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95. Therefore, the Defendant Roman Catholic Bishop of Manchester, Inc. is liable to Plaintiff ██████████ for the tort of gross negligence.

COUNT XIVRESPONDEAT SUPERIOR

96. At the time of the alleged improper conduct with the Plaintiff ██████████ by Defendant MacRae, Defendant Roman Catholic Bishop of Manchester, Inc., conducted its business through various parishes within the State of New Hampshire.

97. The Defendant Gordon MacRae was an agent of the Defendant Roman Catholic Bishop of Manchester, Inc. in that he was employed and worked for the interest of the diocese as its agent at Saint Bernard's Parish.

98. Part of Defendant MacRae's duties at Saint Bernard's and Sacred Heart's Parishes was administration of the religious education activities of the church, and Defendant MacRae was a particular favorite of many of the children of the parish.

99. At the time Defendant MacRae committed the acts alleged herein, he was acting within the scope of his employment and in furtherance of his employment by the Roman Catholic Bishop of Manchester, Inc.

100. The Defendant Roman Catholic Bishop of Manchester, Inc., owes a duty to the parishioners of Saint Bernard's Parish and the Plaintiff ██████████ as it is aware that its agents and

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representatives are accorded special trust, confidence and respect from their respective parishioners.

101. At the time of the acts alleges herein, Defendant MacRae was subject to the direct supervision, control and discretion of the Roman Catholic Bishop of Manchester, Inc.

102. The Defendant Roman Catholic Bishop of Manchester, Inc. has breached its duty to care to the Plaintiff [REDACTED] by the acts of its agent, Father Gordon MacRae while in the discharge of his duties as a priest and agent of the Roman Catholic Bishop of Manchester, Inc., as previously set forth in this writ.

103. As a direct and proximate result of this breach of its duty of care, the Plaintiff [REDACTED] suffered severe sexual, physical and emotional damage as previously alleged.

104. Therefore, the Defendant Roman Catholic Bishop of Manchester, Inc. is liable to Plaintiff [REDACTED] for the torts committed by its agent under the doctrine of respondeat superior.

COUNT XVNEGLIGENT HIRING

105. The Roman Catholic Bishop of Manchester, Inc., had knowledge that in his capacity as a parish priest, the Defendant Gordon MacRae, would come into contact with minor children, especially alter boys, choir members, members of

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church youth groups and in his capacity as administrator of religious education in Saint Bernard's and Sacred Heart's Churches.

106. The Roman Catholic Bishop of Manchester, Inc. had knowledge that in his capacity as a parish priest, the Defendant, Gordon MacRae would occupy a place of special confidence and trust in the lives of numerous minors.

107. As reported in early psychological evaluations and as a result of prior episodes in the life of Defendant Gordon MacRae, of which the Roman Catholic Bishop of Manchester, Inc. had actual knowledge, the Defendant, Gordon MacRae had proven himself unworthy of that special confidence and trust and had proven an inability to conduct himself appropriately in this relationship with minor children.

108. The Roman Catholic Bishop of Manchester, Inc. had a duty to employ and retain as priests only those persons who could conduct themselves adequately in their relationships with children and were worthy of the place of special trust and confidence that priests hold in the lives of parishioners. Yet, wholly unmindful of said duty, and in breach thereof, the Defendant, Roman Catholic Bishop of Manchester, Inc. did employ and retain Gordon MacRae as a parish priest and as the administrator of religious education at Saint Bernard's Parish in Keene, New Hampshire.

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109. As a direct, proximate and foreseeable result of the negligence of the Roman Catholic Bishop of Manchester, Inc., the Plaintiff [REDACTED] suffered severe sexual, psychological and emotional damages and shall continue to suffer such damage in the future.

110. Therefore, the Defendant Roman Catholic Bishop of Manchester, Inc. is liable to Plaintiff [REDACTED] for negligent hiring.

COUNT XVINEGLIGENT SUPERVISION AND TRAINING

111. The Defendant Roman Catholic Bishop of Manchester, Inc. had knowledge that its agents gave counseling, supervision, direction and spiritual guidance to young people.

112. The Defendant Roman Catholic Bishop of Manchester, Inc. knew, or should have known, that the Defendant Gordon MacRae, would be involved in like activities at Saint Bernard's Parish, especially in his capacity as administrator of religious education.

113. The Defendant, Roman Catholic Bishop of Manchester, Inc. had a duty to properly train, supervise, and control its agent priests, to ensure that its agent priests did not have the ability or opportunity to inflict injury on a member of the parish, especially those priests such as Gordon MacRae, who

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were known to be risks to the mental and physical health of members of the parish.

114. Despite having knowledge that the Defendant Gordon MacRae was a threat to the physical and mental well being of young people, the Defendant, Roman Catholic Bishop of Manchester, Inc. breached its duty of care to properly train and supervise the Defendant Gordon MacRae in his activities as priest and administrator of religious education at Saint Bernard's Parish in Keene, New Hampshire, by failing to institute an adequate training program to teach its representatives and priests to refrain from engaging in sexual contact with children and to report such behavior to the proper authorities when it is witnessed and by failing to remove Defendant MacRae from his priestly duties at the first indication that Defendant MacRae was a threat to the health and well being to the young and vulnerable members of the church.

115. As a direct, proximate and foreseeable result of the Defendant, Roman Catholic Bishop of Manchester, Inc.'s breach of the above described duty of care, the Plaintiff [REDACTED] suffered severe sexual, physical, mental and emotional damage.

116. Therefore, the Defendant Roman Catholic Bishop of Manchester, Inc. is liable to Plaintiff [REDACTED] for the tort of negligent supervision and training.

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Page 25COUNT XVIIENHANCED COMPENSATORY DAMAGES

117. The actions of the defendants were malicious and wanton actions, and Plaintiff [REDACTED] is therefore entitled to enhanced compensatory damages with respect to each cause of action set forth herein.

COUNT XVIIIATTORNEY'S FEES

118. The Plaintiff [REDACTED] has been forced to seek judicial assistance to secure the clearly defined and established rights set forth herein, and therefore is entitled to an award of attorney's fees based upon the malicious and wanton actions and bad faith of the Defendant's.

COUNT XIXDEMAND FOR A JURY TRIAL

119. The Plaintiff [REDACTED] demands a jury trial in this matter.