

IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND

E. FLANNERY AND LIAM GALLAGHER,
c/o Grant & Eisenhofer, P.A.
3600 Clipper Mill Road
Suite 240
Baltimore, MD 21211

Plaintiffs,

v.

ST. MARY'S SEMINARY & UNIVERSITY
Resident Agent: David W. Kinkopf, Esq.
Gallagher Evelius & Jones LLP
218 North Charles St., Suite 400
Baltimore, MD 21201

&

ARCHDIOCESE OF BALTIMORE,
Resident Agent: David W. Kinkopf, Esq.
Gallagher Evelius & Jones LLP
218 North Charles St., Suite 400
Baltimore, MD 21201

&

SOCIETY OF ST. SULPICE
FOUNDATION U.S., INC.
Resident Agent: Herbert Goldman, Esq.
Gordon Feinblatt LLC
1001 Fleet Street, Suite 700
Baltimore, MD 21202

Defendants.

Case No. _____

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JUL 17 2003

COMPLAINT & DEMAND FOR JURY TRIAL

Plaintiffs Flannery Gallagher and Liam Gallagher (collectively, “Plaintiffs”), by and through undersigned attorneys, hereby sue Defendants St. Mary’s Seminary & University (“St. Mary’s” or “the Seminary”), Society of St. Sulpice Foundation U.S., Inc. (“St. Sulpice”), and the Archdiocese of Baltimore (“AOB”) (collectively “Defendants”), for the wrongful death of their father Francis X. Gallagher, Jr., and in support thereof, state as follows:

NATURE OF THE ACTION

1. Plaintiffs are the surviving children of the son and namesake of a venerable Irish Catholic Baltimore civic leader—Francis X. Gallagher, Sr. (“Frank Sr.”). Frank Sr. founded the law firm Gallagher Evelius & Jones LLP (the “Gallagher Firm”) in 1961 based largely on his strong ties to the Archdiocese of Baltimore (“AOB”). Frank Sr. was, by all accounts, the AOB’s primary advisor in legal and political matters in the decade before he died. In fact, Frank Sr. was named a Knight of St. Gregory, which was an honor bestowed in recognition of his personal service to the Catholic Church. Serving the Church to the end, Frank Sr. died tragically of a heart attack, in 1972, at the age of 43, in the middle of a notorious trial in which he was defending AOB priests accused of anti-war activities.

2. Upon Frank Sr.’s untimely death, the Gallagher Firm capitalized on Frank Sr.’s strong ties to the AOB and has consistently for more than half a century used Frank Sr.’s image, name, and family story such that the name “Gallagher” is synonymous with the AOB.

3. While the Gallagher Firm was making millions from Frank Sr.’s relationships and reputation, the Gallagher family – after his death – received virtually no financial benefit from the firm. Frank Sr.’s widow and five young children struggled to make ends meet. Throughout their struggles, the Gallagher family maintained strong ties to the AOB.

4. To help his family make ends meet Frank Sr.’s son and namesake, Frank Gallagher, Jr. (“Frank Jr.”), was forced to go to work at age 14. In 1974, Frank Jr.’s uncle, Father Joseph Gallagher (“Father Joe”), got Frank Jr. a job at St. Mary’s Seminary as a nighttime receptionist. Father Joe was a prominent priest employed by the AOB who served as editor for the Catholic Review, maintained close ties to the archbishops and taught at St. Mary’s Seminary as a faculty member, where he lived and worked.

5. According to the recently released report by the Maryland Attorney General¹, the AOB was aware, as was Father Joe, that St. Mary’s Seminary was rife with pedophiles. The AOB had received reports of seminarians abusing children, priests abusing seminarians and widespread sexual misconduct at St. Mary’s Seminary.

6. Although St. Mary’s Seminary is purportedly controlled by the Sulpician Order, the AOB exercises substantial control over the Seminary.²

7. Upon information and belief, other AOB agents and employees were also aware of Frank Jr.’s placement in what they knew to be a dangerous environment for a 14-year-old boy.

8. While working at St. Mary’s, Frank Jr. was sexually abused on multiple occasions by seminarian Mark Haight. Haight took full advantage of his easy access to a physically, emotionally, and financially vulnerable 14-year-old who was raised to be deferential to priests and Church leaders.

¹ Attorney General’s Report on Sexual Abuse in the Archdiocese of Baltimore (“AG’s Report”), https://www.marylandattorneygeneral.gov/news%20documents/OAG_redacted_Report_on_Child_Sexual_Abuse.pdf, last accessed June 26, 2023.

² See AG’s Report at 14 (the archbishop of Baltimore appoints St. Mary’s Chancellor); *see also* St. Mary’s Seminary 2022 Annual Report at 30 (identifying Archbishop William Lori as the “Chancellor and Chair of the Board of Trustees”), [St. Mary’s Annual Report | St. Mary’s Seminary & University \(myftpupload.com\)](https://www.stmarys.edu/annual-report).

9. That Frank Jr. was the namesake of a legendary Catholic leader was of no moment—Haight used Frank Jr. for his sexual gratification and, like in so many cases, the AOB did nothing to stop it.

