

IN THE CIRCUIT COURT OF THE 9<sup>th</sup>  
JUDICIAL CIRCUIT IN AND FOR  
ORANGE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

JOHN DOE NO. 5,

CASE NO. 05-CA-7831

Plaintiff,

v.

DIOCESE OF ORLANDO,  
a corporation sole,

Defendant.  
\_\_\_\_\_ /

**COMPLAINT**

Plaintiff, JOHN DOE NO. 5, by and through his undersigned counsel, hereby files this lawsuit against Defendant, DIOCESE OF ORLANDO, a corporation sole, and alleges as follows:

**PARTIES AND JURISDICTION**

1. Plaintiff, JOHN DOE NO. 5, is an adult male who resides in Orange County, Florida. Plaintiff is identified in this lawsuit by the pseudonym JOHN DOE NO. 5 in that this case involves facts of the utmost intimacy regarding childhood sexual abuse.

2. Defendant, DIOCESE OF ORLANDO, is a corporation sole responsible for the interests of the Roman Catholic Church in nine (9) counties in central Florida.

3. Father Vernon F. Uhran (“FATHER UHRAN”) was at all material times a Catholic priest of the DIOCESE OF ORLANDO who was assigned to serve at St. Mary Magdalen and St. Theresa, two of the parishes operated and controlled by the DIOCESE OF ORLANDO. At all material times, the DIOCESE OF ORLANDO was responsible

for the assignment of priests and the implementation of policies and procedures at St. Mary Magdalen and St. Theresa.

4. Plaintiff is seeking damages in excess of \$5,000,000.00.

5. Venue properly lies in this judicial circuit in that Defendant, DIOCESE OF ORLANDO, is headquartered in this judicial circuit. This Court has jurisdiction in that this is a claim for damages in excess of fifteen thousand dollars, exclusive of interest, costs, and attorney's fees.

### **BACKGROUND**

6. The 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.

7. 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 attracts an extraordinary number of pedophiles, child molesters and sex abusers.

8. 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.

9. Such persons who will do serious harm to minors seek employment by The Church as clergy, 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 and authority.

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

11. 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 and emotionally.

12. 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 and private encounters with minors. At the same time, The Church has done nothing to screen abusers or protect minors from the sexual predators who infiltrate its ranks.

13. Quite the opposite, The Church has gone to great lengths to protect “its own.” It is the custom, policy and 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 in destruction of incriminating documents and spoliation of evidence regarding sexual abuse by clergy;
- 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;

- Paying “hush money” to victims and their families, in exchange for promises of non-disclosure and confidentiality.

14. Each of the acts and practices set forth above are done to 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.

15. 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.

#### **SEXUAL ABUSE OF JOHN DOE NO. 5**

16. JOHN DOE NO. 5 (“JOHN”) was born in 1964 and raised as a devout Catholic. During his youth, JOHN and his family were active parishioners at St. Mary Magdalen Catholic Church in Altamonte Springs, Florida.

17. As a result of his involvement at St. Mary Magdalen, JOHN had frequent contacts with the church’s pastor, FATHER UHRAN. JOHN’s family also developed a close friendship with FATHER UHRAN.

18. In or about 1973, FATHER UHRAN was re-assigned by the DIOCESE OF ORLANDO to Church of the Resurrection in Lakeland, Florida. Although JOHN and his family continued to attend St. Mary Magdalen, they remained in close contact with FATHER UHRAN, from whom they continued to seek spiritual guidance.

19. In 1973, FATHER UHRAN learned that JOHN’s parents were planning a vacation. FATHER UHRAN quickly volunteered to supervise JOHN at the Rectory of the Church of the Resurrection while JOHN’s parents were out of town. JOHN’s parents

consented to this arrangement because of the trust they placed in FATHER UHRAN due to his status as a Catholic Priest.

20. When JOHN arrived at the Rectory of the Church of the Resurrection, he noticed that there was only one bed in FATHER UHRAN's room. FATHER UHRAN explained that they would have to share the bed.

