

RETURN DATE: FEBRUARY 25, 2014 : SUPERIOR COURT

KEVIN MCNAMARA, INDIVIDUALLY  
AND ROBERTA NAPOLITANO, TRUSTEE : J.D. OF FAIRFIELD

VS. :

BRIDGEPORT ROMAN CATHOLIC  
DIOCESAN CORPORATION a/k/a  
ROMAN CATHOLIC DIOCESE OF : AT BRIDGEPORT  
BRIDGEPORT a/k/a DIOCESE OF  
BRIDGEPORT; ST. THOMAS THE APOSTLE  
CHURCH : JANUARY 20, 2014

COMPLAINT

FIRST COUNT:

1. On November 19, 2013, Roberta Napolitano was appointed trustee of the bankruptcy estate of Kevin McNamara, by the United States Trustee for the District of Connecticut and is acting in that capacity.

2. At all times mentioned herein, the plaintiff, Kevin McNamara was a minor resident of the State of Connecticut and a student at St. Thomas the Apostle School located in Norwalk, Connecticut within the jurisdiction of the defendant Bridgeport Roman Catholic Diocesan Corporation a/k/a Roman Catholic Diocese of Bridgeport a/k/a Diocese of Bridgeport (hereinafter referred to as the "Diocese").

3. During points referenced herein, the Bishop and Chief Executive Officer of the Diocese had ecclesiastical jurisdiction over Roman Catholic parishes, schools and priests in various counties within the State of Connecticut, including Fairfield County, and controlled, supervised, advised and was responsible for the actions and conduct of all clergymen within the defendant Diocese of Bridgeport.

4. At all times relevant herein, Martin Federici (hereinafter referred to as "Federici"), deceased, was a Roman Catholic priest who was an agent, servant and/or employee of the defendant Diocese and/or agent, servant, and/or employee of the defendant St. Thomas the Apostle Church (hereinafter referred to as "St. Thomas").

5. At all times relevant hereto, Federici remained under the direct supervision, employ and control of the defendant Diocese and engaged in the conduct alleged herein while a Catholic priest, acting in the course and scope of his duties as a priest, acting as the agent, servant and employee of the defendant Diocese.

6. At all times relevant hereto, the defendant Diocese and/or the defendant St. Thomas was in control of and operated St. Thomas the Apostle School, an elementary through middle school, in Norwalk, Connecticut.

7. In the 1970s and 1980s, the defendant St. Thomas and the affiliated school were a Roman Catholic Church and a Roman Catholic School respectively in the Diocese of Bridgeport

located in Norwalk, Connecticut, and the priests assigned to each were agents, servants and/or employees of the defendant Diocese of Bridgeport and/or the defendant St. Thomas.

8. The defendant Diocese assigned Federici as a priest to the defendant church, St. Thomas and at all times was responsible for supervising his work and activities as a parish priest in that location.

9. At all times relevant to this action, the defendants knew that as a parish priest Federici would be interacting with children at St. Thomas and its affiliated school and providing various pastoral services to them.

10. From approximately 1971 through 1980, the plaintiff was a student at St. Thomas the Apostle School and a parishioner at the defendant St. Thomas.

11. At all times mentioned herein, the minor plaintiff was separated from his parents and guardians and was in the custody of the defendants.

12. The general risk of harm, or injuries of the type suffered by the plaintiff, was foreseeable by the defendants under the circumstances herein set forth.

13. During approximately 1978 to 1980, Federici sexually abused and sexually exploited the minor plaintiff, Kevin McNamara thereby causing him injury and damage.

14. As a result thereof, the plaintiff suffered injuries of a serious and permanent nature in that he suffered physical injuries resultant from the sexual abuse and sexual exploitation including but not limited to panic attacks, heart-racing and sweating, and severe emotional injuries including emotional distress, anxiety, frustration, disassociation, post-traumatic stress

and permanent psychological scarring which were exacerbated and intensified by lack of timely treatment.

15. As a result thereof, the plaintiff incurred medical bills for his care and treatment and may continue to incur additional expense in the future.

16. In addition, the plaintiff who was baptized and a practicing Roman Catholic has suffered an emotional and spiritual loss.

17. The injuries and damages sustained by the plaintiff were the result of the acts and intentions of Federici in that he sexually abused and sexually exploited the plaintiff while he was a minor.

18. The aforementioned conduct and acts occurred while Federici was acting as a priest, supervising and chaperoning minors in his capacity as a priest under the auspices of the defendant Diocese and/or the defendant St. Thomas.

19. The aforementioned conduct and acts occurred while Federici was acting as a priest, supervising and chaperoning minor students who were parishioners, cloaking his conduct with and through the sacraments of the church all of which were in the scope of his employment for which the defendant Diocese is vicariously liable.

