

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF STEARNS

SEVENTH JUDICIAL DISTRICT

Case Type: Personal Injury

Doe 596,

Plaintiff,

COMPLAINT

vs.

Holy Innocents' School, Incorporated a/k/a
and d/b/a Holy Innocents' School,

Defendant.

Plaintiff, for her cause of action against Defendant, alleges that:

PARTIES

1. Plaintiff Doe 596 is an adult resident of the State of Minnesota. At all times material, Plaintiff Doe 596 resided in the State of Minnesota. The identity of Plaintiff Doe 596 has been disclosed under separate cover to Defendant.

2. At all times material, Defendant Holy Innocents' School, Incorporated a/k/a and d/b/a Holy Innocents' School (hereinafter "Holy Innocents'") was and continues to be a domestic nonprofit corporation organized under Minnesota Statute 317A, and authorized to conduct business and conducting business in the State of Minnesota. Holy Innocents' principal place of business is 1705 Co. Rd 137, Waite Park, Minnesota. Holy Innocents' was incorporated in the State of Minnesota in approximately 1970. Holy Innocents' president is Robert J. Sis. Holy Innocents' operates Holy Innocents' School, a private Catholic School for children in grades kindergarten through 12th grade that operates within the geographic boundaries of the Diocese of St. Cloud.

FACTS

3. At all times material, Fr. Lawrence Brey (hereinafter “Brey”) was a Roman Catholic priest employed by Defendant Holy Innocents’. Brey remained under the direct supervision, employ and control of Defendant Holy Innocents’. Defendant placed Brey in positions where he had access to and worked with children as an integral part of his work. Fr. Brey was originally ordained for the Archdiocese of Milwaukee, but was assigned to Holy Innocents’ Catholic School in Waite Park, Minnesota during the 1970s and 1980s, where he lived in a small trailer on school property. Brey died in 2006.

4. At all times material, Robert J. Sis was employed by Defendant Holy Innocents’ as principal and/or the school’s “disciplinarian.” Robert J. Sis remained under the direct supervision, employ and control of Defendant Holy Innocents’ School. Defendant placed Robert J. Sis in positions where he had access to and worked with children as an integral part of his work. Plaintiff came into contact with Robert J. Sis through his position at Holy Innocents’ School.

5. At all times material, Bernice Sis was employed by Defendant Holy Innocents’. Bernice Sis remained under the direct supervision, employ and control of Defendant Holy Innocents’ School. Defendant placed Bernice Sis in positions where she had access to and worked with children as an integral part of her work. Plaintiff came into contact with Bernice Sis through her position at Holy Innocents’ School.

6. At all times material, Maria Sis was a teacher at and employee of Defendant Holy Innocents’. Maria Sis remained under the direct supervision, employ and control of Defendant Holy Innocents’ School. Defendant placed Maria Sis in positions where she had access to and worked with children as an integral part of her work. Plaintiff came into contact with Maria Sis through her position at Holy Innocents’ School.

7. At all times material, Heidi Sis was a teacher at and employee of Defendant Holy Innocents'. Heidi Sis remained under the direct supervision, employ and control of Defendant Holy Innocents' School. Defendant placed Heidi Sis in positions where she had access to and worked with children as an integral part of her work. Plaintiff came into contact with Heidi Sis through her position at Holy Innocents' School.

8. At all times material, Christopher Sis was a student and/or employed by Defendant Holy Innocents'. Christopher Sis remained under the direct supervision, employ and control of Defendant Holy Innocents' School. Defendant placed Christopher Sis in positions where he had access to and/or worked with children as an integral part of his work and association with Holy Innocents'. Plaintiff came into contact with Christopher Sis through as a student at Holy Innocents' School.

9. Plaintiff was raised in a devout Roman Catholic family and attended Holy Innocents' School in Waite Park, Minnesota from approximately 1978 to 1984, when she was approximately 5 to 11 years old. Plaintiff and her family came in contact with Fr. Brey, Robert J. Sis, Bernice Sis, Maria Sis, Heidi Sis and Christopher Sis as agents and representatives of Defendant Holy Innocents' and Defendant Diocese.