21. During the course of the weekend, JOHN awoke one evening to discover FATHER UHRAN sexually assaulting him. JOHN felt paralyzed out of fear and confusion. The sexual assault continued until FATHER UHRAN ejaculated. Throughout the remainder of the weekend, FATHER UHRAN walked naked throughout the rectory in the presence of JOHN.

22. In or about 1976, FATHER UHRAN was transferred by the DIOCESE OF ORLANDO to St. Theresa Catholic Church in Bellview, Florida. JOHN's parents planned a week-long vacation during the summer of 1976. FATHER UHRAN again, upon learning of their planned vacation, quickly volunteered to supervise JOHN at the Rectory of St. Theresa.

23. At St. Theresa there was also only one bed, so JOHN and FATHER UHRAN again shared a bed. On multiple occasions during the week, JOHN woke up to find himself being sexually abused by FATHER UHRAN. Following the first incident, JOHN tried sleeping alone on the couch. This did not deter FATHER UHRAN, who joined JOHN on the couch and sexually abused him there.

24. The sexual abuse by FATHER UHRAN has caused JOHN to experience severe psychological injuries, including but not limited to loss of faith, depression, constant fear, nightmares, flashbacks, anxiety, mood swings, and the loss of enjoyment of life. These injuries are persistent, permanent, and debilitating in nature.

**COUNT I**  
**(NEGLIGENCE)**

25. Plaintiff repeats and re-alleges Paragraphs 1 through 24 above.

26. At all material times, DIOCESE OF ORLANDO owed a duty to JOHN to use reasonable care to ensure JOHN's safety, care, health, and well-being.

27. DIOCESE OF ORLANDO's duties encompassed the hiring, retention, assignment and/or supervision of pastors who would not pose a threat to the safety, care, health, and well-being of minors.

28. At all relevant times, DIOCESE OF ORLANDO knew or in the exercise of reasonable care should have known that FATHER UHRAN was unfit, dangerous, and a threat to the health, safety and welfare of JOHN.

29. DIOCESE OF ORLANDO breached these duties by failing to provide a safe environment for JOHN where he would be free from the unwanted sexual advances and dangerous propensities of FATHER UHRAN, a pastor, agent and/or employee of DIOCESE OF ORLANDO. DIOCESE OF ORLANDO also breached their duties by failing to investigate and/or disclose its awareness of facts regarding FATHER UHRAN that created a likely potential for harm to JOHN.

30. FATHER UHRAN began sexually abusing altar boys and other minors at parishes in the DIOCESE OF ORLANDO as early as the mid-1960's while he was a seminarian. Upon becoming a pastor, FATHER UHRAN continued to sexually abuse altar boys and other minor parishioners he met in connection with his duties as a pastor of the DIOCESE OF ORLANDO.

31. In 1969, the Bishop of the Diocese of Orlando, William D. Borders, received a report from a victim and his mother that FATHER UHRAN had sexually abused a minor parishioner. FATHER UHRAN was not removed from the active ministry or otherwise disciplined. Instead, FATHER UHRAN was transferred from Parish to Parish, where he continued to have unfettered access to minors and was

permitted to have frequent sleepovers in the Rectories.

32. Despite knowledge of FATHER UHRAN's serious threat to the health, safety and welfare of Plaintiff, DIOCESE OF ORLANDO continued to provide FATHER UHRAN with unfettered access to minors, including JOHN.

33. The DIOCESE OF ORLANDO concealed information that was pertinent and necessary for JOHN to bring civil claims in this matter. At the time he was abused, JOHN was unaware that the DIOCESE OF ORLANDO had received other allegations that FATHER UHRAN sexually abused minors. Thus, JOHN was also unaware that the DIOCESE OF ORLANDO's failure to take any action contributed to his own abuse by FATHER UHRAN.

34. Upon information and belief, after finding out about the abuse, the Defendant actively took steps to conceal the abuse for purposes of protecting itself from civil liability and evading same.

35. FATHER UHRAN and JOHN were in a fiduciary relationship. FATHER UHRAN was in a position of trust and confidence with JOHN. JOHN looked to FATHER UHRAN for counseling and guidance.

