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Rockville, Maryland 20854

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and

**SAINT LUKE INSTITUTE  
FOUNDATION, INC.**  
8380 Colesville Road, Suite 300  
Silver Spring, Maryland 20910

SERVE ON:  
Registered Agent:  
Ellis J. Koch, Esquire  
1429 Longhill Drive  
Rockville, Maryland 20854

Defendants.

\* \* \* \* \*

**FIRST AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL**

Plaintiff David S. Schappelle (“Mr. Schappelle” or “Plaintiff”), by and through his undersigned attorneys, and for his causes of action against the Roman Catholic Archbishop of Washington, a Corporation Sole (“AOW” or “Archbishop of Washington”), St. Rose of Lima Catholic Church, Gaithersburg, Inc. (“St. Rose of Lima”), Saint Luke Institute, Inc. and Saint Luke Institute Foundation, Inc. (collectively, “Saint Luke Institute”), alleges upon personal knowledge and, where stated, upon information and belief, as follows:

**NATURE OF THE ACTION**

1. The Maryland General Assembly’s recent passage of the Child Victims Act<sup>1</sup> enables survivors of childhood sexual abuse, like Mr. Schappelle, to seek justice for the

<sup>1</sup>The Child Victims Act of 2023, 2023 Maryland Laws Ch. 6 (H.B. 1), *to be codified in relevant part at* Md. Ann. Code, Cts & Jud. Pro. §§ 5-117, 303, 518, 12-303.

unimaginable lifetime toll that abuse has wrought on their lives. By this suit, Mr. Schappelle seeks to hold accountable those who abused him and those who enabled that abuse.

### **PARTIES**

2. Plaintiff David S. Schappelle is an adult individual who resides at 4636 Dapple Court, Ellicott City, Maryland 21043 (Howard County).

3. Defendant the Archbishop of Washington maintains its principal place of business at 5001 Eastern Avenue, Hyattsville, Maryland 20782 (Prince George's County), and its mailing address at Post Office Box 29260, Washington, D.C. 20017-0260.

4. At all relevant times, the Archbishop of Washington conducted business in the District of Columbia and in Maryland as the Archdiocese of Washington and/or The Roman Catholic Archdiocese of Washington.

5. Defendant Archbishop of Washington is the Roman Catholic diocese covering the District of Columbia and the following Maryland counties: Montgomery County, Prince George's County, Charles County, Calvert County, and St. Mary's County.

6. At all relevant times, the Archbishop of Washington employed and/or relied on priests, clergy, religious brothers, including Father Wayland Brown ("Brown") and Father John Myslinski, religious sisters, teachers, school administrators, bookkeepers, employees, volunteers, and others to staff St. Rose of Lima and to provide other services to individuals and families, including Plaintiff and his family.

7. Upon information and belief, the Archbishop of Washington operates its affairs as both a corporate entity and as the organization known as the Roman Catholic Archdiocese of Washington. Both entities and all other affiliated corporations and entities controlled by the Archbishop of Washington are included in this Complaint as the "Archbishop of Washington." In

addition to offering places of worship, the Archbishop of Washington functions as a business by engaging in numerous revenue-producing activities including universities, schools, daycare centers, sports programs for youth, and hospitals. It solicits money from its congregants, students, patients and customers (and their insurers) in exchange for its services.

8. The Audited financial statement for the Central Pastoral Administration of the Archdiocese of Washington for 2021 reports that its net assets with donor restrictions was \$194,830,000.00, its operating revenue was \$87,910,656.00 and its investment revenue was \$139,829,436.00. Revenue from parishes, schools, universities, youth programs and hospitals are separately reported.

9. To the extent that the Archbishop of Washington was a different entity, corporation, or organization during the period of time when Brown used his positions as representative, agent, manager, pastor, and administrator to sexually abuse Plaintiff, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit and is named in this lawsuit as the Archbishop of Washington.

10. To the extent that the Archbishop of Washington is a successor to a different entity, corporation, or organization which existed during the time Brown used his positions as representative, agent, pastor, manager, and administrator to sexually abuse Plaintiff, such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit and is named in this lawsuit as the Archbishop of Washington or generally the "Church," referring generally to the Catholic Church in the United States and its various affiliates.

11. Defendant, St. Rose of Lima Catholic Church, Gaithersburg, Inc. is a religious non-profit corporation organized and existing under the laws of Maryland with a principal place of business located at 11701 Clopper Road Gaithersburg, Maryland 20878 (Montgomery County).

12. At all relevant times, Defendant St. Rose of Lima acted by and through its respective agents, servants, and employees including, but not limited to Brown.

13. At all relevant times, Mr. Schappelle was a parishioner of St. Rose of Lima, receiving religious education.

14. Defendant, Saint Luke Institute, Inc. is a corporation organized and existing under the laws of Maryland with a principal place of business located at 8380 Colesville Road, Suite 300, Silver Spring, Maryland 20910 (Montgomery County).

15. At all relevant times, Defendant Saint Luke Institute, Inc. acted by and through its respective agents, servants, and employees.

16. Defendant, Saint Luke Institute Foundation, Inc. is a corporation organized and existing under the laws of Maryland with a principal place of business located at 8380 Colesville Road, Suite 300, Silver Spring, Maryland 20910 (Montgomery County).

17. At all relevant times, Defendant Saint Luke Institute Foundation, Inc. acted by and through its respective agents, servants and employees.

18. References to any Defendant entity include the entity and its parent companies, subsidiaries, affiliates, predecessors, successors, agents and assigns. In addition, an allegation that an entity engaged in an act, deed, or transaction means that the entity engaged in the act, deed, or transaction by or through its officers, directors, agents, employees, or representatives while they were actively engaged in the management, direction, control, or transaction of the entity's business or affairs.

## **JURISDICTION AND VENUE**

19. This Court has subject matter jurisdiction over this case pursuant to Md. Code Ann., Cts. & Jud. Proc. §§ 1-501 and 4-401.

