

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF ORANGEBURG)	FIRST JUDICIAL CIRCUIT
)	
Manuela Jentsch-McKay,)	
)	C.A. No.: 21-CP-38-
Plaintiff,)	
)	
vs.)	
)	AMENDED SUMMONS
)	(Jury Trial Demanded)
The Diocese of Charleston, a Corporation)	
Sole, The Bishop of the Diocese of)	
Charleston, in his Official Capacity, and)	
Father Wilbroad Mwape,)	
)	
Defendants.)	
_____)	

YOU ARE HEREBY SUMMONED and required to Answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer to said Complaint on the subscriber at his Office at 1539 Healthcare Drive, Rock Hill, South Carolina, 29732, within thirty (30) days from the service hereof, exclusive of the date of such service; and if you fail to Answer the Complaint within the time aforesaid, judgment by default will be rendered against you for the relief demanded in the Complaint.

MCGOWAN, HOOD & FELDER, LLC

s/Randall Hood
 S. Randall Hood (S.C. Bar No.: 65360)
 Donovan Malloy (S.C. Bar No.: 104814)
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Rock Hill, South Carolina
 August 4, 2021

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF ORANGEBURG)	FIRST JUDICIAL CIRCUIT
)	
Manuela Jentsch-McKay,)	
)	C.A. No.: 21-CP-38-
Plaintiff,)	
)	
vs.)	
)	AMENDED COMPLAINT
)	(Jury Trial Demanded)
The Diocese of Charleston, a Corporation)	
Sole, The Bishop of the Diocese of)	
Charleston, in his Official Capacity, and)	
Father Wilbroad Mwape,)	
)	
Defendants.)	
_____)	

Plaintiff, Manuela Jentsch, complaining of Defendants, respectfully shows unto the Court and alleges as follows:

SUMMARY

1. This case stems from the Catholic Church’s continued failure to police their priests.
2. Plaintiff was a parishioner of a Catholic church in Orangeburg, South Carolina.
3. Plaintiff became acquainted with Father Mwape while he was serving in his role as a priest at the Holy Trinity Catholic Church in Orangeburg.
4. After they met and while counseling the Plaintiff on various matters, Father Mwape started grooming Plaintiff to engage in a sexual relationship.
5. The Diocese of Charleston was either aware, or should have been aware, of various sexual relationships which Father Mwape maintained before coming or during his time at the Charleston Diocese.
6. Father Mwape stepped up his grooming efforts considerably when he relocated to Greenville, South Carolina.

7. Father Mwape used different Catholic churches as his residences and he used them to either pursue, groom, or have sex with Plaintiff which originated from a counseling type relationship he had with Plaintiff.

8. Father Mwape also used his position as a priest to pay for hotel rooms – rooms used to have sex with Plaintiff – with cards issued to the Charleston Diocese.

9. All Defendants abused Plaintiff's trust and caused her many types of injuries and damages, including severe pain, suffering, and mental anguish.

PARTIES

Plaintiff

10. Manuela Jentsch-McKay (hereinafter, "Jentsch" or "Plaintiff") is a citizen and resident of Richland County, South Carolina.

11. Plaintiff attended churches operated by the Diocese of Charleston in Orangeburg and Greenville, South Carolina.

12. While attending the Catholic church in Orangeburg (that is owned, operated, and maintained by the Diocese of Charleston, and overseen by the Bishop), Plaintiff attended and participated in mass, religious training, and various religious and non-religious functions – all sponsored and operated by the Diocese of Charleston.

Defendant

13. Defendant The Diocese of Charleston, a Corporation Sole (hereinafter referred to as "Diocese"), and/or its predecessors, is and was at all times material hereto a corporation organized under the laws of the State of South Carolina, having its principal place of business in Charleston, South Carolina. Diocese is the corporate entity through which the religious and other affairs of the Roman Catholic Church in South Carolina are conducted. The Diocese, and its agents

and employees were, and continue to be, responsible for the selection and assignment of clergy, the supervision of clergy, the supervision of lay employee activities, the exercise of authority over the various members of its denomination, and the maintenance and well-being of its members, spiritual and otherwise.

