

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION**

JOHN J. DOE 4,	)
	)
<i>Plaintiff,</i>	)
vs.	)
	)
THE ARCHDIOCESE OF CHICAGO, and	)
THE CATHOLIC BISHOP OF CHICAGO,	)
A corporation sole,	)
	)
<i>Defendants.</i>	)

**COMPLAINT AT LAW**

NOW COMES the plaintiff, JOHN J. DOE 4, by and through his attorney, THE LAW OFFICE OF LYNDSAY A. MARKLEY, LTD., and alleges as follows against the defendants, THE ARCHDIOCESE OF CHICAGO and THE CATHOLIC BISHOP OF CHICAGO, a corporation sole:

**GENERAL FACTUAL ALLEGATIONS**

1. That, at all times relevant to this cause of action, JOHN J. DOE 4 was a minor living in the city of Chicago, county of Cook and state of Illinois.
2. That the defendant, THE ARCHDIOCESE OF CHICAGO, is an ecclesiastical entity of the Roman Catholic Church.
3. That the defendant, THE CATHOLIC BISHOP OF CHICAGO, is an Illinois corporation, with its principle place of business located in Chicago, Illinois.
4. That, at all times relevant to this cause of action, Cardinal Francis George, now deceased, was the Bishop of the Archdiocese of Chicago by the Roman Catholic Church and was therefore an employee of the defendants, THE ARCHDIOCESE OF CHICAGO and THE CATHOLIC BISHOP OF CHICAGO.
5. That, at all times relevant to this cause of action, Cardinal Francis George was the chief operating officer, leader, and agent of the defendants, THE ARCHDIOCESE OF CHICAGO and THE CATHOLIC BISHOP OF CHICAGO, and the person responsible for their day-to-day operations.

6. That the defendants, THE ARCHDIOCESE OF CHICAGO and THE CATHOLIC BISHOP OF CHICAGO, own, operate and/or control a seminary system consisting of a college and a divinity school for the purpose of educating, training, and promoting men to become priests.
7. That the defendants, THE ARCHDIOCESE OF CHICAGO and THE CATHOLIC BISHOP OF CHICAGO, are responsible for the training, supervision, assignment, promotion, investigation and removal of seminarians from its seminarian system.
8. That at all times relevant to this cause of action the defendants, THE ARCHDIOCESE OF CHICAGO and THE CATHOLIC BISHOP OF CHICAGO, owned, funded, operated, managed and controlled St. Agatha's Parish located in the city of Chicago, county of Cook and state of Illinois.
9. That at all times relevant to this cause of action, St. Agatha's Parish included a church, a rectory, an afternoon day care program, the "SAFE" Program, and a school campus, Our Lady of the West Side Catholic School ("OLWS").
10. That, on or about the year 2000, the defendants, THE ARCHDIOCESE OF CHICAGO and THE CATHOLIC BISHOP OF CHICAGO, promoted Daniel McCormack ("McCormack") to the position of Pastor of St. Agatha's Parish, a position that included administering the Catholic sacraments during church services, providing pastoral care, counseling, spiritual guidance and leadership to parishioners and students, teaching and coaching basketball at OLWS and overseeing the "SAFE" Program.
11. That at all times relevant to this cause of action, the defendants, THE ARCHDIOCESE OF CHICAGO and THE CATHOLIC BISHOP OF CHICAGO, were responsible for the training, supervision, assignment, promotion, investigation and removal of Archdiocesan priests at St. Agatha's Parish.
12. That at least as far back as 1992 and, likely for some time prior thereto, the defendants, THE ARCHDIOCESE OF CHICAGO and THE CATHOLIC BISHOP OF CHICAGO, were aware of the existence of sexual abuse of minors by clergy within the Church, and created, assisted in creating or were aware of the creation of policies and procedures to address, prevent and report the same.
13. That at no time relevant to this cause of action, despite their knowledge of the existence of clerical sexual abuse of minors, did the defendants, THE ARCHDIOCESE OF CHICAGO and

THE CATHOLIC BISHOP OF CHICAGO, act to implement, properly implement, enforce or properly enforce its own, or any, policies and procedures relating to sexual abuse.