20. This Court has personal jurisdiction over the St. Rose of Lima pursuant to Md. Code Ann., Cts. & Jud. Proc. § 6-102 because St. Rose of Lima maintains its principal places of business in Maryland.

21. The Court has personal jurisdiction over the AOW pursuant to Md. Code Ann., Cts. & Jud. Proc. § 6-103 because it transacts business in Maryland.

22. This Court has personal jurisdiction over Saint Luke Institute, Inc. and Saint Luke Institute Foundation, Inc. pursuant to Md. Code Ann., Cts. & Jud. Proc. § 6-102 because both entities maintain their principal place of business in Maryland.

23. This Court is a proper venue for this action under Md. Code Ann., Cts. & Jud. Proc. § 6-201 because Defendants reside, carry on regular business and/or maintain their principal offices in this judicial district.

24. This claim is instituted for the recovery of damages in an amount in excess of the Circuit Court's jurisdictional threshold of \$30,000.00.

## **THIS ACTION IS TIMELY UNDER THE CHILD VICTIMS ACT**

25. The Child Victims Act of 2023 took effect on October 1, 2023, and provides in relevant part, "notwithstanding any time limitation under a statute of limitations, a statute of repose, the Maryland Tort Claims Act, the Local Government Tort Claims Act, or any other law,

an action for damages arising out of an alleged incident or incidents of sexual abuse that occurred while the victim was a minor may be filed at any time.”<sup>2</sup>

The Child Victims Act defines child sexual abuse as: “[A]ny act that involves:

- (1) An adult allowing or encouraging a child to engage in:
  - (i) Obscene photography, films, poses, or similar activity;
  - (ii) Pornographic photography, films, poses, or similar activity; or
  - (iii) Prostitution;
- (2) Incest;
- (3) Rape;
- (4) Sexual offense in any degree; or
- (5) Any other sexual conduct that is a crime.”<sup>3</sup>

26. As alleged below, Plaintiff was subjected to sexual abuse that constituted crimes under the laws in effect at the time.

27. Plaintiff was a minor at all relevant times when the incidents of sexual abuse alleged below occurred and this cause of action therefore falls within the scope of the Act.

#### **FACTS COMMON TO ALL COUNTS**

28. David Schappelle is a successful father of five who has been married for 20 years. He has an undergraduate and graduate degree from the University of Maryland College Park and currently serves as the director of a government human resources firm in Columbia, Maryland.

29. He was born in 1977 to a mother who was a devout Catholic who regularly attended mass with her children.

30. When he was nine years old, Mr. Schappelle and his family moved to Gaithersburg, Maryland. Shortly after moving, the family joined St. Rose of Lima.

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<sup>2</sup> Civil Actions—Child Sexual Abuse—Definition, Damages, and Statute of Limitations (The Child Victims Act Of 2023), 2023 Maryland Laws Ch. 6 (H.B. 1).

<sup>3</sup> *Id. codified at* Md. Code Ann., Courts & Jud. Pro. § 5-117.

31. Mr. Schappelle soon thereafter enrolled in religious education classes at St. Rose of Lima.

**A. Brown's History of Abuse**

32. Brown's predatory behavior became apparent even before he was ordained. Although he was not ordained until 1977, complaints about him date back as far as 1969. He was a catechism teacher in Savannah, Georgia at the time. The church administrator of the church where Brown taught wrote that Brown "was developing a coterie of young boys around him."

33. Brown applied for the priesthood in 1972. In response to his application, the church administrator wrote a letter to Bishop Raymond W. Lessard ("Bishop Lessard"), head of the Roman Catholic Diocese of Savannah ("Savannah Diocese"), expressing concerns about Brown's behavior toward children. Lessard ignored the letter and Brown began classes at Washington Theological College at Catholic University ("WTC") in 1972.

34. Numerous complaints followed about Brown's suspicious relationships with young boys.

35. More than a decade before Mr. Schappelle ever met Brown, St. Rose of Lima and the AOW were or should have been aware of Brown's sexual abuse of children.

36. Brown was a seminarian assistant at St. Rose of Lima from 1973 through 1977. He was enrolled at WTC while working at St. Rose of Lima.

37. While serving as a seminarian assistant at St. Rose of Lima, Brown sexually abused two brothers who were parishioners at that church. Brown befriended the boys' mother, and she invited him to stay at their house where he slept in the boys' bedroom. He fondled and raped the two brothers at St. Rose of Lima, at the boys' home and in Brown's dorm room at WTC.



38. Despite the mounting complaints against him and the administrator's concerns, Brown was ordained in July 1977. The diocese's vocations director, who handled personnel issues for the diocese, recommended to Lessard that Brown not be ordained. Several other staff also raised concerns. Lessard did not heed these warnings. Brown was assigned to be associate pastor at St. James Church and School in Savannah, Georgia from 1977 through 1985.

39. At St. James, Brown abused another 10-year-old child between 1978 and 1983.

40. He was ultimately removed from his position at St. James for "personality problems" involving "horseplay" with teenaged boys at a pool party.

**B. Georgia Law Enforcement Investigation into Brown and The Church's Knowledge of His Abuse**

41. In 1986, law enforcement officers from two separate Georgia counties investigated Brown due to his behavior with male children. On March 26, 2004, Bishop J. Kevin Boland issued a formal recommendation to the Congregation for the Doctrine of the Faith urging that Brown be removed from the priesthood.

42. The recommendation, known in Catholic Church parlance as a *Votum*, states that Brown met with Bishop Lessard, head of the Savannah Diocese, on August 8, 1986, about the law enforcement inquiry. Bishop Lessard asked Brown directly whether there were grounds for the charges and if he was guilty of an indiscretion. Brown answered in the affirmative, admitting he had abused children under his care. This admission from Brown provided Lessard with definitive proof that Brown was a danger to young parishioners.