14. The Bishop of the Diocese of Charleston (hereinafter referred to as “Bishop”) is sued in his official capacity. The Bishop is ultimately responsible for priests and others employed by the Diocese. Bishop is the successor in interest to his predecessors in his official position.

15. Father Wilbroad Mwape (hereinafter, “Mwape”) is a priest in the Catholic Church and working out of the Diocese at various church locations in South Carolina. He served as a priest at churches in Orangeburg and Greenville and his improper actions with Plaintiff occurred in Orangeburg, Greenville, and Columbia, South Carolina.

16. The injuries and damages caused to defendant through Mwape’s interactions were caused by purely secular actions.

CONTROL AND DUTIES APPLICABLE TO DEFENDANTS

17. Diocese and Bishop have the right or power to direct and control the supervision and retention of priests within the Diocese.

18. Diocese and Bishop have the right or power to direct and control the way their employees and/or agents retain, supervise, and train staff under their employment or agency.

19. Diocese and Bishop have non-delegable duties to provide priests with adequate knowledge and training to prevent abuse, grooming, and harassment within the Diocese.

20. Mwape’s inappropriate sexual liaisons with Jentsch in 2020 and 2021, originated from interactions she had with Jentsch in the years before these occurrences.

21. Though the Plaintiff's initial interactions with Mwape was priestly and ecclesiastical in nature, through counseling and personal interaction completely secular in nature (though in guise as a Priest), Mwape engaged in sexual misconduct wholly unassociated with the church.

22. The Diocese and Bishop had actual knowledge of inappropriate contact between multiple priests and parishioners prior to the interactions between Mwape and Jentsch.

23. The type of illicit relationship between priest and counseled parishioner (like that between Mwape and Jentsch) is well known in the Catholic Church and vast amounts of literature covers this topic as well.

24. Before the events underlying this case took place, employees and/or agents of Diocese and Bishop knew its vulnerable population of counseled parishioners would be subject to abuse if reasonable policies and procedures were not created and implemented in the supervision, non-secular training, and retention of priests.

25. Despite this knowledge, and despite knowing some priests had a propensity and the means to sexually harass, groom, and abuse vulnerable parishioners (including those counselled), Diocese and Bishop employed and continued to employ such priests within the Diocese, including Mwape.

26. At all times relevant hereto, all employees and/or agents of Diocese and Bishop (with respect to the facts alleged herein) acted within the scope of their employment and/or agency while interacting with Plaintiff and/or being aware of interactions between Mwape and Plaintiff.

27. The Catholic Church, the Diocese and the Bishop have a duty to reasonably investigate, retain and supervise Priests, including Mwape, since they are providing instruction,

confession, absolution, and services to a vulnerable population (particularly since an imbalance of power exists between priests and parishioners).

28. Upon information and belief, Defendants Diocese and Bishop undertook the duty of providing services to Plaintiff with the knowledge that Mwape had possibly harassed, groomed, or abused parishioners in the past.

29. The negligent, grossly negligent, reckless, willful, or wanton acts, omissions, and liability of Defendants includes that of their agents, principals, employees, and/or servants, both directly and vicariously, pursuant to principals of non-delegable duty, corporate liability, apparent authority, agency, ostensible agency, and/or *respondeat superior*.

VENUE AND JURISDICTION

30. There is no diversity of citizenship of parties, thus this case is appropriate in the court of Common Pleas.

31. There are three defendants in this action with separate residences or locations of churches.

32. The beginning of the Plaintiffs grooming and inappropriate conduct occurred at Holy Trinity Catholic Church in Orangeburg, South Carolina.

33. The three defendants have the capacity to being sued in Orangeburg County, South Carolina and many of the witnesses concerning this case will originate from the Orangeburg County area.