14. That at all times relevant to this cause of action, the defendants, THE ARCHDIOCESE OF CHICAGO and THE CATHOLIC BISHOP OF CHICAGO, made public representations, including that they maintained a “zero tolerance policy” towards clerical sexual abuse of minors within its parishes, including St. Agatha’s.
15. That at all times relevant to this cause of action, McCormack was a seminarian and priest within the Chicago Archdiocese and, therefore, an employee and agent of the defendants, THE ARCHDIOCESE OF CHICAGO and THE CATHOLIC BISHOP OF CHICAGO.
16. That on a number of occasions from 2000 through 2006, while employed as a Pastor at St. Agatha’s Parish by the defendants, THE ARCHDIOCESE OF CHICAGO and THE CATHOLIC BISHOP OF CHICAGO, McCormack engaged in behavior indicating that he was unfit or a potential risk to the safety of minor boys.
17. That, the defendants, THE ARCHDIOCESE OF CHICAGO and THE CATHOLIC BISHOP OF CHICAGO, knew or, in the exercise of ordinary care, should have known of this behavior indicating that he was a potential risk to the safety of minor boys.
18. That during the course of McCormack’s training and education as a seminarian, he engaged in a number of behaviors that indicated that he was ill-suited for employment that required interaction with minors, including an incident involving sexual advances towards a minor during a study-abroad in Mexico and allegedly violating the sexual boundaries of other seminarians.
19. That, the defendants, THE ARCHDIOCESE OF CHICAGO and THE CATHOLIC BISHOP OF CHICAGO, knew or, in the exercise of ordinary care, should have known of the aforesaid behavior that occurred during McCormack’s seminarian training that made him ill-fitted for a position that required interaction with minors.
20. That during the course of McCormack’s employment at St. Agatha’s Parish, the defendants, THE ARCHDIOCESE OF CHICAGO and THE CATHOLIC BISHOP OF CHICAGO, knew, or in the exercise of ordinary care should have known, of at least two reports that McCormack engaged in inappropriate behavior including sexually abusive and or grooming behavior toward minor boys.

21. That, despite these allegations, the defendants, THE ARCHDIOCESE OF CHICAGO and THE CATHOLIC BISHOP OF CHICAGO, did not remove McCormack from the Parish, restrict his access to minors or take action to advise Parishioners of the behavior.
22. That from the approximate years of 2000 through 2006, the defendants, THE ARCHDIOCESE OF CHICAGO and THE CATHOLIC BISHOP OF CHICAGO, knew, or in the exercise of ordinary care should have known, that McCormack was interacting with minor boys in a manner that both violated its own internal policies and, in general, gave cause for concern regarding his fitness for work that required interaction with minors.
23. That, despite this conduct, the defendants, THE ARCHDIOCESE OF CHICAGO and THE CATHOLIC BISHOP OF CHICAGO, did not take any action, including removing McCormack from their Ministry or restricting his access to minors.
24. That on or about August of 2005, McCormack was questioned by the Chicago Police Department relative to accusations that he sexually abused a minor boy.
25. That, despite its knowledge of these allegations, the defendants, THE ARCHDIOCESE OF CHICAGO and THE CATHOLIC BISHOP OF CHICAGO, did not take action or appropriate action to protect children from potential sexual abuse during its internal investigation of the merit of these allegations.
26. That on or about October of 2005, the defendants, THE ARCHDIOCESE OF CHICAGO and THE CATHOLIC BISHOP OF CHICAGO's, own Professional Review Board recommended that McCormack be removed as Pastor of St. Agatha's Parish for the safety of children.
27. That, despite this recommendation, the defendants, THE ARCHDIOCESE OF CHICAGO and THE CATHOLIC BISHOP OF CHICAGO, allowed McCormack to continue to act as the Pastor of St. Agatha's Parish, including engaging in interactions with minor boys, until on or about early 2006.
28. That from August of 2005 until his removal from the Ministry in January of 2006, evidence indicates that McCormack sexually abused several minor boys, including the plaintiff, JOHN J. DOE 4.
29. That on or about the years 2002 through 2009, the plaintiff, JOHN J. DOE 4, attended school at OLWS and was a participant in the SAFE Program.
30. That during the course of his attendance at OLWS, JOHN J. DOE 4 met McCormack as a Pastor, teacher, basketball coach and supervisor during the SAFE Program.

31. That JOHN J. DOE 4 trusted, respected and obeyed McCormack as a Pastor, teacher and coach empowered by the defendants, THE ARCHDIOCESE OF CHICAGO and THE CATHOLIC BISHOP OF CHICAGO.
32. That, after gaining JOHN J. DOE 4's trust, respect and obedience, McCormack sexually abused the plaintiff, JOHN J. DOE 4, on at least seven occasions from approximately 2002 through 2006.
33. These acts of sexual abuse included McCormack fondling and anally penetrating the plaintiff, JOHN J. DOE 4.