43. However, Lessard failed to notify the authorities of Brown's admission. He also failed to notify the authorities of Brown's whereabouts or allow them to question him.

44. Rather, on September 25, 1986, Lessard prohibited Brown from the public exercise of ministry and sent him to Saint Luke Institute in Silver Spring, Maryland. Due to Brown's admission to Saint Luke Institute, the law enforcement investigations were dropped.

**C. Saint Luke Institute's "Evaluation" and "Treatment" of Brown at The Church's Request**

45. Instead of reporting Brown's admission to the authorities or properly investigating his obvious child abuse, he was sent to Saint Luke Institute for "evaluation" and "treatment." Saint Luke Institute is a notorious Church-affiliated religious treatment center where bishops sent pedophile and ephebophile priests for cursory "treatment" before returning the abusers to parishes where they continued to abuse children.

46. Saint Luke Institute holds its staff out as experts in diagnosing and treating clergy members who have sexually abused children. Officials from Saint Luke Institute recruit and solicit clergy members for its programs, like Brown. Officials from Saint Luke Institute correspond with officials from each diocese in Maryland as part of its recruitment efforts.

47. During a clergy member's course of "treatment," Saint Luke Institute has ongoing discussions with diocesan officials regarding the clergy member. Regardless of the disclosures made during "treatment," the focus of Saint Luke Institute and the diocese is on "healing" the clergy member rather than protecting children.

48. Saint Luke Institute is featured prominently in the Pennsylvania 40<sup>th</sup> Statewide Investigating Grand Jury Report focusing on the problem of child sex abuse within the Catholic Church in Pennsylvania.

49. The report notes that Saint Luke Institute is one of several psychiatric treatment centers that are part of the dioceses' plan in dealing with problem priests, noting "[The dioceses] for an appearance of integrity, send priests for 'evaluation' at church-run psychiatric treatment

centers.” “They allow these experts to ‘diagnose’ whether the priest was a pedophile, based largely on the priest’s ‘self-reports’ and regardless of whether the priest had actually engaged in sexual contact with a child.”

50. Saint Luke Institute and the other clinics were highlighted in The Boston Globe’s 2002 investigation into Boston Archdiocese priests.

51. Saint Luke Institute has long maintained that it is not required to follow Maryland’s mandatory reporting laws, which require its staff to immediately report any actual or suspected child abuse to authorities—regardless of when or where the abuse occurred. Saint Luke Institute staff have long ignored those requirements and have sent dangerous predators back to communities of children without warning.

52. Upon information and belief, during Brown’s “treatment” at Saint Luke Institute, he disclosed specific instances of child sex abuse.

53. Upon information and belief, throughout his stay, Saint Luke Institute conveyed its findings to the AOW and the Savannah Diocese.

54. Despite his known history of child abuse and confession to Bishop Lessard, Saint Luke Institute and the Archbishop of Washington allowed Brown to teach religious education classes and take children’s confession at St. Rose of Lima during his “treatment” at Saint Luke Institute. Upon information and belief, Brown was still in “treatment” at Saint Luke Institute when Archbishop of Washington, with the full support of St. Rose of Lima, sent him back to the parish where he had previously abused children.

#### **D. Mr. Schappelle Suffers Horrific Abuse**

55. In the summer of 1986, Mr. Schappelle, a 9-year-old child at the time, was in a religious education class taught by Brown at St. Rose of Lima. Brown introduced himself to the

class because he had just moved to the area and he was new to the parish. He asked the class where God lived. Mr. Schappelle responded that God lived in our hearts. Brown instructed Mr. Schappelle to lift his shirt in front of the class and show them. Mr. Schappelle felt embarrassed and confused.

56. St. Rose of Lima also assigned Brown to hear the children's confessions, a ritual in which a priest and parishioner are generally alone together in a private setting.

57. Brown told Mr. Schappelle that he needed to "practice" the confession ritual with Brown.

58. When it was Mr. Schappelle's turn to go into the private area with Brown to confess, Brown remembered Mr. Schappelle as the boy who said God lives in our hearts. He told Mr. Schappelle to lift his shirt again, and he tickled Mr. Schappelle's stomach. Brown then told Mr. Schappelle that God lived "a little lower in our body" and "throughout" the body. Brown told Mr. Schappelle he could offer him a "special sacrament," and asked Mr. Schappelle if he wanted to receive the "special sacrament." Mr. Schappelle said yes, not knowing what Brown was talking about. Brown told Mr. Schappelle it would take a few minutes to prepare and returned after a few minutes wearing a green ceremonial robe.

59. Brown then masturbated under the robe and held out his left palm with a gooey clear and white substance on his palm. He told Mr. Schappelle that he should consume the white substance because "it comes straight from God." Mr. Schappelle was very frightened, wanted to run away, and declined to drink it. Brown became angry and ordered Mr. Schappelle to drink it. Mr. Schappelle reluctantly put his mouth on Brown's hand, and after trying to drink it, he told Brown he could not do it. Brown slapped Mr. Schappelle across the face with enough force to

knock him backwards. Brown told Mr. Schappelle that “God will be very angry” if Mr. Schappelle “didn’t accept his holy offering.” Frightened, Mr. Schappelle obeyed Brown.

60. Brown continued to sexually abuse Mr. Schappelle during the fall of 1986.

61. Brown pulled Mr. Schappelle out of religious education class or away from the other students, alone, and sexually abused him.

62. Brown also invited another priest to abuse Mr. Schappelle. Mr. Schappelle was in the middle of watching a movie with other children at a St. Rose of Lima movie night. Mr. Schappelle was approached by another priest, Father John Myslinski (“Myslinski”), who was a volunteer pastor at St. Rose of Lima. Upon information and belief, Myslinski was assigned to the nearby Annunciation Catholic Church in northwest Washington, D.C.