34. South Carolina Code 15-7-30 states in part that “(B) In cases not provided for in Sections 15-7-10, 15-7-20, or 15-78-100, the action must be tried in the county where it properly may be brought and tried against the defendant according to the provisions of this section. *If there*

is more than one defendant, the action may be tried in any county where the action properly may be maintained against one of the defendants pursuant to this section.”

35. There are three defendants in this action, one of the defendants has a church in Orangeburg, South Carolina where inappropriate conduct by Mwape occurred, and, thus this case may be properly maintained against the Defendants in Orangeburg County, South Carolina.

GENERAL ALLEGATIONS APPLICABLE TO THIS ACTION

36. Defendant Diocese operates churches throughout South Carolina and holds certain assets including schools, rectories, churches, and other properties real and personal throughout South Carolina and possibly elsewhere.

37. One such property is the Holy Trinity Catholic Church (hereinafter “Holy Trinity”), which is in Orangeburg, South Carolina.

38. Father Mwape was a priest at Holy Trinity from 2015 – 2020.

39. Another such property is St. Anthony of Padua Catholic Church (Hereinafter “St. Anthony’s”) which is in Greenville, South Carolina.

40. Father Mwape was a priest at St. Anthony’s in 2020 and 2021.

41. Diocese, as part of its general mission, encouraged its parishioners, such as the Plaintiff, to enter, use, and attend many activities on its premises, including school, worship, social, and religious based functions.

42. As such, Diocese undertook a duty to ensure its premises, functions, and activities were lawful and safe from all dangers which were reasonably foreseeable.

43. In particular, Defendants and current Bishop (including all predecessor Bishops) owed parishioners, including Plaintiff, a great degree of care because the parishioners used the priests and facilities of Holy Trinity and St. Anthony’s to express their deepest, darkest secrets.

44. Defendants and current Bishop (including predecessor Bishops) represented to parishioners, including Plaintiff, that their facilities, employees (including Defendant Mwape), and functions, were safe and that they would protect parishioners and participants, including Plaintiff, from harm.

45. At all times material to the incidents alleged in this Complaint, Mwape was assigned as a priest to Holy Trinity and St. Anthony's by the Diocese and Bishop and at all times remained under their direct supervision, employ, and control.

46. Mwape was employed by Diocese and Bishop as a priest, leader, advisor, counselor, and was in a position of authority over Plaintiff at Holy Trinity and St. Anthony's.

47. In his role, Mwape came to have access to and to know parishioners' (including Plaintiff) most personal and confidential information.

48. Mwape counselled Plaintiff on different secular matters, including her marriage.

49. Much of his counselling was secular in nature and completely separate from the church.

50. Diocese and Bishop encouraged their parishioners to trust Mwape as a Priest, leader, advisor, and counselor.

51. Among other things, Diocese, Bishop, and Mwape encouraged Plaintiff and other parishioners to trust and share deeply personal information with its priests, including Mwape, and to entrust them with their personal safety, education, development, and salvation.

52. They encourage this counselling relationship between Priest and parishioner though there may be no formal agreement or contract to perform counseling services. This counselling relationship creates a bond of trust between priest and parishioner that is not ecclesiastical in nature

and allows unscrupulous Priests to use this unique bond and relationship to sometimes coerce the parishioner into a sexual relationship

53. As part of his employment, Defendant Mwape reached out to Diocese parishioners and cultivated relationships of trust and confidence with them.

54. This type of interaction between Priest and parishioner created a scenario where an unscrupulous Priest could take advantage of a parishioner and cultivate or groom them for the priest's sexual proclivities.

GROOMING

55. Grooming is the process by which a potential offender draws a victim into a sexual relationship and maintains that relationship in secrecy.

56. The shrouding of the relationship is an essential feature of grooming.

57. There are multiple stages that occur during the grooming process.

58. The grooming offender works to separate the victim from peers, typically by engendering in the victim a sense that they are special and giving a kind of love to the victim that they need.