### COUNT I

NOW COMES the plaintiff, JOHN J. DOE 4, by and through his attorney, THE LAW OFFICE OF LYND SAY A. MARKLEY, LTD., and alleges as follows against defendant, THE ARCHDIOCESE OF CHICAGO, individually and as the employer of Cardinal Francis George, deceased:

- (1) - (33) That JOHN J. DOE 4 re-adopts and re-alleges paragraphs 1 – 33 of his General Factual Allegations herein.
34. That by appointing, empowering, promoting and endorsing McCormack as the Pastor of St. Agatha's Parish, which included teaching, coaching and supervising an after school Program, the defendant, THE ARCHDIOCESE OF CHICAGO, placed him in a position of power, reverence, respect, control and authority over children, including JOHN J. DOE 4.
35. That the defendant, THE ARCHDIOCESE OF CHICAGO, had a duty to exercise reasonable care in its operation, management and control of its parishes, including St. Agatha's Parish.
36. That the defendant, THE ARCHDIOCESE OF CHICAGO, had a duty to exercise reasonable care in its employment, appointment, empowerment and endorsement of its pastors, including McCormack.
37. That, despite these duties, the defendant, THE ARCHDIOCESE OF CHICAGO, was negligent in one or more of the following ways:
  - (a) Failed to implement or effectively implement its own, or any, policies and procedures relating to the prevention, detection or reporting of sexual abuse of minors;
  - (b) Failed to enforce or effectively enforce its own, or any, policies and procedures relating to the prevention, detection or reporting of sexual abuse of minors;

- (c) Misrepresented the manner in which it addressed allegations of clerical sexual abuse of minors to the public at large, including that it had a “zero tolerance policy” for sexual abuse of minors;
- (d) Allowed McCormack to interact with minors after being advised of the allegations of sexual abuse against him in August of 2005;
- (e) Allowed McCormack to continue to act as Pastor of St. Agatha’s Parish, including interacting with minors, in violation of its own policies in October of 2005;
- (f) Failed to inform its other employees and agents of the allegations of sexual abuse of a minor boy that were pending against McCormack so that they would be aware of the gravity of the charges and the importance of surveillance of McCormack in any interactions with minors;
- (g) Allowed McCormack to interact with minor boys in a manner that violated its own internal policies, including taking trips with them and purchasing gifts for them;
- (h) Failed to warn the St. Agatha community, including JOHN J. DOE 4, of any of the allegations of sexual abuse directed at McCormack, therefore denying them of the ability to protect themselves from his pedophilic tendencies;
- (i) Failed to investigate or adequately investigate McCormack’s pre-ordination conduct that made him ill-fitted for work that required interaction with minors;
- (j) Failed to screen or adequately screen McCormack prior to hiring him to work in any capacity with minors;
- (k) Hired McCormack as Pastor of St. Agatha’s Parish when he was unfit to work with and at high risk of sexually abusing minors;
- (l) Failed to investigate or adequately investigate McCormack’s conduct as Pastor of St. Agatha’s that indicated that he was high risk for clerical sexual abuse and, therefore, ill-fitted to work with minors;
- (m) Failed to enforce its own policies to supervise, monitor, restrict and control the interactions between its adult employees, including McCormack, and minors, including JOHN J. DOE 4;
- (n) Failed to provide education, training or information to minors, including JOHN J. DOE 4, about how to report sexual abuse or inappropriate behavior by adult employees, including McCormack;
- (o) Failed to provide education, training or information to parishioners about preventing, recognizing, addressing and reporting sexual abuse;
- (p) Failed to properly monitor, oversee, limit and control McCormack’s interactions with minors after he was questioned by the police arrest in 2005;

- (q) Failed to report allegations of sexual abuse directed at McCormack to the appropriate government authorities, including Illinois' Department of Children and Family Services;
- (r) Failed to investigate or properly investigate allegations about McCormack's interactions with minor boys during the course of McCormack's employment as Pastor of St. Agatha's Parish, including that minor boys were in McCormack's rectory;
- (s) Failed to report or properly report allegations of McCormack's interactions with minor boys during the course of McCormack's employment as Pastor of St. Agatha's Parish, including that minor boys were in McCormack's rectory;
- (t) Failed to remove McCormack from the ministry when it knew of the allegations of sexual abuse and sexual misconduct towards minors;
- (u) Failed to train or properly train its employees with respect to the reporting and prevention of sexual abuse of children;
- (v) Failed to enforce its policies and procedures with respect to the reporting and prevention of the sexual abuse of children; and
- (w) Utilized its own internal investigation of clerical sexual abuse in violation of and at the expense of the superior interest of law enforcement to investigate allegations of sexual abuse of minors.

