

JAMES HUTH, DAVID MAUGEL, SCOTT KREIGER, and KEVIN MANN, in support thereof, allege and state as follows:

PARTIES, JURISDICTION AND VENUE

1. At all relevant times, JANE DOE I, individually, and PLAINTIFFS I, parents and natural guardians of JANE DOE I, a minor, all of whom were natural persons, citizens of Indiana, and residents of Fort Wayne, Allen County, Indiana.

2. At all relevant times, JANE DOE II, individually, and PLAINTIFFS II, parents and natural guardians of JANE DOE II, a minor, all of whom were natural persons, citizens of Indiana, and residents of Fort Wayne, Allen County, Indiana.

3. At all relevant times, JANE DOE III, individually, and PLAINTIFF III, parent and natural guardian of JANE DOE III, a minor, both of whom were natural persons, citizens of Indiana, residents of Fort Wayne, Allen County, Indiana.

4. At all relevant times, JANE DOE IV, individually, and PLAINTIFFS IV, parents and natural guardians of JANE DOE IV, a minor, all of whom were residents of Fort Wayne, Allen County, Indiana.

5. At all relevant times, DEFENDANT ROMAN CATHOLIC ARCHDIOCESE OF INDIANAPOLIS, INC. (hereafter “the ARCHDIOCESE”) was an archdiocese of the Roman Catholic Church located in Indianapolis, Indiana.

6. The ARCHDIOCESE created, oversaw, managed, controlled and/or directed all employees assigned to work in the dioceses and schools of the ARCHDIOCESE, including the Fort Wayne-South Bend Diocese. As such, the Archbishop of the ARCHDIOCESE has authority, oversight and managerial control over the Bishop of the Fort Wayne-South Bend DIOCESE.

7. At all relevant times, DEFENDANT DIOCESE OF FORT WAYNE-SOUTH BEND (hereafter “the DIOCESE”) was a diocese of the Roman Catholic Church located in and operating within Fort Wayne, Allen County, Indiana.

8. At all relevant times, DEFENDANT BISHOP LUERS HIGH SCHOOL, INC. (hereafter “BISHOP LUERS”) was a private Roman Catholic high school located in and operating within Fort Wayne, Allen County, Indiana.

9. BISHOP LUERS is one of four high schools which is owned and operated by the Roman Catholic DIOCESE of Fort Wayne-South Bend.

10. At all relevant times, the ARCHDIOCESE managed and supervised various dioceses and the schools within those dioceses, including the DIOCESE of Fort Wayne-South Bend and BISHOP LUERS.

11. At all relevant times, the DIOCESE managed, supervised, employed, directed and/or controlled BISHOP LUERS, by and through its leadership, faculty and staff.

12. At all relevant times, the leaders of BISHOP LUERS, including DEFENDANTS JAMES HUTH, DAVID MAUGEL, SCOTT KREIGER, and KEVIN MANN were managers, directors and/or employees of the DIOCESE, or were otherwise controlled by the DIOCESE.

13. At all times relevant, DEFENDANT JAMES HUTH, a resident of Fort Wayne, Allen County, Indiana, held leadership positions with the DIOCESE and BISHOP LUERS, including that of Principal of BISHOP LUERS until the end of the 2022/23 academic year, then as Director of Development for BISHOP LUERS from the 2023/24 school year until the present.

14. At all times relevant, DEFENDANT DAVID MAUGEL, a resident of Wakarusa, Elkhart County, Indiana, held leadership positions with the DIOCESE, including that of Assistant

Superintendent for the DIOCESE for the 2022/23 school year, then as Acting Superintendent for the DIOCESE for the 2023/24 school year.

15. At all times relevant, DEFENDANT SCOTT KREIGER, a resident of Fort Wayne, Allen County, Indiana, held leadership positions with the DIOCESE, including that of Assistant Principal of BISHOP LUERS for the 2022/23 school year and Principal of BISHOP LUERS for the 2023/24 school year.

16. At all times relevant, DEFENDANT KEVIN MANN, a resident of Fort Wayne, Allen County, Indiana, held a leadership position with BISHOP LUERS, including that of Dean of Students and Athletic Director.

17. Each DEFENDANT is the agent, servant, and/or employee of other DEFENDANTS, and each DEFENDANT acted within the course and scope of his or its authority as an agent, servant, and/or employee of the other DEFENDANTS.

18. The PLAINTIFFS are long-time parishioners of the DIOCESE and active members of the Roman Catholic community of faith.

19. PLAINTIFFS I, II, III and IV paid tuition for their daughters to attend Catholic schools within the Diocese throughout their primary and secondary education, including at BISHOP LUERS, and JANE DOE I, II, III and IV were enrolled at BISHOP LUERS and attended as students at all relevant times.

20. At all relevant times the PLAINTIFFS entrusted the well-being of their daughters, JANE DOES I, II, III and IV, to the ARCHDIOCESE, DIOCESE and BISHOP LUERS and their leaders, directors and/or employees, including DEFENDANTS HUTH, MAUGEL, KREIGER, and MANN, all of whom had a corresponding duty and obligation to be protective of JANE

DOES I-IV in the exercise of their positions of trust, leadership, confidentiality and moral authority.

21. This court has jurisdiction over this action because the DEFENDANT ARCHDIOCESE of Indianapolis is a citizen of this State, is headquartered in Indianapolis, Marion County, Indiana, and regularly conducts business in Marion County, Indiana. All other parties are citizens of Indiana and reside in Indiana.

22. Venue is proper in Marion County pursuant to Trial Rule 75(A)(4) because it is the county where the principal office of the DEFENDANT ARCHDIOCESE is located.

23. Individual PLAINTIFFS JANE DOES I, II, III and IV are minors; moreover, the complaint arises from facts of a sensitive and private nature. Therefore, all PLAINTIFFS have utilized pseudonyms in their Complaint.

LEGAL DUTY
Defendant ARCHDIOCESE

24. At all relevant times, the ARCHDIOCESE, as principal, and BISHOP LUERS, as agent, were in an agency relationship, such that BISHOP LUERS acted on behalf of the ARCHDIOCESE, in accordance with the ARCHDIOCESE instructions, rules and directions on all matters, including those relating to the hiring, retention and supervision of personnel. The acts and omissions of BISHOP LUERS were subject to the plenary control of the ARCHDIOCESE, and BISHOP LUERS consented to act subject to the control of the ARCHDIOCESE.

25. At all relevant times, the ARCHDIOCESE, as principal, and the DIOCESE, as agent, were in an agency relationship, such that the DIOCESE acted on behalf of the ARCHDIOCESE, in accordance with the instructions, rules and directions of the ARCHDIOCESE on all matters, including those relating to the hiring, retention and supervision of personnel. The acts and omissions of the DIOCESE were subject to the plenary control of the

ARCHDIOCESE, and the DIOCESE consented to act subject to the control of the ARCHDIOCESE.

26. At all relevant times, the ARCHDIOCESE and the PLAINTIFFS were in a special relationship of parochial school – student, in which the ARCHDIOCESE owed PLAINTIFFS a duty of reasonable care to prevent foreseeable harm to JANE DOES I, II, III and IV.

27. At all relevant times, the ARCHDIOCESE and DEFENDANTS HUTH, MAUGEL, KREIGER, and MANN were in a special relationship of employer-employee, in which the ARCHDIOCESE owed a duty to control the acts and conduct of these individual DEFENDANTS to prevent foreseeable harm.