59. Grooming is facilitated by an imbalance of power in a relationship.

60. In the case of a Priest, it includes someone who is in authority over a parishioner.

61. The offender targets a victim by sizing up the victim's vulnerability among intersections of inequality including, but not limited to, gender and disability.

62. Though the victim of grooming may not be a minor or under a mental disability, the imbalance of power narrative is used to overcome the will of the victim and coerce them into acts they would never contemplate if the imbalance of power relationship did not exist.

63. Different law enforcement officers and academics have proposed models of the “stages” of grooming.

64. Since there are a variety of these models, it is best to think of the grooming by offenders as a gradual, calculated process that ensnares victims into a world in which they ultimately become a participant of sexual abuse.

65. Mwape has likely groomed other vulnerable parishioners.

66. These groomed parishioners became vulnerable through counseling relationships, imbalance of power narratives, deprivation of sacraments or some abuse of power by Mwape.

67. His prey was the Catholic Church’s female vulnerable parishioners.

68. Diocese, Bishop, and Mwape are supposed to prevent the type of conduct that was perpetrated and engaged in by Mwape.

69. Diocese, Bishop, and Mwape had a duty to promote an environment free of sexual harassment, grooming, and abuse.

PRIEST AND PARISHIONER IMBALANCE OF POWER PROMOTES AND FACILITATES GROOMING AND SEXUAL HARASSMENT OF PARISHIONERS

70. Priests wield enormous influence over their parishioners’ lives.

71. As women across the country come forward to share their stories about sexual misconduct, the relationship between Priest and parishioner has emerged as one of the ripest for abuse, with heralded Priests and/or Bishops wielding major influence over the trajectory of their parishioners’ lives.

72. Priests possess the power to intimidate and abuse parishioners.

73. In many cases, parishioners, including Plaintiff, depend on their priest (in this case, Mwape) for counseling, religious instruction, recommendations about their life journey, and the afterlife.

74. Parishioners undertake a relationship with their priest where the goal is to learn and grow their faith and this imbalance of power exposes them to risk when the priest sees the relationship as an opportunity to promote their own sexual proclivities.

75. By virtue of their roles, priests engage in a range of behaviors that exercise power over parishioners, including the counseling of parishioners, which includes the Plaintiff.

76. Diocese, Bishop, and Mwape are cognizant of the power differential between Priest/Parishioner and they are supposed to refrain from the misuse of their power.

77. Whenever possible, priests and the Catholic Church should take steps to eliminate any unnecessary negative effects of the power differential.

78. A priest/parishioner relationship calls for vigilance on the part of the priest because such relationship presents an increased potential for inappropriate and exploitative outcomes, especially in counselling situations and particularly considering the power imbalances that exist.

79. When a priest finds his relationship with a parishioner poses the potential for concern, he is expected to take steps to remediate the situation through means other than a sexual relationship with a parishioner.

80. Priest and parishioner relationships outside the church greatly increase the ability of the priest to abuse his power and sexually exploit the parishioner.

81. Voluntary consent by the parishioner in such a relationship is suspect, given the fundamental asymmetric nature of the relationship.

82. The psychological power conferred by the status differential between priest (especially one who counsels a parishioner) and parishioner is immense.

83. There is no situation where it is appropriate for a priest to sexually exploit, harass, groom, or abuse a parishioner.

84. Plaintiff, as a devout member of the Roman Catholic Church, attended and actively participated in activities designed for parishioners at Holy Trinity and St. Anthony's.

85. Plaintiff was a practicing Muslim until she switched her faith to Catholicism.

86. This crisis of faith propelled her to learn religious doctrine and attempt to gain understanding into the guaranteed afterlife of a practicing Catholic.