20. The aforementioned conduct and acts occurred while Federici was acting as a priest, supervising and chaperoning minor students, cloaking his conduct with and through the sacraments of the church all of which were in the scope of his employment for which the defendant St. Thomas is vicariously liable.

**SECOND COUNT:**

1. - 20. Paragraphs 1 through 20 of the First Count are hereby made Paragraphs 1 through 20 of the Second Count.

21. The injuries and damages sustained by the plaintiff were the result of the negligence of the defendant, Diocese, its agents, servants and/or employees, including its Bishop (a) in that it knew or should have known that its employee and/or agent, Federici was sexually abusing, sexually assaulting and sexually exploiting the minor plaintiff and allowed such conduct to continue; (b) in that it knew or should have known that Federici had a propensity to sexually abuse, sexually assault and sexually exploit minor parishioners, yet failed to take steps to prevent his sexual abuse of the minor plaintiff; (c) in that it failed to promulgate policies and rules proscribing priests from bringing children to private rooms and private places, when it knew or should have known that priests have sexually abused children in such places; (d) in that it allowed and encouraged Federici to supervise, oversee and chaperone minor parishioners when it knew or should have known that Federici had the propensity to sexually abuse such minors; (e) in that it failed to properly and adequately investigate and supervise Federici in order to prevent such sexual abuse and sexual exploitation from occurring when it knew or should have known that since the inception of the Diocese some of its priests have sexually abused children; (f) in that it induced the Catholic Faithful to entrust their children's moral and spiritual well being and safety to its priests and its schools then failed to protect these children, such as the minor plaintiff, who were without their parents and/or guardians from the sexual abuse and sexual exploitation perpetrated by Federici; (g) in that it allowed and encouraged Federici to freely interact and have one-on one contact with minor parishioners and students such as the plaintiff;

(h) in failing to warn the plaintiff and his parents of Federici's propensities to commit sexual abuses upon minors; (i) in that it knew that priests of the Roman Catholic Church were abusing minor parishioners but failed to take adequate preventative measures to make the relationship between all priests and minor parishioners, including the plaintiff, safe and free from harm; (j) in that it failed to establish, maintain and enforce a policy of reporting, investigating, pursuing and removing members of its clergy engaged in sexual misconduct and instead adhered to a policy of discouraging the dissemination of information regarding the sexual misconduct of priests with minors; (k) in that it failed to take adequate steps to advise persons in association with such priests or in a supervisory position of such priests of the danger those priests could create when dealing with minor parishioners, having no policy of reporting sexual misconduct to the Bishop or other officials of the Diocese of Bridgeport by other priests within the Diocese who might be aware of sexual misconduct by a priest to a minor parishioner, its failure to properly investigate claims of sexual misconduct of a priest brought to the attention of its priests including the Bishop; (l) in that it failed to adequately seek out victims of such sexual abuse in order to render assistance and prevent or reduce further damage to untreated victims, like the plaintiff; (m) in that it knew or should have known that Federici was sexually abusing the minor plaintiff by virtue of the frequency with which Federici freely interacted with minors such as the plaintiff; (n) and in that it failed to police activities of its priests including its failure to provide or enforce rules prohibiting clergy from having children in private rooms and places and being unchaperoned with minors both upon premises it owned and controlled and/or taken from premises unchaperoned.

22. The injuries and damages sustained by the plaintiff were the result of the negligence of the defendant, St. Thomas its agents, servants and/or employees, including its Bishop (a) in that it knew or should have known that its employee and/or agent, Federici was sexually abusing, sexually assaulting and sexually exploiting the minor plaintiff and allowed such conduct to continue; (b) in that it knew or should have known that Federici had a propensity to sexually abuse, sexually assault and sexually exploit minor parishioners, yet failed to take steps to prevent his sexual abuse of the minor plaintiff; (c) in that it failed to promulgate policies and rules proscribing priests from bringing children to private rooms and private places, when it knew or should have known that priests have sexually abused children in such places; (d) in that it allowed and encouraged Federici to supervise, oversee and chaperone minor parishioners when it knew or should have known that Federici had the propensity to sexually abuse such minors; (e) in that it failed to properly and adequately investigate and supervise Federici in order to prevent such sexual abuse and sexual exploitation from occurring when it knew or should have known that since the inception of the Diocese some of its priests have sexually abused children; (f) in that it induced the Catholic Faithful to entrust their children's moral and spiritual well being and safety to its priests and its schools then failed to protect these children, such as the minor plaintiff, who were without their parents and/or guardians from the sexual abuse and sexual exploitation perpetrated by Federici; (g) in that it allowed and encouraged Federici to freely

