

RETURN DATE: JULY 27, 2010	:	SUPERIOR COURT
	:	
JOSE RAUL GONZALEZ LARA	:	J.D OF NEW HAVEN
	:	
V.	:	AT NEW HAVEN
	:	
LEGIONARIES OF CHRIST, THE LEGION	:	
OF CHRIST, INC., LEGION OF CHRIST	:	
COLLEGE, INC., CATHOLIC WORLD	:	
MISSION, INC., AND THE ESTATE OF	:	
FATHER MARCIAL MACIEL DEGOLLADO	:	JUNE 21, 2010

COMPLAINT

FACTS APPLICABLE TO ALL COUNTS

1. The plaintiff, Jose Raul Gonzalez Lara (hereinafter "Raul"), was repeatedly sexually molested by Father Marcial Maciel Degollado (hereinafter "Father Maciel").

Father Maciel founded the Legionaries of Christ and was also Plaintiff's biological father.

2. At all times relevant to this action, the Father Marcial Maciel Degollado (hereinafter "Father Maciel") was a Roman Catholic Priest who was in charge of the Legionaries of Christ, its affiliates including all named defendants in this action, all of its employees, and all of its properties.

3. On information and belief, Father Maciel has an estate which is a defendant in this case. Father Maciel died in 2008. Alternatively, all of Father Maciel's assets were taken by the Legionaries of Christ as the Legionaries required Maciel to give all of his possessions to the Legionaries.

4. At all times relevant to this action, Maciel was an employee, agent or apparent agent of the defendant, Legionaries of Christ, a worldwide business, which has done and continues to do business in Connecticut. The Legionaries of Christ

conduct their business in Connecticut through its Legion of Christ College, Inc. in Cheshire, CT and the Legion of Christ, Incorporated, in Hamden, CT. The following conduct was carried out within the scope of Maciel's authority or employment with the Legionaries. The defendants, jointly and severally, acted in all material respects as joint venturers, co-conspirators, agents or apparent agents of each other and/or partners in connection with the acts set forth herein. The defendants are collectively referred to as the "Legionaries of Christ" or "Legionaires".

5. At all times relevant to the sexual abuse, the Legionaries of Christ's United States Headquarters was in Connecticut. All decisions for the Legionaries in the United States were made out of its Connecticut location.

6. Connecticut as the United States Headquarters for the Legionaries and the site of all of their United States decisions has the most significant relationship to the dispute and the parties.

7. Beginning in the 1940's and 1950's, Fr. Marcial Maciel sexually molested numerous minor children whom he recruited for the Legionaries of Christ. The Legionaries knew or should have known about this abuse at least in the 1950's if not sooner.

8. On information and belief, Fr. Maciel had an addiction to pain killers. He often had boys and seminarians obtain pain killers for him from various pharmacies and hospitals. In the early 1950s Maciel established Colegio Massimo, the House of Major Studies for Legionaries of Christ in Rome. In 1956, Maciel was hospitalized in Rome for addiction to the morphine-based drug, Dolantin.

9. On information and belief, in 1956, Maciel was also accused of making sexual advances on youths in the Legionaries' house in Mexico by an older seminarian and the priest-rector of the Legionaries. The Legionaries knew of these allegations.

10. In 1956, the Vatican prefect for Congregation for the Religious, Cardinal Valerio Valeri, under Pope Pius XII, suspended Maciel from his duties as Director-General. Valeri installed Carmelite priests to oversee the order. In 1958, Pope Pius XII died and Maciel was re-instated as leader of the Legionaries.

11. In 1976, Fr. Juan Vaca, who had been sent to America by Maciel as the Legionaries' national director, left the religious order and received faculties as a priest in the Diocese of Rockville Centre, Long Island. On October 26, 1976, Vaca sent a letter in Spanish to Maciel, accusing him of sexually abusing twenty Legionaries' seminarians. Vaca wrote: "Using the same excuse that you were in pain, you ordered me to remain in your bed. I was not yet thirteen years old; you knew that God had kept me intact until then, pure, without ever having seriously stained the innocence of my infancy, when you, on that night, in the midst of my terrible confusion and anguish, ripped the masculine virginity from me."