28. At all relevant times, the ARCHDIOCESE owed a duty to the PLAINTIFFS to act as a reasonable prudent custodian of children would to protect JANE DOES I, II, III and IV from foreseeable harm on school grounds and during school-related activities.

29. At all relevant times, the ARCHDIOCESE had a duty to use reasonable care to protect the safety, care, well-being and health of their daughters, JANE DOES I, II, III and IV while under the care, custody or presence of the ARCHDIOCESE.

30. At all relevant times, the ARCHDIOCESE’S duties encompassed using reasonable care in the retention, supervision and hiring of DEFENDANTS HUTH, MAUGEL, KREIGER and MANN, and the duty to otherwise provide a safe environment for JANE DOES I, II, III and IV.

31. The ARCHDIOCESE had a duty to exercise reasonable care in the training of administrators, teachers, other employees and staff in the prevention of sexual harassment, bullying and/or abuse and the protection of the safety of all students at BISHOP LUERS, including JANE DOES I, II, III and IV.

32. The ARCHDIOCESE had a duty to establish, implement and enforce policies and procedures in the exercise of reasonable care for the prevention of sexual harassment, bullying and/or abuse and other protections of the safety of the children in its care, including JANE DOES I, II, III and IV.

Defendant DIOCESE

33. At all relevant times, the DIOCESE, as principal, and BISHOP LUERS, as agent, were in an agency relationship, such that BISHOP LUERS acted on behalf of the DIOCESE, in accordance with the instructions, rules and directions of the DIOCESE on all matters, including those relating to the hiring, retention and supervision of personnel. The acts and omissions of BISHOP LUERS were subject to the plenary control of the DIOCESE, and BISHOP LUERS consented to act subject to the control of the DIOCESE.

34. At all relevant times, the DIOCESE and the PLAINTIFFS were in a special relationship of parochial school – student, in which the DIOCESE owed the PLAINTIFFS a duty of reasonable care to prevent foreseeable harm to JANE DOES I, II, III and IV.

35. At all relevant times, the DIOCESE and Defendants HUTH, MAUGEL, KREIGER and MANN, were in a special relationship of employer-employee, in which BISHOP LUERS owed a duty to control the acts and conduct of these individual DEFENDANTS to prevent foreseeable harm.

36. At all relevant times, the DIOCESE had a duty to act as a reasonably prudent custodian of children would to protect the PLAINTIFFS from foreseeable harms on BISHOP LUERS grounds and during school-related activities.

37. At all relevant times, the DIOCESE owed a duty to the PLAINTIFFS to use reasonable care to protect the safety, care, well-being and health of the PLAINTIFFS' minor children while under the care, study or in the presence of the DIOCESE.

38. The DIOCESE had a duty to establish, implement and enforce its rules, policies and procedures in the exercise of reasonable care for the prevention of sexual abuse and to protect the safety of children and students in its care.

Defendant BISHOP LUERS

39. At all relevant times, BISHOP LUERS and the PLAINTIFFS were in a special relationship of parochial school – student, in which BISHOP LUERS owed PLAINTIFFS a duty of reasonable care to prevent foreseeable harm.

40. At all relevant times, BISHOP LUERS had a duty to act as a reasonably prudent custodian of children would to protect PLAINTIFFS from foreseeable harms on BISHOP LUERS grounds and during school-related activities.

41. At all relevant times, BISHOP LUERS and DEFENDANTS MAUGEL, HUTH, KREIGER and MANN were in a special relationship of employer-employee, in which BISHOP LUERS owed a duty to control the acts and conduct of the above-named individual DEFENDANTS to prevent foreseeable harm.

42. At all relevant times, BISHOP LUERS owed a duty to PLAINTIFFS to use reasonable care to protect the safety, care well-being, and health of PLAINTIFFS while under the care, custody or in the presence of BISHOP LUERS.

43. At all relevant times, BISHOP LUERS' duties encompassed using reasonable care in the retention, supervision and hiring of individual defendants MAUGEL, HUTH, KREIGER

and MANN, and the duty to otherwise provide a safe environment for the PLAINTIFFS' minor children.

44. BISHOP LUERS had a duty to exercise reasonable care in the training of administrators, teachers, coaches, and other employees and staff in the prevention of sexual abuse and protection of the safety of children and students in its care.

45. BISHOP LUERS had a duty to establish, implement and enforce rules, policies and procedures in the exercise of reasonable care for the prevention of sexual abuse and the protection of the safety of the children and students in its care.

FACTUAL BACKGROUND AND GENERAL ALLEGATIONS **Historic Background of Wrongdoing**

46. On an unknown date before September 19, 2023, and as early as 2022, minor male classmates of JANE DOES I-IV, "M.W.," A.C.," and "B.C." (hereafter "the perpetrators") created, modified, edited, sold, distributed and otherwise produced and disseminated multiple video montages and digital folders containing still images in which the first and last names of minor female BISHOP LUERS students, including JANE DOES I-IV and other minor females, were displayed over explicit pornographic video clips and images of women and/or girls (hereafter "the videos").

47. By information and belief, the perpetrators obtained pornographic images and video clips of women and/or girls from internet sources such as Pornhub or similar sites. The true identities of the women and/or girls in these videos are presently unknown to the PLAINTIFFS. Further, PLAINTIFFS do not know whether the females depicted in the videos are adults or children, or both. Plaintiffs have sought the assistance of federal and local law enforcement to investigate whether the females whose bodies are depicted in the videos, or some

of them, were children, and for assistance in determining whether the videos have made their way onto the internet.

48. By information and belief, in creating the videos, the perpetrators chose on-line pornographic videos and still images depicting women and/or girls whose general appearance, including hair color and length, body type, skin tone and other features resembled those of the minor female BISHOP LUERS students, including JANE DOES I-IV. The perpetrators then super-imposed the actual first and last names of JANE DOES I-IV and other female BISHOP LUERS students over the images and video clips depicting the women or girls who most closely resembled JANE DOES I-IV and the other minor female victims.

49. At no time did the PLAINTIFFS or their minor daughters, JANE DOES I, II, III or IV consent to the creation, editing, sale or distribution of these videos, nor were any of them aware of the videos prior to September 19, 2023.

50. By information and belief, the perpetrators also sold, shared or otherwise distributed these degrading and slanderous pornographic videos to students at BISHOP LUERS and other area high schools, including to members of the BISHOP LUERS football team and other high school football teams.

51. By information and belief, in addition to JANE DOES I-IV, the perpetrators created and distributed multiple similar videos which prominently display the first and last names of approximately thirty-four (34) additional current and former female students of BISHOP LUERS, most or all of whom were minors at the time of their creation and distribution.

52. By information and belief, one of the girls depicted in one such video had graduated from BISHOP LUERS two years earlier, and one of the videos seen on one of the perpetrator's phone, B.C, was dated February 2023.

53. The wrongful acts of the perpetrators included misconduct which violates Indiana's criminal statute I.C. 35-42-4-4 prohibiting child exploitation and possession of child pornography.

54. By information and belief, DEFENDANT JAMES HUTH, the Principal of BISHOP LUERS until the end of the 2022/23 school year, was aware of the videos as early as February 2023, but failed to report the videos to the authorities, notify the victims' parents or conduct any reasonable investigation pursuant to ARCHDIOCESE, DIOCESE and/or BISHOP LUERS policies and procedures.

