

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

DISTRICT COURT  
FOURTH JUDICIAL DISTRICT

Case Type: Personal Injury

Court File No. \_\_\_\_\_

\_\_\_\_\_  
JOHN DOE HT,

Plaintiff,

**COMPLAINT**

vs.

THE ROMAN CATHOLIC DIOCESE OF ST. CLOUD,  
AND MICHAEL WEBER,

Defendants.

\_\_\_\_\_  
**PARTIES**

1. Plaintiff John Doe HT is an adult male resident of the State of Virginia whose identity is made known to Defendants by separate cover letter. Plaintiff was a minor at the time of all sexual abuse and all sexual exploitation alleged herein.

2. At all times material, Defendant The Roman Catholic Diocese of St. Cloud (hereinafter "Diocese of St. Cloud") was and continues to be a Minnesota non-profit corporation authorized to conduct business and conducting business in this State with its principal place of business at P.O. Box 1248, Saint Cloud, MN 56302.

3. Defendant Michael Weber was a seminarian and deacon in the Diocese of St. Cloud. At all times material, Weber remained under the direct supervision, employ and control of Defendant Diocese of St. Cloud. Weber is a resident of Hennepin County.

**FACTS**

4. In approximately the summer of 1970, Defendant Michael Weber engaged in

unpermitted, harmful and offensive sexual contact with Plaintiff John Doe HT at or around Alexandria, Minnesota. Plaintiff John Doe HT was only six years old.

5. Plaintiff John Doe HT and his family first met Defendant Weber, on a Saturday, in approximately the summer of 1970, at a camping trip with Catholic families, in Alexandria, Minnesota.

6. During the camping trip, Defendant Weber approached the minor Plaintiff on the basketball court. Weber established a relationship with the minor Plaintiff by offering him bubble gum. Weber selected Plaintiff John Doe HT to stay in his tent with him. Plaintiff's parents acquiesced because they trusted that Defendant Weber was a good man, a religious leader who would not harm their son.

7. Defendant Weber was a deacon and wearing a priest's collar at the time of meeting John Doe HT's parents. Weber was introduced as a good friend of Dan Carle, whom the family knew and trusted, in part because he was employed by the Diocese of St. Cloud. Dan Carle was a counselor for Caritas Family Service Agency. Carle was, therefore, an agent of Defendants Diocese of St. Cloud and Catholic Charities of the Diocese of St. Cloud. Dan Carle vouched for Weber and said that Weber came to his house often.

8. During the night, in the tent, Defendant Weber sexually abused Plaintiff John Doe HT.

9. When the minor Plaintiff awoke the next morning, he ran screaming from Defendant Weber's tent. He immediately told his parents what Weber did to him.

10. John Doe HT's parents twice confronted Dan Carle about Defendant Weber's sexual abuse of the minor Plaintiff, on Sunday at the lake, and on Monday morning, at Carle's Diocesan office.

11. Carle informed John Doe HT's parents that Defendant Weber was sick and that that he had been counseling Weber. Carle remarked that "I guess he wasn't ready" referring to Defendant Weber. Carle stated that he had "gambled and lost." Carle acknowledged treating Weber for pedophilia.

12. During these conversations, Carle discouraged Plaintiff's parents from informing the police. Carle advised his parents to play down the abuse because John Doe HT was young and probably would not remember the incident. Because Carle discouraged them from making a big deal out the sexual abuse, John Doe HT's parents did not discuss it with Plaintiff for over eleven years. Because Carle, a trusted advisor and agent of the Diocese of St. Cloud and Catholic Charities of St. Cloud, advised them against pursuing the matter further, they did not contact the police.

13. In fact, Defendant Weber was not just sick. Weber was a known serial predator who sexually abused numerous children before Weber sexually abused the Plaintiff.

14. Defendant Diocese of St. Cloud knew Defendant Weber's dangerous propensity for sexually abusing children because they had received at least one prior report of sexual abuse. Weber was allowed to remain in the Diocese of St. Cloud and access children despite his known sexual misconduct.

15. In 1967, Defendant Weber, as a Diocese of St. Cloud seminarian, volunteered to join a "Big Brother/Little Brother" group that formed to mentor children of widows in the St. Cloud Diocese.

