proximate result of the conduct of Father Tourigney, Cardinal Law and the RCAB, Mrs. Doe has been deprived of John's consortium for many years.

61. Consequently, Father Tourigney, the RCAB and Cardinal Law are liable for damages in accordance MASS. GEN. LAWS, Ch. 231, § 85X.

WHEREFORE, Plaintiff Mrs. Doe respectfully request that this Court enter judgment for her and order Father Tourigney, Cardinal Law and the RCAB, jointly and severally, to pay forthwith to Mrs. Doe her damages in an amount to be determined by this Court, plus interests, costs, attorneys' fees, and all such further relief as this Court deems appropriate.

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**JURY DEMAND**

**PLAINTIFFS DEMAND A JURY TRIAL ON ALL ISSUES SO TRIABLE.**

JOHN DOE AND JANE DOE,  
Plaintiffs,  
By their attorneys:

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