

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS

JANE DOE,

Plaintiff

Case No.

vs.

ST THOMAS AQUINAS CATHOLIC HIGH
SCHOOL, INC.

and

JOSEPH M HEIDESCH

Defendants.

PETITION

COMES NOW Plaintiff, Jane Doe, and for her causes of action against the Defendants,
states and alleges as follows:

1. Plaintiff Jane Doe is an individual and resident of Johnson County, Kansas. Because sexual crimes and torts are alleged, Plaintiff has filed a motion to proceed with the use of Jane Doe as a pseudonym. At all relevant times, Plaintiff was a minor, but is now an adult.
2. Defendant, St. Thomas Aquinas Catholic High School, Inc. ("Aquinas"), is a Kansas not-for-profit corporation organized to own and operate a secondary educational

institution (high school), in the Johnson County Pastoral Region of the Archdiocese of Kansas City, Kansas, which primary purpose is the spiritual and intellectual development of students in strict accordance and subject to the laws and disciplines of the Roman Catholic Church. Aquinas may be served through its Resident Agent, St. Thomas Aquinas Catholic High School, Inc., 11411 Pflumm Road, Overland Park, Kansas 66215.

3. The members of the St. Thomas Aquinas Catholic High School, Inc. are: The Roman Catholic Archbishop of the Archdiocese of Kansas City in Kansas; The Chancellor of the Archdiocese of Kansas City in Kansas; The Vicar General for administration of the Archdiocese of Kansas City in Kansas; The Pastoral Leader for the Johnson County Pastoral Region; and The Pastor of Parish of the Archdiocese of Kansas City in Kansas.

4. The business affairs of Aquinas are managed by a Board of Trustees appointed by the members as provided by law and conducted in a manner consistent with the Code of Canon Law, the applicable directives of the Archdiocese of Kansas City in Kansas, and the teachings of the Roman Catholic Church.

5. At all relevant times, Aquinas also had the right to manage and operate the school and to recruit, employ, relocate, manage, supervise, direct, control, train, and discharge all employees.

6. Defendant Joseph M. Heidesch ("Heidesch"), is a resident of Johnson County, Kansas. Heidesch currently resides in Johnson County, Kansas and can be served at the location provided to the Clerk's office. At all times relevant to this action, Heidesch was employed by Aquinas and acting within the scope of duties as a teacher and choir director under the direct supervision, employ and control of Aquinas.

7. Jurisdiction is proper in this Court.

8. Venue is proper in this Court.

*Clerk of the District Court, Johnson County Kansas
01/03/23 02:10pm MM*

9. At all relevant times, Plaintiff was female and a school student at Aquinas.
10. At all relevant times, Plaintiff was a member of the choir.
11. At all relevant times, Joseph Heidesch was employed by Aquinas as a teacher and choir director.
12. At numerous occasions, Heidesch required female students to change clothes between songs.
13. On information and belief, it was known by students, faculty, and supervisors that Heidesch required female students to use his private office as a changing room.
14. Heidesch forced students, including the Plaintiff, to change clothes in his office under the pretext of trying on different outfits.
15. A number of students objected to changing clothes in the room but Heidesch exercised his stature and authority as a teacher at Aquinas to force students, including Plaintiff, to use his private room.
16. Heidesch secretly placed video cameras in his office and choir room for the purposes of recording videos of female students in various stages of undress for his own sexual gratification.
17. Heidesch recorded the Plaintiff in various stages of undress without her knowledge or consent.
18. Heidesch maintained a collection of videos of the Plaintiff and others in his computer.
19. In September of 2021, Heidesch was arrested and criminally charged with multiple felonies, including the sexual exploitation of children and breach of privacy.
20. On information and belief, Heidesch had been secretly recording female choir students at Aquinas for years and Heidesch and Aquinas were silent which prevented Plaintiff from discovery her cause of action until recently.
21. Upon information and belief, Heidesch had a practice of common law

directly with students on his phone without the knowledge of parents.

22. Upon information and belief, Heidesch published videos or images on the Internet, possibly including the Plaintiff.

23. At all relevant times, Aquinas adopted and published a policy that sexual harassment would not be tolerated and that it would investigate and take corrective action against harassment as appropriate, including a policy of monitoring the use of information technology resources to ensure that users conform with school policies.

24. Because Aquinas school and network administrators and their authorized employees monitored the use of information technology, Aquinas knew or should have known that Heidesch had a practice of communicating directly with students by using his personal cell phone without the knowledge of parents and failed to investigate this practice and/or protect the students from Heidesch if Aquinas did know.

25. Upon information and belief, Aquinas knew or should have known Heidesch was requiring students to change clothes in his private office.

26. Aquinas failed to use reasonable care to implement and enforce training, policies and procedures designed to identify and prevent harassment and sexual misconduct by teachers toward minor students adequately and effectively.

27. Aquinas failed to use reasonable care in supervising Heidesch by failing to adequately monitor his use of school video technology which allowed him to secretly record females in various stages of undress and by failing to prevent his direct contact with female student by cell phone or texting.

28. At all relevant times, Heidesch acted in a recklessly or wanton manner in his conduct toward the Plaintiff., making Aquinas liable for the torts of Heidesch under the doctrine of *respondeat superior* and subjecting Aquinas to punitive damages.

29. Upon information and belief, Aquinas failed to use reasonable care to

Protect the Plaintiff when it failed to terminate Heidesch's employment after Aquinas knew, or should have known, Heidesch was engaging in grooming behavior, and acted with wanton conduct.

30. The actions of Heidesch violated the Plaintiff's right to privacy.

31. Heidesch's conduct was so extreme and outrageous in character that it goes beyond the bounds of decency and was utterly intolerable in a civilized community, causing Plaintiff severe emotional distress and economic loss.

32. As a direct and proximate result of the Defendants' reckless and wanton negligence, Plaintiff has been damaged in excess of \$75,000.

WHEREFORE, Plaintiff prays for judgment against Defendants and each of them in excess of Seventy-Five Thousand Dollars (\$75,000.00), her costs herein, and such further relief the Court deems just and equitable.

DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial on all issues so triable.

Respectfully submitted,

/s/ Steven Ediger
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