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MULTNOMAH COUNTY

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR MULTNOMAH COUNTY

02085

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L.J., an individual proceeding under a
pseudonym,

Plaintiff,

v.

FRANCISCAN FRIARS OF CALIFORNIA,
a foreign corporation registered to do
business in Oregon,

Defendant.

) Case No. 0902-02085
)
) COMPLAINT
) (Sexual Abuse of a Child/*Respondeat*
) *Superior*; Intentional Infliction of Emotional
) Distress/*Respondeat Superior*)
)
) **JURY TRIAL DEMANDED**
)
) Not Subject to Mandatory Arbitration
)

Plaintiff alleges:

(Common Allegations)

1.

Plaintiff L.J. is an adult male Oregon resident who at all times relevant to this complaint was an unemancipated minor child born in the year 1947, and who attended a Catholic boarding school known as the St. Francis Seraphic Seminary in Troutdale, Oregon.

2.

At all times relevant this complaint, Defendant Franciscan Friars of California was a foreign corporation—a branch of the Roman Catholic Order of Friars Minor or *Ordo Fratrum Minorum*—that operated the St. Francis Seraphic Seminary in Troutdale, Oregon (hereinafter “the Seminary”), and staffed the Seminary with its brethren and priests. Defendant Franciscan Friars of California will hereinafter be referred to collectively as “Franciscans” or “Defendant.”

3.

At all times relevant to this complaint, Fr. Claude Riffel, OFM, was a Priest of the Order

1 of Friars Minor, an employee or agent of Defendant, and was at all relevant times acting within
2 the course and scope of his employment or agency in performing duties for and on behalf of
3 Defendant as a priest, the Dean of Discipline, and the Franciscan agent who assigned various
4 jobs to the students at the Seminary.

5 4.

6 In the course of that employment and agency, Fr. Riffel befriended, supervised, and acted
7 as disciplinarian for Plaintiff while in the performance of Fr. Riffel's duties and Plaintiff's
8 assigned tasks at the Seminary. Specifically, Fr. Riffel assigned Plaintiff to the task of cleaning
9 the priests' offices at the Seminary after class time, and removed Plaintiff from class or athletic
10 activities under his authority as Dean of Discipline for the Seminary.

11 5.

12 As part of his duties befriending, supervising, and disciplining the boys at the Seminary,
13 Fr. Riffel was in a position of trust and confidence with these minor boarding students, including
14 the Plaintiff in this case.

15 6.

16 While at the Seminary, for the purpose of furthering his duties as priest, disciplinarian,
17 and supervisor Fr. Riffel sought and gained the trust, friendship, admiration, and obedience of
18 the Plaintiff in this case. As a result, Plaintiff was conditioned to trust Fr. Riffel, to comply with
19 Fr. Riffel's direction, and to respect Fr. Riffel as a person of authority. This course of conduct is
20 referred to hereinafter as "grooming."

21 7.

22 Fr. Riffel's grooming of Plaintiff was (1) committed in direct connection and for the
23 purposes of fulfilling the his employment and agency with Defendant; (2) committed within the
24 time and space limits of his agency and employment; (3) done initially and at least in part from a
25 desire to serve the interests of the Franciscans and the Seminary; (4) done directly in the
26 performance of his duties; (5) generally consisted of actions the kind and nature of which Fr.

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1 Riffel was required to perform; and (6) was done at the direction of, and pursuant to, the power
2 vested in him by the Franciscans and the Seminary.

3 8.

4 The grooming process led to or resulted in Fr. Riffel sexually molesting Plaintiff. While
5 Fr. Riffel was serving the Franciscans at the Seminary—and through the grooming process—Fr.
6 Riffel sexually abused Plaintiff beginning in approximately 1962 and lasting until approximately
7 1965. This abuse took place in Fr. Riffel's personal office and residence located on the second
8 floor of the main school building at the Seminary.

9 9.

10 Specifically, Fr. Riffel forcibly kissed, french-kissed, and fondled Plaintiff beneath his
11 clothing on scores of occasions. On at least ten occasions, Fr. Riffel also fondled Plaintiff, laid
12 down with him, simulated sexual relations with Plaintiff while laying on top of him, and
13 concluded by Fr. Riffel masturbating both himself and Plaintiff.

14 10.

15 As a result of Fr. Riffel's sexual abuse, molestation, and breach of trust, Plaintiff has
16 suffered and continues to suffer severe debilitating mental, and emotional injury, including pain
17 and suffering, physical and emotional trauma, and permanent psychological damage—distinct
18 from the contemporaneous injuries and suffering incurred as a result of the abuse—all to his non-
19 economic damages in the amount of \$4,000,000.00.

20 11.

21 As a result of Fr. Riffel's sexual abuse, molestation, and breach of trust, Plaintiff has
22 incurred and/or will incur in the future, costs for counseling, psychiatric and psychological
23 medical treatment all to his economic damages in the approximate amount of \$75,000.00, the
24 exact amount of which will be proven at the time of trial.

25 12.

26 In or about late 2008 or early 2009, Plaintiff discovered the causal connection between

1 his abuse, set forth in paragraphs 8 and 9, above, and the injuries suffered, as described in
2 paragraphs 10 and 11, above. Prior to early 2009, Plaintiff reasonably did not discover—and
3 could not reasonably have discovered—the causal connection between the abuse and the
4 emotional injuries and damages he suffered that were distinct in time and type from the injuries
5 suffered contemporaneously with abuse itself.

6

7

FIRST CLAIM FOR RELIEF
Against Defendant Franciscans
Sexual Battery of a child/*Respondeat Superior*

8

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13.

10

Plaintiff realleges and incorporates by reference paragraphs 1 through 7, above.

11

14.

12

Fr. Riffel's sexual touching of Plaintiff constituted a harmful and offensive touching of

13

Plaintiff to which he did not, and could not, consent.

14

15.

15

As a result of this harmful and offensive touching, Plaintiff has incurred the damages set
16 out in paragraphs 10 and 11, above.

17

16.

18

Pursuant to ORS 31.725, Plaintiff hereby gives notice of his intent to move to add a claim
19 for punitive damages against Defendant, at any time after the filing of this complaint, on the
20 grounds that Fr. Riffel acted with malice, or showed a reckless and outrageous indifference to a
21 highly unreasonable risk of harm, and acted with a conscious indifference to the health, safety,
22 and welfare of others, including Plaintiff. Defendant, as a legal entity, can as a matter of law act
23 only through their agents. Defendant is liable for punitive damages under the doctrine of
24 *respondeat superior* liability for the acts of Fr. Riffel.

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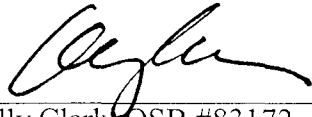
1 2. If successful on his First or Second Claims for Relief, economic damages for
2 Plaintiff in the amount of \$75,000.00, the exact amount to be determined by the jury at the time
3 of trial;

4 3. For Plaintiff's costs and disbursements incurred in this litigation; and

5 4. For any other relief this Court deems just and equitable.

6 DATED this 11th day of February, 2009.

O'DONNELL CLARK & CREW LLP



Kelly Clark, OSB #83172
Kristian Roggendorf, OSB #01399
Of Attorneys for Plaintiff