- **interact and have one-on one contact with minor parishioners and students such as the plaintiff, (h) in failing to warn the plaintiff and his parents of Federici's propensities to commit sexual abuses upon minors; (i) in that it knew that priests of the Roman Catholic Church were abusing minor parishioners but failed to take adequate preventative measures to make the relationship between all priests and minor parishioners, including the plaintiff, safe and free from sexual harm; (j) in that it failed to establish, maintain and enforce a policy of reporting, investigating, pursuing and removing members of its clergy engaged in sexual misconduct and instead adhered to a policy of discouraging the dissemination of information regarding the sexual misconduct of priests with minors; (k) in that it failed to take adequate steps to advise persons in association with such priests or in a supervisory position of such priests of the danger those priests could create when dealing with minor parishioners, having no policy of reporting sexual misconduct to the Bishop or other officials of the Diocese of Bridgeport by other priests within the Diocese of Bridgeport who might be aware of sexual misconduct by a priest to a minor parishioner, its failure to properly investigate claims of sexual misconduct of a priest brought to the attention of its priests including the Bishop; (l) in that it failed to adequately seek out victims of such sexual abuse in order to render assistance and prevent or reduce further damage to untreated victims, like the plaintiff; (m) in that it knew or should have known that Federici was sexually abusing the minor plaintiff by virtue of the frequency with which Federici freely interacted with minors**

- such as the plaintiff; (n) and in that it failed to police activities of its priests including its failure to provide or enforce rules prohibiting clergy from having children in private rooms and places and being unchaperoned with minors both upon premises it owned and controlled and/or taken from premises unchaperoned.

**THIRD COUNT:**

1. – 16. Paragraphs 1 through 16 of the First Count are hereby made paragraphs 1 through 16 of the Third Count.

17. The plaintiff was raised Catholic, observing Catholic tradition, attending mass, and observing Catholic Holy Days of Obligation.

18. The plaintiff was raised to put faith in his church, its clergy, and priests, and did, in fact, place trust in the defendants the Diocese and St. Thomas for his moral and spiritual welfare.

19. The plaintiff received sacraments of the Catholic Church.

20. The plaintiff learned in school and in Church that, as a good Catholic, he was to adhere to the teachings of the Catholic Church, follow the mandates and guidance of the defendant Diocese and its bishop and hold its clergy, priests and bishops in the highest regard.

21. The plaintiff put his faith in and trusted the defendant Diocese and its churches, clergy, and priests to guide him in all matters of Catholic faith.

• 22. At school and church, the plaintiff developed a close relationship with Federici and other members of the defendant St. Thomas community.

23. Federici fostered a close relationship with the plaintiff allowing him to spend time with him.

24. The defendant Diocese encouraged its priests and clergy to develop trusting relationships with its parishioners/students and to provide its parishioners with spiritual guidance and instruction.

25. As a result, a unique degree of trust and confidence developed between the defendant Diocese and the plaintiff in that the defendant Diocese was in a superior position to evaluate and assure the plaintiff's safe participation in church and religious affiliated activities.

26. As a result, a unique degree of trust and confidence developed between the defendant Diocese and the plaintiff as the plaintiff was taught to respect and defer, and did so defer, to the authority of its clergy and priests.

27. The plaintiff relied upon and trusted the defendant Diocese's superior position, knowledge, expertise and skill and was justified in doing so.

28. The defendant Diocese stood in a fiduciary relationship with the plaintiff.

• 29. During approximately 1978 to 1980, Federici sexually assaulted, sexually battered, sexually abused, and sexually exploited the plaintiff, Kevin McNamara thereby causing him injury and damage.

30. As a result thereof, the plaintiff suffered injuries of a serious and permanent nature in that he suffered physical injuries resultant from the sexual abuse and assault and severe emotional injuries including emotional distress, anxiety, frustration, disassociation, post-traumatic stress and permanent psychological scarring which were exacerbated and intensified by lack of timely treatment.

31. The aforementioned conduct and acts occurred while Federici was acting in his role as a pastor, supervising and chaperoning minor parishioners and students including the plaintiff.