16. In 1967, Defendant Weber became the "Big Brother" of Rick Stolpman, a minor approximately eleven years old.

17. In 1968, when he was approximately twelve years old, Rick Stolpman was

sexually abused by Defendant Michael Weber.

18. In 1968, Defendant Weber began to abuse Stolpman's cousin David Schrom, a minor approximately eleven years old.

19. Subsequent to his abuse, in the fall of 1969, Stolpman reported the incident to Mr. Jim Graeve at Catholic Charities. Stolpman did not see Defendant Weber again. Mr. Graeve did not report the abuse to the police.

20. David Schrom, however, continued to receive visits and inappropriate contact from Defendant Weber into 1970.

21. At some point, in approximately 1970, Defendant Weber, a transitional deacon soon to be ordained as a priest, disappeared from Schrom's life.

22. Defendant Weber remained an ordained transitional deacon with the Diocese of St. Cloud until April of 1972, when Weber requested laicization from the Vatican. The Vatican granted Weber's request in July of 1972.

23. After escaping criminal liability and public exposure with the assistance of the Diocese of St. Cloud, Defendant Weber went on to establish himself as a prominent member of the community. He held positions as the Director of Hennepin County Community Services Department and the Assistant Commissioner for the Minnesota Department of Human Services. He served as a board member of the Greater Twin Cities United Way and was President and CEO of Volunteers of America-Minnesota.

24. Specifically, Defendant Weber manufactured an image as an advocate for children. Defendant Weber served as an Associate Director of the National Committee to Prevent Child Abuse, Director of the Program for the Community Protection of Children, and Chairperson of the U.S. Advisory Board on Child Abuse and Neglect. Weber was also Chairman

of the Board of Rainbow Research, an organization allegedly experienced in designing programs and services dedicated to the prevention and protection of children, youth, and families.

25. Defendant Weber even authored a chapter on Child Protective Services for a child advocacy book entitled “The Battered Child.” Notably, Weber’s chapter highlights requirements for mandatory reporting of child abuse and notes, “any suspicions, even without evidence, can and should be presented to an agency specializing in determining whether maltreatment has occurred, whether a child is at risk of further maltreatment, and what intervention is needed to protect the child from (further) maltreatment.” Additionally, Weber opines, “[i]f the alleged maltreatment would constitute criminal behavior, law enforcement personnel should be brought into the investigation to assure that the criminal aspect of suspected maltreatment is thoroughly investigated and that the evidence necessary for criminal prosecution is adequately safeguarded.”

26. Importantly, none of the procedures described above were followed by the Defendant Catholic Diocese of St. Cloud with respect to the sexual abuse of the minor Plaintiff John Doe HT at the hands of Defendant Michael Weber. None of these procedures were followed by the Defendant Diocese of St. Cloud with respect to the sexual abuse of Rick Stolpman.

27. The subsequent cover-up of Plaintiff John Doe HT’s sexual abuse was reflective of a policy of concealment and protection enacted by the Defendants. Despite a history of sexual misconduct known to the Defendants Diocese of St. Cloud and Catholic Charities, Defendant Weber was allowed to access children. This informational disparity produced by the inherent power imbalance between Defendants and the Plaintiff directly led to the minor Plaintiff John Doe HT being abused by Defendant Weber.

28. Upon information and belief, Defendant Diocese of St. Cloud engaged in a pattern and practice of fraudulent conduct in order to conceal the criminal and harmful acts of its agents and employees. Defendant Diocese of St. Cloud, by and through its agents, person controlling and/or directing the Diocese of St. Cloud, misrepresented and/or failed to presents the facts of known sexual misconduct to victims, their families, parishioners, the public and/or law enforcement authorities for the in furtherance of a scheme to protect predatory priests and other clergy from criminal prosecution, to maintain or increase charitable contributions and/or avoid public scandal.