87. Plaintiff relished the knowledge of knowing she was going to heaven as espoused by the Catholic Church.

88. As she began to seek a deeper breadth of knowledge of the catholic faith, Father Mwape began to counsel her.

89. His counseling reached into secular matters wholly unrelated to any type of ecclesiastical activity.

90. At first, he would kiss her on the cheek and hug her tightly after Mass.

91. She began to speak with him and receive his counsel.

92. His grooming behavior first began at Holy Trinity in Orangeburg, South Carolina.

93. Plaintiff thought this was ordinary behavior by a Priest.

94. She now knows this was the first step in the process of Mwape grooming and later sexually exploiting her.

95. She was seeing Father Mwape intermittently for counsel while in Orangeburg.

96. Mwape was then transferred to St. Anthony's.

97. Mwape and Plaintiff continued to talk and engage in counselling and Mwape further accelerated his grooming of Plaintiff.

98. At one point, he invited her to the rectory of St. Anthony's where he kissed her in a sexual manner.

99. She pushed him away and expressed that this behavior was wrong and that she was married.

100. Through counseling and other interactions, Mwape knew she was married and having marital difficulties at the time.

101. Mwape used his position as a counselling priest to gain knowledge of her marital difficulties and vulnerability.

102. Mwape exploited this knowledge and engaged Plaintiff in increasing forms of sexual behavior.

103. The interaction reached a point where the Plaintiff spent the night in the rectory, and they engaged in sexual intercourse.

104. At this time, Mwape was going to Columbia once a month for certain church business.

105. He would talk Plaintiff into meeting him for sexual trysts during these “business” trips.

106. Plaintiff still has the cards from motels where she and Mwape engaged in sexual activity.

107. There were times Plaintiff spent the night with Mwape.

108. Plaintiff has a voice recording of Mwape using innuendo to refer to his penis and where he told the parishioner he “loves” her.

109. Upon information and belief, it was well known in church circles that Mwape had girlfriends at his other churches.

110. Plaintiff is aware of at least two other women who have been sexually involved with Mwape.

111. The Diocese and Bishop had a duty and responsibility to protect Plaintiff from an abusive and exploitive Priest.

112. Based on the priest/parishioner relationship, as cultivated by Mwape, and encouraged by the Diocese and the Bishop, Plaintiff admired, trusted, revered, and respected Mwape as an authority figure, advisor, role model, and counselor.

113. As a result, Plaintiff entrusted her personal safety to Mwape, shared with Mwape her most confidential information (including the fact she was having marital difficulties), and she took direction from him.

114. Plaintiff is informed and believes that Defendants Diocese and Bishop knew, or should have known, that Mwape had sexual propensities and was prone to groom and exploit vulnerable parishioners for his own sexual desires.

115. Furthermore, Defendants Diocese and Bishop knew or should have known that Mwape was grooming, sexually harassing, and sexually pursuing vulnerable female parishioners.

116. Nevertheless, Defendants Diocese and Bishop failed to warn Plaintiff and/or other parishioners of the danger posed by Mwape, failed to protect Plaintiff on Diocese premises, and failed in the exercise of the many other duties it undertook.

117. Moreover, Diocese, Bishop, and Mwape hid Mwape's conduct.

118. In fact, concealment of Mwape's conduct (and sexually abusive priests in general) has been the hallmark and policy of the Diocese and the Catholic Church.

119. For many years up to and including the present, Defendants Diocese, Bishop, and the Catholic Church had knowledge that employees, agents, and officials of the Diocese were sexually preying on parishioners.

120. Defendants took part in a cover up of such actionable activity.

121. In 1962, the Holy See, (the Vatican) which dictates policy and procedure for the entire church and the Bishops, issued an INSTRUCTION entitled “On the Manner of Proceeding in Cases of Solicitation.”

122. This INSTRUCTION was intended to reach all patriarchs, archbishops, superiors, and diocesan ordinaries (bishops). At the top of this INSTRUCTION, it states that the document is “to be diligently stored in the secret archives of the Curia as strictly confidential. Nor is it to be published nor added to with any commentaries.”

