

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT
CIVIL ACTION NO.

22-0329B

KELLY STORY,)
Plaintiff)
)
v.)
)
FATHER W. JAMES NYHAN and REVEREND)
MONSIGNOR FREDERICK J. RYAN,)
Defendants)

**COMPLAINT AND
JURY TRIAL DEMAND**

SUPERIOR COURT
 CIVIL ACTION NO. 22-0329B
 2022 FEB 11 11P 2:02
 PROthonotary
 CLERK / REGISTRAR

A. PARTIES

1. The Plaintiff, Kelly Story, is an individual with a residential address in Shelburne, Vermont.
2. Defendant Father W. James Nyhan (hereinafter referred to as "Defendant Father Nyhan") is an individual with a residential address at 1225 Victorian Avenue, Sparks, Nevada. At all relevant and material times, Defendant Father Nyhan was or has been an ordained Roman Catholic priest of the Roman Catholic Archbishop Of Boston, A Corporation Sole (hereinafter referred to as the "RCAB").
3. Defendant Reverend Monsignor Frederick J. Ryan (hereinafter referred to as "Defendant Monsignor Ryan") is an individual with a residential address at 833 S. Marion Avenue, Washington, Iowa. At all relevant and material times, Defendant Monsignor Ryan was or has been an ordained Roman Catholic priest of the RCAB. From June 1, 1974 to September 1, 1995, Defendant Monsignor Ryan served as Vice-Chancellor of the RCAB, and at all relevant and material times, Defendant Monsignor Ryan had a duty to hire, supervise, direct, and retain priests of the RCAB, including Defendant Father Nyhan.
4. As none of the parties to this action are residents of the Commonwealth of Massachusetts, venue is proper in Suffolk County pursuant to G.L. c. 223, sec. 1.

B. STATEMENT OF FACTS

5. On or about November 18, 1973, Defendant Father Nyhan was ordained as a Roman Catholic priest of the RCAB.

6. From approximately 1973 to approximately 1979, Defendant Father Nyhan was assigned to or affiliated with St. Ambrose Parish, Dorchester, Massachusetts, at all relevant times a Roman Catholic parish of the RCAB. At times in approximately 1979 and 1980, Defendant Father Nyhan served at a Catholic church in South Carolina, during which time Defendant Father Nyhan remained a priest of the RCAB. In approximately 1980, Defendant Father Nyhan returned to Massachusetts from South Carolina, and from approximately 1980 to approximately 1983, Defendant Father Nyhan was assigned to or affiliated with St. Brendan Parish, Dorchester, Massachusetts, at all relevant times a Roman Catholic parish of the RCAB.

7. In approximately 1980, when Plaintiff was about 11 years of age, Defendant Father Nyhan brought Plaintiff to a beach house at Salisbury Beach, Massachusetts.

8. When Plaintiff was with Defendant Father Nyhan in the beach house at Salisbury Beach, Massachusetts, Defendant Father Nyhan engaged in explicit sexual behavior and lewd and lascivious conduct with the minor Plaintiff, including, among other things, Defendant Father Nyhan putting his hand on Plaintiff's upper inner thigh and caressing Plaintiff's upper inner thigh, skin on skin, close to Plaintiff's genital area.

9. Not until recently did Plaintiff have knowledge or sufficient notice that she had been harmed and that the harm was caused by the explicit sexual behavior and lewd and lascivious conduct of Defendant Father Nyhan.

10. As a result of Defendant Father Nyhan's explicit sexual behavior and lewd and lascivious conduct with the Plaintiff, the Plaintiff suffers, has suffered, and will continue to suffer

in the future severe emotional distress and physical harm manifested by objective symptomatology, including, but not limited to, sleep problems; depression; problems with alcohol and substances; anger; crying; and suicidal ideation.

11. At all times material hereto, Defendant Father Nyhan misrepresented and concealed from Plaintiff the wrongful nature of Defendant Father Nyhan's explicit sexual behavior and lewd and lascivious conduct and that such explicit sexual behavior and lewd and lascivious conduct could harm Plaintiff.

12. As a result of said explicit sexual behavior and lewd and lascivious conduct, Plaintiff is unable at this time to fully disclose in complete detail to what degree Defendant Father Nyhan did abuse Plaintiff.

13. In approximately 2006, Defendant Father Nyhan pleaded guilty to criminal charges in South Carolina, based on Defendant Father Nyhan's sexual abuse of three children at a church in South Carolina in 1979 and 1980.

C. CLAIMS FOR RELIEF

**Count I: Plaintiff v. Defendant Father Nyhan
Assault**

14. Plaintiff repeats, realleges, and incorporates by reference herein each and every allegation heretofore pleaded in this Complaint.

15. By engaging in the explicit sexual behavior and lewd and lascivious conduct described above, Defendant Father Nyhan acted intentionally so as to cause harmful and offensive contact with Plaintiff.

16. By engaging in the explicit sexual behavior and lewd and lascivious conduct described above, Defendant Father Nyhan placed Plaintiff in imminent and reasonable apprehension of said harmful and offensive contact.

17. As a direct and proximate result of Defendant Father Nyhan placing Plaintiff in imminent and reasonable apprehension of harmful and offensive contact, Plaintiff suffered and will continue to suffer in the future: severe and permanent mental distress and emotional injuries; long term lost earning capacity; as well as other damages.