29. Catholic Charities, while a separately incorporated non-profit organization, is an agent of the Defendant Diocese of St. Cloud. Catholic Charities includes, but is not limited to, Caritas Family Services and Women's Guild, and St. Cloud Children's Home. The policy of Catholic Charities is created by its 23 board members, the Executive Director, and Chancellor of the Diocese of St. Cloud. According to Catholic Charities, its mission is to serve the Diocese of St. Cloud. The actions of the Catholic Charities, as alleged herein, are, therefore, attributable to Defendant Diocese of St. Cloud.

30. Plaintiff John Doe HT was raised in a devout Roman Catholic family. Plaintiff regularly celebrated mass, received the sacraments and participated in church-related activities. Plaintiff and his family, therefore, developed great admiration, trust, reverence, and respect for the Roman Catholic Church and its agents.

31. Defendant Michael Weber's conduct as alleged herein was taken while under the direct supervision, employ, and control of the Defendant Diocese of St. Cloud.

32. By holding out Michael Weber as a qualified seminarian and deacon, employed by Defendant Diocese of St. Cloud, and by undertaking the religious instruction and spiritual and

emotional guidance of the minor Plaintiff, Defendant Diocese of St. Cloud entered into a special relationship with the Plaintiff. As a result of Plaintiff being a minor, and by Defendant Diocese of St. Cloud undertaking the care and guidance of the then vulnerable Plaintiff, Defendant Diocese of St. Cloud held a position of empowerment over Plaintiff.

33. Further, Defendant Diocese of St. Cloud, by holding itself out as a shepherd and leader of the Roman Catholic Church, solicited and/or accepted this position of empowerment. This empowerment prevented the then minor Plaintiff from effectively protecting himself and Defendant Diocese of St. Cloud, therefore, entered into a fiduciary relationship with Plaintiff.

34. By accepting custody of the minor Plaintiff, Defendant Diocese of St. Cloud accepted custody *in loco parentis*, as a parent, and owed the Plaintiff the duty of full disclosure of all the information it had regarding Defendant Michael Weber's history of sexual misconduct.

35. By placing Defendant Weber and allowing him to function in a position with access to children within the Diocese of St. Cloud, in approximately 1968 and continuing until approximately 1972, Defendant Diocese, through its agents including Bishop George Henry Speltz and Dan Carle, affirmatively represented to minor children and their families, including Plaintiff John Doe HT, that Defendant Weber did not have a history of molesting children, that Defendant Diocese of St. Cloud did not know or suspect that Weber had a history of molesting children and/or that Defendant Diocese did not know that Weber was a danger to children.

36. In addition to the representations being made directly to Plaintiff, Defendant Diocese of St. Cloud, thought its agents, including Bishop Speltz, Dan Carle, and other agents, made these representations with knowledge and intent that they would be communicated to the minor Plaintiff through his parents/caregivers words and actions. Defendant Diocese of St. Cloud also had reason to believe that the representations made to Plaintiff's parents/caregivers

would influence Plaintiff and particularly that the representations would influence the amount and time spent alone with Defendant Weber, Weber's access to Plaintiff, and Weber's ability to molest Plaintiff.

37. Defendant Diocese of St. Cloud knew or should have known that their allowing Defendant Michael Weber access to children after reports of impropriety involved an unreasonable risk of causing serious physical and psychological harm and emotional distress to plaintiff and other similarly situated individuals.

38. Defendants should be estopped from asserting any defense that Plaintiff's action is not timely because Defendants fraudulently concealed plaintiff's claims by misrepresenting the nature of the problems with Weber in 1970. Dan Carle, agent of Catholic Charities and the Diocese of St. Cloud, concealed the full history of Weber's sexual misconduct. Carle characterized Weber's problem as a sickness for which he was actively seeking treatment. This misrepresentation caused Plaintiff to not be capable of discovering that the Defendants were aware of a previous report of sexual misconduct and that Defendants disregarded the known risk that Weber would sexually abuse another child, in this case, the Plaintiff. By misrepresenting the nature of Michael Weber's problems and subsequent treatment, the Defendants fraudulently concealed Plaintiff's claims. As a result, the Defendants must be estopped from asserting the statute of limitations as a defense to Plaintiff's claims.

39. Defendant's intentional concealment and/or negligent and/or reckless failure to prevent or discover Weber's continuing acts of sexual misconduct, constitutes a fraud and also prevented Plaintiff John Doe HT from discovering or suing upon the wrongs done to him. Defendants are therefore equitably stopped from asserting the statute of limitations in this action.