63. Myslinski pulled Mr. Schappelle out of the movie, took him to his car, and the two of them drove away. Myslinski stopped to pick up Brown and, shortly thereafter, Myslinski pulled over and both priests sat on either side of Mr. Schappelle. They forced Mr. Schappelle to perform oral sex on them. When they finished sexually abusing Mr. Schappelle for the night, they returned him to movie night with the other children.

64. Brown also abused Mr. Schappelle at a fall picnic at St. Rose of Lima. Brown took Mr. Schappelle into a small old house that was on the property at the time. He took Mr. Schappelle into a bedroom on the main level and showed Mr. Schappelle a gun. Brown told Mr. Schappelle, “Even God’s people need to protect themselves.” He then threatened Mr. Schappelle not to tell anyone about what had happened or was happening.

65. While in the bedroom, Brown showed Mr. Schappelle a condom and told him to put it on Brown's penis. Brown turned Mr. Schappelle around and bent him over the bed, telling him, “This will hurt a little. Don’t be afraid.” Brown anally raped Mr. Schappelle. Mr. Schappelle

passed out from the extreme pain. When Mr. Schappelle awoke, Brown ordered Mr. Schappelle to take off the condom and drink from it, as “God’s special consecration.” Mr. Schappelle said he could not do it. Brown then poured it into Mr. Schappelle’s hand and ordered him to drink it. Mr. Schappelle said he could not. Brown told Mr. Schappelle he had done enough for the day, and to instead say a Hail Mary (a ritualistic Catholic prayer) prayer with him. He then instructed Mr. Schappelle to go back to the picnic and play with the other kids. When Mr. Schappelle’s mom was taking him home from the picnic, Brown told her how special Mr. Schappelle was, and asked if Mr. Schappelle could go to Savannah, Georgia with him.

66. Brown remained in “treatment” at Saint Luke Institute throughout his abuse of Mr. Schappelle. Even with his history of continuously abusing children that continued while in “treatment,” Saint Luke Institute, the AOW and the Savannah Diocese allowed him to return to St. James Church in Savannah, Georgia on June 8, 1987. St. James was under the leadership of Bishop Lessard, to whom Brown had previously admitted his vile abuse. Saint Luke Institute, staffed with healthcare practitioners who were mandatory reporters under Maryland law, never reported Brown for his known child abuse. Rather, after seven months of “treatment,” Saint Luke Institute deemed him “ready” for reintegration into the ministerial setting.

67. A year later, on July 8, 1988, Lessard finally informed Brown that he was being relieved of his assignment at St. James Church and he would not receive another pastoral assignment. Brown’s behavior toward male children had again been questioned. However, neither Lessard nor any other individual associated with the any diocese notified law enforcement or the parents of the children whom the officials knew or should have known Brown abused.

**E. Brown is Convicted, Incarcerated, Laicized and Placed on Sex Offender Registry**

68. In the early 2000's, courageous survivors began to demand that Brown be held accountable.

69. In September 2002, Brown pled guilty to abusing two boys in 1974, while he was at WTC. He was sentenced to 10 years in prison. He was laicized (stripped of his priesthood) in July 2004 because of the conviction. In 2008, Brown was released from prison and placed on the sex offender registry.

70. Lawsuits also began to mount against Brown and significant settlements have been paid out due to his abuse of young children.

71. In August 2017, Brown was again indicted for abusing young boys. He pled guilty. One victim said the abuse began when he was just nine years old. Brown had put a gun to the boy's head, threatened to kill him, his family and his dog. Brown was sentenced to 20 years in prison. He died in prison on June 8, 2019.

**F. Devastating Impacts of the Abuse Mr. Schappelle Endured**

72. As a direct result of Brown's physical, sexual and emotional abuse, Mr. Schappelle has experienced significant mental anguish, culminating in a mental breakdown. In addition to extreme emotional distress, he has experienced physical sickness and dramatic weight loss.

73. Mr. Schappelle suffers from anxiety, depression, anger, issues with self-worth, and suicidal ideations.

74. Brown's abuse shattered Mr. Schappelle's faith and spirituality. Raised in a Catholic family, Mr. Schappelle trusted the Church to provide him with spiritual guidance and instruction. Brown abused that trust in the most profound way possible. Defendants have only compounded this breach of trust—first by assigning a known pedophile to work with kids, failing

to offer any supervision of Brown's interactions, and failing to protect Mr. Schappelle and other vulnerable students, and then by failing to offer any meaningful support when Mr. Schappelle reported his abuse.

75. As a direct and proximate result of Brown's abuse and Defendants' conduct and utter failure to protect him from that physical, sexual and emotional abuse, to acknowledge that what was done to him was wrong and not his fault, and/or to offer him help, Mr. Schappelle has suffered and continues to suffer, grievous harms and losses for which he is entitled to substantial economic and non-economic damages.

### **CAUSES OF ACTION**

#### **COUNT I**

#### **Negligence**

**(Plaintiff v. Roman Catholic Archbishop of Washington, a Corporation Sole and St. Rose of Lima Catholic Church, Gaithersburg, Inc.)**

76. Plaintiff re-alleges and incorporates by reference the factual allegations contained in all prior paragraphs as if fully stated in this Count.

77. Defendants owed Plaintiff a duty of reasonable care to protect him from injury, because he was a young student committed to their care and custody.

78. Defendants owed Plaintiff a duty of care because they had a special relationship with him.

79. Defendants also had a duty arising from the special relationship that existed with Plaintiff to properly train and supervise their representatives, agents, and employees.

80. Defendants owed Plaintiff a duty to protect him from harm because Defendants were on notice of Brown's history of abuse and were his employers and/or had authority over him.



81. Defendants also had a duty to take reasonable steps to prevent Brown from using his authority or the tasks, premises, and instrumentalities of his position to target and sexually abuse children generally, including Plaintiff.