10. Plaintiff was a student, participated in youth activities, and church activities at Holy Innocents'. Plaintiff, therefore, developed great admiration, trust, reverence and respect for Defendant and its agents, including Fr. Brey, Robert J. Sis, Bernice Sis, Maria Sis, Heidi Sis, and Christopher Sis.

11. During and through these activities, Plaintiff, as a minor and vulnerable child, was dependent on Defendant, Fr. Brey, Robert J. Sis, Bernice Sis, Maria Sis, Heidi Sis, and Christopher

Sis. Defendant had custody of Plaintiff and accepted the entrustment of Plaintiff. Defendant had responsibility for Plaintiff and authority over her.

12. From approximately 1978 to 1984, when Plaintiff was approximately 5 to 11 years old, Robert J. Sis engaged in unpermitted sexual contact with Plaintiff on multiple occasions.

13. From approximately 1978 to 1984, when Plaintiff was approximately 5 to 11 years old, Fr. Lawrence Brey engaged in unpermitted sexual contact with Plaintiff on multiple occasions.

14. From approximately 1978 to 1984, when Plaintiff was approximately 5 to 11 years old, Bernice Sis engaged in unpermitted sexual contact with Plaintiff on multiple occasions.

15. From approximately 1978 to 1984, when Plaintiff was approximately 5 to 11 years old, Maria Sis engaged in unpermitted sexual contact with Plaintiff on multiple occasions.

16. From approximately 1978 to 1984, when Plaintiff was approximately 5 to 11 years old, Heidi Sis engaged in unpermitted sexual contact with Plaintiff on multiple occasions.

17. From approximately 1978 to 1984, when Plaintiff was approximately 5 to 11 years old, Christopher Sis engaged in unpermitted sexual contact with Plaintiff on multiple occasions.

18. Fr. Brey, Robert J. Sis, Bernice Sis, Maria Sis, and Heidi Sis were strict disciplinarians and grew impatient with Doe 596's difficulty with reading and memorization. They punished Doe 596 for being lazy and not studying when learning continued to be difficult for her. Doe 596 was called stupid, physically punished, and was sexually abused repeatedly by Fr. Brey, Robert J. Sis, Bernice Sis, Maria Sis, and Heidi Sis and told that it was an attempt to rid her of evil, laziness and stupidity. Doe 596 was told by Brey and the above-mentioned Sises that she was being punished for not being good, and her punishments progressed over time to include ritual sexual abuse that Brey and the Sises told Doe 596 were for her own good.

19. In approximately 2008, Plaintiff reported the sexual abuse she suffered by Fr. Brey, Robert J. Sis, Bernice Sis, Maria Sis, Heidi Sis, and Christopher Sis to members of her family, including her father.

20. In approximately 2008, Plaintiff's father reported the abuse Plaintiff suffered at Holy Innocents' School to Robert J. Sis and Christopher Sis. In response to the report, Christopher Sis threatened to kill Plaintiff's father if he disclosed the abuse to anyone else or went to authorities. Plaintiff learned about these threats in approximately 2009 and was extremely distraught and has feared for the lives of her family and herself since.

21. Plaintiff's father died in 2009. Still, because of her knowledge of the abusive and violent nature of Robert J. Sis and Christopher Sis, and the threat by Robert J. Sis and Christopher Sis that they would kill Plaintiff's father if he reported Plaintiff's abuse to anyone else or went to authorities, Plaintiff feared for her own life and the lives of her family if she reported her abuse to civil authorities or sought legal counsel. Plaintiff's knowledge and past experience of the violent nature of the Sis family, and the threats made against Plaintiff's father created pressure on Plaintiff not to report the abuse she suffered for years at Holy Innocents' School until recently.

