

IN THE CIRCUIT COURT OF KNOX COUNTY, TENNESSEE
FOR THE SIXTH JUDICIAL DISTRICT AT KNOXVILLE

FILED
CHARLES D. SUBRANSKI
CLERK
2019 JUL 18 AM 10:17

MICHAEL BOYD,
Plaintiff,

KNOX COUNTY CLERK
CIVIL DIVISION
400 NORTH SHORE DRIVE
KNOXVILLE, TN 37919

vs.

No. 3-258-19

DIOCESE OF KNOXVILLE,
Defendant.

JURY DEMANDED

COMPLAINT

COMES NOW the Plaintiff, Michael Boyd, by and through his undersigned attorneys, Gary K. Smith & Karen M. Campbell of Gary K. Smith Law, PLLC, against the Defendant Diocese of Knoxville, and would show and state to the Court as follows:

PARTIES

1. Plaintiff Michael Boyd is an adult male who now resides in Blount County, Tennessee. At all material times, Plaintiff was a minor residing in Blount County, Tennessee. This case involves horrific acts of childhood sexual abuse perpetrated on the Plaintiff by Catholic Priest, Father Xavier Mankel and others and covered up by the Diocese of Knoxville, its agents, employees and servants.

2. Upon information and belief, Defendant the Diocese of Knoxville, a corporation sole, (the "Diocese") is a religious organization responsible for the interests of the Roman Catholic Church in East Tennessee including Knoxville. Upon information and belief, the Diocese's headquarters and principal place of business is within the City of Knoxville the Diocese's headquarters at 805 S. Northshore Drive, Knoxville, Tennessee, 37919, making venue proper in this Court. The Diocese of Knoxville can be

served with process by serving the Bishop of the Diocese Most Rev. Richard F. Stika at 805 S. Northshore Drive, Knoxville, Tennessee, 37919, and/or legal counsel for the Diocese.

3. The Most Rev. Richard F. Stika is the current Bishop of the Diocese. Upon information and belief, the Diocese of Knoxville owns and operates 50 parishes and churches and one mission in East Tennessee. The Diocese also operates several Catholic schools in the area.

AGENTS OF THE DEFENDANT

4. Cathedral of the Most Sacred Heart of Jesus ("Sacred Heart Church") is a parish church and cathedral, and is the seat of the Diocese of Knoxville. It is located at 711 Northshore Drive Southwest, Knoxville, Tennessee, 37919. Sacred Heart Church and its priests and employees are agents of the Diocese of Knoxville.

5. Sacred Heart Cathedral School, 711 Northshore Drive Southwest, Knoxville, Tennessee, 37919 opened in 1956 in Knoxville. It is a co-educational school and operates under the supervision of the Roman Catholic Diocese of Knoxville. The school educates students through the eighth grade. The school, its employees, staff, faculty, administrators, are agents of the Diocese of Knoxville.

6. On information and belief, Bishop Anthony O'Connell, (hereinafter Bishop O'Connell) was at all times relevant herein the first Bishop of the Diocese of Knoxville from 1988 to 1998. He was an employee, agent, servant of the Diocese of Knoxville and was under the jurisdiction and control of Diocese. In 1998 Bishop O'Connell was appointed Bishop of the Diocese of Palm Beach, Florida where he served

until 2002 when he resigned after publicly acknowledging inappropriate conduct with minors.

7. On information and belief, Father Francis Xavier Mankel (hereinafter “Father Mankel”) was at all times relevant herein an ordained Catholic Priest and a member of the Diocese and was thus an agent, employee or servant of Diocese and Bishop and was under the jurisdiction and control of the Diocese and Bishop. Upon information and belief Father Mankel was ordained a priest in the Diocese of Nashville in 1961 and became a part of the Diocese of Knoxville in 1988 when it was formed. At the time relevant to this Complaint, Father Mankel was the pastor of Sacred Heart Cathedral and Sacred Heart Cathedral School from 1987 to 1997.

8. On information and belief, Pam Bernards, (hereinafter “Ms. Bernards”) was at all times relevant herein an employee at Sacred Heart Cathedral School; she was the school’s physical education teacher and was promoted to principal of Sacred Heart School in 1992 and was thus an agent, employee and servant of the Diocese and Bishop and was under the jurisdiction and control of Diocese and Bishop.

