

## OPINION SUMMARY

### MISSOURI COURT OF APPEALS EASTERN DISTRICT

JOHN DOE AP, Plaintiff/Appellant, ) No. ED94720  
)  
vs. ) Appeal from the Circuit Court  
) of the City of St. Louis  
ROMAN CATHOLIC ARCHDIOCESE )  
OF ST. LOUIS, ET AL., Defendants/Respondents. ) Filed: July 5, 2011

John Doe AP (“John Doe”) appeals from the trial court’s grant of summary judgment in favor of the Roman Catholic Archdiocese of St. Louis (“the Archdiocese”), Father Thomas Cooper (“Cooper”), and Archbishop Raymond Burke<sup>1</sup> (“Archbishop Burke”). John Doe contends the trial court erred in granting summary judgment in favor of the Archdiocese on his claim for intentional failure to supervise clergy because the trial court interpreted Gibson v. Brewer, 952 S.W.2d 239 (Mo. banc 1997) incorrectly: (1) by including a premises requirement for the acts of sexual abuse, and (2) by finding the sexual abuse did not occur on premises. John Doe also argues the trial court erred in granting the Archdiocese’s motion to dismiss his claims for negligent failure to supervise children because the trial court interpreted Gibson, incorrectly: (1) in finding negligence in the supervision of a child requires an examination of the standard of care of a priest, and (2) in finding the First Amendment barred judicial consideration of whether the Archdiocese complied with generally applicable tort rules that apply to all employers.

AFFIRMED.

Division Four Holds: The trial court did not err in granting summary judgment on John Doe’s claim for intentional failure to supervise clergy because the sexual abuse did not occur on premises in possession of the Archdiocese or upon which Cooper was privileged to enter only as the Archdiocese’s servant. The trial court did not err in granting the Archdiocese’s motion to dismiss John Doe’s claims for negligent failure to supervise because the court in Gibson prohibited tort claims against a religious institution based on its alleged negligence in supervising sexually abusive clerics.

Opinion by: Robert G. Dowd, Jr., Judge  
Roy L. Richter, P.J. and Lucy D. Rauch, Sp.J., concur.

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Patrick W. Noaker

Attorneys for Respondent: Edward M. Goldenhersh, Bernard C. Huger,  
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**THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.**

<sup>1</sup> Archbishop Burke was sued only in his representative capacity as Archbishop of the Archdiocese.