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JOHN T. FREY  
CLERK, CIRCUIT COURT  
FAIRFAX, VA

**VIRGINIA:**

**IN THE CIRCUIT COURT OF FAIRFAX COUNTY**  
(Civil Division)

OLIVER JOSEPH SMALLS, JR. )

Plaintiff, )

v. )

CATHOLIC DIOCESE OF RICHMOND, )

Defendant. )

Case No. CL-2019-2019 10321

Serve: Bishop Barry C. Knestout  
7800 Carousel Lane  
Richmond, Virginia 23294-4201

**COMPLAINT**

COMES NOW Plaintiff, OLIVER JOSEPH SMALLS, JR., (“Smalls”), by Counsel, pursuant to VA. R. Sup. Ct. 3:2, and moves this Honorable Court for judgment against Defendant, CATHOLIC DIOCESE OF RICHMOND, VIRGINIA (“The Diocese”), based upon causes of action of defamation *per se* and *per quod*. In support thereof, Plaintiff sets forth the following:

**A. SUBJECT MATTER AND *IN PERSONAM* JURISDICTION AND VENUE**

1. This Court may exercise subject matter jurisdiction over this action pursuant to VA. CODE ANN. § 17.1-513.
2. Defendant, The Diocese, is a non-profit religious association based in Richmond, Virginia, and is therefore subject to the general jurisdiction of this Court.

3. The Diocese was physically present in the Commonwealth of Virginia, where it committed the intentional tort of defamation against Smalls, and this Court may therefore exercise *in personam* jurisdiction over it pursuant to VA. CODE ANN. § 8.01-328.1(A)(1) and (3).
4. The defamation complained of was published by the Diocese on its website which is accessible to anyone located anywhere in the world with an internet connection, including Fairfax County, Virginia. Therefore, venue is appropriately laid in this Court, pursuant to VA. CODE ANN. § 8.01-262(4).

#### **B. STATEMENT OF FACTS**

5. Plaintiff, Smalls, is an ordained Catholic priest whose parish was located in Belize City, Belize, from approximately January 2013 until mid-February 2019.
6. With the exception of about one year, from September 1986 to June 1987, Smalls lived in Belize and worked in various capacities for the Diocese of Belize, most of which time he was an ordained Catholic priest.
7. From approximately January through August 1975, Smalls worked for the Virginia Home for Boys (“VHB”), an organization whose mission was to help troubled boys referred by various social service agencies in the D.C. metropolitan area.
8. During his tenure at VHB, Smalls faithfully performed his duties as a relief child care worker.
9. At no time during his tenure at VHB or at any other time during his life has Smalls engaged in any type of inappropriate sexual or physical contact with any person—and specifically, not with any resident of VHB, nor with any other children.
10. Smalls has never had any affiliation, legal, or canonical connection with the Diocese of Richmond.

11. Except for the unsubstantiated and uncorroborated allegations leveled against him by the Diocese, Smalls has enjoyed an excellent reputation as a Catholic priest and as a human being.
12. Smalls' reputation has been severely tarnished by the Diocese through its publication on its website of the scandalous accusation that Smalls had sexually abused a boy.
13. Specifically, on 2/13/19, the Diocese published on its website a document entitled, "List of all clergy with credible and substantiated allegations of sexual abuse of minors." ("The List").
14. The List was accompanied by a letter from Bishop Barry C. Knestout, the Bishop of Richmond. The Bishop's letter and the List, are attached hereto as Exhibit A, with the pertinent portions thereof highlighted.
15. The Bishop's letter, along with the List, (collectively, Ex. A) was the subject of a newspaper article published on 2/13/19 in the Richmond Times-Dispatch, a local newspaper with wide circulation in the City of Richmond and surrounding jurisdictions.
16. Upon information and belief, publication of the Times-Dispatch newspaper article was prompted by a press release from the Diocese concerning the List it had published on its website.
17. The Times-Dispatch article repeated the Diocese's claim that it had received "credible and substantiated allegations" that Smalls was among approximately fifty clergy who had engaged in sexual abuse of minors.
18. The Times-Dispatch republished the List on or about 2/14 or 2/15/19, and then again on or about 7/1/19.

19. At no time did the Diocese inform Smalls about the specific details concerning his alleged sexual abuse of a minor.
20. In particular, the Diocese did not inform him of the approximate date(s); location(s); or the specific acts of sexual abuse he had been accused of committing.
21. The Diocese's claim that Smalls engaged in sexual abuse of a minor is patently and categorically false.
22. As a direct and proximate consequence of the Diocese's allegations against Smalls he has been suspended by the Diocese of Belize, S.A., from engaging in his priestly duties until the matter has been "cleared up."
23. More specifically, Smalls cannot celebrate morning mass, visit schools, meet with parishioners to discuss upcoming weddings, baptisms, marital problems, etc.; he is also prohibited from conducting funerals, visiting the sick in hospitals and conducting home visits for the sick, elderly, and infirm; he cannot continue to work as a coordinator of youth groups; and can no longer teach school.
24. The suspension of his priestly duties has resulted in the termination of his monthly stipend previously provided by the Diocese of Belize, S.A., causing him direct pecuniary loss.
25. The suspension of his priestly duties has also resulted in his inability to supplement his income through conducting weddings, funerals, and baptisms, thereby exacerbating the economic harm he has suffered.
26. Most significantly, the odious nature of the allegations against him, coupled with the current public bias against clergy who have merely been accused of engaging in such egregious misconduct as sexually abusing minors, has destroyed Smalls' reputation both in his community in Belize, S.A., where he has lived and ministered to the residents for more than

thirty years, but also in the entire Richmond area. Nor is the damage to his reputation confined to those jurisdictions. Anybody with access to the internet can read the Diocese's statements and the Times-Dispatch articles, thereby subjecting Smalls' reputation to damage anywhere and everywhere.