10. As is common with male survivors, Frank Jr. dealt with his sexual abuse initially by overachieving. He graduated from Loyola Blakefield High School and attended Georgetown University for college and law school. Frank Jr. became a partner at Venable, LLP and later an investment banker. Frank Jr. married, had two children, and was a prominent member of the Baltimore philanthropic community. By all accounts, Frank Jr. was a high achiever in nearly every aspect of his life.

11. Like many male survivors, Frank Jr. began to grapple with his sexual abuse later in life. In the 1990's, when he was in his 30's, shortly after moving back to Baltimore and close proximity to St. Mary's, Frank Jr. began to engage in illicit sexual acts with men. In 2000, after his family discovered his behavior, Frank Jr. disclosed his abuse to them for the first time. Frank Jr. then reported the abuse to the AOB in 2002.

12. Frank Jr. implored the AOB to take immediate action to prevent Haight from abusing others and to support survivors of Haight's abuse. The AOB responded with apathy, denials, and indifference to Frank Jr.'s obvious anguish. Yet, even as Frank Jr.'s trauma was leading him down an increasingly tortured and destructive path, Frank Jr. persisted in attempting to hold accountable the AOB and others responsible for the abuse he needlessly suffered due to their negligence.

13. Furthermore, even though the Gallagher Firm reaped, and continues to reap, great rewards based on Frank Sr.'s work, name, image and legacy, the firm did nothing to help its founder's namesake in his moments of greatest need.

14. Ignored by the Church and its law firm to which he and his family had given so much, Frank Jr. experienced extreme emotional distress which manifested itself in compulsive behaviors, including risky and dangerous sexual encounters. In conjunction with that, Frank Jr. began experimenting with drugs, which led to a drug addiction that ultimately killed him. Tragically, in August 2022, at the age of 62, Frank Jr. fatally overdosed on drugs. Frank Jr.'s sudden death cut short his career as an investment banker and left his two adult children, Flannery and Liam Gallagher, devastated.

15. Defendants failed to protect Frank Jr. from the obvious hazards posed by placing him alone, at night, at St. Mary's Seminary, knowing it to be rife with pedophiles. Defendants further failed to accept any responsibility, display any accountability or to take any action to address Frank Jr.'s suffering when he disclosed his abuse. Instead, knowing the potential reputational risks, Defendants attempted to keep Frank Jr.'s abuse a secret.

16. By this suit, Frank Jr.'s children seek to shine a light on how powerful institutions turned their backs on their father, other victims, and other victims' families by enabling the destruction of countless lives at the hands of pedophiles within the Church. And, while profiting from his father's story, the Church's leaders and the Gallagher Firm profoundly failed Frank Jr. Plaintiffs join the chorus of survivors and advocates demanding transparency and accountability.

PARTIES, JURISDICTION, & VENUE

17. At all relevant times, Francis X. Gallagher, Jr., decedent, was a resident of the state of Maryland and the City of Baltimore.

18. Plaintiff Flannery Gallagher is a resident of the District of Columbia, is one of the Personal Representatives of the decedent's Estate, and is the daughter of Frank Jr.

19. Plaintiff Liam Gallagher is a resident of the state of Minnesota, is one of the Personal Representatives of the decedent's Estate, and is the son of Frank Jr.

20. Defendant St. Mary's Seminary and University is a corporation organized and existing under the laws of the state of Maryland that has its principal place of business at 5400 Roland Avenue, Baltimore, MD 21210 and that regularly transacts business within the City of Baltimore. Upon information and belief, St. Mary's Seminary was and is affiliated with and subject to the authority of the Archdiocese of Baltimore.

21. Defendant, Society of St. Sulpice, Province of the United States is a corporation organized and existing under the laws of the state of Maryland which, founded and/or operated and/or operates St. Mary's Seminary and University, and Society of St. Sulpice is located at 5408 Roland Avenue, Baltimore, MD 21210.

22. Defendant, Archdiocese of Baltimore ("AOB") is a religious corporation organized and existing under the laws of the state of Maryland that has its principal place of business at 320 Cathedral Street in the City of Baltimore and that regularly transacts business within the City of Baltimore. The AOB comprises the City of Baltimore and several Maryland counties in the central and western portions of the state. Within the Archdiocese are more than one hundred parishes. The AOB includes two major seminaries, including Defendant, St. Mary's.

23. Upon information and belief, Defendant AOB also exerts significant influence over the seminarian program at St. Mary's Seminary and University. The AOB's website touts its significant involvement with St. Mary's, noting that St. Mary's was "opened in hopes of producing clergy to assist the newly formed diocese in Baltimore." <https://www.archbalt.org/the-archdiocese/st-marys-seminary/>. The AOB works with the Seminary in determining where to send its seminarians for assignments. Notably, Mark Haight was installed into St. Mary's by the

Reverend T. Austin Murphy, the Auxiliary Bishop of the AOB in 1973. In addition, while at St. Mary's, Haight interned at various AOB parishes, which was facilitated and organized by the AOB.

24. This Court has subject matter jurisdiction over this case pursuant to Sections 1-501 and 4-401 of the Courts and Judicial Proceedings Article of the Annotated Code of Maryland.

25. This Court has personal jurisdiction over this case pursuant to Section 6-102 of the Courts and Judicial Proceedings Article of the Annotated Code of Maryland, because Defendants maintain their principal places of business in Maryland.