55. By information and belief, DEFENDANT DAVID MAUGEL, who at all relevant times was the Assistant Superintendent then Acting Superintendent for DIOCESE schools, was also aware of the videos as early as February 2023, but failed to report the videos to the authorities, notify the victims' parents or conduct any reasonable investigation pursuant to ARCHDIOCESE, DIOCESE and/or BISHOP LUERS policies and procedures.

56. By information and belief, all the DEFENDANTS were aware as early as February 2023 that these sexually exploitative videos existed, that they were being distributed among BISHOP LUERS students and amongst students in other Fort Wayne Schools, and were potentially circulating on the internet, such that any on-line search of the names of the PLAINTIFFS daughters, JANE DOE I, II, III or IV, and the other victims, could yield a search result that included these shocking videos and images.

57. The DEFENDANTS, and each of them, were at all relevant times mandatory reporters of child abuse pursuant to Indiana Code 31-33-5-1, which states in relevant part:

Sec. 1. In addition to any other duty to report arising under this article, an individual who has reason to believe that a child is a victim of child abuse or neglect shall make a report as required by this article.

Sec. 4. A person who has a duty under this chapter to report that a child may be a victim of child abuse or neglect shall immediately make an oral or written report to: (1) the department; or (2) the local law enforcement agency.

58. In knowingly failing to report the pornographic videos to the authorities immediately upon discovering their existence, the DEFENDANTS, and each of them, committed a criminal violation of I.C. 31-33-22-1 – Failure to Make a Report - which states:

Sec. 1. (a) A person who knowingly fails to make a report required by I.C. 31-33-5-1 commits a class B misdemeanor.

59. By information and belief, DEFENDANTS MANN and KREIGER were aware of these videos and images as early as February 2023, but did not alert the School Board at any time before the PLAINTIFFS raised the alarm in late September 2023.

60. By information and belief, in the Summer and early Fall of 2023 perpetrator M.K. was physically roughed up by his teammates on the BISHOP LUERS football team, in retaliation for his part in creating the videos which victimized the JANE DOES I-IV and other female students.

61. By information and belief, one of the perpetrators had a prior report of sexual misconduct. A female student had reported to DEFENDANT MANN during the previous school year that A.C. was stalking her and sending her unwanted Anime porn. MANN did not report these incidents to the authorities, as required by law, nor did he or the other DEFENDANTS investigate these incidents. MANN later told that victim in a meeting with multiple female students that he would have investigated it if it had been reported by more than one student. By information and belief, A.C. was not punished or disciplined for this sexual misconduct.

62. By information and belief, after the DEFENDANTS became aware of the videos, at no time did they seize the cell phones or other personal electronic devices of the perpetrators or other students who may have disseminated these materials.

63. By information and belief, after the DEFENDANTS became aware of these videos, at no time did they examine school-owned servers, electronic devices, such as laptop computers and/or iPads used by students at BISHOP LUERS in order to determine whether the videos were created, edited, circulated or stored on these devices. Nor did the DEFENDANTS instruct other faculty or staff to undertake such an examination.

64. By information and belief, after the DEFENDANTS became aware of the videos, at no time did they conduct their own investigation or undertake any substantive steps whatsoever to obtain a list of all the “customers” of the perpetrators in order to attempt to retrieve the videos, nor did the DEFENDANTS otherwise undertake any damage control in an attempt to keep the videos from circulating more widely, including on the internet, nor did they hire an electronics specialist or other outside contractor to do so.

65. Upon information and belief, once the DEFENDANTS became aware of the videos they held no formal meetings among ARCHDIOCESE, DIOCESE and/or BISHOP LUERS leadership to discuss this situation and its serious ramifications, and thus there are no meeting minutes, memoranda or other documents that lay out how the DEFENDANTS planned to address the situation or minimize the injuries and damages posed by the videos to the many minor victims, including JANE DOES I, II III and IV. Moreover, these videos and the consequential damages to the BISHOP LUERS students were not discussed at any regularly scheduled meeting among BISHOP LUERS leadership, the BISHOP LUERS School Board, and upon information and belief the ARCHDIOCESE and/or DIOCESE.

66. After the DEFENDANTS became aware of these degrading and defamatory videos, at no time did they alert the BISHOP LUERS teachers or staff to this serious situation, so that the teachers and staff could be mindful of the female students' welfare and report any relevant information back to school leadership.

67. DEFENDANTS were on notice for months that PLAINTIFFS and other female students at BISHOP LUERS had been sexually exploited in the creation and distribution of these videos, and they knew the identities of the perpetrators, yet DEFENDANTS failed to remove the perpetrators from the school, failed to discipline the perpetrators in accordance with their own policies and procedures, and/or failed to take reasonable steps and/or to implement reasonable safeguards to remove, delete or destroy these videos, investigate the details of these criminal acts, report these criminal acts of sexual exploitation and child pornography to the authorities, or otherwise mitigate the injuries and damages these videos caused the PLAINTIFFS and other minor students.

68. After the DEFENDANTS became aware of the videos, and prior to September 25, 2023, they failed to inform the parents of JANE DOES I-IV, and any of the other victims of the existence of the videos, that the videos were being sold or otherwise distributed to BISHOP LUERS students, or that the videos were being sold or otherwise distributed more widely within the community and potentially on the internet.

69. After the videos became public knowledge, DEFENDANT HUTH advised one or more BISHOP LUERS parents that the DEFENDANTS "had been trying to kill this" for some time.

70. In creating, editing, selling and/or distributing these degrading and slanderous videos, as described above, the perpetrators engaged in multiple criminal acts, including child

sexual exploitation which was subject to mandatory reporting by anyone who becomes aware of the videos, including the DEFENDANTS in this action.

71. In addition, the creation and dissemination of these videos by the perpetrators constituted defamation, harassment, intimidation and bullying of all the victims, including JANE DOES I-IV.

72. Despite such actual and constructive knowledge, DEFENDANTS' acts and omissions provided the perpetrators with on-going and long-term opportunities to create, distribute, and profit from selling additional videos without consequence, including the video or videos depicting JANE DOES I, II, III and IV.

73. DEFENDANTS engaged in a plan and scheme to ignore, conceal and/or avoid discovery of these videos, and DEFENDANTS' wrongful conduct facilitated the on-going exploitation and abuse of minor children at BISHOP LUERS, including JANE DOES I, II, III and IV.

74. At no time have the DEFENDANTS attempted to warn the Catholic faithful, including parents and students at BISHOP LUERS, that the videos were or are circulating, despite the obvious danger to their community in general and the victims specifically.

75. The DEFENDANTS' wrongful acts in knowingly and deliberately ignoring the threats posed by these videos occurred despite the well-known history of sexual abuse and exploitation of minors within Roman Catholic Institutions. The hierarchy of the Roman Catholic Church, and, by implication these Defendants, have been aware of serious and wide-spread problems with sexual abuse of children within its communities well before the incidents involving the PLAINTIFFS.

76. By information and belief, M.W. was eventually prosecuted and convicted in Allen County juvenile court for one or more crimes related to these videos; A.C. and B.C. were not criminally prosecuted. None of the Defendants were criminally charged for failing to report the suspected abuse under Indiana's mandatory reporting statute.

77. The creation and dissemination of these videos was "immoral, obscene, abusive, defamatory and profane" as those terms are used in the DIOCESE Electronic Communication Policy, and the videos endangered the health and safety of BISHOP LUERS students in general, and the victims in particular.

