

STATE OF MINNESOTA
COUNTY OF RAMSEY

DISTRICT COURT
SECOND JUDICIAL DISTRICT

Case Type: Personal Injury

John Doe 147,

Court File No.: _____

Plaintiff,

vs.

COMPLAINT

Brothers of the Christian Schools Midwest Province
a/k/a The Christian Brothers of the Midwest, Inc.,
The Christian Brothers of Minnesota,

Defendants.

Plaintiff, for his causes of action against Defendants, alleges that:

PARTIES

1. Plaintiff John Doe 147 is an adult male resident of the State of Minnesota whose identity is made known to Defendants by separate cover letter. Plaintiff was a minor at the time of all fraud alleged herein.

2. At all times material, Brothers of the Christian Schools Midwest Province a/k/a The Christian Brothers of the Midwest, Inc., (hereafter "Christian Brothers Midwest") is a religious order in the Roman Catholic Church and was and continues to be a non-profit corporation with its principal place of business at 7650 S. County Line Road, Burr Ridge, Illinois 60527-4718.

3. At all times material, Defendant The Christian Brothers of Minnesota (hereinafter "Christian Brothers") is a religious order in the Roman Catholic Church and was and continues to be a Minnesota non-profit corporation authorized to conduct business in the State of

Minnesota with its principal place of business at 1883 Laurel Avenue, St. Paul, Minnesota 55104-5938.

FACTS

4. At all times material, Brother Raimond Rose (hereafter "Bro. Rose"), was an ordained Roman Catholic brother employed by Defendants.

5. At all times material, Bro. Rose remained under the direct supervision, employ and control of the Defendants.

6. From 1960 through 1963, Bro. Rose taught high school at De La Salle High School in Chicago, Illinois.

7. In 1963, Bro. Rose became an ordained religious brother with the Christian Brothers religious order.

8. From 1963 through 1966, Bro. Rose taught high school at De La Salle High School in Minneapolis, Minnesota.

9. Bro. Rose sexually abuse at least three (3) boys while he taught at De La Salle High School in Minneapolis.

10. In 1966, prior to the sexual abuse described herein, officials of the Christian Brothers learned that Bro. Rose had sexually abused a male student at De La Salle High School in Minneapolis. Specifically, a student at De La Salle High School reported to a Bro. Jiles that Bro. Rose had sexually abused that student. Upon discovery of this abuse, Christian Brothers took no further steps to investigate the misconduct or prevent further sexual abuse by Bro. Rose. Instead, the Christian Brothers simply transferred Bro. Rose back to De La Salle High School in Chicago. As a result, Bro. Rose's sexual abuse of the Plaintiff was foreseeable to the Christian Brothers.

11. From 1966 through 1968, Bro. Rose taught high school at De La Salle High School in Chicago, Illinois.

12. From 1968 through 1969, Bro. Rose was given an unknown assignment in Lafayette, Louisiana.

13. From 1969 through 1970, Bro. Rose taught high school at Pacelli High School in Stevens Point, Wisconsin.

14. From 1970 through 1971, Bro. Rose taught at Cretin High School in St. Paul, Minnesota.

15. While teaching at Cretin High School, Bro. Rose sexually abused at least five (5) boys who were students at Cretin High School, including the Plaintiff.

16. From 1971 through 1974, Bro. Rose was assigned to the Dunrovin Retreat Center in Marine on St. Croix, Minnesota.

17. While working at the Dunrovin Retreat Center, Bro. Rose sexually abused at least two (2) boys who were participating in overnight retreats at the Center.

18. Upon information and belief, from 1974 through 1975, Bro. Rose was sent for sexual offender treatment to the Sangre de Cristo Retreat Center in Santa Fe, New Mexico. Sangre de Cristo Retreat Center is a well-known treatment center that treats sexual offenders, as well as other mental health issues.