26. The Circuit Court for Baltimore City is a proper venue for this action under Section 6-201 of the Courts and Judicial Proceedings Article of the Annotated Code of Maryland, because AOB, St. Mary's and St. Sulpice carry on a regular business and/or maintain their principal offices in Baltimore City, Maryland.

27. This claim is instituted for the recovery of damages in an amount in excess of the jurisdictional threshold of thirty-thousand dollars (\$30,000.00) in an exact amount to be established at trial.

FACTS COMMON TO ALL COUNTS

A. Frank Jr.'s Background

28. Francis X. Gallagher, Jr. was born in Baltimore in 1959.

29. Frank Jr. was the namesake of Frank Sr., a prominent civic leader and attorney who rose from extreme poverty and a difficult childhood, attended college and law school on scholarship and founded the Gallagher Firm. On its website, the Gallagher Firm notes that, although he did not live long, "Among his accomplishments, he laid the cornerstone of [the Gallagher Firm] and set the firm on a path of good values."

30. In 1972, Frank Sr. died unexpectedly of a heart attack. The Gallagher Firm paid the family virtually nothing, though the firm continued to use Frank Sr.'s story, likeness and continued to profit from Frank Sr.'s client relationships. Indeed, the Gallagher Firm removed the founder's widow and five young children off the firm's medical insurance after Frank Sr.'s death. With no source of income, the family struggled to make ends meet.

31. Like his father, Frank Jr. overcame great childhood adversity and went on to accomplish much.

32. Frank Jr. attended Loyola Blakefield High School, where one of his teachers remarked: "I was very fond of him and he was great to teach. His Catholic education, teaching and experiences as an individual helped guide his life. He remained dedicated to the end to the Loyola Early Learning Center and St. Ignatius Church."

33. He attended Georgetown both for his undergraduate and law degree.

34. Frank Jr. married Tara Gallagher in 1985. The couple had two children: Flannery and Liam, in 1989 and 1992, respectively.

35. Following law school, Frank Jr. took a job in New York with law firm Winthrop, Stimson, Putnam and Roberts.

36. Frank Jr. became a partner with Venable LLP in Baltimore before transitioning to investment banking.

37. As an investment banker, Frank Jr. worked as a managing director at Legg Mason and Stifel Nicolaus. In 2011, he formed his own specialty telecommunications mergers and acquisitions firm, Charlesmead Advisors, where he was managing partner.

38. Frank had most recently joined Alpina Capital, LLC where he served as a senior advisor. Previously, he served as Chairman of the Board of Directors of MMA Capital Holdings, Inc., until he was forced to resign because of difficulties stemming from his drug addiction.

B. Frank Jr. was Sexually Abused at St. Mary's Seminary in 1974

39. Starting in 1969, the AOB assigned Father Joe Gallagher, a priest and Frank Jr.'s uncle, to teach at St. Mary's Seminary & University as a member of its faculty. Father Joe worked at St. Mary's until approximately 1976.

40. On November 4, 1971, Mark Haight applied with the Diocese of Albany for admission into the study of priesthood. After graduating from the State University of New York and receiving a recommendation from William J. Ryan, the Director of Vocations of the Diocese of Albany, Mark Haight joined St. Mary's Seminary in 1972 as a seminarian working to complete his studies to become a Catholic priest.

41. In 1972, Frank Jr. suffered a burst appendix and severe complications that kept him in the hospital for almost four months. Close to death, a priest administered the last rites when Frank Jr. experienced heart failure at one point. Frank Jr.'s extended hospital stay and the massive medical bills strained the Gallagher family's substantially diminished finances.

42. In 1974, Father Joe took advantage of the Gallaghers' financial peril and recruited the then-14-year-old Frank Jr. to work at St. Mary's. Acting as an agent of the AOB, Father Joe hired Frank Jr. as a nighttime receptionist, where he worked alone through the night.

43. At that time, Father Joe, the AOB, St. Mary's and St. Sulpice were or should have been aware of widespread allegations of pedophilia, child sexual abuse and other inappropriate sexual behavior at St. Mary's.

44. In fact, in 2002, Father Joe, himself, was named by the AOB as “credibly accused” of sexual abuse. Specifically, throughout the 1960s, the AOB moved Father Joe from one assignment to another regularly. Upon information and belief, as early as the 1960s, the AOB was aware of Father Joe’s sexual abuse and moved him as a way to cover up the abuse. The AOB negligently allowed Father Joe to remain an active member of the AOB, such that he was in a position to recruit Frank, Jr. to work at St. Mary’s in 1974.

45. Defendants knew that placing 14-year-old Frank Jr. in a workplace rife with pedophiles to work, alone, at night, posed a substantial risk that Frank Jr. would be sexually abused.

46. Not surprisingly, that is exactly what happened. While Frank Jr. was working as the nighttime receptionist, he was verbally harassed with sexual innuendo by seminarians and priests. The harassment reached its peak when Haight lured Frank Jr. to his room at the Seminary where he sexually abused Frank Jr. In addition, Haight sexually abused Frank Jr. during a camping trip to Assateague Island that Haight and another priest lured Frank, Jr. into going on. Upon information and belief, Father Joe – an agent of the AOB – and St. Mary’s were aware of the camping trip and knew or should have known that Frank Jr. was at great risk for being sexually abused.