82. By establishing and/or operating as religious institutions, and holding their facilities and programs out to be a safe environment for children like Plaintiff, Defendants owed Plaintiff a duty to properly supervise Plaintiff to prevent harm to him from foreseeable dangers.

83. Defendants owed Plaintiff a duty to protect him from harm because they invited Mr. Schappelle onto their property and Brown posed a potentially dangerous condition on Defendants' property.

84. In breach of the duties owed to Plaintiff, Defendants, among other things:
- a. failed to use ordinary care in determining whether their facilities were safe and/or determining whether they had sufficient information to represent their facilities as safe,
  - b. failed to protect Plaintiff from a known or potential danger,
  - c. failed to have sufficient policies and procedures in place to prevent child abuse and child sex abuse,
  - d. failed to properly implement policies and procedures to prevent child abuse and child sex abuse,
  - e. failed to take reasonable measures to ensure that policies and procedures to prevent child abuse and child sex abuse were effective,
  - f. failed to adequately inform families and children of the risks of child abuse and child sex abuse,
  - g. failed to investigate risks of child abuse and child sex abuse,
  - h. failed to properly screen prospective employees for hire, and once hired to train and supervise their employees,
  - i. failed to fulfill their duty to report child abuse and child sex abuse to law enforcement authorities,
  - j. failed to investigate suspected child abuse and child sex abuse,
  - k. failed to dismiss employees, agents, and/or servants who were sexually abusing children in their care,
  - l. failed to inform the parents of children who were sexually abused,
  - m. failed to acknowledge to the children and to their parents or guardians that wrongs had been committed against them, that they were not to blame, to offer any medical care or mental health care to the abused students, or to offer just compensation for their injuries,
  - n. failed to have any outside agency test their safety procedures,

- o. failed to protect the children who under their care from child abuse and child sex abuse,
- p. failed to adhere to the applicable standard of care for child safety,
- q. failed to investigate the amount and type of information necessary to represent the Defendants and their programs, administration, and staff as safe,
- r. failed to train their representatives, agents, and employees properly to identify and report signs of child abuse and child sex abuse by fellow employees,
- s. failed to create and foster a culture of accountability and shared responsibility for the welfare of the children in their care, and
- t. failed to otherwise exercise ordinary and reasonable care to assure the safety of children in their care.

85. Defendants also breached their duty to Plaintiff by failing to warn Plaintiff or his family about Brown's history of child abuse, including child sexual abuse, and Defendants' knowledge of same.

86. The sexual abuse and resulting injuries to Plaintiff were caused solely and wholly by reason of the negligent failures of the Defendants.

87. As a direct and proximate result of the foregoing acts of grooming and sexual abuse, Plaintiff sustained physical, emotional, and psychological injuries, along with untold pain, suffering and the loss of enjoyment of life. Plaintiff has required and continues to require intensive psychiatric and psychological care and will require lifelong mental health treatment.

88. The physical and psychological harm Plaintiff suffered as a direct and proximate result of Defendants' negligence resulted in lost wages, lost business opportunities, diminution in earnings and a variety of other direct economic losses.

**WHEREFORE**, Plaintiff demands judgment against Defendants Roman Catholic Archbishop of Washington, a Corporation Sole, and St. Rose of Lima Catholic Church, Gaithersburg, Inc., jointly and severally, in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00) for economic and non-economic compensatory damages, interest, attorneys' fees and costs and other such relief the court deems appropriate.

**COUNT II**  
**Negligent Hiring of Employees**  
**(Plaintiff v. Roman Catholic Archbishop of Washington and St. Rose of Lima Catholic Church, Gaithersburg, Inc.)**

89. Plaintiff re-alleges and incorporates by reference the factual allegations contained in all prior paragraphs as if fully stated in this Count.

90. Defendants owed Plaintiff a duty to use reasonable care in their vetting of Brown, before hiring him, including without limitation, by performing a background check, mental health screenings, psychological evaluations, and in-depth review of references and prior work history with children and youth.

91. In breach of that duty, Defendants failed to use reasonable care in their evaluation and selection of Brown to serve as associate pastor. Defendants' hiring procedures were insufficient to ensure that Brown was competent and fit for the work assigned to him, and that he would not cross professional or personal boundaries in performance of his duties.

92. Had Defendants performed appropriate pre-hiring diligence and investigation, they would have discovered Brown's unsuitability for employment by the Defendants and would not have retained him for this position considering the information they knew or should have known of Brown's prior history of abuse, including sexual abuse, of children.

93. As a direct and proximate result of the foregoing, Plaintiff was sexually abused by Brown and sustained emotional, physical and psychological injuries as set forth with particularity, above.

94. The physical and psychological harm Plaintiff suffered as a direct and proximate result of Defendants' negligence resulted in past and future treatment costs, lost wages, lost business opportunities, diminution in earnings and a variety of other direct economic losses.

**WHEREFORE**, Plaintiff demands judgment against Defendants Roman Catholic Archbishop of Washington, a Corporation Sole and St. Rose of Lima Catholic Church, Gaithersburg, Inc., jointly and severally, in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00) for economic and non-economic compensatory damages, interest, attorneys' fees and costs and other such relief the court deems appropriate.

**COUNT III**  
**Negligent Supervision and Retention of Employees**  
**(Plaintiff v. Roman Catholic Archbishop of Washington and St. Rose of Lima Catholic Church, Gaithersburg, Inc.)**

95. Plaintiff re-alleges and incorporates by reference the factual allegations contained in all prior paragraphs as if fully stated in this Count.

96. At all relevant times, Brown was employed by Defendants and was under their direct supervision, employment, and control when he committed the wrongful acts alleged herein.

97. Defendants had a duty to supervise and retain only those employees who were suitable for the position for which they were hired, and specifically, had a duty to retain Brown only if he acted in a professional and appropriate manner towards children in general, and Plaintiff, in particular.

98. In breach of that duty, the Defendants failed to monitor Brown's conduct and performance of his duties and unlawfully retained Brown in there employ.