9. On information and belief, Patrick Donovan (hereinafter “Mr. Donovan”) was at all times relevant herein an agent, employee and servant of the Diocese and Bishop at Sacred Heart Cathedral School and/or Sacred Heart Cathedral where he was the Coordinator of Youth Ministry and was under the jurisdiction and control of Diocese and Bishop.

10. On information and belief, Mike Lovelace (hereinafter “Mr. Lovelace”) was at all times relevant herein an agent, employee and servant at Sacred Heart Cathedral

School; he was a music teacher at the school and was thus an agent, employee or servant of Diocese and Bishop and was under the jurisdiction and control of Diocese and Bishop.

JURISDICTION AND VENUE

11. The Plaintiff's cause of action arises in tort as a result of injuries and damages sustained proximately due to the negligence of the Defendant and its agents, employees and servants.

12. All of the wrongs complained of herein occurred in Knox County, Tennessee, and this Court has jurisdiction pursuant to Tenn. Code Ann. § 16-10-101.

13. The statute of limitations is tolled due to the doctrines of equitable estoppel and fraudulent concealment.

14. Venue is proper pursuant to Tenn. Code Ann. § 20-4-101.

FACTUAL BACKGROUND

15. The Roman Catholic Church, including the Catholic Schools under the supervision of the Catholic Church, offers many opportunities for minors and families to become active and involved in Church activities. As a result, priests and clergy have abundant and frequent contacts with minors, individually and in groups.

16. Because of the opportunities to be with minors, the Church attracts many truly caring and giving individuals; however, at the same time, service in The Church and at Catholic schools attracts an alarming number of pedophiles, child molesters and sex abusers.

17. Officials and religious figures at the highest levels of The Church are well aware of the attraction of The Church to those who will do serious harm to minors.

18. Such persons who will do serious harm to minors seek employment by

The Church as clergy or educators, where they will obtain privacy with minors and control over them. As religious figures, they wield enormous influence over minors, who are required to address them as "Father" or such other terms connoting love, authority and ultimate submission.

19. Religious figures in The Church are bestowed with an air of infallibility, and are considered conduits for parishioners to make a connection with the deity and live more meaningful lives.

20. As a result, when these seemingly infallible holy men commit unspeakable, perverted sexual acts with minors, it has an extraordinarily traumatic effect on the victims, psychologically, emotionally and spiritually.

21. Instead of exercising due care and diligence to protect minors under these circumstances from the serious harm described above, The Church gives clergy complete discretion and freedom to have personal, private and spiritual encounters with minors. At the same time, The Church has done little or nothing to screen abusers or protect minors from the sexual predators who infiltrate its ranks.

22. In fact, rather than screen abusers and protect minors, the Church has gone to great lengths to protect "its own." The Church has twisted and distorted religious principles to justify such conduct. It is the practice of the Roman Catholic Church, through its cardinals, bishops, priests and other officials and agents, to conceal instances of child sexual abuse and complaints by victims. It zealously maintains the secrecy of the horrifying truth of rampant child sexual abuse in The Church, by, among other things:

- Failing to disclose complaints to law enforcement officials, parishioners and the public;
- Maintaining secret archives and files of evidence of sex abuse, accessible only to bishops;
- Instructing Church officials to destroy incriminating documents and spoliation of evidence regarding sexual abuse by clergy;

- Pressuring Church officials, including school officials, agents and employees to ignore, cover up and hide complaints;
- Routinely transferring sex offending clergy to The Church facilities in other locations where their pasts would not be known to parishioners, and the abusers would have a “fresh start” with a new group of vulnerable children;
- Threatening and coercing victims and their families to withdraw complaints and retract allegations of sexual abuse and;
- Paying “hush money” to victims and their families, in exchange for promises of non-disclosure and confidentiality.

23. Each of the acts set forth above is done to shield the Church and protect and shelter the abuser; obstruct justice; conceal criminal conduct; evade prosecution; avoid being compelled by criminal and civil courts to turn over information or allegations regarding child sexual abuse; avoid public awareness and scandal about pedophile clergy; and avoid financial loss.

