

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT  
CIVIL ACTION NO.

22 - 1950

_____	)
KEVIN DOHERTY,	)
Plaintiff	)
	)
v.	)
	)
MOST REVEREND RICHARD JOSEPH	)
MALONE, MOST REVEREND WILLIAM F.	)
MURPHY, and DEFENDANT THREE,	)
Defendants	)
_____	)

**COMPLAINT AND  
JURY TRIAL DEMAND**

**A. PARTIES**

1. The Plaintiff, Kevin Doherty, is an individual with a residential address in Allston, Suffolk County, Massachusetts.

2. Defendant Most Reverend Richard Joseph Malone (hereinafter referred to as “Defendant Bishop Malone”) is an individual with a residential address in Tonawanda, New York, who at times material hereto was or had been a Roman Catholic priest of the Roman Catholic Archbishop of Boston, a Corporation Sole (hereinafter referred to as “the RCAB”). From approximately 1996 to approximately 2000, Defendant Bishop Malone served as Secretary of Education for the RCAB; from approximately 2000 to approximately 2004, Defendant Bishop Malone served as an auxiliary bishop for the RCAB; and from approximately 2001 to approximately 2004, Defendant Bishop Malone served as Vicar General for the RCAB, and at relevant and material times hereto, had a duty to hire, retain, supervise, and direct Stephen Biagioni, at relevant and material times a Vice Principal and administrator at Arlington Catholic High School, Arlington, Massachusetts, at relevant and material times a Catholic high school of the RCAB (hereinafter “Arlington Catholic”).

3. Defendant Most Reverend William F. Murphy (hereinafter referred to as “Defendant Bishop Murphy”) is an individual with a residential address in Rockville Centre, New York, who at times material hereto was or had been a Roman Catholic priest of the Roman Catholic Archbishop of Boston, a Corporation Sole (hereinafter referred to as “the RCAB”). From approximately 1993 to approximately 2001, Defendant Bishop Murphy served as Vicar General and Moderator of the Curia for the RCAB; and from approximately 1995 to approximately 2001, Defendant Bishop Murphy served as an auxiliary bishop for the RCAB, and at times material hereto, had a duty to hire, retain, supervise, and direct Stephen Biagioni.

4. Defendant Three is an individual the identity of whom is presently unknown to the Plaintiff; therefore, the Plaintiff files the above-captioned action against Defendant Three by such fictitious name. At relevant and material times, Defendant Three was or had been a supervisor of the RCAB with a duty to hire, retain, supervise, and direct Stephen Biagioni.

**B. STATEMENT OF FACTS**

5. From at least approximately 1999 through at least approximately 2003, Stephen Biagioni served as Vice Principal and administrator at Arlington Catholic, with responsibilities that included, among other things, supervising, directing, disciplining, and otherwise interacting with students at Arlington Catholic, including minor children.

6. From approximately 1998 when Plaintiff was approximately fifteen years of age to approximately 2001 when Plaintiff was approximately seventeen years of age, Plaintiff attended Arlington Catholic, where Plaintiff met Stephen Biagioni.

7. On multiple occasions from approximately 1999 when Plaintiff was approximately sixteen years of age to approximately 2001 when Plaintiff was approximately seventeen years of

age, Plaintiff had to serve detentions at Arlington Catholic where Plaintiff was supervised, directed, disciplined, and otherwise interacted with Stephen Biagioni.

8. Stephen Biagioni used these occasions from approximately 1999 when Plaintiff was approximately sixteen years of age to approximately 2001 when Plaintiff was approximately seventeen years of age when Plaintiff was serving detentions at Arlington Catholic under the supervision, direction, and discipline of Stephen Biagioni, to force Plaintiff to wrestle with Stephen Biagioni at Arlington Catholic.

9. While Stephen Biagioni was wrestling with the Plaintiff as described above, Stephen Biagioni engaged in explicit sexual behavior and lewd and lascivious conduct with the Plaintiff without Plaintiff's consent and against Plaintiff's will, including, among other things, Stephen Biagioni rubbing Stephen Biagioni's erect penis against Plaintiff's body.