Plaintiffs' Discovery of the Videos

78. The PLAINTIFFS were entirely unaware of the existence of the videos until perpetrator B.C. approached JANE DOE II at BISHOP LUERS on Tuesday, September 19, 2023, and warned her, in ominous tones, "I know about something that's really bad, something that will destroy your reputation," or words to that effect. He then described one such video that he had stored on his phone and told her it included her name.

79. During that conversation, JANE DOE II demanded to see the video he had just described, and B.C. showed it to her. He also told her that classmate M.W. had made the video and had been selling it and was representing to potential "customers" that the video or videos depicted BISHOP LUERS students, including JANE DOE II. In fact, the video that B.C. showed JANE DOE II displayed pornographic images of unknown women and/or girls, with the first and last names of JANE DOE II, III and IV and other female students superimposed over the images. PLAINTIFFS thus far do not know how many total videos and file folders were made and circulated by the perpetrators.

80. During this same conversation, JANE DOE II insisted that B.C. send a copy of the video to her phone immediately so she could show it to the school officials and her parents. That same day, she told classmates JANE DOE III and JANE DOE IV about the video because she had noticed their names were also featured on it.

81. On Wednesday, September 20, 2023, the morning after JANE DOE II learned of the video from perpetrator B.C., she confronted M.W. in a religion class in front of other students and the teacher, at which time M.W. admitted he had participated in creating and distributing the video, but whined that if she reported him it could ruin his chances of becoming a doctor. By information and belief, the teacher was aware that something was seriously wrong, but did not question M.W., report M.W. to school leadership, or remove M.W. from the classroom. Instead, she merely moved him to a different seat in the room further away from JANE DOE II but allowed him to remain in class.

82. JANE DOE II reported the video to her parents the same day and told them she would meet with DEFENDANT MANN the next day to report it to him.

83. JANE DOE II, JANE DOE IV, and another female student also depicted in the video, went to DEFENDANT MANN'S office on September 21, 2023, to report the video that B.C. had shared with JANE DOE II. They offered to show the video to MANN, but he declined to look at it; he admitted he was already aware of it.

84. Also on September 21, 2023, PLAINTIFF II, JANE DOE II's father, went to the school to speak with DEFENDANT MANN and approached him as MANN was leaving. PLAINTIFF II asked to speak with him about the video. MANN initially refused, claiming that he needed to get to a soccer game. He persisted, and MANN finally claimed he was "still investigating." MANN volunteered that the videos may have been made as early as May 2023.

PLAINTIFF II told MANN he would call him the next day for an update and to learn more about the investigation.

85. On Thursday, September 21, DEFENDANT MANN admitted to JANE DOE IV's father that the DEFENDANTS had been "dealing with" these pornographic photos for "some time" or words to that effect.

86. PLAINTIFF II called BISHOP LUERS on Friday, September 22, 2023, as planned, but was told that MANN was unavailable to speak with him. He left a voice message on MANN'S phone, but MANN did not return the call that day, or at any time over the weekend.

87. Perpetrator M.W. was a member of the BISHOP LUERS football team. By information and belief, on or about September 22, 2023, before the evening football game, Head Coach Kyle Lindsay advised MANN and/or KREIGER that he did not want M.W. dressing for the game, due to his participation in these videos. The coach was overruled by KREIGER and/or MANN, and M.W. was allowed to dress for the game that night. Perpetrators A.C. and B.C. were also allowed to continue participating in their BISHOP LUERS sports teams after the videos were discovered.

88. In the days following the discovery of the video depicting the names of JANE DOEs II, III and IV, it became known that additional pornographic videos of past and present female Bishop Luers students had also been made and distributed by the perpetrators, and possibly others, and that the DEFENDANTS had been aware of said additional videos for some time. PLAINTIFFS learned this because PLAINTIFF I, JANE DOE I's father, received a phone call from DEFENDANT KREIGER at his place of work, with KREIGER telling him that JANE DOE I was depicted in a pornographic video, and that the school was "investigating" the situation. Her name was not depicted in the video that B.C. shared with JANE DOE II. This was

the first time PLAINTIFFS I learned that JANE DOE I had also been victimized in a video or videos, and the first time the PLAINTIFFS learned that multiple videos exist.

89. On Sunday, September 24, 2023, PLAINTIFF II, JANE DOE II's mother, sent an email to Principal KREIGER to report her concerns about the serious ramifications of the video to her daughter and the other victims. KREIGER did not respond to this email.

90. The PLAINTIFF parents came to BISHOP LUERS on Monday morning, September 25, 2023, to meet with MANN AND KREIGER and discuss the video. During that meeting, MANN admitted the videos had not been reported to the authorities.

91. During this confrontation at the school on September 25, DEFENDANT KREIGER repeatedly proclaimed: "We don't want to falsely accuse the boys!" The PLAINTIFFS describe the tone of these conversations as both MANN and KREIGER conducting themselves in a nonchalant, smug and uncooperative manner.

92. The PLAINTIFFS waited at the school for at least three hours while MANN and KREIGER met privately, conferred with counsel and tried to figure out how to proceed and whether to call the police to report the videos. During some of this time, MANN was interrogating M.W. in his office. MANN eventually told the PLAINTIFFS that M.W. had admitted he made the videos. Even then, MANN refused to call the police.

93. That same day, MANN asserted to the PLAINTIFFS that, in his opinion, no crime had been committed and therefore BISHOP LUERS had no duty to contact the authorities about the videos. Indeed, none of the DEFENDANTS had contacted the authorities in the months since first learning about the videos. Father of JANE DOE IV, then showed KREIGER a copy of the Indiana mandatory reporting statute, which at all relevant times was posted on the DIOCESE website.

94. Only after the PLAINTIFFS gave him an ultimatum that they would call the police themselves if the school refused did MANN finally agree to “call a buddy and find out what to do.” A call was made, and while waiting for the police to show up MANN also opined: “I don’t think it’s a crime because it’s not [the students’] bodies [in the videos].”

95. While the PLAINTIFFS waited at the school for a police officer to show up, KREIGER and MANN contacted the DIOCESE attorney to find out whether they really needed to call the police. After consulting with the attorney, KREIGER conceded to the PLAINTIFFS that the DIOCESE counsel agreed the police should be contacted about the video. The uniformed officer who finally showed up at the school met privately with MANN and KREIGER for approximately 30 minutes before he finally took the PLAINTIFFS’ reports.

96. However, during that same morning visit to BISHOP LUERS, PLAINTIFF II asked Principal KREIGER whether an investigation had been conducted in response to the pornographic videos. Kreiger said that it had not, and that they hadn’t had time to investigate because of a staff retreat. In fact, that retreat had just taken place the previous Friday, many months after the DEFENDANTS had first become aware of the videos.

97. PLAINTIFF III, mother of JANE DOE III, asked KREIGER why the boys who made and distributed the video had not been suspended. He explained that the school had “a duty” toward the boys.

98. During the September 25, 2023, visit to the school, the PLAINTIFFS verbally instructed KREIGER and MANN that the school did not have permission to interrogate their daughters without the PLAINTIFF’S parent being present. PLAINTIFF I, mother of JANE DOE I, also provided this instruction to the DEFENDANTS via email. Despite these clear instruction from the parents, the MANN, KREIGER and other representatives of BISHOP LUERS and the

DIOCESE harassed, intimidated and publicly worsened the crisis by publicly paging Jane Does I-IV and other victims during school hours to report to school offices, and by pulling them out of their classrooms to discuss the matter on multiple occasions. On none of these occasions were the parents notified, asked for permission, or invited to be present during these meetings. JANE DOE II was pulled out of an AP class and was not able to complete a writing assignment due to one of these meetings and received a rare grade of “C” on a timed writing task she was not allowed to make up.