24. The Church’s conduct is outrageous given the enormous trust and confidence placed in its religious figures. The Church actively solicits and encourages this trust and confidence from parishioners and the public.

25. Because of the pressure emanating from lawsuits that have exposed the wrongdoing of the Church, some Catholic bishops across the country have decided to take action by releasing lists of the priests in their respective dioceses who were credibly accused of abuse although the Diocese of Knoxville is not among those dioceses who have released names.

26. Children and youth who are involved in institutions such as Catholic schools that are under the control of the Catholic Church are susceptible and at risk because they are under the supervision of the Diocese.

27. In this case, Sacred Heart Cathedral School and Sacred Heart Cathedral

were at all times relevant to this Complaint and are under the control and supervision of the Diocese of Knoxville which is part of the Roman Catholic Church.

SEXUAL ABUSE OF MICHAEL BOYD

28. Upon information and belief, Father Mankel was ordained in 1961 to the priesthood and assigned to St. John Church in Memphis, Tennessee. Ultimately, he returned to East Tennessee and served at Catholic churches in Lawrenceburg, Farragut, Alcoa and Knoxville including Immaculate Conception Church, Holy Ghost Church and the Cathedral of the Most Sacred Heart of Jesus where he was rector.

29. At the time relevant to this Complaint, Father Mankel was the pastor of Sacred Heart Cathedral and Sacred Heart Cathedral School from 1987 to 1997. As a priest, confessor, teacher and spiritual advisor, Father Mankel was a person of great influence and persuasion as a holy man and authority figure.

30. Until 1988 East Tennessee was part of the Diocese of Nashville. In 1988 the Diocese of Knoxville was formed and Father Mankel is credited with the formation of the Diocese of Knoxville. Sacred Heart Catholic Church was designated the diocesan cathedral.

31. Father Mankel served as Chancellor of the new Diocese from 1988 to 1996.

32. Upon information and belief in 1988 around the time the new diocese was formed, a parent of a child came to Father Mankel with a complaint that her child had been abused by a priest in 1984 and he discouraged the parent from going public.

38. The Plaintiff, Michael Boyd was born in 1981, and raised as a devout Catholic. From about 1987, Mr. Boyd along with his family attended Holy Family Catholic Church in Seymour on a regular basis having transferred from another Catholic Church. He served as an altar boy and attended confession. *

39. In and around the time of 1991 Michael Boyd confessed to the priest at Holy Family that he was being abused at home.

40. Michael Boyd's parents wanted him to attend Sacred Heart Catholic School in Knoxville and in the summer of 1991, Michael Boyd attended a summer program at Sacred Heart Cathedral School prior to starting school there in the fall of 1991.

41. Michael Boyd, who was 10 years old at the time, had been taking gymnastics since he was 3 years old. As an altar boy at Holy Family he was looking forward to serving at the new school and church.

42. In the summer program Michael Boyd became acquainted with Pam Bernards, the physical education teacher at Sacred Heart School. That summer he also met Father Mankel for the first time who gave him the nickname, "Seymour" and they discussed Michael Boyd's serving as an altar boy when school started. Unbeknownst to young Michael Boyd, the Holy Family priest had already shared information about Michael Boyd's abuse with Father Mankel. Father Mankel used this information to take advantage of, groom and exploit Michael Boyd who was vulnerable.

43. The transition to the new school in the fall of 1991 was difficult for Michael Boyd as a fourth grader. Many of the students at the school had been friends for a long time and Michael Boyd was a newcomer to the already established friend groups.

33. Father Mankel served as principal of Knoxville Catholic High school from 1967 to 1979 and was superintendent of Catholic Schools in East Tennessee from 1989 to 1991.

34. In the Diocese of Knoxville, Mankel served as Vicar General and the Moderator of the Curia, Moderator of the Propagation of the Faith and Spiritual Moderator of the Ladies of Charity.

35. In 2006, Father Mankel was named an Honorary Prelate to his Holiness Pope Benedict XVI and he received the papal designation of monsignor. Father Mankel died in 2017.