47. Furthermore, when Defendants placed Frank Jr. as the nighttime receptionist, the Defendants knew or should have known that Haight had sexually molested other children. Upon information and belief, in or around 1974, Haight sexually abused at least two other boys, including a 12-year-old boy that Haight plied with drugs, alcohol, and pornography, and another 14-year-old altar boy that was abused in numerous locations including during a plane ride. In fact, Haight was recently identified as an abuser in the Maryland AG’s Report.

48. Haight's pattern of predatory conduct continued long past these two victims and Frank Jr. After Haight was ordained in 1976, he continued to abuse children. Ultimately, numerous individuals stepped forward with allegations that Haight had sexually molested them as children, resulting in the Church settling multiple claims stemming from Haight's abuse. A 2002 New York Times article describing the enormous devastation caused by Haight's sexual abuse noted that one of Haight's victims was in such anguish that he was prepared to shoot himself until his attorney took "the gun out of his mouth."³

49. Defendants knew, or should have known, of Haight's molestation of minors yet refused to address his criminal acts. Instead, Defendants placed a 14-year-old vulnerable child in close proximity to a known pedophile, unsupervised, at night. It was entirely foreseeable that Haight would sexually abuse Frank Jr.

50. Furthermore, prior to Frank Jr. starting work at the Seminary, Defendants knew or should have known that other priests at St. Mary's had sexually abused children. For example, then-seminarian Maurice Blackwell sexually abused two teenage boys while he was studying at St. Mary's in the mid 1960's. In one instance, two priests stood guard outside Blackwell's room at the Seminary while he raped a teenage boy. Upon information and belief, there were at least five priests and/or seminarians at St. Mary's in 1974 who were later deemed by the Church to be "credibly accused" of sexual abuse.

51. Defendants knew or should have known how crucial it was to closely monitor the seminarians around teenaged boys. Nonetheless, Defendants hired Frank Jr. to work alone at night, at the Seminary without adequate protection.

C. The Archdiocese Failed to Take Corrective Action

³ <https://www.nytimes.com/2002/06/27/nyregion/albany-diocese-settled-abuse-case-for-almost-1-million.html>

52. For most of his adult life, Frank Jr. tried to ignore the shame and trauma he felt as a victim of childhood sexual abuse in order to survive. He told virtually no one and built a successful career and family life.

53. But, as with many survivors, Frank Jr. was forced to consciously grapple with the effects of the abuse as he approached middle age. In the mid-1990s, when he was in his 30's, Frank Jr. started to engage in risky extra-marital sexual encounters with men. This behavior is common among abuse survivors, and it is commonly referred to in the literature as "repetition compulsion."⁴ Frank, Jr. directly attributed his risky behaviors to the sexual abuse he endured as a child.

54. Frank Jr.'s daughter Flannery discovered his behavior in December 2000. She immediately told her mother, Tara Gallagher, who was married to Frank Jr. at the time. Tara confronted Frank Jr. about his behavior and Frank Jr. finally disclosed that he had been the victim of childhood sexual abuse. Immediately thereafter, Frank Jr. began therapy at Johns Hopkins Sex and Gender Clinic.

55. Three months after his initial disclosure, the emotional trauma of facing his abuse caused Frank Jr. to develop a seizure disorder, resulting in multiple hospitalizations.

56. In or around April 2002, Frank Jr. reached out to AOB Bishop William Francis Malooly and Rev. Patrick M. Carrion, the Associate Director of the Division of Clergy Personnel of the AOB, to discuss Mark Haight and his sexual abuse of Frank Jr. Frank Jr. demanded to know whether Haight had abused others before him or after him, whether he remained in a position to abuse others, and whether the Church ignored warning signs that could have averted the suffering he and many others endured. Neither official offered answers.

⁴ Michael S. Levy, *A Helpful Way to Conceptualize and Understand Reenactments*, 7(3) J PSYCHOTHER PRACT RES. 227-235 (1998), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3330499/#r7351>

57. In the days following, Frank Jr. contacted Bishop Howard Hubbard (who was later accused of sexual abuse of a child) of the Diocese of Albany and learned that Haight had sexually abused other children during the same time that Frank Jr. was abused. Importantly, Frank Jr. learned from Bishop Hubbard that Haight's history of child sex abuse was not disclosed to *any* of the parishes in which he was assigned and no authorities were ever notified of Haight's crimes.

58. On April 29, 2002, Frank Jr. wrote to Bishop Malooly of the AOB and described the profound negative impact that Haight's sexual abuse had on his life and his marriage. Frank Jr. further stated that learning that Haight had abused other victims had deepened and compounded the devastation that Frank Jr. had been experiencing since 1974. Frank Jr. also requested information about whether Haight had interacted with any other children while he was in Baltimore, and what attempts had been made by the AOB to provide assistance to Haight's victims.

59. On May 12, 2002, Frank Jr. wrote to Bishop Hubbard of Albany relaying that he was deeply disturbed that Haight's conduct was not reported to anybody and noting that, by failing to take remedial action, the Church is "continu[ing] to visit injustice upon me, upon the victims who have come forward and upon the others who I am certain continue to suffer silently in unimaginable ways. This is both shameful and cruel."

60. In the ensuing two months, the AOB responded with silence and apathy. When Frank Jr. implored Reverend Carrion to report Haight's abuse to the proper authorities, Carrion refused saying that Bishop Hubbard was already aware of the abuse so there was no need for Reverend Carrion to do anything more.