12. The Legionaries knew or should have known about this letter and the deviant sexual pursuits of Fr. Maciel.

13. In 1976, Bishop John R. McGann, ordinary of the Rockville diocese, included Vaca's letter to Maciel in a dossier of materials sent to the papal nuncio in Washington D.C., seeking action from the Vatican and Pope Paul VI against the Legion founder. The Vatican and its officials did not take any appropriate action in response to

this complaint, allowing Maciel to continue in his position of power with unlimited access to children.

14. In 1978, at Vaca's urging, Bishop McGann sent the same material to the Vatican via the nunciature in Washington, D.C. Receipt of the materials was acknowledged by the Vatican, with no other action.

15. In 1980, Jose Raul Gonzalez Lara was born in Mexico, the son of Blanca Gutierrez Lara and one Raul Rivas, the alias utilized by Fr. Maciel. On information and belief, Maciel used money and property from the Legionaries to support Raul, his mother and other children.

16. The Legionaries knew or should have known that Maciel had a child, that he was using Legionaries' funds to support Raul and his family, and that Maciel was misrepresenting himself to his son.

17. The Legionaries knew or should have known that Maciel used property and facilities of the Legionaries to facilitate his abuse of Raul.

18. In 1989, Juan Vaca having left the priesthood, sent a personal letter to John Paul II, seeking dispensation from his clerical vows in order that he might have his marriage blessed by the Church. His letter included a history of Maciel's sexual abuse of him and others and stated that he considered his ordination to the priesthood invalid, as a consequence of Maciel's coercive tactics and aggressive sexual acts.

19. On July 21, 1993, Vaca signed a Notification of Petitioner from the Diocese of Rockville Centre, advising him that Congregation for the Doctrine of the Faith at the Vatican had dispensed him from all obligations and duties of the clerical state, thus approving his 1989 request. The document from the Vatican that

accompanied the diocese's notice was from the Congregation for the Divine Cult and Discipline of the Sacraments, and signed by Cardinal Antonio Javierre as the prefect. The Vatican made no reference to Vaca's allegations against Maciel.

20. In 1994, an open letter by Pope John Paul II celebrating Maciel's 50th anniversary as a priest, appears in major newspapers of Mexico City, as a paid advertisement, celebrating Maciel as "an efficacious guide to youth."

21. In 1998, Jose Barba and Arturo Jurado, representing eight ex-Legionaries, engaged canon lawyer Martha Wegan, a licensed practitioner in the Vatican tribunals, who filed a request at the Congregation for the Doctrine of the Faith, operated by Cardinal Joseph Ratzinger, now Pope Benedict XVI, to have Maciel excommunicated for sexual abuse, and violating the sacrament of penance, by absolving them of their "sins."

22. On Dec 24, 1999, Martha Wegan, canonist in Rome, wrote to Arturo Jurado, as named complainant in petition at the C.D.F., quoting an under secretary in the office: "'For the time being' the matter is closed."

23. On October 8, 2002, Jose Barba met with Martha Wegan in Rome. According to Barba, Wegan told him that Cardinal Angelo Sodano blocked and shut down the investigation and proceedings against Fr. Maciel.

24. From at least the 1950's until 2002 the Legionaries, Fr. Maciel, the presiding Pope, the Vatican, and its officials engaged in a conspiracy to conceal their knowledge of Maciel's serial delicts, including the repeated sexual abuse of children.

25. In Late November 2004, Pope John Paul II gave Legionaries of Christ administrative control of the Notre Dame Center in Jerusalem, at a celebration in Rome for Maciel's 60th anniversary as a priest.

26. Pope John Paul II had Maciel accompany him on his visits to Mexico in 1979, 1990, and 1993, Maciel was also appointed by the Pope to the Ordinary Assembly of the Synod of Bishops on the formation of Candidates for the Priesthood in Actual Circumstances (1991). He has been a member of the Interdicasterial Commission for a Just Distribution of Clergy (1991), the IV General Conference of Latin American Bishops (CELAM) (1992), the Synod of Bishops on Consecrated Life and Their Mission in the Church and the World (1993), the Synod of Bishops' Special Assembly for America (1997) and a permanent consultant to the Congregation for the Clergy.