36. After the admission of Father Mankel to the priesthood of the Catholic Church and his assignment and employment as a Catholic Priest first within the Diocese of Nashville and then the Diocese of Knoxville, and at all times relevant herein, the Diocese of Knoxville, Bishop, Monsignor, Chancellor, the Arch Bishop, Auxiliary Bishop, Priest, other brothers and lay personnel associated with and/or employed by the Diocese have monitored, supervised, trained, counseled and employed or otherwise exercised control over Father Mankel's secular and non-secular activities involving the public, minors and his brotherly duties. The Diocese and Bishop have thus ratified, approved and adopted as their own the conduct of Father Mankel through such supervision, training, counseling, control and employment.

37. At all times relevant herein, the Chancellor, Monsignor, Arch Bishop, Auxiliary Bishop, Priests, other brothers and lay personnel associated with and/or employed by the Diocese were under the authority, direction, supervision or control of the Bishop.

Michael Boyd felt excluded. He found solace and enjoyment in serving as an altar boy initially, which allowed him to focus on serving God and forget about his feelings of exclusion and problems at home.

44. After mass, Father Mankel would have Michael Boyd stay late and complete additional work. Other boys who served as altar boys would have already changed clothes and be heading back to class when Michael Boyd was still performing his altar boy duties.

45. The inappropriate physical contact with Father Mankel began when Michael Boyd was in fourth grade and continued for a couple years and expanded to include Bishop Anthony O'Connell as well as other visiting priests and a school music teacher.

46. The initial contact began when Michael Boyd was in the fourth grade after mass as he was taking off his garments. Father Mankel approached him from behind and grabbed him by the sides of his arms and shoulders and pulled him close. Father Mankel told him a dirty joke and pulled him closer. Michael Boyd could feel the priest's penis up against his back. When Michael Boyd tried to pull away, Father Mankel asked him to flex his arms.

47. Father Mankel's requests for the Plaintiff Michael Boyd to flex for him, and then groping continued for two and half years and escalated to fondling, grooming, and other sexual activity between Father Mankel and Michael Boyd.

48. Father Mankel made Michael Boyd promise that he would not tell anyone about what was occurring.

49. During some of these instances, Michael Boyd tried to pull away or get away but Father Mankel was a large, strong man. He would grab Michael Boyd and pick him up and tell him that this was part of Father Mankel's "Love Therapy" which evolved into "Touch Therapy." The Plaintiff Michael Boyd was told touching was supposed to help him (Michael Boyd) work through the physical, spiritual, emotional and mental pain caused by those who loved him most. "Love" was the name used while touching was the method used to achieve this healing power from God.

50. During this time, Michael Boyd would often return to class late because of his altar boy duties and sexual encounters with Father Mankel. Sometimes Michael Boyd would cry in the bathroom before returning to class.

51. Michael Boyd finally decided to seek help from one of the first people he met when he went to Sacred Heart School, his gym coach, summer program/day care director and friend Pam Bernards. He confided in her and told her what had been happening. She asked if he had told anyone else such as his parents. He explained that he had not. Pam Bernards hugged Michael Boyd, he cried and he felt safe for the first time, finally.

52. Pam Bernards made Michael Boyd promise not to tell anyone else until she could get someone that she knew that could be trusted. She told him to come back after school and meet in her office.

53. When Michael Boyd returned to her office after school, the blinds were closed, the door was open and the lights were on. He looked in and saw Pam Bernards and another woman whom he did not know in the small office. When Michael Boyd stepped into the office the door closed and he saw Father Mankel who called out "Hello

Seymour, what's this I hear about you spreading lies about me?" Michael Boyd immediately urinated on himself and started crying.

54. The unidentified woman began to tell Michael Boyd that telling lies about the Church would get him and his family in a lot of trouble. The woman told Michael Boyd that he would be expelled from school, and that his brother would be expelled from his school. Their family would be removed from the Catholic Church. Ms. Bernards said that Sacred Heart School would likely close. Michael Boyd was told that both his parents would likely lose their jobs and the family would end up homeless. Father Mankel told Michael Boyd that no one would believe him. Under the force of such intimidation and manipulation, Michael Boyd was scared and he promised to stay quiet; he became a nervous wreck at school and at home. Michael Boyd said that at one point the unidentified woman appeared to be offering him money in the meeting but he did not realize she was talking to him.