22. Due to Robert J. Sis and Christopher Sis' violent propensities, and their threat to kill Plaintiff's father if Plaintiff's abuse was reported to anyone else including authorities, Plaintiff was prevented from reporting the abuse she suffered at Holy Innocents' School to civil authorities, and from obtaining legal counsel prior to May 25, 2016, in order to file a timely civil claim under the Minnesota Child Victims Act (Minn. Stat. § 541.073, subd. 5(b) (three-year provision)).

23. Plaintiff's relationship to Defendant, Fr. Brey, and Robert J. Sis, Bernice Sis, Maria Sis, Heidi Sis and Christopher Sis as a vulnerable child, student, parishioner and participant in church activities, was one in which Plaintiff was subject to the ongoing influence of Defendant,

Fr. Brey, Robert J. Sis, Bernice Sis, Maria Sis, Heidi Sis, and Christopher Sis, Plaintiff's abusers. The culture of Defendant Holy Innocents' and Defendant Diocese over Plaintiff created pressure on Plaintiff not to report Fr. Brey's, Robert J. Sis', Bernice Sis', Maria Sis', Heidi Sis' and Christopher Sis' abuse of her.

24. Upon information and belief, the Diocese of St. Cloud authorized Fr. Lawrence Brey to work as a priest within the geographical region of the Diocese of St. Cloud, including at Holy Innocents' School in Waite Park within the Diocese.

25. Prior to the sexual abuse of Plaintiff, Defendant learned or should have learned that Fr. Brey, Robert J. Sis, Bernice Sis, Maria Sis, Heidi Sis, and/or Christopher Sis were not fit to work with children.

26. Defendant knew or should have known that Fr. Brey, Robert J. Sis, Bernice Sis, Maria Sis, Heidi Sis, and/or Christopher Sis were a danger to children before each of them sexually molested Plaintiff.

27. Defendant negligently or recklessly believed that Fr. Brey, Robert J. Sis, Bernice Sis, Maria Sis, Heidi Sis, and/or Christopher Sis were fit to work with children and/or that any previous problems they had were fixed and cured; that Fr. Brey, Robert J. Sis, Bernice Sis, Maria Sis, Heidi Sis, and/or Christopher Sis would not sexually molest children and that Fr. Brey, Robert J. Sis, Bernice Sis, Maria Sis, Heidi Sis, and/or Christopher Sis would not injure children; and/or that Fr. Brey, Robert J. Sis, Bernice Sis, Maria Sis, Heidi Sis, and/or Christopher Sis would not hurt children.

28. By holding Fr. Brey, Robert J. Sis, Bernice Sis, Maria Sis, Heidi Sis, and/or Christopher Sis out as safe to work with children, and by undertaking the custody, supervision of, and/or care of the minor Plaintiff, Defendant entered into a fiduciary relationship with the minor

Plaintiff. As a result of Plaintiff being a minor, and by Defendant undertaking the care and guidance of the then vulnerable minor Plaintiff, Defendant held a position of empowerment over Plaintiff.

29. By accepting custody of the minor Plaintiff, Defendant established an *in loco parentis* relationship with Plaintiff and in so doing, owed Plaintiff a duty to protect Plaintiff from injury.

30. Further, Defendant, by holding itself out as being able to provide a safe environment for children, solicited and/or accepted this position of empowerment. This empowerment prevented the then minor Plaintiff from effectively protecting herself and Defendant thus entered into a fiduciary relationship with Plaintiff.

31. Defendant Holy Innocents' had a special relationship with Plaintiff.

32. Defendant Holy Innocents' owed Plaintiff a duty of reasonable care because it had superior knowledge about the risk that Fr. Brey, Robert J. Sis, Bernice Sis, Maria Sis, Heidi Sis, and/or Christopher Sis posed to Plaintiff, the risk of abuse in general in its programs and/or the risks that its facilities posed to minor children.