27. In May 2006, the Congregation for the Doctrine of the Faith announced that because of Maciel's age, there will be no trial, but that Maciel with approval of Pope Benedict has been ordered to a "life of prayer and penitence."

28. Fr. Maciel as founder and head of the Legionaries obviously knew of his sexual abuse of numerous children. Numerous other officials in the Legionaries also knew of Maciel's molestation of children.

29. Fr. Maciel had seminarians and other Legionaries call him "Nuestro Padre" (Our Father).

30. Fr. Maciel made each of the seminarians promise to never speak ill of the Legion, Maciel or their superiors -- and to inform on anyone who did.

31. Seminarians were also told by the Legionaries that if they left the Legion, their souls would literally go to hell.

32. As described by the men, it was a culture in which one's every moment was to be accounted for, not just in seminary but throughout their lives as priests -- a system of total control. Incoming and outgoing mail was monitored and they had no access to telephones. The oath to inform on anyone speaking ill of Nuestro Padre or his Legion meant they were expected to spy on one another. Contact with their families was severely curtailed.

33. On information and belief, the Legionaries and Maciel gained influence and protection from the Vatican through giving substantial monies to Vatican officials and providing numerous banquets, facilities and other benefits to Vatican officials.

COUNT ONE: (Reckless Battery: Raul v. Legionaries of Christ)

34. Plaintiff incorporates all paragraphs of this complaint into this count as if stated herein.

35. At all times relevant to this action, the Legionaries, through its employees, agents and/or apparent agents knew or should have known that Maciel had a propensity to sexually molest children. Nonetheless, Maciel was allowed by the defendants to maintain his position of power which enabled him to access and then sexually abuse Raul.

36. At all times relevant to this action, Maciel presided over, ran, and had control of the Legionaries activities and operations.

37. Prior to his abuse of Raul, the Legionaries made a determination that Maciel was fit, qualified and competent in all respects to work with and be around children.

38. By allowing Maciel to maintain his position of power, the Legionaries intended to represent to anyone coming in contact with him, including Raul, that Maciel was fit, qualified and competent in all respects to work with children.

39. At all times relevant to this action, the Legionaries authorized and/or allowed Maciel to meet with minors, including Raul.

40. At all times relevant to this action, the Legionaries were aware that Maciel was using the power and resources gained from the Legionaries to meet with children around the world, including Raul.

41. By authorizing and/or allowing Maciel to meet with minors, Defendant intended to represent to children, including Raul, that Maciel was fit, qualified and competent in all respects.

42. Between 1987 and 1998, while Raul was a minor, Maciel repeatedly sexually molested Raul. Maciel sexually molested Raul with the knowledge that the sexual molestation would have serious and possibly grave consequences for the minor child.

43. As a result of Maciel's reckless sexual battery, Raul has suffered severe pain and bodily intrusion and severe emotional injuries, some or all of which may be permanent.

44. As a result of Maciel's sexual battery, Raul has incurred and will continue to incur expenses related to counseling and therapy, all to his loss.

45. As a further result of Maciel's sexual battery, Raul has incurred and will continue to incur lost wages and employment and career opportunities, all to his loss.

COUNT TWO: (Reckless Battery: Raul v. Estate of Maciel)

46. Plaintiff incorporates all paragraphs of this complaint into this count as if stated herein.

47. Between 1987 and 1998, while Raul was a minor, Maciel repeatedly sexually molested Raul. Maciel sexually molested Raul with the knowledge that the sexual molestation would have serious and possibly grave consequences for the minor child.

48. As a result of Maciel's reckless sexual battery, Raul has suffered severe pain and bodily intrusion and severe emotional injuries, some or all of which may be permanent.

49. As a result of Maciel's sexual battery, Raul has incurred and will continue to incur expenses related to counseling and therapy, all to his loss.

50. As a further result of Maciel's sexual battery, Raul has incurred and will continue to incur lost wages and employment and career opportunities, all to his loss.

COUNT THREE: (Negligent Battery: Raul v. Legionaries of Christ)

51. Plaintiff hereby incorporates all paragraphs of this complaint into this court as if set forth herein.

52. As a result of the negligence and carelessness of Maciel, Raul has suffered severe pain and bodily intrusion and severe emotional injuries, some or all of which may be permanent.