55. Once Michael Boyd promised not to speak of it again, Pam Bernards asked the woman how she could be compensated for being a "friend of the church." In the summer of 1992, Pam Bernards, was named principal of the Sacred Heart.

56. After Michael Boyd promised to stay quiet, he was pushed out the door. The three adults continued to argue until Father Mankel broke them up.

57. The sexual abuse by Father Mankel continued. Father Mankel introduced Michael Boyd to Bishop O'Connell who seemed strong and reassuring at first. The Bishop told Michael Boyd that the love/touch therapy he had been receiving from Father Mankel was from God and that it would help Michael Boyd recover from the things that had already happened to him. The Bishop knew all of Michael Boyd's family history and

Michael told him about what he and Father Mankel had been doing sexually. The Bishop then engaged in inappropriate touching and sexual conduct with Michael Boyd on at least two occasions with Father Mankel present.

58. Father Mankel allowed other visiting priests to abuse Michael Boyd. The visiting priests brought Father Mankel gifts and engaged in inappropriate sexual conduct with Michael Boyd in the sacristy.

59. One encounter with the Bishop and Father Mankel was interrupted by a visiting priest; the visiting priest told the Bishop and Father Mankel that nothing else would happen to Michael Boyd while he was here. A couple days later that priest was gone, apparently transferred, and Michael Boyd never saw him again. Father Mankel joked to Michael Boyd that the priest was sent to an Order that does not like to talk and he would learn to keep his mouth shut there.

60. While Michael Boyd was still a student at Sacred Heart a music teacher at Sacred Heart School William Lovelace encouraged Michael Boyd to touch him inappropriately during a guitar lesson. Lovelace took Michael Boyd's hand and guided it down his pants. Michael Boyd made a fist and Lovelace squeezed Michael Boyd's wrist until eventually Lovelace let go. Michael Boyd gathered his guitar and left the room. The next day he saw Lovelace and Father Mankel standing together in the hallway and both men stared at him. Michael Boyd got the message loud and clear that the "same rules apply" meaning Michael Boyd was not to speak of what occurred under threat of reprisal.

61. Eventually, as Michael Boyd aged, he became physically strong enough to fend off Father Mankel and other visiting priests; the abuse ended but the damage was done and he still kept quiet under threat of multiple adverse consequences.

62. Near the end of his eighth-grade year Michael Boyd once again tried to tell an adult what happened and went to Patrick Donovan, a youth group leader at the school and church. Donovan told Michael Boyd that Pam Bernards had already warned him that Michael Boyd might approach him with a bunch of “lies” and he told Boyd to get out of his office.

63. Also toward the end of Michael Boyd’s eighth grade year, Principal Pam Bernards threatened Michael Boyd, again reminding him that his younger brother was still a student under her authority at Sacred Heart. Michael Boyd promised he would not talk as long as his brother was not picked on, was protected, did not come home complaining that older kids were making fun of him, and that he got to play football.

64. It took years before Michael Boyd could take action without fear. When he did in August 2018, he called the Diocese to report the abuse, he asked to speak to the Bishop and he filed a police report with the Knoxville Police Department.

65. Michael Boyd called the Diocese to report the abuse and asked to speak to the Bishop. The point of contact at the Diocese wanted him to speak to an 11-person review board instead.

66. Michael Boyd filed a police report with the Knoxville Police Department. When Michael Boyd eventually spoke to the current Bishop, Bishop Stika, the Bishop did not offer an apology but only said to the effect that he had “heard about what’s going on” and “can’t wait to get you back in the church.”

67. At the time that Michael Boyd was abused by Father Mankel, Michael Boyd and/or his family were unaware of Father Mankel’s sexual interest in young boys.

68. After finding out about Father Mankel's abuse of minors, the Diocese, its employees and agents actively took steps to protect Father Mankel, conceal the Diocese's own wrongdoing in supervising Father Mankel, and prevent Michael Boyd from getting help and filing a civil lawsuit. By failing to act for Michael Boyd, the Diocese and its agents and employees allowed it to continue for a period of time.

69. Father Mankel and Michael Boyd were in a fiduciary relationship based upon their relationship as clergy-parishioner. Father Mankel held a special position of trust and confidence with Michael Boyd. Michael Boyd looked to Father Mankel for counseling and guidance at this vulnerable and impressionable time of his young life.