19. In 1975, Bro. Rose was assigned to Lincoln Hall in Lincolndale, New York, which is a facility for the care and treatment of delinquent youth from the Children's Courts in New York City and Westchester.

20. From 1975 through 1976, Bro. Rose was assigned as a teacher to Archbishop Rummel High School in New Orleans, Louisiana.

21. From 1976 through 1980, Bro. Rose was assigned as a teacher to Shanley High School in Fargo, North Dakota.

22. While teaching at Shanley High School, Bro. Rose sexually abused at least four (4) male students.

23. In 1977, a Shanley parent and her son, who was a student at Shanley, reported to the Christian Brothers, Diocese, Bishop and Shanley that Bro. Rose was sexually abusing another student during school-sponsored trips.

24. The Christian Brothers, Diocese, Bishop and Shanley did not take any action regarding this sexual abuse report. Consequently, Bro. Rose was able to sexually abuse the Plaintiff in this matter in 1978.

25. From 1980 through 1981, Bro. Rose was reassigned to Archbishop Rummel High School in New Orleans, Louisiana.

26. From 1981 through 1983, Bro. Rose was assigned to De La Salle High School in Concord, California. While assigned to De La Salle High School in Concord, California, Bro. Rose was the subject of a broad police investigation regarding Bro. Rose's sexual abuse of at least two (2) students.

27. From 1983 through 1984, Bro. Rose was assigned to the Miguel House Community in St. Paul, Minnesota.

28. From 1985 through 1987, Bro. Rose was assigned to the De La Salle Community in Minneapolis, Minnesota.

29. From 1987 through 1988, Bro. Rose was reassigned to the Dunrovin Retreat Center in Marine, Minnesota and also assigned as a Chaplain at the Hazelden Treatment Center in Center City, Minnesota.

30. From 1988 through 1989, Bro. Rose was assigned to the Our Lady of Lourdes parish and De La Salle Community in Minneapolis, Minnesota.

31. From 1989 through 1992, Bro. Rose was assigned to the Hazelden Treatment Center in Center City, Minnesota.

32. From approximately 1996 through approximately 1999, Bro. Rose was assigned to the Minnesota Correctional Facility in Red Wing. While assigned to the Minnesota Correctional Facility in Red Wing, Bro. Rose sexually abused at least one child.

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

34. By holding Bro. Rose out as a qualified Roman Catholic brother, and by undertaking the education, religious instruction and spiritual and emotional guidance of the minor Plaintiff, Defendants entered into a fiduciary relationship with the minor Plaintiff and his family. As a result of Plaintiff being a minor, and by Defendants undertaking the care and guidance of the then vulnerable minor Plaintiff, Defendants held a position of empowerment over Plaintiff.

35. By accepting custody of the minor Plaintiff, Defendants took custody of the Plaintiff *in loco parentis* and by so doing, the Defendants owed the duty to Plaintiff to protect the Plaintiff from injury.

36. Further, Defendants, by holding themselves out as shepherds and leaders 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

Defendants thus entered into a fiduciary relationship with Plaintiff.

37. In approximately 1970 or 1971, when the Plaintiff was approximately 16 - 17 years of age, Bro. Rose engaged in unpermitted, harmful and offensive sexual contact with the Plaintiff while on a field trip to Chicago, Illinois.

38. Defendants' silence, intentional concealment and/or negligent and/or reckless failure to prevent or discover Bro. Rose's continuing acts of sexual misconduct, constitutes a fraud and also prevented Plaintiff from discovering or suing upon the wrongs done to him. Defendants are therefore equitably estopped from asserting the statute of limitations in this action.

39. Plaintiff did not discover that he had been defrauded or have any reason to believe that Defendants had defrauded him until 2010.