61. In a separate conversation, Reverend Carrion also informed Frank Jr. that after reporting a "summary" of Frank Jr.'s situation to a lay advisory board, the board felt that the officials were doing "an excellent job." Such a response proved a crushing blow to Frank Jr.'s

efforts to find peace. Furthermore, he lacked confidence that the full scope of his allegations had been presented to the lay advisory board.

62. After months of stonewalling by the AOB, Frank finally got some of the answers he had sought from Defendants when he opened up the New York Times. On June 27, 2002, the New York Times published an article reporting on the Diocese of Albany's settlement with another child sex abuse victim of Haight. *See* Laurie Goodstein, *Albany Diocese Settled Abuse Case for Almost \$1 Million*, THE NEW YORK TIMES (June 27, 2002), available at <https://www.nytimes.com/2002/06/27/nyregion/albany-diocese-settled-abuse-case-for-almost-1-million.html>.

63. Upon learning this news and still confronted with silence from the AOB, Frank Jr. wrote a letter to Cardinal William Keeler, the then-Archbishop of Baltimore, on June 28, 2002. In the letter, Frank Jr. again expressed his disappointment and disgust at the AOB's complete lack of response to Haight's abuse and refusal to accept responsibility for Haight's actions while he was at St. Mary's.

64. On the same day, Frank Jr. also wrote to Albany's Bishop Hubbard again, expressing his disappointment that the Church had failed to act in a timely manner. Frank Jr. wrote: "For me, the disappointment and the betrayal has occurred in 2002 as well as in 1974."

65. Much to Frank Jr.'s dismay, the AOB continued to respond with silence. Therefore, Frank Jr. reached out to Robert F. Leavitt on July 2, 2002, the former president and rector of St. Mary's Seminary. Frank Jr. expressed disappointment and anger at the AOB's response and noted that the Seminary has "demonstrated not the slightest expression of apology, let alone acknowledgement" of the entire situation. In the letter, Frank Jr. also asked "Does the thought of

the other children in Baltimore Haight had contact with during his time at the Seminary and how the victims must be suffering haunt you in the same way that it does me?”

66. On July 5, 2002, Reverend Carrion of the AOB reached out to Frank Jr. and informed him that they had spoken with supervisors at St. Mary’s Seminary who recollected “nothing of concern regarding Mr. Haight’s behavior or his interaction with young people” and that the AOB had found there was “no indication of boundary issues which would have been a concern.” The platitudes, routinely given to the families of clergy abuse victims, were merely an attempt by the AOB to, once again, sweep Haight’s abuse under the rug.

67. Despite the AOB’s attempts to distance itself from Haight, the AOB’s engagement with Frank Jr. about Haight’s actions while a seminarian at St. Mary’s demonstrates the AOB’s role in supervising and managing Haight while he was at St. Mary’s.

68. Finally, when Frank Jr. refused to give up his pleas for action, on July 16, 2002, the AOB wrote to the Albany County Child Protective Services to report that “in 1974, Mr. Haight was studying at St. Mary’s Seminary & University in Baltimore and the alleged abuse occurred in Maryland.” However, the AOB did not request any corrective action.

69. On July 16, 2002, Robert F. Leavitt responded to Frank Jr.’s July 2, 2002 communication and stated that they were not permitted to share information without authorization from Haight himself.

70. On or around August 15, 2002, after Frank Jr. asked the AOB to notify potential victims of Haight in Baltimore, such as those in the communities of Saint Ambrose and Spring Hill, Monsignor Richard Woy of the AOB informed Frank Jr. that Archbishop Keeler was hesitant to reach out to potential victims. Upon receiving this news, Frank Jr. was extremely distressed and reached out to Archbishop Keeler on August 20, 2002, to express his disappointment in the AOB.

71. On August 29, 2002, Monsignor Woy reached out to Frank Jr. and again compounded his devastation. Woy noted that Haight had interaction with children during his time at St. Mary's; however, the AOB took the position that it had no obligation to inform anyone. However, in an acknowledgement of the AOB's role in Frank Jr.'s abuse, the AOB offered to reimburse Frank Jr. for any psychological care. Adding insult to injury, an attorney at the Gallagher Firm was copied on the correspondence, apparently because it was providing legal advice to Defendants against its founder's son and namesake.

72. As the AOB prepared to publish a list of priests accused of child sex abuse, Frank Jr. insisted that the Church include Haight's name. Consistent with its playbook, the AOB attempted to intimidate Frank Jr. into dropping his request. Bishop William Newman threatened Frank Jr. by telling him that if Frank Jr. continued to insist on the inclusion of Haight's name on the list, then the AOB would have no choice but to publish Father Joe Gallagher's name on the list as well. After years of failing to take appropriate corrective action regarding Father Joe, the AOB used him as a last-ditch effort to shame and threaten Frank Jr. Frank Jr. told the AOB to proceed with publishing both Haight's and Father Joe's names.

73. Finally, in September 2002, the AOB published a list of priests accused of child sex abuse, which included Haight. *List of Priests and Brothers Accused of Child Sexual Abuse*, Archdiocese of Baltimore (Sept. 2002), <https://www.archbalt.org/child-and-youth-protection/priests-and-brothers-accused-of-abuse/> (last updated June 23, 2022).