10. On approximately four occasions from approximately 1999 when Plaintiff was approximately sixteen years of age to approximately 2001 when Plaintiff was approximately seventeen years of age when Plaintiff was serving detentions at Arlington Catholic under the supervision, direction, and discipline of Stephen Biagioni, Stephen Biagioni engaged in explicit sexual behavior and lewd and lascivious conduct with the Plaintiff without Plaintiff's consent and against Plaintiff's will, including, among other things, Stephen Biagioni putting Plaintiff's penis in Stephen Biagioni's mouth.

11. As a result of Stephen Biagioni's explicit sexual behavior and lewd and lascivious conduct with the Plaintiff, 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, anxiety; depression; anger; and sleep problems.

12. Not until recently did Plaintiff have knowledge or sufficient notice that he had been harmed and that the harm was caused by the explicit sexual behavior and lewd and lascivious conduct of Stephen Biagioni.

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

14. 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 Stephen Biagioni did abuse the Plaintiff.

**C. CLAIMS FOR RELIEF**

**Count I: Plaintiff v. Defendant Bishop Malone, Defendant Bishop Murphy, and Defendant Three  
Negligent Hiring, Retention, Direction, and Supervision**

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

16. At all relevant and material times to this action, the responsibilities of Defendant Bishop Malone, Defendant Bishop Murphy, and Defendant Three (hereinafter collectively referred to as the "Supervisory Defendants") included the hiring, retention, direction, and supervision of administrators at Arlington Catholic, where those administrators would be directing, supervising, disciplining, and otherwise interacting with students, including minor children.

17. At all relevant and material times to this action, the responsibilities of the Supervisory Defendants included hiring Stephen Biagioni to Arlington Catholic; retaining Stephen Biagioni in his position at Arlington Catholic; directing Stephen Biagioni in his position at Arlington Catholic,

including in his interactions with minor children; and supervising Stephen Biagioni in his position at Arlington Catholic, including in his interactions with minor children.

18. At all relevant and material times to this action, the Supervisory Defendants knew or should have known that Stephen Biagioni would interact with and was interacting with students, including minor children, in his position at Arlington Catholic, including, more specifically, the Plaintiff.

19. At all relevant and material times to this action, the Supervisory Defendants had a special relationship with Stephen Biagioni.

20. At all relevant and material times to this action, the Supervisory Defendants had a special relationship with the Plaintiff.

21. At all relevant and material times to this action, the Supervisory Defendants had a duty of care to properly hire, retain, direct, and supervise individuals of good reputation and character who would be asked to interact with students, including minor children, at Arlington Catholic.

22. At all relevant and material times to this action, the Supervisory Defendants negligently breached their duty of care to properly hire, retain, direct, and supervise individuals of good reputation and character who would be asked to interact with students, including minor children, at Arlington Catholic, by hiring Stephen Biagioni to his position at Arlington Catholic; by retaining Stephen Biagioni in Stephen Biagioni's position at Arlington Catholic; and by their failure to exercise the care of a reasonable person in their direction and supervision of Stephen Biagioni's interactions with students, including minor children, at Arlington Catholic, including the Plaintiff, as the Supervisory Defendants knew or should have known Stephen Biagioni was of bad character and reputation and unfit to properly interact with students, including minor children, at Arlington Catholic, including, more specifically, Plaintiff, and that Stephen Biagioni engaged

or was engaging in the explicit sexual behavior and lewd and lascivious conduct with the Plaintiff as described above.

23. At all relevant and material times to this action, the Supervisory Defendants knew or should have known that Stephen Biagioni's intentional and negligent conduct as described above would result in severe mental and emotional suffering by a victim of such conduct, including the Plaintiff.

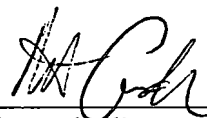
24. As a direct and proximate result of the Supervisory Defendants' negligent conduct, Plaintiff has suffered and will continued to suffer in the future: severe and permanent mental distress and emotional injuries, including objective corroboration of said mental distress and emotional injuries as outlined 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**

**PLAINTIFF DEMANDS A TRIAL BY JURY ON ALL CLAIMS.**

By Attorney for Plaintiff Kevin Doherty,



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