99. Had Defendants' reasonably supervised and monitored Brown, Defendants would have each discovered his unsuitability for continued employment.

100. As a direct result of the foregoing, Plaintiff was sexually abused and sustained emotional, physical and psychological injuries as set forth with particularity above.

101. The physical and psychological harm Plaintiff suffered as a direct and proximate result of Defendants' negligence resulted in past and future treatment costs, lost wages, lost business opportunities, diminution in earnings and a variety of other direct economic losses.

**WHEREFORE**, Plaintiff demands judgment against Defendants Roman Catholic Archbishop of Washington, a Corporation Sole and St. Rose of Lima Catholic Church, Gaithersburg, Inc., jointly and severally, in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00) for economic and non-economic compensatory damages, interest, attorneys' fees and costs and other such relief the court deems appropriate.

**COUNT IV**

**Premises Liability**

**(Plaintiff v. Roman Catholic Archbishop of Washington and St. Rose of Lima Catholic Church, Gaithersburg, Inc.)**

102. Plaintiff re-alleges and incorporates by reference the factual allegations contained in all prior paragraphs as if fully stated in this Count.

103. Defendants owed the highest duty to Plaintiff, a minor and invitee to their business, to provide safe premises, free of the risk of harm and/or injury by the Defendants' representatives, employees and/or agents.

104. Defendants had a duty to eliminate dangerous conditions on their premises of which they were or should have been aware.

105. In breach of their duty to Plaintiff, Defendants negligently failed to provide safe premises, free of the risk of harm or injury. Defendants had ample notice and opportunity to ensure the safety of children whose care they were entrusted, including Plaintiff, from being the victims of harassment, sexual abuse, rapes, and battery.

106. As a direct and proximate result of the Defendants' negligence in failing to maintain a safe premises, and to otherwise protect Plaintiff from harm, Plaintiff was harassed and sexually exploited, abused, raped and battered on the premises of the Defendants.

107. As a direct result of the foregoing, Plaintiff was sexually abused and sustained emotional, physical and psychological injuries as set forth with particularity herein.

108. The physical and psychological harm Plaintiff suffered as a direct and proximate result of Defendants' negligence resulted in past and future treatment costs, lost wages, lost business opportunities, diminution in earnings and a variety of other direct economic losses.

**WHEREFORE**, Plaintiff demands judgment against Defendants Roman Catholic Archbishop of Washington and St. Rose of Lima Catholic Church, Gaithersburg, Inc., jointly and severally, in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00) for economic and non-economic compensatory damages, interest, attorneys' fees and costs and other such relief the court deems appropriate.

**COUNT V**  
**Negligence**  
**(Plaintiff v. Saint Luke Institute, Inc. and Saint Luke Institute Foundation, Inc.)**

109. Plaintiff re-alleges and incorporates by reference the factual allegations contained in all prior paragraphs as if fully stated in this Count.

110. Under Maryland law, a health practitioner is a mandatory reporter and has a duty to notify the proper local authorities or law enforcement if the practitioner has reason to believe that a child has been subject to abuse or neglect. The mandatory reporting statute was enacted to protect minors from abuse such as the abuse suffered by Plaintiff in this case.

111. At all relevant times, Saint Luke Institute employed health practitioners required to report child abuse or neglect under Maryland law regardless of when or where the abuse occurred.

112. Brown was sent to Saint Luke Institute by the Savannah Diocese due to his abuse of young children after confessing his conduct to Bishop Lessard.

113. Upon information and belief, Brown confessed specific acts of child sex abuse to Saint Luke Institute staff and those staff failed to report those incidents to law enforcement as required by Maryland law. Upon information and belief, the Savannah Diocese informed Saint Luke Institute of Brown's history of sexual abuse and his confession to Bishop Lessard.

114. Upon information and belief, Saint Luke Institute made no effort to warn parents or children of the grave risk of harm they knew Brown to pose to children with whom he interacted.

115. Saint Luke Institute knew or should have known about Brown's abuse of young children prior to, and during, his admission to Saint Luke Institute.

116. Health practitioners at Saint Luke Institute "evaluated" and "treated" Brown and would have obtained additional information from Brown regarding his abuse of young children.

117. Despite the knowledge that Brown had abused young children, neither Saint Luke Institute nor any of its agents or employees reported Brown's behavior to the appropriate authorities.

118. Rather, Saint Luke Institute concealed this information and allowed Brown to freely leave its facilities and return to his clergy position, which permitted Brown to further abuse young children in the Maryland area during his "treatment," like Mr. Schappelle.

119. Saint Luke Institute knew or should have known that Brown would come into direct contact with children while serving at St. Rose of Lima.

120. Saint Luke Institute had a duty to report Brown's prior abuse to law enforcement and to prevent him from abusing children while he was under its "care."

121. The abuse Mr. Schappelle suffered was a foreseeable harm based on Defendants' breach of its duties and, as a vulnerable child parishioner, Mr. Schappelle, a minor attending religious classes at the relevant time, is within the class of individuals likely to suffer harm from Defendants' negligence.

122. As a direct result of Saint Luke Institute's failure to report Brown's abuse of young children, to prevent him from interacting with children and/or to warn appropriate authorities, Brown's employers, and Mr. Schappelle and his parents of the danger posed by Brown, Plaintiff was harassed and sexually exploited, abused, raped and battered by Brown. Plaintiff, a young parishioner at the time, was within the class of individuals the Maryland Mandatory Reporter statute sought to protect and suffered the harm the statute sought to prevent.

123. As a direct result of the foregoing, Plaintiff was sexually abused and sustained emotional, physical and psychological injuries as set forth with particularity above.

124. The physical and psychological harm Plaintiff suffered as a direct and proximate result of Defendants' negligence resulted in past and future treatment costs, lost wages, lost business opportunities, diminution in earnings and a variety of other direct economic losses.

