

FILED
IN THE DISTRICT COURT

IN THE DISTRICT COURT OF POTTAWATOMIE COUNTY AUG 16 2017
STATE OF OKLAHOMA

POTTAWATOMIE COUNTY, OK
VALERIE UELTZEN, COURT CLERK
[Signature] DEPUTY

DANA BUCKO and CARA JUDD, §

Plaintiffs, §

V. §

ST. GREGORY'S UNIVERSITY and §

ST. GREGORY'S ABBEY, §

Defendants. §

CASE NO. *CJ-17-273*

JURY TRIAL DEMANDED
ATTORNEY LIEN

PLAINTIFFS' ORIGINAL PETITION
AND JURY DEMAND

TO THE HONORABLE JUDGE OF SAID COURT:

This case arises from Defendants' deliberately indifferent response to events of priest-on-student sexual assault and subsequent harassment. Investigation indicates these cases are but a handful of many in what has been a history and extensive history of abuse and conscious disregard by Defendants. Defendants' failure to promptly and appropriately investigate and respond to the assaults allowed a condition to be created that substantially increased Plaintiffs' chances of being sexually assaulted, as well as others. Moreover, Defendants' failure to promptly and appropriately investigate and respond to these assaults furthered sexual harassment and a hostile learning environment, denying Plaintiffs and other similarly situated female students' peace of mind and safety within their higher-learning institution. This action alleges various causes of action against St. Gregory's University and St. Gregory's Abbey including: negligent supervision, negligent retention, breach of fiduciary duty, and breach of contract. In support thereof, Plaintiffs would show the Court as follows:

I. PARTIES

1. Plaintiff Dana Bucko is a cisgender female. At all material times, Dana Bucko was living in the County of Pottawatomie, State of Oklahoma. At the time of the events complained of herein, Dana Bucko was a student attending St. Gregory's University.

2. Plaintiff Cara Judd is a cisgender female. At all material times, Cara Judd was living in the County of Pottawatomie, State of Oklahoma. At the time of the events complained of herein, Cara Judd was a student attending St. Gregory's University.

3. Defendant St. Gregory's University is an educational institution in the County of Pottawatomie, State of Oklahoma. St. Gregory's University may be served through its Acting President, Dr. Michael A. Scaperlanda at 1900 W. MacArthur Street, Shawnee, Oklahoma 74804.

4. Defendant St. Gregory's Abbey is an independent monastic community in the County of Pottawatomie, State of Oklahoma. St. Gregory's Abbey may be served through Abbot Lawrence Stasyszen at 199 W. MacArthur Street, Shawnee, Oklahoma 74804.

II. JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction over this case.

6. Venue is proper in the County of Pottawatomie, State of Oklahoma, since the events giving rise to the claims occurred in this district.

III. FACTS

7. Over a period of at least 10 years, Father Nicholas Ast, a priest that currently resides at St. Gregory's Abbey, groomed numerous girls for sexual abuse under the guise of providing spiritual guidance, friendship, and a listening ear.

8. Through fear and intimidation, the University and the Abbey created an environment by which students, faculty, and staff could not come forward for fear that their scholarships and/or positions would be compromised.

9. Suffice it to say, Defendants, its staff, and higher officers permitted a campus condition by which one monk may run rampant through campus and completely lacking standards of support for victims.

10. Even if such reports were made by faculty, staff, and students themselves, the University and the Abbey took the word of monk over the word of the students without proper investigation.

11. The Defendants are responsible for providing the security of its students and guests and for ensuring that all employees are properly trained and supervised to perform their jobs.

12. The Defendants are responsible for the acts and omissions of its employees, agents, part-time students, monks, priests, and tenants.

13. The Defendants received reports from each of the Plaintiffs concerning the events of sexual misconduct and harassment they experienced while at the Defendant University.

14. The University failed to adequately investigate each and every one of the events the Plaintiffs reported.

15. The Defendants failed to provide a safe academic environment for the Plaintiffs, faced with the Plaintiffs' and faculty reports of sexual harassment, was such that future reasonable students in Plaintiffs' circumstances would be, and in fact were, chilled from reporting sexual harassment.

16. Plaintiffs' reports of sexual misconduct, as well as numerous reports from faculty and staff, to the administration, including high-level policy-setting employees of Defendants, did not cause any change in the sexually hostile environment at the University.

17. The Defendants' employees took several acts in furtherance of violating students rights, including misrepresenting actions to the Plaintiffs, failing to prosecute, investigate, and report Plaintiffs' claims, as well as generally failing to provide Plaintiffs and other similarly situated female students with a safe academic environment free from sexual harassment.

18. At all times relevant to this petition, Defendants failed to protect Plaintiffs, and other similarly situated female students, as it negligently discharged its duty to provide safety to students of the University.