70. The Diocese was in a fiduciary relationship with Michael Boyd. The Diocese was in a position of trust and confidence with Michael Boyd. Mr. Boyd looked to the Diocese and its representatives for counseling, guidance, growth and in his spiritual life. Mr. Boyd also looked to the Diocese, its employees, and agents including Pam Bernards and Patrick Donovan for protection. In addition, the Diocese knew or should have known that Michael Boyd had a special and privileged relationship with Father Mankel. The Diocese, through its agents and employees, owed Michael Boyd a duty to:

- (a) Investigate, warn and protect Mr. Boyd from the potential for harm from Father Mankel;
- (b) Disclose its awareness of facts regarding Father Mankel that created a likely potential for harm;
- (c) Disclose its own negligence with regard to hiring, supervision, assignment, and retention of Father Mankel;
- (d) Provide a safe environment for Michael Boyd where he would be free from abuse;

- (e) Protect Michael Boyd from exposure to harmful individuals like Father Mankel, the Bishop and others; and,
- (f) Provide protection and investigate once Michael Boyd went to Pam Bernards.

71. The Diocese breached its fiduciary duty to Michael Boyd by failing to:

- (a) Investigate, warn, and protect Michael Boyd from the potential for harm from Father Mankel and other priests;
- (b) Disclose its awareness of facts regarding Father Mankel that created a likely potential for harm;
- (c) Disclose its own negligence with regard to hiring, supervision, assignment, and retention of Father Mankel;
- (d) Stopping the abuse once Michael Boyd made his complaint;
- (e) Provide a safe environment for Michael Boyd where he was free from abuse; and
- (f) Protect Michael Boyd from exposure to harmful individuals like Father Mankel and Bishop O'Connell and others.

72. The Diocese and its employees and agents actively and fraudulently concealed information pertinent and relevant to claims relating to the sexual abuse in this matter for the purpose of concealing the truth and protecting itself from civil liability and evading same by repeatedly threatening Michael Boyd and his family.

73. Michael Boyd grew up respecting and obeying the Catholic Church and its representatives particularly priests and bishops but also its teachers. When they threatened him and told him to keep this information quiet or he, his parents and brother would suffer he obeyed.

74. It took years before Michael Boyd could take action without fear. When he did in August 2018, he called the Diocese to report the abuse, he asked to speak to the Bishop, and he filed a police report.

75. The sexual abuse described herein has caused Michael Boyd to experience severe psychological injuries, and emotional harm, including but not limited to loss of faith, mood swings, intimacy problems, emotional disconnection in relationships, anxiety, rage, and the loss of enjoyment of life.

76. In committing the acts alleged herein, the Diocese and its agents, employees and servants acted intentionally, maliciously, recklessly, and with willful and wanton disregard for the safety of the Plaintiff, thereby entitling Michael Boyd to an award of exemplary and punitive damages.

NEGLIGENCE

77. Plaintiff repeats and re-alleges Paragraphs 1 through 76 above.

78. At all material times, the Diocese owed a duty to Michael Boyd to use reasonable care to ensure the safety, care, well-being and health of Michael Boyd while he was under the care, and/or custody or in the presence of the Diocese and/or its agents. The Diocese's duties encompassed the hiring, retention and/or supervision of Father Mankel and Bishop O'Connell and otherwise providing a safe environment for Michael Boyd at church and school.

79. The Diocese breached these duties by failing to protect the minor Michael Boyd from sexual assault and lewd and lascivious acts committed by the agent and/or employee of the Diocese, Father Mankel, Bishop O'Connell and others.

80. At all relevant times, the Diocese knew or in the exercise of reasonable care should have known that Father Mankel and Bishop O'Connell were unfit, dangerous, and threats to the health, safety and welfare of the minors entrusted to their counsel, care and protection.

81. Despite such actual or constructive knowledge, the Diocese provided Father Mankel, Bishop O'Connell and others unfettered access to Michael Boyd and gave them unlimited and uncontrolled privacy.

82. At all relevant times, the Diocese created an environment which fostered child sexual abuse against the children it had a duty to protect, including Michael Boyd.