123. The INSTRUCTION contains explicit instructions as to how bishops and church leaders are to proceed in cases where victims are enticed to engage in sexual conduct.

124. It mentions that church officials could transfer offending priests to different assignments.

125. Pursuant to the dictates of the INSTRUCTION, at all points in the process of handling sex abuse cases, the matters are to be kept secret and concealed.

126. If church leaders find, in their own investigation, that the allegations lack foundation, they are mandated to destroy all the documents.

127. If, however, the allegations are found to have foundation the bishop and church leaders were required to keep the pertinent documents locked in secret archives.

128. Often, rather than compensating abuse victims and ridding themselves of abusing priests and/or agents, the Diocese would fund mental health or medical treatment of the abusing priests and/or agents.

129. Other times, the Diocese would simply pay the abusing priest to take a sabbatical or to otherwise go on “leave.” The Diocese, pursuant to the mandate from the Holy See, would

keep secret, and conceal the truth of the matter from parishioners, including Plaintiff, the public, and law enforcement officials.

130. When payments were made to victims of sexual abuse, these payments were also, pursuant to mandates from the Holy See, kept secret, and concealed from parishioners, including Plaintiff, the public and law enforcement officials.

131. Under Catholic doctrine, “good” Catholics are required to follow the mandates of the Holy See such as the dictates of the INSTRUCTION or face a potential afterlife of damnation.

132. Diocese, Bishop and their agents and employees, including Mwape, used various relationships of priest, advisor, counselor, and positions of authority over Plaintiff, (which they cultivated) to reinforce this belief.

133. In a 2001 apology, John Paul II called sexual abuse within the Church “a profound contradiction of the teaching and witness of Jesus Christ.”

134. Pope Benedict XVI apologized, met with victims, and spoke of his “shame” at the evil of abuse, calling for perpetrators to be brought to justice, and denouncing mishandling by church authorities.

135. In 2018, referring to a particular case in Chile, Pope Francis accused victims of fabricating allegations, but by April, was apologizing for his “tragic error” and by August, was expressing “shame and sorrow” for the tragic history.

136. He convened a four-day summit meeting with the participation of the presidents of all the episcopal conferences of the world, which was held in Vatican City from February 21-24, 2019, to discuss preventing sexual abuse by Catholic Church clergy.

137. In December 2019, Pope Francis made sweeping changes that allow for greater transparency.

138. In June 2021, a team of U.N. special rapporteurs for the Office of the High Commissioner for Human Rights have criticized the Vatican referring to persistent allegations that the Catholic Church had obstructed and failed to cooperate with domestic judicial proceedings, to prevent accountability for abusers and compensation for victims.

139. As a result of Defendants' actions and/or inactions, Mwape was allowed, and did, prey upon Plaintiff by engaging in prohibited sexual grooming, exploitation, abuse, and harassment.

140. Plaintiff suffered harm and injury because of Defendants' actions and/or inactions.

FOR A FIRST CAUSE OF ACTION
(Negligence/Recklessness/Willful and Wanton Conduct)

141. Plaintiff reiterates and realleges Paragraphs 1 through 140 as though set forth herein verbatim and further alleges:

142. Defendants are Catholic Church entities or individuals who contributed to the grooming, harassment, exploitation, and abuse suffered by Plaintiff.