19. As a direct and proximate result of the harassing environment created by Defendants' deliberately indifferent response to the sexual harassment of each of the Plaintiffs, as well as violations of their rights, Plaintiffs and other similarly situated female students have suffered and continue to suffer untold psychological damage, profound emotional distress, permanent loss of standing in their community, loss of spirituality, and their future relationships have been negatively affected.

IV. CAUSES OF ACTION

Count 1: Negligent Supervision and Retention

20. Defendants owed Plaintiffs a duty of reasonable care. Defendants breached these duties in multiple ways, including:

- a. Failing to properly hire, train, and retain officers, staff, and faculty as to proper methods to deal with reports of sexual abuse, investigate same, and accommodate

victims in a manner that would permit them to, without undue hindrance, complete their higher education;

- b. Failing to properly and timely report incidents of claims of sexual misconduct;
- c. Failing to provide adequate counseling and assistance to victims of sexual misconduct;
- d. Failing to adequately monitor and supervise departments, including FIDE and the dance program, to ensure compliance with protections and standards for sexual assault prevention, reporting, and investigation;
- e. Failing to discover, develop, and/or implement basic safeguards designed to prevent and/or minimize incidents of sexual misconduct;
- f. Failing to investigate and/or monitor persons accused of sexual misconduct to ensure additional events did not occur;
- g. Failing to adopt and implement adequate safeguards to prevent known sexual misconduct occurring on campus;
- h. Tolerating sexual assailants on campus despite reports of their inappropriate conduct;
- i. Failure to act on accusations of sexual misconduct when Defendants knew or had reason to know of an undue risk of harm;
- j. Failure to act on accusations of sexual misconduct when Defendants knew or had reason to know of offender's propensity to commit sexual misconduct;
- k. Failing to adopt and enforce institutional sanctions for sex offenses, both forcible and non-forcible;

- l. Failing to adopt and enforce procedures students should follow if they become sexual assault victims, including who should be contacted, the importance of retaining evidence, and to whom the offense should be reported;
- m. Failing to notify sexual assault victims about counseling services and options for changing academic schedules in the wake of sexual misconduct;
- n. Failing to adopt and periodically review procedures to make sure they are adequate to address complaints of serious sexual misconduct; and
- o. Failing to make the goal of protecting the campus community from sexual misconduct and harassment an integral part of the institution's day-to-day mission of providing a safe and secure learning and working environment.

21. The above-enumerated breaches of duties were the proximate cause of substantial injury and damage to each Plaintiff, as more specifically described herein.

22. These damages include great pain of mind and body, shock, emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, loss of enjoyment of life, and loss of faith; each Plaintiff has suffered and continues to suffer spiritually.

Count 2: Breach of Fiduciary Duty

23. Defendants and Plaintiffs were in fiduciary relation to each other. Defendant University and Defendant Abbey were under a duty to act for or give advice for the benefit of Plaintiffs upon matters within the scope of that relationship.

24. Plaintiffs and other similarly situated female students were enrolled at Defendant University wherein they were to be provided a safe learning environment and were to be protected from sexual misconduct.

25. Plaintiffs and other similarly situated female students were involved in a fiduciary relationship with Defendant Abbey and members thereof. Defendant Abbey and its members provided advice and counsel to Plaintiffs in a safe, cruelty free environment.

26. Defendants breached these duties by allowing for the continued abuse, and are responsible for the continued harm.

Count 3: Breach of Contract

27. Plaintiffs had valid, enforceable contracts with Defendant University as academic enrollees and as residents living on campus.

28. Defendant University breached this contract in failing to adequately warn Plaintiffs of the dangerous sexual misconduct conditions on campus that has been allowed to metastasize in light of failed reporting, covering up, and non-existent investigation procedures and student support activities.

29. Defendant breached this contract by failing to provide an adequate safe living and educational environment for Plaintiffs and other similarly situated female students.

30. Defendant further breached this contract by failing to properly investigate Plaintiffs claims and other reports made by faculty and staff within the university.

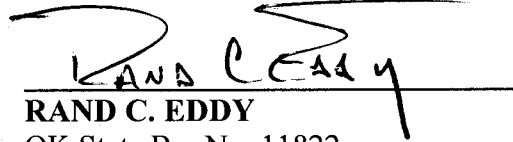
31. As a result of these breaches of contract, Plaintiffs and other similarly situated female students have suffered damages which were foreseeable, and for which recovery is now requested.

PRAYER

For the foregoing reasons, the Plaintiffs respectfully request that the Court enter judgment against Defendants consistent with the relief requested herein, and for any and all relief Plaintiffs may show they are entitled including actual damages, compensatory damages, nominal

damages, punitive damages, court and litigation costs, expert fees, attorney fees, statutory interest, and injunctive relief in an amount in excess of \$75,000.00.

Respectfully Submitted,



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