**WHEREFORE**, Plaintiff demands judgment against Defendants Saint Luke Institute, Inc. and Saint Luke Institute Foundation, Inc., jointly and severally, in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00) for economic and non-economic compensatory damages, interest, attorneys' fees and costs and other such relief the court deems appropriate.

**COUNT VI**  
**Negligent Supervision**  
**(Plaintiff v. Saint Luke Institute, Inc. and Saint Luke Institute Foundation, Inc.)**



125. Plaintiff re-alleges and incorporates by reference the factual allegations contained in all prior paragraphs as if fully stated in this Count.

126. Brown was under the care and treatment of Saint Luke Institute from October 31, 1986 through June 16, 1987 at its facilities in Silver Spring, Maryland.

127. Brown was sent to Saint Luke Institute by the Savannah Diocese due to his abuse of young children after confessing his conduct to Bishop Lessard.

128. Upon information and belief, Brown confessed specific acts of child sex abuse to Saint Luke Institute staff and those staff failed to report those incidents to law enforcement as required by Maryland law. Upon information and belief, the Savannah Diocese informed Saint Luke Institute of Brown's history of sexual abuse and his confession to Bishop Lessard.

129. Upon information and belief, Saint Luke Institute made no effort to warn parents or children of the grave risk of harm they knew Brown to pose to children with whom he interacted.

130. Saint Luke Institute knew or should have known about Brown's abuse of young children prior to, and during, his admission to Saint Luke Institute.

131. Saint Luke Institute had a duty to adequately train, supervise its staff, including its clinical staff.

132. Given the dangerous nature of its patient population, Saint Luke Institute owed a particular duty to ensure that its practitioners supervised and accounted for patients, like Brown, in a manner that protected the patients and public safety. Saint Luke Institute breached this duty permitting its staff to allow Brown, a known pedophile, to leave its facilities and work at St. Rose of Lima where he had access to young children, including Plaintiff.

133. Had it complied with its duty to train, monitor and supervise its staff, Saint Luke Institute would have prevented Brown from leaving its facilities and affording him the opportunity to continue to abuse young children at St. Rose of Lima, like Plaintiff.

134. As a direct result of Saint Luke Institute's failure to train, monitor and supervise its staff, Plaintiff was harassed and sexually exploited, abused, raped and battered by Brown.

135. As a direct result of the foregoing, Plaintiff was sexually abused and sustained emotional, physical and psychological injuries as set forth herein with particularity. Plaintiff, a young parishioner at the time, was within the class of individuals the Maryland Mandatory Reporter statute sought to protect and suffered the harm the statute sought to prevent.

136. The physical and psychological harm Plaintiff suffered as a direct and proximate result of Defendants' negligence resulted in past and future treatment costs, lost wages, lost business opportunities, diminution in earnings and a variety of other direct economic losses.

**WHEREFORE**, Plaintiff demands judgment against Defendants Saint Luke Institute, Inc. and Saint Luke Institute Foundation, Inc., jointly and severally, in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00) for economic and non-economic compensatory damages, interest, attorneys' fees and costs and other such relief the court deems appropriate.

**COUNT VII**  
**Fraudulent Concealment**  
**(Plaintiff v. Saint Luke Institute, Inc. and Saint Luke Institute Foundation, Inc.)**

137. Plaintiff re-alleges and incorporates by reference the factual allegations contained in all prior paragraphs as if fully stated in this Count.

138. Under Maryland law, a health practitioner is a mandatory reporter and has a duty to notify the proper local authorities or law enforcement if the practitioner has reason to believe

that a child has been subject to abuse or neglect. The mandatory reporting statute was enacted to protect minors from abuse such as the abuse suffered by Plaintiff.

139. At all relevant times, Saint Luke Institute employed health practitioners required to report child abuse or neglect.

140. Brown was sent to Saint Luke Institute by the Church due to his abuse of young children after confessing his conduct to Bishop Lessard.

141. Saint Luke Institute knew or should have known about Brown's abuse of young children prior to, and during, his admission to Saint Luke Institute.

142. Health practitioners at Saint Luke Institute "evaluated" and "treated" Brown and would have obtained additional information from Brown regarding his abuse of young children. Upon information and belief, the Savannah Diocese also informed Saint Luke Institute of Brown's history of sexual abuse and his confession to Bishop Lessard.

143. Despite the knowledge that Brown had abused young children, neither Saint Luke Institute nor any of its agents or employees reported Brown's behavior to the appropriate authorities. By failing to report Brown's child abuse, Saint Luke Institute violated Maryland's Mandatory Reporter law.

144. Rather, Saint Luke Institute concealed this information and allowed Brown to freely leave its facilities to further abuse young children in the Maryland area during his "treatment," like Mr. Schappelle.

145. Saint Luke Institute declined to report Brown's history of abuse to protect the Church and its continued business relationship with the Church in "evaluating" and "treating" clergy members. Saint Luke Institute's actions were an intentional deception of young members

of the clergy, like Plaintiff, who were inevitably going to come under Brown's supervision and authority.

146. Brown's history of abuse was unknown to Plaintiff or his family, and Plaintiff attended Brown's religious education classes and confessionals at St. Rose of Lima. Brown's abuse of Mr. Schappelle coincided with Brown's admission to Saint Luke Institute. Had Saint Luke Institute disclosed and reported Brown's abuse, Plaintiff nor his family would have allowed him to attend Brown's religious education classes or engage with him in any capacity.

147. As a direct result of Saint Luke Institute's fraudulent concealment of Brown's history of abuse, Plaintiff was harassed and sexually exploited, abused, raped and battered by Brown. Plaintiff, a young parishioner at the time, was within the class of individuals the Maryland Mandatory Reporter statute sought to protect and suffered the harm the statute sought to prevent.

148. As a direct result of the foregoing, Plaintiff was sexually abused and sustained emotional, physical and psychological injuries as set forth with particularity above.

