

IN THE CIRCUIT COURT OF THE ST. LOUIS COUNTY
TWENTY-FIRST JUDICIAL CIRCUIT
STATE OF MISSOURI

JOHN DOE 116,

Plaintiff,

vs.

MARIANIST PROVINCE OF THE
UNITED STATES, a Non- Profit
Corporation, FATHER MARTIN
SOLMA, Provincial of the Marianist
Province of the United States, and
CHAMINADE COLLEGE
PREPARATORY, INC., A Non-Profit
Corporation

Defendants.

SERVE:

CT Corporation System
Registered Agent
Marianist Province
of the United States
120 South Central Ave.
Clayton, MO 63105

Provincial Martin Solma
Marianist Province of the
United States
4425 West Pine Blvd.
St. Louis, MO 63108-2301

Ralph Siefert
Registered Agent
Chaminade College
Preparatory, Inc.
425 South Lindbergh Blvd.
St. Louis, MO 63131

Cause No.

Division

PETITION

JURY TRIAL DEMANDED

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12SL-CC00653

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CIRCUIT CLERK

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CIRCUIT COURT
OF
ST. LOUIS
COUNTY

PETITION

Plaintiff John Doe 116, for his Petition against the defendants named herein, alleges as follows:

1. Plaintiff brings this lawsuit in order to hold Defendants responsible for the injuries he suffered due to the sexual abuse perpetrated upon him by one of defendants' Marianist Brothers, Louis Meinhardt, and to protect other children from the pain of childhood sexual abuse.

JURISDICTION AND VENUE

2. This Court has jurisdiction over the causes of action asserted herein and over the parties to this action. Plaintiff asserts claims under Missouri common law. This Court has jurisdiction because Defendants Marianist Province, Provincial Martin Solma, and Chaminade College Preparatory, Inc. owned and operated Chaminade College Preparatory School in Creve Coeur, Missouri, are licensed to do business or transact business in Missouri and have obtained the benefits of the laws of the State of Missouri and the benefits of the Missouri location for Chaminade College Preparatory School. Finally, the sexual molestation described herein occurred at Chaminade Preparatory School which is located in Creve Coeur, within St. Louis County, within the State of Missouri.

3. Venue is proper in this Court under R.S.Mo. § 508.010 (4), because Plaintiff John Doe 116 was first injured at Chaminade College Preparatory School which is located in Creve Coeur, within St. Louis County, within the State of Missouri.

PARTIES

4. Plaintiff Doe 116 is an adult male who is a resident of the State of Missouri. Plaintiff John Doe 116 was sexually, physically and emotionally abused by Brother Louis Meinhardt at Chaminade College Preparatory School in Creve Coeur, Missouri, when he was a

minor. He is identified by the pseudonym John Doe 116 because he was a minor at the time of the sexual abuse alleged in this petition occurred. Plaintiff fears further psychological and emotional injury if his real name were publicly disclosed.

5. Defendant Marianist Province of the United States (hereinafter "Marianists"), which runs Chaminade College Preparatory School, was an unincorporated association doing business in Missouri at the time the injuries to Plaintiff occurred. Defendant Marianists incorporated in 2002 and is now a domestic non-profit corporation, incorporated and doing business in Missouri. Defendant Marianists have obtained the benefits of the laws of the State of Missouri and the benefits of the Missouri location.

6. Defendant Provincial Martin Solma (hereinafter "Provincial") is a citizen of the State of Missouri and is the current Provincial in charge of the Marianist Province of the United States which is located in St. Louis, Missouri. He is currently responsible for overseeing the day to day operations of the Marianists organization. Defendant Provincial Solma is sued herein solely in his official capacity as Provincial of the Marianists.

7. Defendant Chaminade College Preparatory School (hereinafter "Chaminade") was an unincorporated association doing business in Missouri at the time the injuries to Plaintiff occurred. Defendant Chaminade incorporated in 1982 and is now a domestic non-profit corporation, incorporated and doing business in Missouri. Defendant Chaminade has obtained the benefits of the laws of the State of Missouri and the benefits of the Missouri location.

8. Brother Louis Meinhardt was a Marianist Brother working at Chaminade, within the Marianist Province during all times material here. Brother Meinhardt abused Plaintiff while

he was functioning in his role as a teacher, coach and authority figure. Brother Meinhardt is not a named party in this lawsuit because he is deceased.