40. As a direct result of the fraud, 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: FRAUD

41. Plaintiff incorporates all paragraphs of this complaint as if fully set forth under this count.

42. By assigning Bro. Rose to Cretin High School as a teacher who would have unsupervised access to children attending Cretin High School, Defendants affirmatively

represented to Plaintiff and his family that Bro. Rose was safe around children and that he did not have a history of molesting children, that Defendants did not know that Bro. Rose had a history of molesting children and that Defendants did not know that Bro. Rose was each a danger to children.

43. Defendants knew that its representations to Plaintiff and his family were false because Defendants knew that Bro. Rose had a history of sexually molesting children and was a danger to children.

44. Whether Bro. Rose had a history of molesting children, whether Defendants knew that Bro. Rose had a history of molesting children and whether Defendants knew that Bro. Rose was a danger to children were all material facts to Plaintiff.

45. Had Plaintiff known that Bro. Rose had a history of sexually molesting children and that Defendants knew that Bro. Rose had a history of sexually molesting children Plaintiff would have acted differently.

46. Defendants made the misrepresentations with the intent to deceive Plaintiff and to induce him to act on the misrepresentations to his detriment.

47. Plaintiff justifiably relied upon Defendants' misrepresentations which caused him to be sexually molested by Bro. Rose and suffer the other damages described herein.

48. Defendant's misrepresentations were the proximate cause of Plaintiff's damages.

49. As a direct result of the fraud described herein, 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 II – FRAUD (NEGLIGENT MISREPRESENTATION)

50. Plaintiff incorporates all paragraphs of this complaint as if fully set forth in this count.

51. Defendants, and through its agents, represented to Plaintiff and his family that Bro. Rose did not have a history of molesting children and that Bro. Rose was not a danger to children.

52. Bro. Rose did have a history of sexually molesting children and was a danger to children.

53. Defendants did not intend or anticipate that the Plaintiff would be harmed or abused because of its representation.

54. Defendants owed a duty of care to Plaintiff because Defendants should have known that Bro. Rose would have access to children, including Plaintiff, should have known that Bro. Rose was a danger to children, should have known that Bro. Rose had molested children before he molested Plaintiff, and should have known that parents and children would place the utmost trust in Bro. Rose.

55. Defendants, and 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 Bro. Rose. Defendants reasonably should have foreseen that its representation would subject Plaintiff to the unreasonable risk of harm.

56. Defendants failed to use ordinary care to determine Bro. Rose's history of

molesting children and whether he was safe for work with children before Defendants made their representation about Bro. Rose. Defendants' failures include but are not limited to: failure to ask Bro. Rose whether he sexually molested children, failure to ask Bro. Rose's co-workers whether Bro. Rose molested children or whether they had any concerns about Bro. Rose and children, failure to investigate Bro. Rose's interest in children, failure to have a sufficient system to determine whether Bro. Rose molested children and whether he was safe, failure to train its employees properly to identify signs of child molestation by fellow employees, and failure to investigate warning signs about Bro. Rose when they did arise.

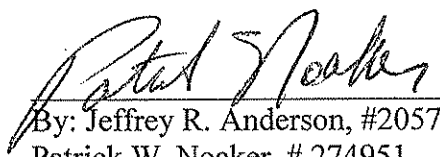
57. Plaintiff believed and justifiably relied upon Defendants' representations which caused him to be sexually molested by Bro. Rose and suffer the other damages described herein.

WHEREFORE, Plaintiff demands judgment against Defendants individually, jointly and severally 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: 5/21/10

Respectfully submitted,

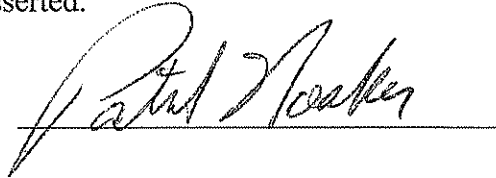
JEFF ANDERSON AND ASSOCIATES, P.A.


By: Jeffrey R. Anderson, #2057

Patrick W. Noaker, # 274951
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 "Patrick Hooper", is written over a horizontal line.