36. The DIOCESE OF ORLANDO was in a fiduciary relationship with JOHN. DIOCESE OF ORLANDO was in a position of trust and confidence with JOHN. JOHN looked to the DIOCESE OF ORLANDO and its representatives for counseling and guidance. DIOCESE OF ORLANDO owed JOHN a fiduciary duty to:

- (a) Investigate and warn JOHN and his parents of the potential for harm from FATHER UHRAN;
- (b) Disclose its awareness of facts regarding FATHER UHRAN that created a likely potential for harm;
- (c) Disclose its negligence with regard to the hiring, supervision, assignment, and retention of FATHER UHRAN;

- (d) Provide a safe environment for JOHN where he would be free from abuse; and
- (e) Protect JOHN from exposure to harmful individuals like FATHER UHRAN.

37. DIOCESE OF ORLANDO breached its fiduciary duty to JOHN by failing to:

- (a) Investigate and warn JOHN of the potential for harm from FATHER UHRAN;
- (b) Disclose its awareness of facts regarding FATHER UHRAN that created a likely potential for harm;
- (c) Disclose its own negligence with regard to hiring, supervision and retention of FATHER UHRAN;
- (d) Provide a safe environment for JOHN where he was free from abuse; and
- (e) Protect JOHN from exposure to harmful individuals like FATHER UHRAN.

38. As a direct and proximate result of DIOCESE OF ORLANDO's negligence, JOHN has suffered severe and permanent psychological, emotional and physical injuries, including but not limited to loss of faith, depression, constant fear, nightmares, flashbacks, anxiety, difficulties with intimacy, mood swings, and the loss of enjoyment of life. These injuries are persistent, permanent, and debilitating in nature.

WHEREFORE, Plaintiff, JOHN DOE NO. 5, demands judgment against Defendant, DIOCESE OF ORLANDO, for compensatory damages, costs and such other and further relief as this Court may deem appropriate. Plaintiff intends to move to amend the Complaint in accordance with Florida Statutes to assert a claim for punitive damages.



**COUNT II**  
**(RESPONDEAT SUPERIOR / VICARIOUS LIABILITY)**

39. Plaintiff repeats and re-alleges Paragraphs 1 through 38 above.

40. FATHER UHRAN was at all material times the employee, appointee and/or agent of the DIOCESE OF ORLANDO.

41. FATHER UHRAN was authorized to be alone with JOHN and other minor parishioners, and to have unlimited pastoral visits and sleepovers at the Rectory.

42. FATHER UHRAN's initial contact and relationship with JOHN was in furtherance of the business of DIOCESE OF ORLANDO. In addition, FATHER UHRAN was authorized to touch JOHN and display affection in a manner consistent with providing care, spiritual guidance and leadership. FATHER UHRAN extended and converted his authorized touching into the sexual assault of JOHN as described above. The sexual assault of JOHN occurred during FATHER UHRAN's working hours, and occurred in the course and scope of the performance of FATHER UHRAN's duties.

43. The wrongful acts of FATHER UHRAN were committed in the actual or apparent course and scope of his employment or agency with DIOCESE OF ORLANDO.

44. As a direct and proximate result of the sexual abuse perpetrated by FATHER UHRAN, JOHN has suffered severe and permanent psychological, emotional and physical injuries, including but not limited to loss of faith, depression, constant fear, nightmares, flashbacks, anxiety, difficulties with intimacy, mood swings, and the loss of enjoyment of life. These injuries are persistent, permanent, and debilitating in nature.

45. Under the doctrine of respondeat superior, DIOCESE OF ORLANDO is responsible for the actions of its servant, FATHER UHRAN, committed in the actual or apparent scope of his duties.

WHEREFORE, Plaintiff, JOHN DOE NO. 5, demands judgment against Defendant, DIOCESE OF ORLANDO, for compensatory damages, costs and such other and further relief as this Court deems just and proper. Plaintiff intends to move to amend the Complaint in accordance with Florida Statutes to assert a claim for punitive damages.

**DEMAND FOR JURY TRIAL**

Plaintiff demands a jury trial in this action.

DATED THIS 12<sup>th</sup> of September, 5005.

Respectfully submitted,

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