Count II: Plaintiff v. Defendant Father Nyhan
Battery

18. Plaintiff repeats, realleges, and incorporates by reference herein each and every allegation heretofore pleaded in this Complaint.

19. By engaging in the explicit sexual behavior and lewd and lascivious conduct described above, Defendant Father Nyhan acted intentionally so as to cause unjustified harmful and offensive physical contact and touching of Plaintiff, and repeatedly performed such unjustified harmful and offensive physical contact and touching.

20. As a direct and proximate result of Defendant Father Nyhan's unjustified harmful and offensive physical contact and touching, Plaintiff suffered and will continue to suffer in the future: severe and permanent mental distress and emotional injuries; long term lost earning capacity; as well as other damages.

Count III: Plaintiff v. Defendant Father Nyhan
Intentional Infliction of Emotional Distress

21. Plaintiff repeats, realleges, and incorporates by reference herein each and every allegation heretofore pleaded in this Complaint.

22. By engaging in the explicit sexual behavior and lewd and lascivious conduct described above, Defendant Father Nyhan intended to inflict emotional distress upon Plaintiff, or he knew or should have known that emotional distress was the likely result of his conduct.

23. The conduct of Defendant Father Nyhan in engaging in the explicit sexual behavior and lewd and lascivious conduct described above is extreme and outrageous, beyond all possible bounds of decency, and utterly intolerable in a civilized community.

24. As a direct and proximate result of the conduct of Defendant Father Nyhan in engaging in the explicit sexual behavior and lewd and lascivious conduct described above, Plaintiff suffered and will continue to suffer in the future: severe and permanent mental distress and emotional injuries as outlined above; long term lost earning capacity; as well as other damages.

25. The mental distress and emotional injuries which Plaintiff suffered and will continue to suffer were severe and of a nature that no reasonable person could be expected to endure them.

Count IV: Plaintiff v. Defendant Monsignor Ryan
Negligent Hiring, Retention, Direction, and Supervision

26. The Plaintiff repeats, realleges, and incorporates by reference herein each and every allegation heretofore pleaded in this Complaint.

27. At all relevant and material times to this action, the responsibilities of Defendant Monsignor Ryan included the hiring, retention, direction, and supervision of priests of the RCAB, including priests of the RCAB assigned to or affiliated with St. Brendan Parish, where those priests would be directing, supervising, counseling, or otherwise interacting with minor children in their capacity as priests of the RCAB.

28. At all relevant and material times to this action, the responsibilities of Defendant Monsignor Ryan included hiring Father Nyhan to St. Brendan Parish; retaining Defendant Father Nyhan in his position at St. Brendan Parish; directing Defendant Father Nyhan in his position at St. Brendan Parish, including in his interactions with minor children; and supervising Defendant Father Nyhan in his position at St. Brendan Parish, including in his interactions with minor children.

29. At all relevant and material times to this action, Defendant Monsignor Ryan knew or should have known that Defendant Father Nyhan would interact with and was interacting with minor children in Defendant Father Nyhan's position as a priest of the RCAB, including, more specifically, the Plaintiff.

30. At all relevant and material times to this action, Defendant Monsignor Ryan had a special relationship with Defendant Father Nyhan.

31. At all relevant and material times to this action, Defendant Monsignor Ryan had a special relationship with the Plaintiff.

32. At all relevant and material times to this action, Defendant Monsignor Ryan had a duty of care to properly hire, retain, direct, and supervise individuals of good reputation and character who would be assigned to or affiliated with St. Brendan Parish.

33. At all relevant and material times to this action, Defendant Monsignor Ryan negligently breached his duty of care to properly hire, retain, direct, and supervise individuals of good reputation and character who would be assigned to or affiliated with St. Brendan Parish, by hiring Defendant Father Nyhan to St. Brendan Parish; by retaining Defendant Father McNyhan in Defendant Father Nyhan's position at St. Brendan Parish; and by his failure to exercise the care of a reasonable person in his direction and supervision of Defendant Father Nyhan's interactions with minor children, including Plaintiff, as Defendant Monsignor Ryan knew or should have known Defendant Father Nyhan was of bad character and reputation and unfit to properly interact with minor children, including, more specifically, Plaintiff, and that Defendant Father Nyhan engaged or was engaging in the explicit sexual behavior and lewd and lascivious conduct with Plaintiff as described above.

34. At all relevant and material times to this action, Defendant Monsignor Ryan knew or should have known that Defendant Father Nyhan's conduct as described above would result in severe mental and emotional suffering by a victim of such conduct, including Plaintiff.

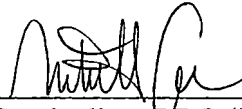
35. As a direct and proximate result of Defendant Monsignor Ryan's negligent conduct, Plaintiff has suffered and will continued to suffer in the future: severe and permanent mental distress and emotional injuries, including objective corroboration of said mental distress and emotional injuries as outlined above; financial expenses for medical and therapeutic care and treatment; long term lost earning capacity; as well as other damages.

WHEREFORE, Plaintiff respectfully demands judgment against Defendants on each claim in an amount to be determined by a jury, plus costs, interest, attorneys' fees, and such other and further relief as this Court deems just and equitable.

JURY TRIAL DEMANDED

PLAINTIFFS DEMAND A TRIAL BY JURY ON ALL CLAIMS.

By Attorney for Plaintiff Kelly Story,



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