99. The DIOCESE sent its “victim’s advocate” to BISHOP LUERS to speak with JANE DOES I-IV and other victims about this matter. The advocate had attempted to honor the girls’ privacy by also instructing KREIGER and MANN not to speak with the girls without their parent’s presence. Her advice to them was entirely ignored when the girls were repeatedly pulled out of class for discussions with DEFENDANTS MANN, KREIGER and other representatives of the DIOCESE and BISHOP LUERS in order to interrogate the victims and to gaslight them about the situation. Despite her apparent sensitivity to the victims’ privacy, the DIOCESE victim advocate invited a BISHOP LUERS staff member into her meeting with the victims, in spite of the parents’ instructions to the contrary.

100. Despite MANN’s assertion to the PLAINTIFFS in late September that BISHOP LUERS “had not yet completed [their] investigation,” in fact, by information and belief no investigation had been conducted, either before or after the PLAINTIFFS learned of the video that B.C. revealed to JANE DOE II on September 19, 2023.

101. During a separate meeting with JANE DOES II, III and IV on September 25, 2023, KREIGER explained to the girls that he needed “others” to investigate before he could do something about the videos, that investigations take time, and that he needed authority from

people “higher than” him to give him the ability to decide what to do with the boys. By information and belief, and despite Kreiger’s explanation that day to JANE DOES II, III and IV, no investigation had been conducted or was being conducted by any of the DEFENDANTS.

102. During that same conversation, KREIGER told JANE DOES I-IV that the school administrators had “a lot of things on our plates right now,” that “women’s brains and boys’ brains are very different,” that “guys will do guy things.” When the girls explained that they were terrified that these pornographic videos would show up in a search for their names during the college application process, and that the videos could hurt their chances of getting employment down the road, MANN dismissed their concerns, commenting that they “shouldn’t care what others think of them,” or words to that effect.

103. JANE DOE I is not one of the victims whose name appears in the video that B.C. provided to JANE DOE II. Nonetheless, JANE DOE I was called into multiple meetings and interrogated by school officials, including MANN, KREIGER, and the DIOCESE “victim advocate.” The fact that she was included in these discussions confirmed that there is at least one video that shows JANE DOE I’s name, in addition to the video that perpetrator B.C. revealed to JANE DOE II.

104. Several other female students were also made aware by MANN and/or KREIGER that they had been victimized because they were called out of their classes with JANE DOES I, II, III and IV to discuss the situation. By information and belief, the DEFENDANTS did not speak with these girls’ parents about their daughters being victimized, nor did they get their parents’ permission to discuss the videos with them.

105. By information and belief, the DEFENDANTS have never reached out to the majority of the victims – approximately 24 current and former female BISHOP LUERS students – to inform them or their parents that they had been victimized in these pornographic videos.

106. After the PLAINTIFFS learned of the videos, a member of the BISHOP LUERS football team and his friend both told PLAINTIFF IV, JANE DOE IV'S father, over dinner at Doe IV's home, that "everyone" had seen the videos.

107. On or about September 26, 2023, PLAINTIFF IV contacted the DIOCESE and spoke with DEFENDANT MAUGEL. In response to the PLAINTIFF'S question about whether KREIGER or MANN would be disciplined for failure to report the sexual misconduct, MAUGEL replied that the situation was not a disciplinary issue, merely a training issue.

108. On or about September 26, 2023, PLAINTIFF II, JANE DOE II'S mother, reached out to the DIOCESE and spoke with DEFENDANT MAUGEL. He advised PLAINTIFF II that he was "handling the situation" but then admitted he was not aware that the perpetrators had been allowed to continue playing sports. He also conceded that DIOCESE and BISHOP LUERS leadership had received training on the mandatory reporting of child sex abuse. He offered no explanation why no one had reported these videos to the authorities.

109. During this period of time, the PLAINTIFFS were trying to find someone at the DIOCESE to help them look into this crisis properly and take steps to remedy the situation. The PLAINTIFFS spoke with the DIOCESE victim advocate in late September and learned that she had shared at least one video with the Bishop in early September, 2023. The Bishop also did not report the video to the authorities, as required by law.

110. Because the DEFENDANTS failed to report these videos to the authorities when they first learned about them, JANE DOES I, II, III and IV were further traumatized when they

and their parents were forced to handle the reporting themselves. For example, the Fort Wayne law enforcement investigators refused to take the victims' statements for a criminal investigation without first mirandizing them, on the grounds that at least one of the victims, JANE DOE II, was in possession of the video. This put the PLAINTIFFS in fear that they were potentially facing prosecution. All this despite the fact that JANE DOE II obtained a copy of the video from B.C. for the express purpose of turning it over to MANN AND KREIGER, her parents and the authorities. Had the school turned over these videos to the authorities immediately upon discovering them, as required by law, the victims would not have been forced to obtain the videos themselves to hand over to the police.

111. JANE DOE II'S mother attempted to attend a BISHOP LUERS school board meeting in the late Fall of 2023 to address the issues set forth in this complaint but was refused entry into the meeting.

112. On October 12, 2023, PLAINTIFF IV, JANE DOE IV'S father, learned that DEFENDANT HUTH had been aware of the videos since at least early September 2023, but did not report the videos to the authorities, as required by law.

113. Also on October 12, 2023, DEFENDANT MAUGEL advised PLAINTIFF II, JANE DOE II's mother, that "the case was closed" and that the only consequence to KREIGER and MANN would be to instruct them on how to report in the future. MAUGEL also instructed PLAINTIFF II that she should "give grace and learn to trust."

114. On or about October 21, 2023, Allen County Detective Kiger spoke with PLAINTIFF II and advised her that JANE DOE II and the other victims would need to be mirandized if they gave statements about the pornographic videos to the police.

115. On or about October 23, 2023, Allen County Detective Kiger spoke with PLAINTIFF II and agreed that the contents of the video he had received into evidence from the PLAINTIFFS in fact constituted a crime. He also told her it depicted a total of 14 minor female Bishop Luers students.

116. JANE DOES I, II, III and IV were finally interviewed by Fort Wayne Police Detective Kiger in a police headquarters interrogation room on December 20, 2023. The detective indeed read them their rights in the presence of their parents and the undersigned attorneys before taking each victim's recorded statement about these horrific violations of their privacy and dignity.

117. By information and belief, at no time have the DEFENDANT representatives of the ARCHDIOCESE, DIOCESE, or any of the individual DEFENDANTS been questioned by the authorities for their criminal misconduct in failing to report these sexual crimes.

118. By information and belief, at no time have the DEFENDANTS, or any of them individually, notified the parents of the additional BISHOP LUERS victims that their daughters were also sexually exploited in videos that had been made and distributed by male schoolmates.

119. By information and belief, the Bishop of the DIOCESE personally viewed at least one of the videos before the PLAINTIFFS became aware of them, but also failed in his mandate to report the video(s) to the authorities.

120. By information and belief, the Bishop of the DIOCESE failed to instruct others at the DIOCESE, DEFENDANTS MANN and/or KREIGER, or anyone else at the DIOCESE or BISHOP LUERS to report the videos to the authorities, or to conduct an investigation and report back to him. Instead, he merely relied on others to handle the situation without any follow-up, supervision or oversight.