40. Plaintiff John Doe HT did not discover that he had been defrauded or have any

reason to believe that Defendants had defrauded him until 2011.

41. Plaintiff John Doe HT did not discover that Defendant had proximately caused his injuries by their negligence and fraudulent behavior until 2011.

42. As a direct result of the sexual abuse and sexual exploitation, Plaintiff has suffered and will continue to suffer great pain of mind and body, severe and permanent emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, humiliation and psychological injuries, was prevented and will continue to be prevented from performing his normal daily activities and obtaining the full enjoyment of life, has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling and, on information and belief, has incurred and will continue to incur loss of income and/or loss of earning capacity.

**COUNT I: SEXUAL ABUSE/VICARIOUS**  
**LIABILITY/RATIFICATION -**  
**ALL DEFENDANTS**

43. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count.

44. In approximately 1970, the Defendant Michael Weber engaged in unpermitted, harmful and offensive sexual contact upon the person of Plaintiff John Doe HT constituting sexual abuse in violation of Minnesota law. Said conduct was undertaken while the Weber was an employee and agent of Defendant Diocese of St. Cloud, while in the course and scope of employment with Defendant Diocese of St. Cloud, was ratified by Defendant Diocese of St. Cloud, and/or was accomplished by virtue of his job-created authority.

45. Defendant Diocese of St. Cloud granted Weber faculties to perform as a seminarian, deacon, spiritual leader and counselor within the Diocese of St. Cloud. Defendant

Diocese of St. Cloud held Weber out to the community as a fit and competent agent of Defendant. Weber committed the acts alleged within the apparent authority arising from his agency. Said conduct was undertaken in the course and scope of Michael Weber's employment with Defendant Diocese of St. Cloud and/or was ratified by Defendant Diocese of St. Cloud

46. Defendant Weber was acting at least in part to serve the interests of his employer when he committed the sexual abuse. Specifically, Michael Weber was acting as a deacon, as well as using the trust, power and authority of the position granted, while he was with the Plaintiff. Simultaneously, Defendant Weber used that same power and authority to gain Plaintiff's confidence and trust and to sexually abuse Plaintiff.

47. By using his position as a seminarian, a deacon, and a spiritual leader, and the trust, power and authority of the position conferred on him, Defendant Weber purported to act and/or speak on behalf of Defendant Diocese of St. Cloud when he committed the tortious acts alleged herein. Plaintiff further relied upon Defendant Weber's apparent authority to act on behalf of Defendant Diocese of St. Cloud.

48. Defendant Weber would not have been able to commit the sexual abuse were he not given the authority to act as a religious leader by Defendant Diocese of St. Cloud under their direct supervision. Weber conducted his tortious conduct during his agency relationship with Defendant Diocese of St. Cloud while providing youth ministry to Plaintiff. Therefore, the Diocese of St. Cloud is liable for the negligent and wrongful conduct of Weber under the law of vicarious liability, including the doctrine of respondeat superior.

49. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of

enjoyment of life; have suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing their daily activities and obtaining the full enjoyment of life; have sustained and will continue to sustain loss of earnings and earning capacity; and/or have incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

**COUNT II: NEGLIGENCE --**  
**DEFENDANT DIOCESE OF ST. CLOUD**

50. Plaintiff incorporate all paragraphs of this Complaint as if fully set forth under this count.

51. Defendant Diocese of St. Cloud assumed a duty to Plaintiff by holding Defendant Weber out to the public, including Plaintiff, as a competent and trustworthy employee, representative and counselor of high morals. Defendant Diocese of St. Cloud assumed a duty to Plaintiff by holding out its facilities and programs as a safe environment for children. Defendant Diocese of St. Cloud also assumed a duty by taking and inviting children into its programs and facilities. Defendant Diocese of St. Cloud breached this duty by exposing Plaintiff to Weber, an unfit agent with dangerous and exploitive propensities.

52. As a direct result of Defendant Diocese of St. Cloud's negligent conduct, Plaintiff has suffered the injuries and damages described herein.