38. That as a proximate result of the aforementioned conduct by THE ARCHDIOCESE OF CHICAGO, JOHN J. DOE 4 was sexually abused by McCormack causing him physically harmed, severe emotional distress that manifests in physical and emotional symptoms that caused and continues to cause him great pain and suffering, loss of normal life, and emotional distress.

WHEREFORE, JOHN J. DOE 4, by and through his attorney, THE LAW OFFICE OF LYNDASAY A. MARKLEY, LTD., asks for a judgment against THE ARCHDIOCESE OF CHICAGO in an amount in excess of \$50,000.00, plus costs, reasonable attorney's fees, interest and any and all other relief that this Court deems equitable and just.

### **COUNT II**

NOW COMES the plaintiff, JOHN J. DOE 4, by and through his attorney, THE LAW OFFICE OF LYNDASAY A. MARKLEY, LTD., and alleges as follows against the defendant, THE CATHOLIC BISHOP OF CHICAGO, a corporation sole ("THE CATHOLIC BISHOP OF CHICAGO"), individually and as the employer of Cardinal Francis George, deceased:

- (1) – (33) That JOHN J. DOE 4 adopts paragraphs 1 through 33 of the General Factual Allegations of his Complaint as paragraphs 1 through 33 of Count II of his Complaint as if plead herein.
- (34) – (37) That JOHN J. DOE 4 adopts paragraphs 34 through 37 inclusive of subparagraphs (a) – (w) of Count I of his Complaint as paragraphs 34 through 37 inclusive of subparagraphs (a) – (w) of Count II of his Complaint at Law as if plead herein against the defendant, THE CATHOLIC BISHOP OF CHICAGO.
38. That as a proximate result of the aforementioned conduct by the defendant, THE CATHOLIC BISHOP OF CHICAGO, the plaintiff, JOHN J. DOE 4, was sexually abused by McCormack causing him physically harmed, severe emotional distress that manifested in physical and emotional symptoms that caused and continue to cause him great pain and suffering, loss of normal life, and emotional distress.

WHEREFORE, JOHN J. DOE 4, by and through his attorney, THE LAW OFFICE OF LYNDSEY A. MARKLEY, LTD., asks for a judgment against THE CATHOLIC BISHOP OF CHICAGO in an amount in excess of \$50,000.00, plus costs, reasonable attorney’s fees, interest and any and all other relief that this Court deems equitable and just.

### COUNT III

NOW COMES the plaintiff, JOHN J. DOE 4, by and through his attorney, THE LAW OFFICE OF LYNDSEY A. MARKLEY, LTD., and alleges as follows against the defendant, THE ARCHDIOCESE OF CHICAGO:

- (1) – (33) That JOHN J. DOE 4 adopts paragraphs 1 through 33 of the General Factual Allegations of his Complaint as paragraphs 1 through 33 of Count III of his Complaint as if plead herein.
34. That at all times relevant to this cause of action the defendant, THE ARCHDIOCESE OF CHICAGO, had a duty to refrain from conduct that showed an utter indifference to or conscious disregard for the safety of others.
35. Despite of this duty at law, the defendant, THE ARCHDIOCESE OF CHICAGO, engaged in the following conduct:
- (a) Took no action or ineffective action to ensure that McCormack was fit to work with minors before hiring him in a position that required the same;
  - (b) Took no action or ineffective action to implement policies and procedures to address, prevent and report allegations of clerical sexual abuse of minors, thereby endangering the safety of children;