74. Again and again, the AOB refused to take responsibility or action in response to concrete allegations of Haight's sexual abuse of children. The AOB's utterly deficient response caused Frank Jr. to experience immense pain and suffering. Frank Jr. was further traumatized over

time as it became apparent that the AOB had engaged in extensive cover-ups to protect its priests who were abusers.

D. The AOB Engaged in Extensive Cover-Up to Protect Priests who Sexually Abused Children

75. In 2019, the Maryland AG launched a criminal investigation into sexual abuse perpetrated by priests of the AOB and the AOB's efforts to cover up the abuse. The AG's Office conducted a three-and-a-half-year investigation into hundreds of thousands of pages of documents produced by the AOB pursuant to a subpoena. The investigation culminated in a 456-page report entitled "Clergy Abuse in Maryland," and identified 158 AOB priests who engaged in sexual abuse and physical torture of young boys and girls. Ironically, the Gallagher firm, knowing its founder's son endured clergy sexual abuse, represented the AOB during the investigation.

76. According to the AG's Office, no parish under the AOB was safe, and numerous congregations were assigned multiple abusive priests by the AOB, with a notable congregation having been assigned eleven sexually abusive priests over a span of forty years. The abuse was so pervasive that, at times, victims were reporting sexual abuse to priests who were perpetrators themselves.

77. The investigation also revealed that the AOB failed to report numerous allegations of sexual abuse, failed to conduct adequate investigations of the abuse, and failed to remove the abusers or restrict their access to children. Instead, the AOB expended considerable efforts to cover up the abuse. Tellingly, despite openly claiming that it supports the release of the report, the AOB has confirmed that it is currently funding the legal expenses of an anonymous group attempting to seal the proceedings surrounding the release of the report and keep certain information from the public.

78. The AG Report chronicles over six hundred victims of abuse by priests of the AOB. The report details the emotional distress experienced by survivors, including depression, post-traumatic stress disorder, anxiety, substance abuse, difficulty forming/maintaining intimate relationships, and suicidal tendencies.

79. Upon information and belief, cover-ups began as early as in the 1960s within the AOB. For example, in 1968, Cardinal Lawrence Shehan received information that AOB priest Father Albert Julian sexually abused a young girl. Not only did Julian admit to the conduct, but he also admitted to an “uncontrollable” attraction to young girls. Yet despite this confession, Cardinal Shehan and the AOB did nothing to report the abuse; instead they merely sent Julian to obtain psychiatric treatment and reassigned him to desk work. This incident, occurring only a few years before Frank Jr.’s abuse, should have alerted the Defendants to the dangers posed by Frank Jr. working at St. Mary’s Seminary.

80. Additionally, in 2018, the Pennsylvania Office of the Attorney General announced the results of their investigation into widespread clergy sex abuse and cover-ups by church officials in Pennsylvania. In that report, the late Cardinal William Keeler was implicated for “criminal inaction” for taking part in covering up sexual abuse. Keeler also served as the Archbishop of Baltimore from 1989 to 2007.

81. Keeler’s efforts to cover up sexual abuse by priests and failure to remove predatory priests resulted in numerous additional victims of child sex abuse. For example, despite his knowledge of allegations that priest Augustine Giella had sexually abused children, Keeler knowingly facilitated Giella’s appointment to run his own parish where he proceeded to sexually abuse numerous additional children, including five of eight girls from a single family. Similarly,

Keeler allowed Arthur Long to remain an active priest even after Long openly admitted that he had sexual relationships with “four or five girls.”

82. Bishop Malooly of the AOB similarly engaged in efforts to cover up sexual abuse. For example, upon information and belief, Malooly played a major role in the cover up of Father Thomas J. Bauernfeind’s attempted rape of a 16-year-old girl in his room. Despite the conduct warranting potential charges of assault, battery, and attempted rape, Bishop Malooly simply sent Bauernfeind to four days of “Psychotheological Evaluation and Assessment.” In fact, a year later, Bishop Malooly sent him a letter congratulating Bauernfeind on 25 years of service to the Church.

83. Monsignor Woy similarly engaged in cover-up conduct for the AOB. Notably, upon information and belief, in an internal AOB email in 2002, Monsignor Woy described the files for Haight and four other priests who committed sexual abuse under the AOB as the “bad boy” files. In another instance, upon information and belief, Monsignor Woy defended Monsignor Thomas Bevan before the Archdiocesan Independent Review Board and called Bevan “forthright” despite Bevan taking altar boys to his cabin and providing them with alcohol while watching them run naked.

84. Frank Sr.’s professional relationship with the AOB first began in 1958, when Archbishop Francis Patrick Keough referred certain legal matters to him. By the time he founded the Gallagher Firm in 1961, Frank Sr. had become the AOB’s primary advisor and go-to lawyer. He represented the AOB’s interests, vast wealth, and real estate holdings as a board member for two major banks.

85. Indeed, the AOB retained the Gallagher Firm to represent a wide range of interests, including the cover up of widespread sexual abuse by seminarians and priests within the AOB.

86. For decades, as documented in the AG's report, the Gallagher Firm represented the AOB in its cover up of widespread child sexual abuse by asserting political and other types of influence and concealing reports of child abuse to protect the Church as an institution.