121. By information and belief, the Archbishop of the ARCHDIOCESE was also informed about at least one of these videos prior to the PLAINTIFFS learning about them, and also failed to contact the authorities or instruct his subordinates at the DIOCESE and/or BISHOP LUERS to report the videos, investigate the situation, inform the victims' parents, or otherwise address the crisis.

122. In late Fall 2023, the vicar for the DIOCESE advised PLAINTIFF IV, father of JANE DOE IV, that MANN had been removed from his leadership role at BISHOP LUERS, implying the demotion was in response to the situation described herein. In fact, MANN had only his title removed. His salary was not changed, and he was allowed by the ARCHDIOCESE and DIOCESE to remain in his role as a school leader and key decision-maker at BISHOP LUERS for all practical purposes. Moreover, he was maintained in his role as acting Dean of Students.

123. DEFENDANTS, and each of them, are liable for failing to follow their own ARCHDIOCESE, DIOCESE AND BISHOP LUERS policies and procedures, as set forth in detail below.

124. Defendants are liable for failing to provide the victims, including JANE DOES I-IV, with a safe or civil – much less a nurturing – educational environment, contrary to the ARCHDIOCESE and DIOCESE mission, philosophy and policies.

125. The PLAINTIFFS live in fear that these pornographic videos either have made or eventually will make their way onto the internet, and that they will live on the internet in perpetuity, such that any on-line search of the victims' names could yield a search result that includes these videos. Any such discovery would threaten school applications, job applications, security clearance background checks, and even possibly personal relationships.

132. JANE DOES I, II, III and IV were initially emotionally injured and harmed by the creation, posting and distribution of immoral, obscene, illegal, abusive, defamatory and profane videos and images. They were further injured and harmed by the deliberate, reckless indifference, negligence and other wrongful acts and omissions of the DEFENDANTS. These injuries include, but are not limited to fear, depression, anxiety, sleeplessness, embarrassment, humiliation and degradation.

133. In ignoring, minimizing and attempting to suppress the PLAINTIFFS concerns about the videos, the DEFENDANTS clearly demonstrated that their sympathy, loyalty and dedication was to the student perpetrators, and to safeguarding of their institutional reputation, and not to the PLAINTIFFS or other victims.

134. There is no question that the DEFENDANTS, and each of them, were all on notice about the constant and on-going risk of sexual misconduct toward students at BISHOP LUERS, particularly after the abusive and criminal misconduct of teachers Jordan Miller and Matthew Brown, both of whom were prosecuted for their sexual crimes only months prior to the misdeeds described in this Complaint. In addition, a BISHOP LUERS football coach had been fired for victimizing female students as part of his foot fetish, and for having inappropriate materials on his school computer.

135. In all, the DEFENDANTS learned nothing from these numerous incidents of sexual assault and other sexual misconduct by teachers and students. More specifically, as it relates to the misconduct set forth in this Complaint, the DEFENDANTS made no effort to properly investigate and stop the distribution of pornographic videos, and failed to contact the authorities until the PLAINTIFFS gave the defendant school leaders an ultimatum during their meeting on September 25, 2023.

COUNT I – CIVIL LIABILITY/RESPONDEAT SUPERIOR
Against the Archdiocese, Diocese and Bishop Luers

136. PLAINTIFFS incorporate by reference and re-allege all previous paragraphs of this Complaint.

137. At all relevant times, DEFENDANTS JAMES HUTH, DAVID MAUGEL, SCOTT KREIGER and KEVIN MANN were agents and/or employees of the ARCHDIOCESE, DIOCESE, and/or BISHOP LUERS and were acting within the course and scope of their employment with these organizational DEFENDANTS.

138. The harassment, intimidation, bullying and sexual abuse/exploitation of JANE DOES I-IV were committed at least in part on school grounds, while the perpetrators and the victims were under the supervision, care and authority of DEFENDANTS HUTH, MAUGEL, KREIGER and MANN.

139. The ARCHDIOCESE, DIOCESE and BISHOP LUERS are vicariously liable under the doctrine of *respondeat superior*.

140. As a direct and proximate result of DEFENDANTS' negligence, JANE DOES I, II, III and IV have suffered, and will continue to suffer, mental anguish, loss of enjoyment of life, counseling expenses, shame, fear, humiliation, and other past, present and future damages.

COUNT II – NEGLIGENCE/GROSS NEGLIGENCE
Against All Defendants

141. PLAINTIFFS incorporate by reference and re-allege the previous paragraphs of this Complaint.

142. The DEFENDANTS owed a legal duty to the PLAINTIFFS to provide a safe educational environment free from harassment, intimidation, bullying and sexual abuse/exploitation.

143. The DEFENDANTS owed a duty of reasonable supervision over their students for the safety of other students, including the PLAINTIFFS.

144. The DEFENDANTS owed a duty to the PLAINTIFFS and others similarly victimized – pursuant to Indiana criminal statute - to immediately report all potential incidents of child pornography, sexual abuse/exploitation and of minor students at BISHOP LUERS to the authorities **immediately** upon learning of the incidents.

145. Pursuant to their own policies and procedures, the DEFENDANTS owed a duty to the PLAINTIFFS and others similarly victimized to properly investigate incidents of harassment, intimidation, bullying and exploitation/abuse immediately upon learning of the incidents.

146. Pursuant to BISHOP LUERS policies, the DEFENDANTS owed a duty to the PLAINTIFFS and others similarly victimized to convene a Disciplinary Review Board in response to their discovery of the pornographic videos, to assure the proper disciplinary response toward the perpetrators and a safe and healthy learning environment for the victims.

147. The DEFENDANTS owed a duty to the PLAINTIFFS to properly and timely address incidents of harassment, intimidation, bullying and abuse/exploitation of students at BISHOP LUERS, and to report those incidents as required by law.

148. It was reasonably foreseeable to the DEFENDANTS that the female students depicted in the videos, including JANE DOES I, II, III and IV, were victims of sexual exploitation, bullying, harassment and intimidation by these perpetrators, and it was further reasonably foreseeable that the victims, including the PLAINTIFFS, would be damaged by these videos.

149. It was reasonably foreseeable to the DEFENDANTS that the videos presented a threat to the health, safety and welfare of the victims, including JANE DOES I, II, III and IV.

150. It was reasonably foreseeable to the DEFENDANTS that the longer the videos circulated among BISHOP LUERS students and others, and more widely they were distributed, the more the victims, including the PLAINTIFFS would experience trauma and reputational damage.

151. DEFENDANTS, and each of them, were negligent in that they failed in their duties to:

- a. supervise the students' use of school-supplied electronic equipment;
- b. report to parents of victims that their daughters had been portrayed in videos that were being sold or otherwise distributed;
- c. recognize that at least one of the perpetrators had a history of stalking a female student and sending her unwanted anime pornography, and therefore presented a danger to female students including JANE DOES I, II, III and IV;
- d. seize the cellphones and other electronic equipment belonging to or used by the perpetrators;
- e. properly hire, train and supervise administrators in immediately reporting child sexual abuse, child pornography or child exploitation;
- f. immediately report suspected child sexual abuse to the authorities in accordance with Indiana criminal statutes;
- g. discipline the student perpetrators who created, distributed and sold the videos;
- h. take precautionary steps to keep students reasonably safe and secure from predatory behavior by their fellow students, including but not limited to searching school servers, computers, iPads and other electronic devices for the videos;

- i. assure the victims' privacy and safety by treating their complaints with discretion and in a private and respectful manner and in accordance with their parents' specific instructions not to interrogate them without a parent's presence;
- j. respect the rights of the parents to be notified about and attend any and all meetings between their minor daughters and the defendants regarding this matter;
- k. conduct any meaningful investigation, and/or do any act in a proper or reasonable fashion to assist in providing a remedy to the situation; and
- l. do any other affirmative act or undertake and perform any other duty, which acts and omissions proximately caused the PLAINTIFFS' injuries and damages.