- (c) Took no action or ineffective action to implement *its own* policies and procedures created to address, prevent and report allegations of clerical sexual abuse of minors, when it knew of the risk of occurrence, thereby resulting in the sexual abuse of minors, including the plaintiff, JOHN J. DOE 4;
- (d) Took no action or ineffective action to investigate or properly investigate allegations made regarding sexual misconduct by its employees towards minors, including McCormack, despite its knowledge of and an appreciation for the high risk of clerical sexual abuse of minors;
- (e) Allowed McCormack to continue his work as the Pastor of St. Agatha's after August of 2005 despite its knowledge that McCormack was questioned by the police relative to allegations of the sexual abuse of a minor, including allowing him to interact with minor children, an action that promoted the interests of an accused pedophile, McCormack, over the safety of innocent children and minors, including the plaintiff, JOHN J. DOE 4;
- (f) Allowed McCormack to continue his work as the Pastor of St. Agatha's, including continued interaction with minors, from October of 2005 through the early months of 2006, despite knowledge of the allegations against him of sexual abuse of a minor;
- (g) Engaged in conduct that allowed for the systemic abuse of minors by its agents and employees, including McCormack;
- (h) Actively placed the interests of the safety of minors below the interests of accused sexual abusers by allowing clerics accused of sexual abuse, including McCormack, to continue to interact with minors;
- (i) Created a culture that enabled sexual abusers or accused sexual abusers;
- (j) Failed to educate its employees and volunteers with respect to the urgency and necessity of reporting allegations of clerical sexual abuse of a minor to the appropriate law enforcement agencies in direct contravention of the law and the safety of minors; and
- (k) Failed to discipline its employees and volunteers with respect to their failure to report allegations of clerical sexual abuse.

36. That as a proximate result of the aforementioned conduct by THE ARCHDIOCESE OF CHICAGO, JOHN J. DOE 4 was sexually abused by McCormack causing him physically harmed, severe emotional distress that manifests in physical and emotional symptoms that caused and continues to cause him great pain and suffering, loss of normal life, and emotional distress.

WHEREFORE, JOHN J. DOE 4, by and through his attorney, THE LAW OFFICE OF LYNDASAY A. MARKLEY, LTD., asks for a judgment against THE ARCHDIOCESE OF

CHICAGO in an amount in excess of \$50,000.00, plus costs, reasonable attorney’s fees, interest and any and all other relief that this Court deems equitable and just.

**COUNT IV**

NOW COMES the plaintiff, JOHN J. DOE 4, by and through his attorney, THE LAW OFFICE OF LYND SAY A. MARKLEY, LTD., and alleges as follows against the defendant, THE CATHOLIC BISHOP OF CHICAGO, a corporation sole (“THE CATHOLIC BISHOP OF CHICAGO”):

- (1) – (33) That JOHN J. DOE 4 adopts paragraphs 1 through 33 of the General Factual Allegations of his Complaint as paragraphs 1 through 33 of Count IV of his Complaint as if plead herein.
- (34) – (35) That JOHN J. DOE 4 adopts paragraphs 34 through 35 inclusive of subparagraphs (a) – (k) of Count III of his Complaint as paragraphs 34 through 35 inclusive of subparagraphs (a) – (k) of Count IV of his Complaint at Law as if plead herein against the defendant, THE CATHOLIC BISHOP OF CHICAGO.
- 36. That as a proximate result of the aforementioned conduct by THE CATHOLIC BISHOP OF CHICAGO, JOHN J. DOE 4 was sexually abused by McCormack causing him physically harmed, severe emotional distress that manifests in physical and emotional symptoms that caused and continues to cause him great pain and suffering, loss of normal life, and emotional distress.

WHEREFORE, JOHN J. DOE 4, by and through his attorney, THE LAW OFFICE OF LYND SAY A. MARKLEY, LTD., asks for a judgment against THE CATHOLIC BISHOP OF CHICAGO in an amount in excess of \$50,000.00, plus costs, reasonable attorney’s fees, interest and any and all other relief that this Court deems equitable and just.

By: \_\_\_\_\_  
Attorney for the Plaintiff  
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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION

JOHN J. DOE 4,	)
	)
<i>Plaintiff,</i>	)
vs.	)
	)
THE ARCHDIOCESE OF CHICAGO, and	)
THE CATHOLIC BISHOP OF CHICAGO,	)
A corporation sole,	)
	)
<i>Defendants.</i>	)

**AFFIDAVIT OF DAMAGES**

NOW COMES, the undersigned, being first duly sworn, on oath deposes pursuant to 735 ILCS 5/1-109 of the Illinois Code of Civil Procedure that she is the attorney for the plaintiff in the above-captioned matter and that the damages sought in this cause of action under Illinois Supreme Court Rule 222(b) are in excess of \$50,000.00.

By: \_\_\_\_\_  
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