32. The general risk of harm suffered by the plaintiff was foreseeable by the defendant Diocese under the circumstances.

33. The injuries set forth herein suffered by the plaintiff are the proximate result of the defendant Diocese's breach of duty arising out of its fiduciary and confidential relationship with the plaintiff in one or more of the following ways, in that it (a) failed to adequately evaluate the mental fitness of Federici to serve in his capacity as a pastor with its related responsibilities to parishioners, students and others; (b) failed to periodically evaluate the mental fitness of Federici to continue to serve in his capacity as a pastor; (c) failed to adequately supervise Federici in his

- **interaction and conduct toward parishioners and, in particular minor students; (d) failed to provide training and/or educational programs to Federici to inform him of proper conduct toward parishioners and students, especially minor students; (e) induced the Catholic faithful to entrust their children's moral and spiritual well being and safety to its priests and then failed to protect these same children, such as the plaintiff, from sexual abuse by agents, servants or agents of the defendant Diocese including Federici; and (f) failed to police activities of its priests and in particular, Federici, including its failure to provide or enforce a prohibition on clergy being unchaperoned with minor parishioners and students.**

**FOURTH COUNT:**

**1.- 20. Paragraphs 1 through 20 of the First Count are hereby made Paragraphs 1 through 20 of the Fourth Count.**

**21. The plaintiff's parents or guardians entrusted their child to the custody of the defendants when he attended St. Thomas.**

**22. The injuries and damages suffered by the plaintiff were the proximate and foreseeable result of the foregoing breach of special duties owed to the plaintiff by the defendants, acting through their agents, servants and employees in that they failed to act affirmatively and proactively to monitor and supervise Federici in order to prevent injury to minors such as the plaintiff who was especially vulnerable.**

• **FIFTH COUNT:**

1.- 20. Paragraphs one through twenty of the First Count are hereby made paragraphs one through twenty of the Fifth Count.

21. The injuries and damages sustained by the plaintiff were a result of the reckless, wanton and willfully improper acts of the defendant, Diocese of Bridgeport, its agents, servants and/or employees, including its Bishop, in one or more of the following ways: (a) in that it knew or should have known that its employee and/or agent Federici was sexually abusing, sexually assaulting and sexually exploiting the minor plaintiff and allowed such conduct to continue; (b) in that it knew or should have known that Federici had a propensity to sexually abuse, sexually assault and sexually exploit minor parishioners, yet failed to take steps to prevent his sexual abuse of the minor plaintiff; (c) in that it failed to promulgate policies and rules proscribing priests from bringing children to private rooms and private places when it knew or should have known that priests have sexually abused children in such places; (d) in that it allowed and encouraged Federici to supervise, oversee and chaperone minor parishioners when it knew or should have known that Federici had the propensity to sexually abuse such minors; (e) in that it failed to properly and adequately investigate and supervise Federici in order to prevent such sexual abuse and sexual exploitation from occurring when it knew or should have known that since the inception of the defendant Diocese some of its priests have sexually abused children;

- (f) in that it induced the Catholic Faithful to entrust their children's moral and spiritual well being and safety to its priests and its schools then failed to protect these children, such as the minor plaintiff, who were without their parents and/or guardians from the sexual abuse and sexual exploitation perpetrated by Federici; (g) in that it allowed and encouraged Federici to freely interact and have one-on one contact with minor parishioners and students such as the plaintiff; (h) in failing to warn the plaintiff and his parents of Federici's propensities to commit sexual abuses upon minors; (i) in that it knew that priests of the Roman Catholic Church were abusing minor parishioners but failed to take adequate preventative measures to make the relationship between all priests and minor parishioners, including the plaintiff, safe and free from harm; (j) in that it failed to establish, maintain and enforce a policy of reporting, investigating, pursuing and removing members of its clergy engaged in sexual misconduct and instead adhered to a policy of discouraging the dissemination of information regarding the sexual misconduct of priests with minors; (k) in that it failed to take adequate steps to advise persons in association with such priests or in a supervisory position of such priests of the danger those priests could create when dealing with minor parishioners, having no policy of reporting sexual misconduct to the Bishop or other officials of the Diocese of Bridgeport by other priests within the Diocese of Bridgeport who might be aware of sexual misconduct by a priest to a minor parishioner, its failure to properly investigate claims of sexual misconduct of a priest brought to the attention of

- its priests including the Bishop; (l) in that it failed to adequately seek out victims of such sexual abuse in order to render assistance and prevent or reduce further damage to untreated victims, like the plaintiff; (m) in that it knew or should have known that Federici was sexually abusing the minor plaintiff by virtue of the frequency with which Federici freely interacted with minors such as the plaintiff; (n) in that it failed to police activities of its priests including its failure to provide or enforce rules prohibiting clergy from having children in private rooms and places and being unchaperoned with minors both upon premises it owned and controlled and/or taken from premises unchaperoned; (o) and in that it systematically covered-up sexual misconduct by its priests so as to further endanger minor parishioners such as the plaintiff.