152. DEFENDANTS were further negligent in ignoring and violating their own policies and procedures, including by way of example and without limitation:

- a) failing to promptly report the videos to the authorities;
- b) failing to seize the electronic devices at the school and belonging to the perpetrators;
- c) failing to promptly investigate the allegations;
- d) failing to inform the Plaintiffs and other parents about the videos;
- e) failing to advise the School Board about the videos;
- f) refusing to allow a PLAINTIFF to attend a school board meeting to discuss the incident;
- g) failing to convene a Disciplinary Review Board; and
- h) failing to punish the perpetrators by suspending or expelling them from BISHOP LUERS in a timely manner.

153. DEFENDANTS' conduct as alleged herein was negligent in that the DEFENDANTS, and each of them, knew or should have known that their conduct would cause physical and emotional pain and suffering to the PLAINTIFFS.

154. The DEFENDANTS' conduct as alleged herein was the responsible cause of injuries suffered by PLAINTIFFS.

155. The DEFENDANTS, and each of them, not only failed to exercise ordinary or reasonable care of an ordinarily prudent careful person, but also failed to exercise the slightest degree of care.

156. The DEFENDANTS' failure to act implied an absence of care and indifference to and reckless disregard for the Plaintiffs, with an utter disregard for the consequences that followed.

157. The DEFENDANTS showed more concern for the welfare and well-being of the perpetrators than for their victims.

158. The DEFENDANTS, and each of them, were unconcerned with the safety, health, welfare, good names and reputations of JANE DOES I-IV.

159. The DEFENDANTS, and each of them, created an unreasonable risk of harm to JANE DOES I-IV because of their failure to exercise slight care or diligence.

160. The resulting harassment, intimidation, bullying and sexual abuse/exploitation of JANE DOES I-IV was reasonably foreseeable to the DEFENDANTS.

161. The actions and failures of the DEFENDANTS, and each of them, demonstrated willful, wanton and reckless conduct affecting the lives of the PLAINTIFFS.

162. That as a proximate result of the DEFENDANTS' negligence and gross negligence, the PLAINTIFFS have sustained damages which include but are not limited to:

- a. counseling and other medical expenses;
- b. pain and suffering;
- c. infliction of emotional distress;
- d. permanent embarrassment and humiliation injuries;
- e. lost educational and social development time and opportunity; and
- f. other damages yet to be determined.

**COUNT III – NEGLIGENT HIRING, TRAINING,
SUPERVISION AND RETENTION
Against the Archdiocese, Diocese, and Defendants Mangel and Huth**

163. The PLAINTIFFS incorporate by reference and re-allege all the previous paragraphs to this Complaint.

164. The DEFENDANTS, and each of them, were negligent in failing to exercise due care in hiring, supervising, training and retention of unfit employees.

165. The DEFENDANTS' negligence in hiring, supervising, training and the retention of employees was the proximate cause of the PLAINTIFFS' injuries and damages.

166. DEFENDANTS ARCHDIOCESE, DIOCESE, DEFENDANT MAUGEL and DEFENDANT HUTH knew or had reason to know that DEFENDANTS KREIGER and MANN were unfit and incompetent to act as leaders of BISHOP LUERS, and/or the DEFENDANTS failed to provide appropriate training to DEFENDANTS MANN and KREIGER, and could have reasonably foreseen that hiring them, and/or inappropriately training them, and/or failing to supervise them, and/or retaining them created a risk of harm to students, including JANE DOES I-IV.

167. PLAINTIFFS are entitled to the following damages against the ARCHDIOCESE, DIOCESE, and BISHOP LUERS arising out of the DEFENDANTS' negligent hiring, training,

172. The DEFENDANTS' violations of the reporting statute were unjustified and unexcused.

173. That the DEFENDANTS' criminal violation of the reporting statute was the proximate cause of the injuries and damages to JANE DOES I, II, III and IV in that their failure to notify the authorities immediately upon learning about the pornographic videos allowed the perpetrators significant additional time to create the videos depicting the names of the victims, and significant additional time for the perpetrators to sell or otherwise distribute the videos, all of which damaged the PLAINTIFFS and will continue to damage the PLAINTIFFS in the future.

COUNT V – BREACH OF CONTRACT
Against the Archdiocese, Diocese and Bishop Luers

174. PLAINTIFFS incorporate by reference and re-allege the previous paragraphs of this Complaint.

175. The PLAINTIFFS and DEFENDANTS formed a contract with the PLAINTIFFS when the PLAINTIFFS paid consideration in the form of tuition, in exchange for the DEFENDANTS' providing JANE DOES I-IV with an education, and to safeguard the health and welfare of JANE DOES I-IV.

176. The DEFENDANTS breached the contract when they failed to follow ARCHDIOCESE, DIOCESE and/or BISHOP LUERS school policies, failed to report, address, and/or investigate harassment, intimidation, bullying, and sexual abuse/exploitation of JANE DOES I-IV and other female students at BISHOP LUERS.

177. As a direct result of the DEFENDANTS' breach of contract, the PLAINTIFFS did not receive the bargained-for educational benefit.

178. PLAINTIFFS are entitled to the following damages against the ARCHDIOCESE, DIOCESE and BISHOP LUERS arising out of the DEFENDANTS' breach of contract: 1) compensatory damages; 2) attorney fees, costs and expenses; and 3) all other relief the Court shall deem just and equitable.

**COUNT VI – BREACH OF FIDUCIARY DUTY
Against the Archdiocese, Diocese and Bishop Luers**

179. PLAINTIFFS incorporate by reference and re-allege the previous paragraphs of this Complaint.

180. The PLAINTIFFS and DEFENDANTS formed a fiduciary relationship with and duty toward the PLAINTIFFS when the PLAINTIFFS paid consideration in the form of tuition, and in the form of placing DEFENDANTS in a position of loyalty and trust, in exchange for the DEFENDANTS' providing JANE DOES I-IV with an education, and to safeguard the health and welfare of JANE DOES I-IV.

181. The DEFENDANTS breached the fiduciary duty when they failed to follow ARCHDIOCESE, DIOCESE and/or BISHOP LUERS school policies, failed to report, address, and/or investigate harassment, intimidation, bullying, and sexual abuse/exploitation of JANE DOES I-IV and other female students at BISHOP LUERS.

182. The DEFENDANTS breached their duty to act as reasonable custodians for the care, safety and welfare of their students, including the victims of the pornographic videos.

183. As a direct result of the DEFENDANTS' breach of fiduciary duty, the PLAINTIFFS did not receive the bargained-for benefit that was intended to include the proper safeguarding of their daughters' education, welfare and well-being.

184. PLAINTIFFS are entitled to the following damages against the ARCHDIOCESE, DIOCESE and BISHOP LUERS arising out of the Defendants' breach of its fiduciary duty: 1)

compensatory damages; 2) attorney fees, costs and expenses; and 3) all other relief the Court shall deem just and equitable.