149. The physical and psychological harm Plaintiff suffered as a direct and proximate result of Defendants' negligence resulted in past and future treatment costs, lost wages, lost business opportunities, diminution in earnings and a variety of other direct economic losses.

**WHEREFORE**, Plaintiff demands judgment against Defendants Saint Luke Institute, Inc. and Saint Luke Institute Foundation, Inc., jointly and severally, in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00) for economic and non-economic compensatory damages, interest, attorneys' fees and costs and other such relief the court deems appropriate.

**COUNT VIII**  
**Civil Conspiracy**  
**(Plaintiff v. Roman Catholic Archbishop of Washington and St. Rose of Lima Catholic Church, Gaithersburg, Inc., Saint Luke Institute, Inc. and Saint Luke Institute Foundation, Inc.)**

150. Plaintiff re-alleges and incorporates by reference the factual allegations contained in all prior paragraphs as if fully stated in this Count.

151. Saint Luke Institute, Archbishop of Washington and St. Rose of Lima intentionally conspired to conceal Brown's history of sexual abuse so that he could remain in the clergy, avoid prosecution, and protect the reputation of the Church. Saint Luke Institute also had a financial interest in concealing Brown's history of sexual abuse given that religious entities, such as Archbishop of Washington and St. Rose of Lima, sent predatory clergy members to Saint Luke Institute for "treatment" and "evaluation" in exchange for payment.

152. Brown was intentionally sent to Saint Luke Institute by the Savannah Diocese to conceal his known abuse of young children, including after Brown himself confessed his unlawful conduct to Bishop Lessard.

153. Saint Luke Institute is a notorious Church-affiliated religious treatment center where Defendants' bishops regularly sent pedophile and ephebophile priests and other clergy members for cursory "treatment." The Archbishop of Washington and St. Rose of Lima were aware of this fact or should have been aware of this fact.

154. The Archbishop of Washington, St. Rose of Lima, and Saint Luke Institute thus knew or should have known about Brown's abuse of young children prior to, and during, his admission to Saint Luke Institute.

155. Saint Luke Institution also knew or should have known about Brown's history of child sex abuse as health practitioners employed by Saint Luke Institute "evaluated" and "treated" Brown and would have obtained additional information from Brown regarding his abuse of young children. Upon information and belief, the Savannah Diocese also informed Saint Luke Institute of Brown's history of sexual abuse and his confession to Bishop Lessard.

156. Moreover, Archbishop of Washington and St. Rose of Lima were aware of Brown's history of child abuse given that Brown was a seminarian assistant at St. Rose of Lima from 1973 through 1977. By 1977, Brown had been the subject of numerous complaints due to his unlawful behavior around young children.

157. Saint Luke Institute, in concert with the Archbishop of Washington and St. Rose of Lima, further conspired to conceal Brown's history of child abuse in violation of the Maryland Mandatory Reporter law. The intentional concealment of Brown's sexual abuse history knowingly placed young parishioners, like Plaintiff, in direct threat of harm by known clergy sex abusers, like Brown.

158. At all relevant times, Saint Luke Institute employed health practitioners required to report child abuse or neglect.

159. Under Maryland law, a health practitioner is a mandatory reporter and has a duty to notify the proper local authorities or law enforcement if the practitioner has reason to believe that a child has been subject to abuse or neglect. The mandatory reporting statute was enacted to protect minors from abuse such as the abuse suffered by Plaintiff.

160. Despite the knowledge that Brown had abused young children, neither Saint Luke Institute nor any of its agents or employees reported Brown's behavior to the appropriate authorities.

161. Rather, Saint Luke Institute concealed this information and allowed Brown to freely leave its facilities to further abuse young children in the Maryland area during his "treatment," like Mr. Schappelle.

162. Saint Luke Institute declined to report Brown's history of abuse to protect the Church and its continued business relationship with the Church in "evaluating" and "treating"

clergy members. Saint Luke Institute's actions were intended to conceal Brown's history of abuse and deceive clergy members, like Plaintiff and his family, who were inevitably going to come under Brown's supervision and authority.

163. Brown's history of abuse was unknown to Plaintiff or his family, and Plaintiff attended Brown's religious education classes and confessionals at St. Rose of Lima. Brown's abuse of Mr. Schappelle coincided with Brown's admission to Saint Luke Institute. Had Saint Luke Institute disclosed and reported Brown's abuse as required, Brown would not have been permitted to teach or otherwise engage with young children, like Plaintiff.

164. As a direct result of Saint Luke Institute's fraudulent concealment of Brown's history of abuse, Plaintiff was harassed and sexually exploited, abused, raped and battered by Brown.

165. As a direct result of the foregoing, Plaintiff was sexually abused and sustained emotional, physical and psychological injuries as set forth with particularity above. Plaintiff, a young parishioner at the time, was within the class of individuals the Maryland Mandatory Reporter statute sought to protect and suffered the harm the statute sought to prevent.

166. The physical and psychological harm Plaintiff suffered as a direct and proximate result of Defendants' negligence resulted in past and future treatment costs, lost wages, lost business opportunities, diminution in earnings and a variety of other direct economic losses.

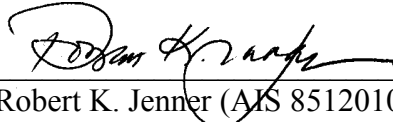
**WHEREFORE**, Plaintiff demands judgment against Defendants Roman Catholic Archbishop of Washington and St. Rose of Lima Catholic Church, Gaithersburg, Inc., Saint Luke Institute, Inc. and Saint Luke Institute Foundation, Inc., jointly and severally, in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00) for economic and non-economic

compensatory damages, interest, attorneys' fees and costs and other such relief the court deems appropriate.

**JURY DEMAND**

Plaintiff hereby respectfully demands a trial by jury of all issues so triable pursuant to Maryland Rule 2-325(a).

Respectfully submitted,



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