53. As a result of Maciel's sexual battery, Raul has incurred and will continue to incur expenses related to counseling and therapy, all to his loss.

54. As a further result of Maciel's sexual battery, Raul has incurred and will continue to incur lost wages and employment and career opportunities, all to his loss.

COUNT FOUR: (Negligent Battery: Raul v. Estate of Maciel)

55. Plaintiff incorporates all paragraphs of this complaint into this court as if set forth herein.

56. As a result of the negligence and carelessness of Maciel, Raul has suffered severe pain and bodily intrusion and severe emotional injuries, some or all of which may be permanent.

57. As a result of Maciel's sexual battery, Raul has incurred and will continue to incur expenses related to counseling and therapy, all to his loss.

58. As a further result of Maciel's sexual battery, Raul has incurred and will continue to incur lost wages and employment and career opportunities, all to his loss.

COUNT FIVE: (Reckless Infliction of Emotional Distress: Raul v. Legionaries of Christ)

59. Plaintiff incorporates all paragraphs of this complaint into this count as if set forth herein.

60. By his wrongful actions, Maciel recklessly inflicted, or knew or should have known that his wrongful actions were likely to cause, severe emotional distress on Raul.

61. Maciel's conduct was extreme, outrageous and beyond the bounds of decency.

62. Maciel's wrongful actions caused Raul severe emotional distress.

COUNT SIX: (Reckless Infliction of Emotional Distress: Raul v. Estate of Maciel)

63. Plaintiff incorporates all paragraphs of this complaint into this count as if set forth herein.

64. By his wrongful actions, Maciel recklessly inflicted, or knew or should have known that his wrongful actions were likely to cause, severe emotional distress on Raul.

65. Maciel's conduct was extreme, outrageous and beyond the bounds of decency.

66. Maciel's wrongful actions caused Raul severe emotional distress.

COUNT SEVEN: (Negligent Infliction of Emotional Distress: Raul v. Legionaries of Christ)

67. Plaintiff incorporates all paragraphs of this complaint into this count as if set forth herein.

68. The Legionaries should have realized that its conduct and negligence posed an unreasonable risk of causing Raul emotional distress, and that such distress might result in illness and/or bodily injury.

69. The negligence of the Legionaries caused Raul emotional distress, resulting in illness and bodily harm as outlined in Count One.

COUNT EIGHT: (Negligent Infliction of Emotional Distress: Raul v. Estate of Maciel)

70. Plaintiff incorporates all paragraphs of this complaint into this count as if set forth herein.

71. Maciel should have realized that his negligent conduct posed an unreasonable risk of causing Raul emotional distress, and that such distress might result in illness and/or bodily injury.

72. Maciel's negligence caused Raul illness and bodily harm.

COUNT NINE: (Breach of Fiduciary Duty: Raul v. Estate of Maciel)

73. Plaintiff incorporates all paragraphs of this complaint into this count as if set forth herein.

74. As his biological father Maciel assumed the duties of a fiduciary in his relationship with Raul.

75. As a fiduciary of Raul, Maciel had a duty to represent and further Raul's best interests.

76. When Maciel sexually battered Raul as outlined above, he breached the obligations of a fiduciary of Raul.

77. Maciel's breach of his fiduciary duties to Raul resulted in the injuries described herein.

COUNT TEN: (Negligence: Raul v. Legionaries of Christ and Estate of Maciel)

78. Plaintiff incorporates all paragraphs of this complaint into this count as if set forth herein.

79. At all times relevant to this action, the Legionaries, owed Raul a duty not to cause him injury by one of its priests or employees/agents under their supervision, including Maciel.

80. At all times relevant to this action, the Legionaries owed Raul a duty to warn.

81. At all times relevant to this action, the Legionaries owed Raul a duty to not allow him to misrepresent.

82. At all times relevant to this action, the Legionaries owed Raul a duty to make sure Maciel was not alone with children.