143. This special relationship created duties not to harm Plaintiff.

144. Defendants breached different duties owed to Plaintiff in a negligent, grossly negligent, reckless, willful, and wanton manner in committing one or more of the following acts of omission or commission, any or all of which were breaches of the duties owed to Plaintiff:

- a. In failing to ensure Plaintiff was not exposed to injurious behavior;
- b. In Defendant Mwape failing to properly control his sexual desires;
- c. In Defendant Mwape grooming, harassing, exploiting, and abusing Plaintiff in a sexual manner;
- d. In negligently misrepresenting to Plaintiff that Mwape's behavior was normal;
- e. In failing to ensure Plaintiff was safe while in Defendant Mwape's presence;

- f. In Mwape misrepresenting to Plaintiff that he was only counseling, providing care and spending quality time with her while at the same time sexually grooming, harassing, exploiting, and abusing her;
- g. Failing to monitor Mwape while on premises of Holy Trinity and St. Anthony's;
- h. In failing to properly investigate Mwape's background through a proper background check to determine his proclivities toward sexual conduct with individuals such as Plaintiff, and to oversee him and his activities with parishioners;
- i. In failing to address Mwape's past conduct either at the time they first became involved with him, or after receiving any type of complaint;
- j. In ignoring Mwape's known predilections toward sexually grooming, harassing, exploiting, and abusing parishioners, when it was known, or the Defendants should have known of those predilections;
- k. In failing to shield Plaintiff from dangerous conditions, situations, and individuals including predators such as Mwape;
- l. In failing to warn Plaintiff about Mwape's sexual proclivities;
- m. In failing to supervise Mwape in a manner to eliminate his chances to sexually groom, harass, exploit, or abuse parishioners;
- n. In failing to take steps to report to civil and criminal authorities a priest, agent, and/or employee, who sexually grooms, harasses, exploits, or abuses a parishioner;
- o. Failure to exercise due care for the safety and well-being of Plaintiff and others similarly situated; and
- p. In such other particulars as will be discovered through discovery undertaken pursuant to the S.C. Rules of Civil Procedure.

145. As a direct and proximate result of the negligent, grossly negligent, reckless, willful, and wanton behavior of Defendants (and/or their employees/agents), Plaintiff was injured and suffered damages. Plaintiff is entitled to judgment against Defendants for actual damages and

punitive damages in an amount sufficient to deter similar conduct by these Defendants, all to be determined by a jury at the trial of this action.

FOR A SECOND CAUSE OF ACTION
(Reckless/Intentional Infliction of Emotional Distress)

146. Plaintiff reiterates and realleges Paragraphs 1 through 145 as though set forth herein verbatim and further alleges:

147. Defendants recklessly inflicted severe emotional distress on Plaintiff by virtue of their actions with her and it was certain or substantially certain that such distress would result from Defendants' conduct.

148. Defendant's conduct was extreme and outrageous as to exceed all possible bounds of decency and is intolerable in a civilized community.

149. Defendants' actions caused Plaintiff emotional distress.

150. The emotional distress suffered by Plaintiff was so severe that no reasonable person could be expected to endure it and the distress it causes, includes, but is not limited to, medical problems, emotional issues, mental anguish, and behaviors that are capable of objective diagnosis.

151. As a direct and proximate result of the intentional and/or reckless infliction of emotional distress on Plaintiff, she has been injured and suffered damages. Plaintiff is entitled to judgment against Defendants for actual damages and punitive damages in a sufficient amount to deter such similar conduct by these Defendants, all to be determined by a jury at the trial of this action.

FOR A THIRD CAUSE OF ACTION
(Breach Of Fiduciary Duty)

152. Plaintiff reiterates and realleges Paragraphs 1 through 151 as though set forth herein verbatim and further alleges:

153. By and through the relationships described herein, Defendants entered into a fiduciary relationship with Plaintiff.

154. Defendants undertook the duty to provide a safe environment for Plaintiff at their churches, during church activities, and during all interactions by agents and/or employees of Defendants.

155. A relationship of trust and confidence, and therefore a fiduciary relationship, was formed.

156. By entering a fiduciary relationship with Plaintiff, Defendants were obligated to act only in the best interests of Plaintiff.