**COUNT VII – FRAUDULENT CONCEALMENT
Against All Defendants**

185. PLAINTIFFS incorporate by reference and re-allege all previous paragraphs to this Complaint.

186. The DEFENDANTS had a duty and an obligation to be truthful with the PLAINTIFF about the prevalent problem of bullying, harassment, bullying and sexual exploitation/abuse at BISHOP LUERS and not to conceal these problems from the PLAINTIFFS, including the existence of the pornographic videos, while knowingly falsely claiming that the school environment was safe and nurturing, and that bullying, harassment, bullying and sexual exploitation/abuse was prohibited and not tolerated.

187. The DEFENDANTS knew or believed that there was an on-going series of incidents of pervasive harassment, intimidation and sexual exploitation and abuse at BISHOP LUERS while knowingly and falsely claiming that the school environment was safe and nurturing and that harassment, intimidation, bullying and/or sexual exploitation/abuse was prohibited and not tolerated.

188. The DEFENDANTS specifically knew for a number of months prior to the PLAINTIFFS' discovery that a BISHOP LUERS male student or students had created and distributed pornographic videos as described herein, but knowingly and actively engaged in concealing the existence of these videos from the PLAINTIFFS, other victims' parents, faculty, staff and the authorities, in violation of Indiana state law, and the policies and procedures of the ARCHDIOCESE, DIOCESE, and BISHOP LUERS.

189. The DEFENDANTS knowingly concealed the above-stated problem from the PLAINTIFFS.

190. The DEFENDANTS intended to deceive the Plaintiffs so that they would enroll JANE DOES I-IV at BISHOP LUERS and pay tuition throughout high school.

191. The DEFENDANTS intended that the PLAINTIFFS rely upon their false statements and concealments.

192. The PLAINTIFFS did rely on the DEFENDANTS' false promises and concealments to their detriment, resulting in their enrolling JANE DOES I-IV at BISHOP LUERS throughout high school.

193. The DEFENDANTS' false promises and concealments proximately caused damages to the PLAINTIFFS.

194. PLAINTIFFS are entitled to the following damages as a result of the DEFENDANTS' false concealment: 1) compensatory damages; 2) punitive damages; 3) attorney fees, costs and expenses; and 4) such other relief as the Court shall deem just and equitable.

**COUNT VIII – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
Against All Defendants**

195. PLAINTIFFS incorporate by reference and re-allege the previous paragraphs of this Complaint.

196. In their actions and their failure to act, the DEFENDANTS engaged in extreme and outrageous conduct that went beyond all possible bounds of decency, was atrocious and utterly intolerable in a civilized society.

197. The actions and inactions of the DEFENDANTS, as set forth above, were either intentional or reckless.

198. The actions and inactions of the DEFENDANTS, as set forth above, caused and continue to cause severe emotional distress to the PLAINTIFFS in the form of shame, humiliation, worry, fright and embarrassment.

199. PLAINTIFFS are entitled to compensation for the emotional distress they experienced.

DAMAGES

This incident has had a profound impact upon the PLAINTIFFS, but the following list of consequences and injuries is not intended to be exhaustive:

1. The PLAINTIFFS face frequent anxiety, feelings of degradation and humiliation, even a sense of dread, that they have already been or will be associated with these pornographic videos during any on-line search of their names previously, currently or in the future.

2. The PLAINTIFFS all face the frustration and sense of helplessness that comes with realizing they have no power to remove offensive materials, including these videos, once they are circulating on cell phones, other electronic devices, and on the internet.

3. JANE DOES I-IV all experience negative body imagery as a result of having been “chosen” by the perpetrators as victims for their pornographic fantasies and exploitative machinations. They worry that they might wear an item of clothing that is viewed as provocative or “slutty,” that their schoolmates – many of whom learned their identity because of the DEFENDANTS’ indiscretions in repeatedly publicly “outing” JANE DOES I-IV – will judge them harshly or conclude they somehow “deserved” to be exploited.

4. JANE DOES I-IV all question what they could have done to deserve being the victims of sexual exploitation by their male classmates.

5. JANE DOES I-IV have suffered from various symptoms of depression, including insomnia, difficulty getting out of bed, negative feelings toward attending school, playing sports, interacting with their teachers, and encountering members of the DIOCESE and/or BISHOP LUERS leadership.

6. The PLAINTIFFS have all begun questioning their years-long commitment and loyalty to the Roman Catholic Church, and particularly the DIOCESE and BISHOP LUERS, given how badly they have been treated by the DEFENDANTS since they learned about the pornographic videos. These internal conflicts have caused the PLAINTIFFS considerable anxiety, frustration, confusion and grief.

7. The PLAINTIFFS have all struggled with their previously rock-solid Catholic faith, as a direct result of the deliberate indifference and mismanagement of this terrible situation by the DEFENDANTS. They believe the DIOCESE has abandoned them, and that the tenets of the faith that are emphasized during Mass, and in DIOCESE literature, are not being upheld and practiced where these families and the other victims are concerned.

8. The PLAINTIFFS have experienced a strain in their relationships with the DIOCESE leadership, BISHOP LUERS staff and leadership, including the individual DEFENDANTS, and fellow BISHOP LUERS parents and students as a result of the incidents set forth in this Complaint.

9. JANE DOES I-IV all feel a strain in their relationships with their parents, other adults in their world, and even their friends as a result of the incidents set forth in this Complaint. They report feeling hypersensitive, irritable, sad, and generally less motivated to participate in activities with family and friends.

10. JANE DOES I-IV feel frustration and hesitation expressing how they feel about the incidents set forth in this Complaint, which further strains their relationships with others.

11. The PLAINTIFFS worry that JANE DOES I-IV – all excellent students academically and highly motivated athletes – will receive college recommendations and other commendations and awards from their teachers and counselors that are less favorable than what they deserve, in deliberate retaliation for the PLAINTIFFS’ actions in response to the horrific incidents set forth in this Complaint.

WHEREFORE, PLAINTIFFS I, as Parents and Next Friends of JANE DOE I, a Minor; PLAINTIFFS II, as Parents and Next Friends of JANE DOE II, a Minor; PLAINTIFF III, as Parent and Next Friend of JANE DOE III, a Minor; PLAINTIFFS IV, as Parents and Next Friends of JANE DOE IV, a Minor, and JANE DOES I, II, III and IV individually, all pray for the Court to enter judgment against Defendants ROMAN CATHOLIC ARCHDIOCESE OF INDIANAPOLIS, INC., ROMAN CATHOLIC DIOCESE OF FORT WAYNE-SOUTH BEND, BISHOP LUERS HIGH SCHOOL, JAMES HUTH, DAVID MAUGEL, SCOTT KREIGER and KEVIN MANN for the damages suffered by the PLAINTIFFS in an amount to be proven at trial, including compensatory damages, general and special damages, punitive damages, for the costs of this action, and for all other just and proper relief.

DEMAND FOR JURY TRIAL

Come now the PLAINTIFFS, by counsel, and demand that the above Complaint and all issues herein be tried by jury.

Respectfully Submitted,
COHEN & MALAD, L.L.P

/s/ Gregory Laker

Gregory L. Laker, #10322-49

Andrea R. Simmons, #11622-49

Molly K. McMath, #38954-49

211 N. Pennsylvania Street, Ste. 1400

Indianapolis, IN 46204

Ph: (317) 636-6481

Fax: (929) 239-2968

glaker@cohenandmalad.com

asimmons@cohenandmalad.com

mmcmath@cohenandmalad.com