83. In breach of their duties, the Legionaries were careless and negligent in one or more of the following ways:

- a. they knew or should have known that Maciel had a propensity to sexually batter minors, yet failed to take steps to prevent his sexual battery of Raul;
- b. they failed to promulgate policies and regulations prohibiting Maciel from seeing and spending time with Raul;
- c. they failed to remove Maciel from his position of power which gave him access to Raul;
- d. they failed to properly and adequately supervise Maciel in order to prevent the sexual battery of minors, including Raul;
- e. they failed to report Maciel to law enforcement for his abuse of other children.
- f. they failed to protect Raul from the sexual battery and exploitation at the hands of Maciel;
- g. they allowed and encouraged Maciel to freely interact and have unsupervised one-on-one contact with minors including Raul;
- h. they failed to warn Raul and his mother of Maciel's propensity to commit sexual battery upon minors;
- i. they knew or should have known that Maciel spent a great deal of time with Raul and other children alone, yet failed to take any action to protect them;
- j. they failed to establish, maintain and enforce a policy of reporting, investigating and removing priests 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. they failed to take adequate steps to advise Raul and other children about his father's true identity and sexual propensities.

- l. they failed to adequately seek out victims of sexual abuse, including Raul, in order to render assistance and prevent or reduce further damage to untreated victims, like Raul; and
- m. they systematically covered-up sexual misconduct by their priests, including Maciel, so as to further endanger minors like Raul.

84. The carelessness and negligence of the Legionaries was substantial and proximate causes of the injuries suffered by Raul.

COUNT ELEVEN: (Negligent Retention: Raul v. Legionaries of Christ)

85. Plaintiff incorporates all paragraphs of this complaint into this count as if set forth herein.

86. When retaining Maciel to work with children and have access to children, the Legionaries had a duty to evaluate whether Maciel was fit and competent to work with children.

87. The Legionaries knew or should have known that Maciel was not fit and competent to work with children or be around minors, including Raul, and knew or should have known that he posed a threat of sexually battering minors, including Raul.

88. Nevertheless, the Legionaries negligently determined that Maciel was fit and competent to work with children and be around children.

89. By determining that Maciel was fit and competent to work with children and be around children, the Legionaries were negligent in one or more of the following ways:

- a. in that they failed to perform an appropriate background investigation of Maciel;
- b. in that they failed to perform an appropriate psychiatric evaluation of Maciel or suppressed the results of evaluations;

- c. in that they failed to properly evaluate Maciel during his tenure within the Legionaries; and; and
- d. in that they failed to properly review and evaluate Maciel's conduct and time alone with children.

90. Maciel was not fit and competent to work with children or be around children, including Raul.

91. As a result of the Legionaries' negligence in retaining Maciel, Raul suffered severe injuries.

COUNT TWELVE: (Negligent Supervision: Raul v. Legionaries of Christ)

92. Plaintiff incorporates all paragraphs of this complaint into this count as if set forth herein.

93. The Legionaries had a duty to supervise the performance of Maciel in his duties, including his role in supervising and providing spiritual instruction, guidance and counseling to minors.

94. In breach of this duty, the Legionaries failed to take appropriate measures to prevent injury to minors, including Raul.

95. The Legionaries generally permitted and encouraged Maciel to work with minors, and allowed him to have access to minors including Raul, even though they knew or should have known of Maciel's sexual proclivities and prurient interests and potential for sexual battery of minors.

96. The Legionaries were negligent in their supervision of Maciel in one or more of the following ways:

- a. in that they failed to properly monitor Maciel's conduct;
- b. in that they allowed Maciel to have unsupervised contact with minors,

- c. in that they allowed Maciel to be alone with minors, including Raul, when they knew or should have known that doing so posed a risk that Maciel would sexually batter them,
- d. in that they allowed Maciel to use funds of the Legionaries to travel around the world and support his children, and
- e. in that they allowed Maciel to misrepresent his identity to Raul and other children.

97. Maciel was not fit and competent to work with minors, including Raul.

98. As a result of the Legionaries' negligent supervision of Maciel, Raul suffered severe injuries.

WHEREFORE, Raul claims the following damages from the defendants, exceeding \$15,000:

- 1. Monetary damages;
- 2. Punitive damages; and,
- 3. All other appropriate relief.

This matter is within the jurisdiction of the court.

**THE PLAINTIFF,
JOSE RAUL GONZALEZ LARA**

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