27. Smalls has suffered significant emotional distress, humiliation, shame, embarrassment, and depression as a result of the unsubstantiated and uncorroborated allegations leveled against him by the Diocese and the wide circulation of those allegations.
28. The suspension of his priestly duties has left him listless and depressed, as he is no longer able to follow his life's calling.
29. The Diocese's conduct demonstrates a "rush to judgment" that was the product of a one-sided biased decision-making process which denied Smalls any meaningful opportunity to refute the allegations against him.
30. The Diocese's conduct with respect to its supposed "investigation" of the allegations manifests total disregard for Smalls' rights and demonstrates ill-will toward Smalls.
31. The Diocese lacked reasonable grounds for its belief that Smalls had at any time engaged in any improper physical or sexual contact with a minor.
32. The Diocese acted negligently in failing to ascertain the facts upon which its defamatory publication of and concerning Smalls was based.
33. The Diocese's negligence was *per se*, in that it refused to consider any evidence offered by Smalls in his refutation of the allegations against him.

#### **COUNT I—DEFAMATION *PER SE***

34. The allegations contained in ¶¶ 1-33, inclusive, are incorporated herein, by reference.
35. The highlighted portions of Ex. A is of and concerning Smalls.

36. The highlighted portions of Ex. A is tantamount to statements of fact that Smalls engaged in sexual abuse of a minor.
37. The highlighted portions of Ex. A constitute false statements of fact, as they pertain to Smalls.
38. The Diocese either knew or should have known that the allegations against Smalls were false, and/or acted with reckless disregard as to their truth or falsity, in relation to its decision to include Smalls in the List published on its website and that was the presumed subject of a press release.
39. The statements at issue are inflammatory and defamatory because they impugn Smalls' excellent reputation by ascribing to him the commission of a heinous and odious crime and intentional tort against a minor.
40. The statements at issue are defamatory *per se* because they impute to Smalls unfitness to perform the duties of his employment as a Catholic priest.
41. The statements at issue are defamatory *per se* because they impute to Smalls lack of integrity in the discharge of his duties as a Catholic priest.
42. The statements at issue are defamatory *per se* because they tend to prejudice Smalls in his profession as a Catholic priest.
43. Because the statements at issue are defamatory *per se*, damage to Smalls' reputation is presumed.
44. Smalls sustained actual pecuniary losses.
45. Smalls suffered emotional distress, shame, embarrassment, humiliation, and mortification as a result of the false allegations leveled against him by the Diocese.

46. The Diocese knew or should have known that the statements at issue published on its website were false and defamatory as to Smalls, and/or acted with reckless disregard for the truth concerning those allegations.

WHEREFORE, Plaintiff, OLIVER JOSEPH SMALLS, JR., by Counsel, respectfully moves this Honorable Court for judgment, in the amount of two million dollars (\$2,000,000) in compensatory damages and \$350,000 in punitive damages, based upon a cause of action of defamation *per se*.

#### COUNT II—DEFAMATION *PER QUOD*

47. The allegations contained in ¶¶ 1-46, inclusive, are incorporated herein, by reference.
48. The highlighted portions of Ex. A are of and concerning Smalls.
49. The highlighted portions of Ex. A are tantamount to statements of fact that Smalls engaged in sexual abuse of a minor.
50. The highlighted portions of Ex. A constitute false statements of fact, as they pertain to Smalls, who steadfastly, unequivocally, and adamantly maintains he has never abused or sexually assaulted any child or any other person, *ever*.
51. The Diocese either knew or should have known that the allegations against Smalls were false, and/or acted with reckless disregard as to their truth or falsity, in relation to its decision to include Smalls in the List published on its website and that was the presumed subject of a press release.
52. The statements at issue are inflammatory and defamatory because they impugn Smalls' excellent reputation by ascribing to him the commission of a heinous and odious crime and intentional tort against a minor.
53. The statements at issue are defamatory *per quod*.

54. Smalls sustained actual pecuniary losses.
55. Smalls suffered emotional distress, shame, embarrassment, humiliation, and mortification as a result of the false allegations leveled against him by the Diocese.
56. The Diocese knew or should have known that the statements at issue published on its website were false and defamatory as to Smalls, and/or acted with reckless disregard for the truth concerning those allegations.

WHEREFORE, Plaintiff, OLIVER JOSEPH SMALLS, JR., by Counsel, respectfully moves this Honorable Court for judgment, in the amount of two million dollars (\$2,000,000) in compensatory damages and \$350,000 in punitive damages, based upon a cause of action of defamation *per quod*. Pursuant to VA. R. S. Ct. 3:21 and 3:22, Plaintiff demands a TRIAL BY JURY on all issues so triable.

Respectfully submitted,

OLIVER JOSEPH SMALLS, JR.

by Counsel



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VASB # 41032

*Counsel for Plaintiff, Oliver Joseph Smalls, Jr.*