83. At all relevant times, the Diocese had inadequate policies and procedures to protect children it was entrusted to care for and protect, including Michael Boyd.

84. As a direct and proximate result of the Diocese's negligence, Michael Boyd suffered severe and permanent psychological, emotional, spiritual, and physical injuries, including but not limited to shame, humiliation and the inability to lead a normal life.

85. The damages to Michael Boyd would not have occurred but for the negligence of the Diocese of Knoxville and its agents, employees and servants.

**VICARIOUS LIABILITY (RESPONDEAT SUPERIOR) AGAINST
DEFENDANT DIOCESE FOR THE ACTS OF ITS AGENTS MANKEL,
BERNARDS, O'CONNELL, DONOVAN, AND LOVELACE**

86. Plaintiff incorporates each and every allegation contained in all of the above paragraphs of this complaint as if set forth in full herein.

87. At all times material hereto, on information and belief, Defendant Diocese of Knoxville was an employer, either actual or apparent, of Father Xavier Mankel, Bishop Anthony O'Connell, Pam Bernards, Patrick Donovan and Michael Lovelace, all of whom were acting within the course and scope of such employment or agency, actual or apparent, such that any negligence of the Father Xavier Mankel, Bishop Anthony O'Connell, Pam Bernards, Patrick Donovan and Michael Lovelace may be imputed to Defendant Diocese of Knoxville by operation of law under principles of respondeat superior, agency, and master/servant.

88. For the purpose of furthering his assigned duties as a Roman Catholic priest, confessor, teacher and spiritual advisor, Father Mankel sought and gained Plaintiff

Michael Boyd's trust, friendship, admiration and obedience. As a result, Plaintiff was conditioned to comply with Father Mankel's direction and to look to him as an authority on matters spiritual, moral, ethical and temporal.

88. Using the power, authority and trust of his position as a priest, confessor, teacher and spiritual guide to the Plaintiff, Father Mankel enticed, induced, directed and/or coerced Plaintiff Michael Boyd to engage in various sexual acts with him in approximately 1991-1995. Defendant Diocese is therefore vicariously liable for the negligent acts and omissions of its agent, servant and employee, Father Mankel as well as the acts of Bishop O'Connell and Michael Lovelace.

89. Defendant Diocese is vicariously liable for the negligent acts and omissions of its agents, servants and employees Pam Bernards and Patrick Donovan who failed to help Michael Boyd when he came to them for assistance.

90. As a direct result of this sexual abuse and breach of trust, Plaintiff Michael Boyd has sustained and continues to sustain the injuries and damages described herein.

PUNITIVE DAMAGES

91. Plaintiff incorporates each and every allegation contained in all of the above paragraphs of this complaint as if set forth in full herein.

92. Pursuant to Tennessee law, including but not limited to Metcalfe v. Waters, 970 S.W.2d 448 (Tenn. 1998), and Hodges v. S.C. Toof & Co., 833 S.W.2d 896 (Tenn. 1992) the acts of The Diocese of Knoxville, Sacred Heart School, its employees and agents in intentionally concealing the culpable conduct of Father Mankel and others renders the Diocese of Knoxville liable for punitive damages, in addition to its liability for its intentional, fraudulent, malicious or reckless conduct.

PRAYER FOR RELIEF

93. WHEREFORE, PREMISES CONSIDERED, Plaintiff sues the Defendant Diocese of Knoxville for damages for the injuries described and prays for judgment and an award of compensatory and punitive damages against the Defendant in such an amount as may appear fair and reasonable to a jury and for all such other relief, both general and specific to which he may be entitled under the premises, as follows:

1. For general and compensatory damages for past, present, and future psychological, emotional and physical pain, suffering, distress, and injury;
2. Loss of enjoyment of life;
3. Negligent and intentional infliction of emotional distress, and/or outrageous conduct;
4. For medical, mental health, and incidental expenses;
5. For loss of earning and of earning capacity;
6. For punitive and exemplary damages against Defendant;
7. For attorney fees, court costs, and interest; and
8. For any other relief this Honorable Court deems proper.

DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial in this action.

Respectfully submitted,

GARY K. SMITH LAW, PLLC

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