9. Defendant Marianists at all times relevant to the allegations contained herein operated and administered Chaminade College Preparatory School located in Creve Coeur, Missouri. At all times relevant to the allegations of abuse contained in this petition, Brother Louis Meinhardt was a brother of the Defendant Marianists religious society and employed by Defendant Marianists as a teacher and coach at Chaminade College Preparatory school. Additionally, Brother Meinhardt was under the direct supervision, control and authority of Defendant Marianists and Defendant Chaminade during the period of abuse alleged herein.

10. All acts of abuse alleged in this petition occurred while Brother Meinhardt had custody and/or control of Plaintiff and in the scope and course of Meinhardt's employment as a Brother, teacher and coach at Chaminade.

11. Defendants provided training to Brother Meinhardt on how to perform the specific responsibilities of Brother, teacher and coach at Chaminade. Defendants Marianists and Chaminade hired, supervised, and paid remuneration to Brother Meinhardt. At all times relevant to the issues in this lawsuit, Brother Meinhardt acted upon the authority of and at the request or permission of Defendants Chaminade and Marianists.

12. Brother Meinhardt performed substantially all of his work as a teacher and coach at Chaminade on the premises controlled by Defendants Chaminade and Marianists.

13. Defendants Chaminade and Marianists furnished tools, materials, and other material support to aid and abet Brother Meinhardt's misconduct as alleged in this petition.

14. Brother Meinhardt's conduct as alleged herein was undertaken while in the course and scope of his employment with Defendants Chaminade and Marianists as a Brother, teacher and coach at Chaminade College Preparatory School.

BACKGROUND FACTS APPLICABLE TO ALL COUNTS

15. Plaintiff first became acquainted with Brother Meinhardt when he entered Chaminade College Preparatory School in the 7th grade in approximately 1966. Brother Meinhardt was a Brother, teacher and a coach at the school.

16. Defendants Chaminade and Marianists assumed responsibility for supervising and caring for Plaintiff while he attended school at Chaminade.

17. Supervising and directing minors within Chaminade, including Plaintiff, were tasks within the course and scope of Defendants' responsibilities.

19. During all times relevant to this matter, Defendants were responsible for the care and well-being of Plaintiff while he attended Chaminade. Defendants taught Plaintiff and his parents to trust defendants' Brothers, teachers and coaches.

20. Brother Meinhardt watched Plaintiff in the shower after playing sports. Brother Meinhardt sometimes watched other boys in the showers as well and fondled children's genitals and buttocks in the locker room.

21. Also during his time at Chaminade, Plaintiff had Brother Meinhardt as a teacher. Brother Meinhardt asked to see Plaintiff after school for a "private tutoring session." During the session, Brother Meinhardt grabbed Plaintiff's penis and fondled his genitals.

22. Brother Meinhardt had sexually assaulted other boys at Chaminade before assaulting Plaintiff. In fact, it was common knowledge among the student body that Brother

Meinhardt watched children shower and grabbed their genitals in the locker room. Older kids joked with the younger ones about getting the "Meinhardt treatment." Brother Meinhardt had numerous nicknames at Chaminade including "Brother Mo," "The kissing coach," and "Screwie Louie." He had common catch phrases including "come here and give me loving," and "let me pat you on the bo-bo (buttocks.)"

23. Upon information and belief, at least one student reported to the pastors at Our Lady of the Pillar (which was the church where Chaminade held Mass) in 1966 that Brother Meinhardt abused him.

24. Upon information and belief, Defendants Chaminade and Marianists knew that Brother Meinhardt was abusing children before Plaintiff was abused. Defendants failed to stop Meinhardt from engaging in that behavior or to notify children attending the school and/or their parents of Meinhardt's propensity to sexually assault juvenile boys. As a result, Brother Meinhardt was allowed unlimited access to juvenile boys, with the aid of Defendants Chaminade and Marianists.

25. The actions of Brother Meinhardt were outrageous and utterly repugnant to a civilized society.

26. Defendants Chaminade and Marianists knew, or were substantially certain, that allowing Brother Meinhardt access to and supervision over juvenile boys as part of his duties as a teacher and coach at Chaminade, an all boys school, would result in Brother Meinhardt assaulting students at Chaminade, including Plaintiff.

27. Defendants' actions in allowing Brother Meinhardt to continue to hold himself out as a brother, teacher and coach and as an authority figure to juvenile boys with whom he came into contact was outrageous and utterly repugnant to a civilized society.

28. Defendants acted with depraved indifference with respect to the harm they knew would occur to the students at Chaminade, including the damage to Plaintiff described herein.

29. Defendants knew or were substantially certain that this outrageous behavior would cause emotional distress to the families of the victims and the victims themselves, including Plaintiff.