**COUNT III: NEGLIGENT SUPERVISION --**  
**DEFENDANT DIOCESE OF ST. CLOUD**

53. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count.

54. At all times material, Defendant Weber was employed by Defendant Diocese of St. Cloud and was under Defendant's direct supervision, employ and control when he committed

the wrongful acts alleged herein. Weber engaged in the wrongful conduct while acting in the course and scope of his employment with Defendant Diocese of St. Cloud and/or accomplished the sexual abuse by virtue of his job-created authority. Defendant Diocese of St. Cloud failed to exercise ordinary care in supervising Weber in his assignment and failed to prevent the foreseeable misconduct of Weber from causing harm to others.

55. As a direct result of Defendant's negligent conduct, Plaintiff has suffered the injuries and damages described herein.

**COUNT IV: NEGLIGENT RETENTION --  
DEFENDANT DIOCESE OF ST. CLOUD**

56. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count.

57. Defendant Diocese of St. Cloud, by and through its agents, knew or should reasonably have known of Defendant Weber's dangerous and exploitive propensities as a child sexual abuser and an unfit agent, and despite such knowledge, Defendant Diocese of St. Cloud employed and continued to employ Defendant Weber in a position of trust and authority as a seminarian and deacon without proper or adequate supervision, thereby providing him the opportunity to commit the wrongful acts against Plaintiff described herein.

58. Furthermore, Defendant Diocese of St. Cloud, by and through its agents, knew or reasonably should have know of Defendant Weber's dangerous and exploitive propensities as a child sexual abuser and an unfit agent and despite such knowledge failed to investigate a complaint about Defendant Weber that was made by Rick Stolpman or to discharge Weber.

59. As a direct result of the negligent conduct of Defendant Diocese of St. Cloud, Plaintiff has suffered the injuries and damages described herein.

COUNT V: FRAUD –  
DEFENDANT DIOCESE OF ST. CLOUD

60. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count.

61. Defendant Diocese of St. Cloud affirmatively represented to Plaintiff and his family that Defendant Weber did not have a history of molesting children, that Defendant Diocese of St. Cloud did not know that Weber had a history of molesting children and/or that Defendant did not know that Michael Weber was a danger to children.

62. Defendant Diocese of St. Cloud knew that Weber had a history of sexually molesting children and/or was a danger to children.

63. Whether Weber had a history of molesting children, whether Defendant Diocese of St. Cloud knew that Weber had a history of molesting children and/or whether Defendant Diocese of St. Cloud knew that Weber was a danger to children were all material facts to Plaintiff.

64. Had Plaintiff known that Weber had a history of sexually molesting children and/or that Defendant Diocese of St. Cloud knew that Weber had a history of sexually molesting children, Plaintiff would have acted differently.

65. Defendant Diocese of St. Cloud made the misrepresentations with the intent to deceive Plaintiff and with the intent to induce Plaintiff to act on the misrepresentations to their detriment.

66. Plaintiff justifiably relied upon Defendant Diocese of St. Cloud's misrepresentations which caused him to be sexually molested by Weber and suffer the other damages described herein.

67. Defendant Diocese of St. Cloud's misrepresentations were the proximate cause of Plaintiff's damages.

**COUNT VI – FRAUD (NEGLIGENT MISREPRESENTATION) –**  
**DEFENDANT DIOCESE OF ST. CLOUD**

68. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth in this count.

69. Defendant Diocese of St. Cloud, through its agents, represented to Plaintiff and his family that Defendant Weber did not have a history of molesting children and that Weber was not a danger to children.

70. Defendant Weber did have a history of sexually molesting children and was a danger to children.

71. Defendant Diocese of St. Cloud owed a duty of care to Plaintiff because Defendant should have known that Weber would have access to children, including Plaintiff, should have known that Weber was a danger to children, should have known that Weber had molested children before he molested Plaintiff, and should have known that parents and children would place the utmost trust in Weber.

72. Defendant Diocese of St. Cloud, through its agents, in acts separate from and before its representation, failed to use ordinary care in making the representation or in ascertaining the facts related to Weber. Defendant Diocese of St. Cloud reasonably should have foreseen that its representation would subject Plaintiff to the unreasonable risk of harm.