87. That the namesake of the Gallagher Firm's founder was sexually assaulted and brushed aside is a cruel irony.

E. The AOB's Inaction Compounded Decedent's Existing Trauma

88. The physical, emotional and spiritual trauma Frank Jr. experienced due to Haight's abuse was compounded by the AOB's and St. Mary's refusal to take responsibility for or report the abuse.

89. In an attempt to deal with his trauma as an abuse survivor Frank Jr. turned to dangerous and compulsive behaviors such as engaging in risky sexual behavior with men. In July 2012, Frank Jr.'s wife Tara learned of Frank Jr.'s continued sexual acting out. As a result, Tara asked Frank Jr. to move out of the house, and by June 2015, she had initiated divorce proceedings, which were finalized in 2017. Frank Jr.'s self-destructive behavior caused him to become alienated from his family.

90. By 2015, Frank began using methamphetamines. Frank Jr. was introduced to this dangerously addictive drug during one of his risky sexual encounters with a stranger – behavior which stemmed directly from his childhood sexual abuse. Frank Jr.'s battle with drugs led to multiple hospitalizations in 2019. In January 2020, Frank Jr. developed necrotizing fasciitis through a contaminated needle and was treated for weeks at the University of Maryland Medical Center's Shock Trauma Center. This incident nearly cost Frank Jr. his life.

91. By February 2020, Frank Jr.'s family members, including his children, discovered Frank Jr.'s drug addiction and realized that he was in dire need of help. From that point onward,

Frank Jr. sought treatment at numerous rehabilitation facilities, but was unable to overcome the lasting emotional pain of his abuse or his dependence on drugs to numb his anguish.

92. Frank Jr.'s self-destructive behavior caused his work relationships to deteriorate as well. In August 2021, Frank Jr.'s then-business partner at Charlesmead Advisors, informed him that the "relationship is destroyed." On June 22, 2022, Frank resigned from Charlesmead Advisors.

93. Frank Jr. died of a drug overdose on August 11, 2022. His 48-year struggle living with the trauma inflicted by Haight and Defendants was finally over.

94. When he died, Frank Jr. was anxiously awaiting the release of the AG's report. Even when completely in the grips of active drug addiction, Frank Jr. remained focused on seeking accountability and transparency from Defendants. With great effort, he overcame his debilitating shame to provide records and information to the AG's investigators on two occasions. He followed up with investigators multiple times to try to learn when the findings would finally be released, the last time shortly before his death. Frank Jr. never got to witness the public reckoning nor experience the healing vindication offered by the disclosure of the AG's report. He died without knowing whether his contributions to the investigation would be meaningful.

95. Frank Jr.'s death was the direct result of the sexual abuse he suffered as a child, Defendants' negligence in allowing the sexual abuse to occur and their utter refusal to accept responsibility for that abuse. If Defendants had taken proper precautions to protect Frank Jr. from the foreseeable risk of clergy sexual abuse and/or taken responsibility and listened to Frank Jr.'s pleas, his death could have been prevented.

F. Frank Jr.'s Tragic Death Had a Severe Impact on His Children

96. Frank Jr.'s death has left his children Flannery and Liam grieving, causing them mental anguish, emotional pain and suffering. Furthermore, they have been deprived of the

opportunity for companionship, comfort, protection, care, attention, advice, counsel, training, education, and guidance from their father.

97. Plaintiffs hereby bring a wrongful death claim against Defendants St. Mary's Seminary & University, Society of St. Sulpice, Province of the United States, and the Archdiocese of Baltimore pursuant to Section 3-904 of the Courts and Judicial Proceedings Article of the Annotated Code of Maryland.

COUNT I
Negligence and Gross Negligence – Wrongful Death
(Against All Defendants)

98. Plaintiffs hereby incorporate by reference the allegations set forth in the above paragraphs as if fully set forth herein.

99. At all times material, Defendant St. Mary's employed the decedent as a nighttime receptionist and operated, maintained, and was otherwise responsible for the security of its premises and for taking reasonable efforts to keep its employees and invitees safe.

100. At all times material, Defendant AOB employed, retained, and was otherwise responsible for the actions of its priests, such as Joe Gallagher. Father Joe Gallagher, acting as an agent of the AOB, exercised his authority and hired Frank Gallagher Jr. to be a nighttime receptionist at St. Mary's, knowing that it was a dangerous environment and that he was placing Frank Jr. at risk for sexual abuse.

101. At all times material, Defendant Society of St. Sulpice, Province of the United States owned and operated St. Mary's and was thus responsible for the security of its premises and for taking reasonable efforts to keep its employees and invitees safe.

102. Defendants had a duty to provide a reasonably safe and secure work environment. Defendants knew or should have known that they were placing Frank Jr., an employee, in an unsafe environment.

103. Defendants voluntarily assumed the duty to keep their employees reasonably safe from harm.

104. Defendants had a duty to act reasonably, to use such care and caution as a reasonably prudent person would have used under all the surrounding circumstances to avoid injury to their employees, and to act with diligence and/or to not act negligently in operating the premises.

105. Defendants owed the decedent an affirmative duty to protect him from unreasonable and foreseeable risks of harm of which the Defendant was, or should have been, aware.