22. The injuries and damages sustained by the plaintiff were the result of the reckless, wanton and willfully improper acts of the defendant St. Thomas, its agents, servants and/or employees, in one or more of the following ways: (a) in that it knew or should have known that its employee and/or agent Federici was sexually abusing, sexually assaulting and sexually exploiting the minor plaintiff and allowed such conduct to continue; (b) in that it knew or should have known that Federici had a propensity to sexually abuse, sexually assault and sexually exploit minor parishioners, yet failed to take steps to prevent his sexual abuse of the minor plaintiff; (c) in that it failed to promulgate policies and rules proscribing priests from bringing children to private rooms and private places, when it knew or should have known that

- **priests have sexually abused children in such places; (d) in that it allowed and encouraged Federici to supervise, oversee and chaperone minor parishioners when it knew or should have known that Federici had the propensity to sexually abuse such minors; (e) in that it failed to properly and adequately investigate and supervise Federici in order to prevent such sexual abuse and sexual exploitation from occurring when it knew or should have known that since the inception of the defendant Diocese some of its priests have sexually abused children; (f) in that it induced the Catholic Faithful to entrust their children's moral and spiritual well being and safety to its priests and its schools then failed to protect these children, such as the minor plaintiff, who were without their parents and/or guardians from the sexual abuse and sexual exploitation perpetrated by Federici; (g) in that it allowed and encouraged Federici to freely interact and have one-on one contact with minor parishioners and students such as the plaintiff, (h) in failing to warn the plaintiff and his parents of Federici's propensities to commit sexual abuses upon minors; (i) in that it knew that priests of the Roman Catholic Church were abusing minor parishioners but failed to take adequate preventative measures to make the relationship between all priests and minor parishioners, including the plaintiff, safe and free from sexual harm; (j) in that it failed to establish, maintain and enforce a policy of reporting, investigating, pursuing and removing members of its clergy engaged in sexual misconduct and instead adhered to a policy of discouraging the dissemination of information regarding the sexual misconduct of priests with**

- minors; (k) in that it failed to take adequate steps to advise persons in association with such priests or in a supervisory position of such priests of the danger those priests could create when dealing with minor parishioners, having no policy of reporting sexual misconduct to the Bishop or other officials of the Diocese of Bridgeport by other priests within the Diocese of Bridgeport who might be aware of sexual misconduct by a priest to a minor parishioner, its failure to properly investigate claims of sexual misconduct of a priest brought to the attention of its priests including the Bishop; (l) in that it failed to adequately seek out victims of such sexual abuse in order to render assistance and prevent or reduce further damage to untreated victims, like the plaintiff; (m) in that it knew or should have known that Federici was sexually abusing the minor plaintiff by virtue of the frequency with which Federici freely interacted with minors such as the plaintiff; (n) in that it failed to police activities of its priests including its failure to provide or enforce rules prohibiting clergy from having children in private rooms and places and being unchaperoned with minors both upon premises it owned and controlled and/or taken from premises unchaperoned; (o) and in that it systematically covered-up sexual misconduct by its priests so as to further endanger minor parishioners such as the plaintiff.

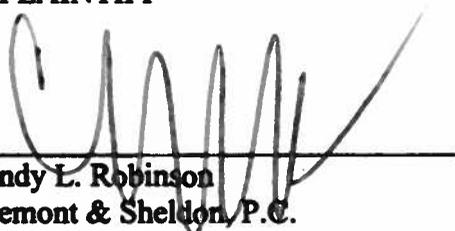
The plaintiff claims:

1. Monetary damages within the jurisdiction of this Court for his pain, suffering, personal injuries and humiliation;
2. Punitive damages; and

3. Exemplary damages.

THE PLAINTIFF

BY



Cindy L. Robinson  
Tremont & Sheldon, P.C.

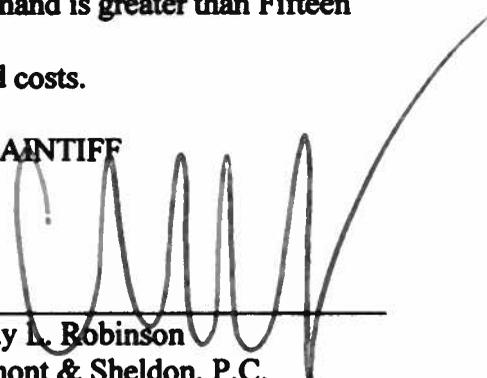
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AMOUNT IN DEMAND

The plaintiff represents that the amount in demand is greater than Fifteen  
Thousand (\$15,000) Dollars, exclusive of interest and costs.

THE PLAINTIFF

BY

  
Cindy L. Robinson  
Tremont & Sheldon, P.C.