73. Defendant Diocese of St. Cloud failed to use ordinary care to determine Defendant Weber's history of molesting children and whether he was safe for work with children before Defendant Diocese of St. Cloud made their representation about Weber.

74. Plaintiff believed and justifiably relied upon Defendant Diocese of St. Cloud's representations which caused him to be sexually molested by Weber and suffer the other damages described herein.

**COUNT VII: FRAUD (FAILURE TO DISCLOSE) --**  
**DEFENDANT DIOCESE OF ST. CLOUD**

75. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth in this count.

76. As a result of Plaintiff being a minor and the relationships between the Plaintiff and Defendants described herein, and by Defendants undertaking the care and guidance of the then vulnerable Plaintiff, Defendant Diocese of St. Cloud held a position of empowerment over Plaintiff to such an extent that the Plaintiff was prevented from effectively protecting himself from Defendant Weber, absent the disclosure of the material facts described herein.

77. Defendant Diocese of St. Cloud had special knowledge of the material facts that seminarians and deacons, despite their public vows of celibacy and chastity, regularly participate in sexual activity. Defendant Diocese of St. Cloud also had knowledge of the material facts that seminarians and deacons generally, and Defendant Weber particularly, despite their vows of celibacy and chastity and despite societal norms, participated in sexual activity with minors. Plaintiff did not have access to these material facts which prevented Plaintiff from effectively protecting himself from Weber.

78. Defendant Diocese of St. Cloud had special knowledge of the material facts that Defendant Weber, despite his public vows of celibacy and chastity, participated in sexual activity with minors prior to Weber having sexual contact with Plaintiff. Plaintiff did not have access to these material facts which prevented Plaintiff from effectively protecting himself from Weber.

79. Defendant Diocese of St. Cloud had a duty to disclose to the Plaintiff the material facts described in this Complaint.

80. Defendant Diocese of St. Cloud failed to disclose to the Plaintiff the material facts described in this Complaint.

81. Defendant Diocese of St. Cloud's failure to disclose to the Plaintiff the material facts described in this Complaint constitutes a misrepresentation.

82. Defendant Diocese of St. Cloud made the misrepresentations with the intent to deceive Plaintiff and to induce him to act on the misrepresentations to his detriment.

83. Plaintiff justifiably relied on his misrepresentations which caused him to be sexually assaulted by Defendant Weber and suffer other damages described herein.

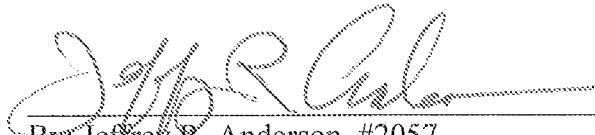
84. Defendant Diocese of St. Cloud's misrepresentations were the proximate cause of Plaintiff's damages.

WHEREFORE, Plaintiff demands judgment against Defendants Diocese of St. Cloud and Michael Weber in an amount in excess of \$50,000 plus costs, disbursements, reasonable attorneys fees, interest, and whatever other relief the Court deems just and equitable.

Dated: 12/12/11

Respectfully submitted,

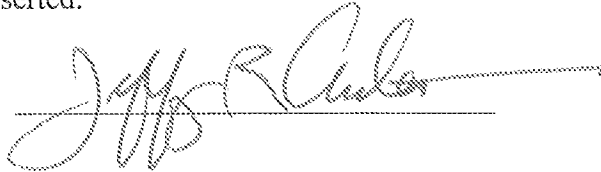
JEFF ANDERSON & ASSOCIATES, P.A.



By: Jeffrey R. Anderson, #2057  
Jared Shepherd, #0389521  
Attorneys for Plaintiff  
366 Jackson Street, Suite 100  
St. Paul, Minnesota 55101  
(651) 227-9990

## ACKNOWLEDGMENT

The undersigned hereby acknowledges that sanctions, including costs, disbursements, and reasonable attorney fees, may be awarded pursuant to Minn. Stat. § 549.211 to the party against whom the allegations in this pleading are asserted.

A handwritten signature in cursive script, appearing to read "J. M. R. Clark", is written over a horizontal dotted line.