106. Defendants breached these duties and were otherwise negligent by, among other things:

- a. Failing to provide a reasonably safe workplace for the decedent, a minor at the time of the sexual abuse;
- b. Failing to exercise reasonable care in hiring, training, retaining, and supervising its priests, seminarians, and employees;
- c. Failing to warn the decedent of a known risk of priests and seminarians with a predilection for sexually abusing children;
- d. Failing to timely dismiss Mark Haight from the Seminary;
- e. Ignoring or otherwise failing to investigate, correct, and/or otherwise address the allegations of child sex abuse despite numerous complaints about Haight;

- f. failing to take reasonable action to stop a foreseeable risk of harm to its employees caused by a known dangerous or defective condition, namely the prevalence of priests and seminarians at St. Mary's with a predilection to sexually abuse children.

107. The AOB also voluntarily undertook a duty to investigate Frank Jr.'s allegations and to offer Frank Jr. support.

108. The AOB breached this duty by failing to conduct an actual investigation, misleading Frank Jr., and failing to offer him appropriate accommodations and/or support.

109. As a direct and proximate result of the Defendants' negligence, Frank Jr. suffered from severe emotional distress that culminated in his death.

110. As a further direct and proximate result of Frank Jr.'s wrongful death, Plaintiffs have sustained and will continue to sustain, among other things, mental anguish; emotional pain and suffering; loss of society, companionship, comfort, protection, care, attention, advice, counsel, training, guidance, education, and services; loss of financial support and other harms and losses to be established at trial.

111. But for Defendants' negligence, Frank Jr. would not have died, and Plaintiffs would not have suffered these injuries and damages.

112. Defendants' negligence, with no negligence from Plaintiffs or the decedent, directly and proximately caused the decedent's and Plaintiff's injuries.

113. Defendants' conduct was wanton, malicious, or oppressive, in that, Defendant exhibited reckless indifference to and/or disregarded the foreseeable risks of harm to the decedent by refusing to properly implement preventative or corrective action, and actively covering up and protecting sexual abusers.

WHEREFORE, Plaintiffs demand judgment against Defendants for compensatory damages, non-economic damages, and other damages permitted by law in an amount in excess of \$75,000, the exact amount of which will be established at trial.

COUNT II
Fraudulent Concealment – Wrongful Death
(Against All Defendants)

114. Plaintiffs hereby incorporate by reference the allegations set forth in the above paragraphs as if fully set forth herein.

115. Defendants owed Frank Jr. a duty to disclose known hazards associated with his employment at St. Mary's.

116. Defendants knew about specific instances of sexual abuse of minors at St. Mary's in addition to other inappropriate sexual behavior by seminarians and priests.

117. Defendants failed to disclose anything about these hazards to Frank Jr.

118. Defendants intended to induce Frank Jr. to work at the Seminary by not warning him about the significant risks posed by seminarians and priests.

119. Frank Jr. took the job at St. Mary's without knowing about the risks he would face there.

120. As a direct and proximate result of the Defendants' negligence, Frank Jr. suffered from severe emotional distress that culminated in his death.

121. As a further direct and proximate result of Frank Jr.'s wrongful death, Plaintiffs have sustained and will continue to sustain, among other things, mental anguish; emotional pain and suffering; loss of society, companionship, comfort, protection, care, attention, advice, counsel, training, guidance, education, and services; loss of financial support and other harms and losses to be established at trial.

WHEREFORE, Plaintiffs demand judgment against Defendants for compensatory damages, non-economic damages, and other damages permitted by law in an amount in excess of \$75,000, the exact amount of which will be established at trial.

COUNT III
Negligent Hiring/Supervision – Wrongful Death
(Against St. Mary's)

122. Plaintiffs hereby incorporate by reference the allegations set forth in the above paragraphs as if fully set forth herein.

123. St. Mary's has a duty to reasonably investigate the background of the individuals selected to serve as seminarians.

124. St. Mary's further has a duty to reasonably supervise seminarians affiliated with the Seminary.

125. In addition, St. Mary's has a duty promptly to terminate and/or take reasonable corrective actions when a seminarian behaves inappropriately.

126. Upon information and belief, St. Mary's breached its duty in hiring because it did not undertake a reasonable investigation concerning Haight.

127. Upon information and belief, a reasonable investigation would have revealed prior issues with pedophilia.

128. St. Mary's breached its duty to supervise Haight because it did not undertake reasonable efforts to monitor his behavior and/or to take corrective action.

129. As a direct and proximate result of the Defendants' negligence, Frank Jr. suffered from severe emotional distress that culminated in his death.

130. As a further direct and proximate result of Frank Jr.'s wrongful death, Plaintiffs have sustained and will continue to sustain, among other things, mental anguish; emotional pain

and suffering; loss of society, companionship, comfort, protection, care, attention, advice, counsel, training, guidance, education, and services; loss of financial support and other harms and losses to be established at trial.

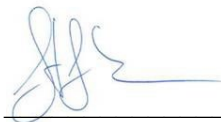
WHEREFORE, Plaintiffs demand judgment against Defendants for compensatory damages, non-economic damages, and other damages permitted by law in an amount in excess of \$75,000, the exact amount of which will be established at trial.

JURY TRIAL DEMAND

The Plaintiffs request a jury trial on all claims so triable pursuant to Maryland Rule 2-325(a).

Dated: June 27, 2023

Respectfully submitted,



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