30. The sexual abuse of Plaintiff, and the circumstances under which the abuse occurred caused Plaintiff to develop various psychological coping mechanisms, including repressed memory, as symptoms of psychological distress. These psychological coping mechanisms, including repressed memory, objectively rendered Plaintiff incapable of ascertaining the resulting damage from the abuse.

31. As a direct and proximate result of Defendants' wrongful conduct, Plaintiff has suffered, and continues to suffer, great pain in mind and body.

**COUNT I
SEXUAL ABUSE AND/OR BATTERY
AGAINST ALL DEFENDANTS**

32. Plaintiff incorporates all paragraphs of this Petition as if fully set forth herein.

33. In or between approximately 1966 and 1969, Brother Meinhardt engaged in unpermitted, harmful and offensive sexual conduct and contact upon the person of the plaintiff, a minor.

34. Brother Meinhardt's actions were willful, wanton or reckless for which punitive damages and/or an award for aggravating circumstances are appropriate.

35. Defendants Chaminade and Marianists are equally liable for the sexual contact perpetrated upon Plaintiff as an aider and abettor of Brother Meinhardt's actions pursuant to Mo. Rev. Stat. §562.041.1.

36. Specifically, Defendants aided and abetted Meinhardt's crime by:

- a. Failing to disclose his prior crimes of sexual abuse against juvenile boys;
- b. Placing Brother Meinhardt as a Brother, teacher and coach at an all boys school with knowledge that he had sexually assaulted juvenile boys in the past and giving him access and opportunity to commit the crime described herein.

37. Therefore Defendants are liable for the sexual abuse perpetrated against Plaintiff and are liable for the injuries resulting therefrom.

38. As a direct and proximate result of the above-described acts, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing his daily activities and obtaining the full enjoyment of life; and has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

**COUNT II
NEGLIGENT SUPERVISION
AGAINST ALL DEFENDANTS**

39. Plaintiff incorporates all paragraphs of this Petition as if fully set forth herein.

40. Defendants, by and through their agents, servants and employees, knew or reasonably should have known of Brother Meinhardt's dangerous and exploitive propensities and/or that he was an unfit agent, and despite such knowledge, defendants negligently failed to supervise Meinhardt's interactions with children, where he was able to commit the wrongful acts against the plaintiff.

41. Defendants' actions and/or inactions were willful, wanton and reckless for which punitive damages and/or damages for aggravating circumstances are appropriate.

42. As a result of the above-described acts, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing his daily activities and obtaining the full enjoyment of life; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

**COUNT III
INTENTIONAL FAILURE TO SUPERVISE CLERGY
AGAINST ALL DEFENDANTS**

43. Plaintiff incorporates all paragraphs of this Petition as if fully set forth herein.

44. At all times material, Defendants were the supervisors and employers of Brother Meinhardt. Defendants had direct supervision and control over Brother Meinhardt, and Brother Meinhardt was on the premises of Chaminade under the authority of the defendants.

45. Defendants were aware of previous sexual misconduct by brothers and clergy within their order, including Meinhardt, and that future harm was certain or substantially certain to result without proper supervision.

46. Defendants disregarded the known risk of sexual abuse.
47. Defendants' inaction caused injury to the plaintiff.
48. Plaintiff was sexually abused on the property owned and operated by defendants.
49. Defendants knew or should have known that inappropriate touching of individuals

by their employees and/or designated agents would cause or was substantially certain to cause those individuals harm.

50. Despite the risk posed by Meinhardt, defendants continued to place him in positions in which he would have contact with minors.

51. By engaging in these actions, defendants disregarded the risk posed by Meinhardt to individuals who came to him for education.

52. Defendants actions and/or inactions were willful, wanton and reckless for which punitive damages and/or damages for aggravating circumstances are appropriate.

53. As a result of the above-described acts, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing his daily activities and obtaining the full enjoyment of life; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

**COUNT IV
NEGLIGENT FAILURE TO SUPERVISE CHILDREN
AGAINST ALL DEFENDANTS**

54. Plaintiff incorporates all paragraphs of this Petition as if fully set forth herein.

55. Defendants had a duty to use ordinary care to protect minors against unreasonable risks of harm while in their school.

56. It is a well-known and foreseeable risk when working with minors that some adults may attempt to have abusive contact, sexual or otherwise, with other minors.

57. Also, as explained above, prior to his contact with Plaintiff, Defendants knew or should have known that Brother Meinhardt was dangerous to children. Despite such knowledge, Defendants did not take appropriate steps to protect plaintiff from the sexual abuse described herein.

