



Superior Court Opens Door to Fiduciary Duty Claims Against Religious Institutions in Sexual Assault Cases

In a groundbreaking decision, *Connolly v. Roman Catholic Archbishop of Boston*, the Massachusetts Superior Court recently denied a motion to dismiss a breach of fiduciary duty claim asserted against the Roman Catholic Archbishop of Boston (“RCAB”) and the Missionary Society of St. Columban (“Columban Fathers”) in consolidated actions alleging sexual abuse committed by a late priest, Brian Gallagher (“Gallagher”). The plaintiffs, who alleged they had been personally assaulted by Gallagher, alleged that RCAB and the Columban Fathers allowed Gallagher to represent himself as a priest of the Archdiocese and granted him extraordinary power and control over parishioners, particularly children.

Although the court rejected the plaintiffs’ attempt to hold RCAB and the Columban Fathers liable under theories of vicarious liability and ratification, the court found that the plaintiffs had plausibly alleged a fiduciary duty claim. The court explained that a fiduciary duty may arise from the nature of parties’ interactions and relied on case law from outside of the Commonwealth to support inferring the existence of a fiduciary relationship. The court agreed with the holdings in those cases that a plaintiff claiming sexual abuse as a minor by a religious authority figure may allege a fiduciary duty claim “against a defendant church, diocese, or other such entity, upon sufficiently alleging the particulars of the plaintiff’s ties to the priest and the associated defendant religious entity and (2) the defendant entity’s knowledge and sponsorship of that relationship.”

This case serves as an example of the way in which fiduciary duties may be imposed broadly by Massachusetts courts; however, the \$20,000 statutory damages cap for tort claims brought against charitable institutions may effectively limit recovery under such claims.

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