157. This duty extended to Defendants' agents and employees, including Mwape.

158. Plaintiff reposed trust and confidence in Mwape, as her priest, counselor, and trusted confidant/advisor.

159. As a result of Mwape's predatory acts described above and the Diocese and Bishop's failure to act properly on Mwape's conduct both before and after the grooming, harassment, exploitation, and abuse of Plaintiff, Defendants breached the fiduciary duties owed to Plaintiff.

160. As a direct and proximate result of the breach of fiduciary duty by Defendants towards the Plaintiff, she was injured and suffered damages. Plaintiff is entitled to judgment against Defendants for actual damages and punitive damages in an amount sufficient to deter such similar conduct by these Defendants, all to be determined by a jury at the trial of this action.

FOR A FOURTH CAUSE OF ACTION
(Civil Conspiracy)

161. Plaintiff reiterates and realleges Paragraphs 1 through 160 as though set forth herein verbatim and further alleges:

162. Prior to the grooming, harassment, exploitation, and abuse of Plaintiff, upon information and belief, employees and/or agents of the Defendants were aware of Mwape's sexual proclivities with female parishioners.

163. The Defendants' active concealment of their knowledge about Mwape's sexual proclivities with parishioners, along with Mwape's concerted actions and their agreement to do nothing to stop Mwape's activities constitutes a conspiracy.

164. The purpose behind this conspiracy was to protect Defendants and Mwape at Plaintiff's expense, proximately resulting in injury to Plaintiff.

165. This conspiracy constitutes a failure to protect parishioners, including Plaintiff, from Mwape's sexually inappropriate proclivities.

166. The predicate acts necessary to constitute a conspiracy includes failure to report inappropriate behavior, active concealment of inappropriate behavior, and concealing the before-act knowledge of Mwape's proclivities.

167. As a direct and proximate result of Defendants' conspiracy towards Plaintiff, she was injured and suffered damages. Plaintiff is entitled to judgment against Defendants for actual and punitive damage in an amount sufficient to deter similar conduct by these Defendants, all to be determined by a jury at the trial of this action.

FOR A FIFTH CAUSE OF ACTION
(Negligent Retention Or Supervision)

168. Plaintiff reiterates and realleges Paragraphs 1 through 167 as though set forth herein verbatim and further alleges:

169. Mwape was hired by Defendants Diocese and/or Bishop's agents prior to the grooming, harassment, exploitation, and abuse directed towards Plaintiff.

170. Prior to the grooming behavior of Mwape, Defendants represented to Plaintiff that she was safe at their premises.

171. Defendants also represented that if Plaintiff capitulated to the requests of their religious leaders (including Mwape) regarding the sharing of their most intimate confidences and counseling, that such confidences would not be used to exploit them.

172. The Defendants' agents knew or should have known about Mwape's sexual proclivities to female parishioners

173. Despite such knowledge, Defendants' agents failed to take steps to protect parishioners at Holy Trinity and St. Anthony's from Defendant Mwape, though they had represented that parishioners, including the Plaintiff, were safe from such predatory Priests.

174. Despite having knowledge of Mwape's sexually inappropriate behavior with parishioners, Defendants Diocese and Bishop directly, or through agents, continued to retain Mwape as a priest.

175. Plaintiff became Mwape's prey.

176. Despite having knowledge of Mwape's sexually inappropriate behavior with parishioners, Defendants' agents did not properly supervise him.

177. Consequently, Mwape was able to perpetrate sexually inappropriate behavior with multiple parishioners, including Plaintiff.

178. As a direct and proximate result of Defendants' negligent retention and supervision of Mwape, Plaintiff was injured and suffered damages. Plaintiff is entitled to judgment against Defendants for actual damages, and punitive damages in a sufficient amount to deter such similar conduct by these Defendants, all to be determined by a jury at the trial of this action.

WHEREFORE, Plaintiff respectfully prays for judgment against Defendants for all actual, consequential, and punitive damages, for the costs and disbursements of this action, and for such other and further relief as this Honorable Court deems just and proper.

MCGOWAN, HOOD & FELDER, LLC

s/Randall Hood

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