58. As a well-known risk involved with working with minors and Meinhardt, Defendants had the duty to protect its minor parishioners from damaging sexually abusive contact by implementing sufficient policies, procedures and training to prevent such contact.

59. In addition, Defendants had the duty to supervise and monitor the minor students, including Plaintiff, and his interaction with Brother Meinhardt to avoid situations where Meinhardt could isolate Plaintiff, making him vulnerable to sexual advances and manipulation.

60. Defendants breached their duty to Plaintiff, and were negligent, by:

- (a) Failing to have in effect and /or failing to enforce effective policies, procedures and training prohibiting sexual contact.
- (b) Failing to have in effect and /or failing to enforce effective policies, procedures and training instructing staff on the signs of sexual abuse of a minor.
- (c) Failing to have in effect and /or failing to enforce effective policies, procedures and training instructing staff about the steps to be followed if

staff suspects that a minor is having sexual contact with Brothers, teachers or coaches.

- (d) Failing to have in effect and /or failing to enforce effective policies, procedures and training instructing staff about the steps to be followed if a Brother, teacher or coach is behaving in a sexually inappropriate manner.
- (e) Failing to properly care for and protect Plaintiff whereby Brother Meinhardt was able to isolate him and have sexual contact with him.
- (f) Failing to use reasonable care in supervising minors, and /or failing to provide adequate warning to Plaintiff and his family of the dangerous propensities of Meinhardt and their failure to adequately supervise him.

61. As a result of the above-described acts, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing his daily activities and obtaining the full enjoyment of life; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

**COUNT V
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
AGAINST ALL DEFENDANTS**

62. Plaintiff incorporates all paragraphs of this Petition as if fully set forth herein.

63. Defendants intentionally failed to supervise, remove, or otherwise sanction Brother Meinhardt after it had notice of his dangerous propensity toward children, and continued

to place him in a position of authority over juveniles, including Plaintiff. Defendants knew or were substantially certain that Brother Meinhardt was unsuitable for the position he held. Defendants failed to adequately review and monitor Brother Meinhardt's conduct.

64. Defendants intentionally failed to confront, remove, or sanction Brother Meinhardt about known irregularities in his activities within the scope and course of his employment, including spending unusual amounts of time alone with children, and openly fondling children.

65. Defendants engaged in unconscionable and outrageous conduct beyond all possible bounds of decency and utterly intolerable in a civilized society. Defendants' conduct caused Plaintiff severe emotional distress of such a nature that no reasonable person in a civilized society could be expected to endure.

66. Defendants' actions and omissions were willful, wanton and reckless for which punitive damages and/or damages for aggravating circumstances are appropriate. Plaintiff suffered a medically significant distress as a result of Defendants' actions as set forth in this petition.

67. As a result of the above described conduct, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, loss of enjoyment of life; was prevented and will continue to be prevented from performing his daily activities in obtaining a full enjoyment of life; has sustained loss of earnings and earning capacity; and has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

**COUNT VI
BREACH OF FIDUCIARY DUTY
AGAINST ALL DEFENDANTS**

68. Plaintiffs incorporate all paragraphs of this Petition as if fully set forth herein.

69. By committing the acts and omissions described herein, Defendants breached their fiduciary duty to Plaintiff.

70. Defendants maintained a fiduciary relationship with Plaintiffs as a matter of law in that they had a student to teacher/coach/clergy relationship. At all times, Plaintiff was in a subservient position to Brother Meinhardt and Defendants and Meinhardt had a special relationship with Plaintiff by virtue of his role at the school. This relationship is of confidence, trust and care as a matter of law.

71. Brother Meinhardt and Defendants breached their fiduciary duty to Plaintiff in that they failed to protect against child sexual abuse.

72. As a result of the above described conduct, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, loss of enjoyment of life; was prevented and will continue to be prevented from performing his daily activities in obtaining a full enjoyment of life; has sustained loss of earnings and earning capacity; and has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

JURY TRIAL DEMANDED

73. The plaintiff demands a trial by jury on all issues triable in this case.

WHEREFORE, the plaintiff asks that this Court award judgment against Defendants as follows:

1. Award compensatory and punitive damages in favor of the plaintiff against Defendants for damages sustained as a result of the wrongdoing of Defendants, together with interest thereon;
2. Award the plaintiff his costs and expenses incurred in this action;
3. Grant such other and further relief as the Court deems appropriate and just.

Dated: 2/23/12

Respectfully submitted,

CHACKES, CARLSON & HALQUIST, LLP



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