33. Defendant Holy Innocents' Catholic School owed Plaintiff a duty of reasonable care because they solicited youth and parents for participation in its youth programs; encouraged youth and parents to have the youth participate in its programs; undertook custody of minor children, including Plaintiff; promoted its facilities and programs as being safe for children; held its agents, including Fr. Brey, Robert J. Sis, Bernice Sis, Maria Sis, Heidi Sis, and/or Christopher Sis, out as safe to work with children; encouraged parents and children to spend time with its agents; and/or encouraged its agents, including Fr. Brey, Robert J. Sis, Bernice Sis, Maria Sis, Heidi Sis, and/or Christopher Sis, to spend time with, interact with, and recruit children.

34. Defendant Holy Innocents' owed a duty to Plaintiff to protect her from harm because Defendant's actions created a foreseeable risk of harm to Plaintiff. As a vulnerable child participating in the programs and activities Defendant offered to minors, Plaintiff was a foreseeable victim. As a vulnerable child who Fr. Brey, Robert J. Sis, Bernice Sis, Maria Sis, Heidi Sis, and/or Christopher Sis had access to through Defendant's facilities and programs, Plaintiff was a foreseeable victim.

35. Defendant Holy Innocents' breach of its duties include, but are not limited to: failure to have sufficient policies and procedures to prevent child sex abuse, failure to properly implement the policies and procedures to prevent child sex abuse, failure to take reasonable measures to make sure that the policies and procedures to prevent child sex abuse were working, failure to adequately inform families and children of the risks of child sex abuse, failure to investigate risks of child molestation, failure to properly train the workers at institutions and programs, failure to have any outside agency test its safety procedures, failure to protect the children in its programs from child sex abuse, failure to adhere to the applicable standard of care for child safety, failure to investigate the amount and type of information necessary to represent the institutions, programs, leaders and people as safe, failure to train its employees properly to identify signs of child molestation by fellow employees, failure by relying upon mental health professionals, and/or failure by relying on people who claimed that they could treat child molesters.

36. Defendant Holy Innocents' failed to use ordinary care in determining whether its facilities were safe and/or to determine whether they had sufficient information to represent its facilities as safe. Defendant's failures include, but are not limited to: failure to have sufficient policies and procedures to prevent abuse at its facilities, failure to investigate risks at its facilities,

failure to properly train the workers at its facilities, failure to have any outside agency test its safety procedures, failure to investigate the amount and type of information necessary to represent its facilities as safe, failure to train its employees properly to identify signs of child molestation by fellow employees, failure by relying upon mental health professionals, and/or failure by relying upon people who claimed that they could treat child molesters.

37. Defendant Holy Innocents' also breached its duties to Plaintiff by failing to warn her and her family of the risk that Fr. Brey, Robert J. Sis, Bernice Sis, Maria Sis, Heidi Sis, and/or Christopher Sis posed and the risks of child sexual abuse by teachers and its agents. Defendant also failed to warn them about any of the knowledge that Defendant had about child sex abuse.

38. Defendant Holy Innocents' also violated a legal duty by failing to report known and/or suspected abuse of children by Fr. Brey, Robert J. Sis, Bernice Sis, Maria Sis, Heidi Sis, and/or Christopher Sis and/or its other agents to the police and law enforcement.

39. Defendant also breached its duties to Plaintiff by actively maintaining and employing Fr. Brey, Robert J. Sis, Bernice Sis, Maria Sis, Heidi Sis, and/or Christopher Sis in a position of power and authority through which Fr. Brey, Robert J. Sis, Bernice Sis, Maria Sis, Heidi Sis, and/or Christopher Sis had access to children, including Plaintiff, and power and control over children, including Plaintiff.

40. Defendant knew or should have known that some of the leaders and people working at Holy Innocents' School were not safe.

41. Defendant knew or should have known that it did not have sufficient information about whether or not its leaders and people working at Holy Innocents' School were safe.

42. Defendant knew or should have known that there was a risk of child sex abuse for children participating in school programs and activities at Holy Innocents' School.

43. Defendant knew or should have known that they did not have sufficient information about whether or not there was a risk of child sex abuse for children participating in programs and activities at Holy Innocents' School.

44. Defendant knew or should have known that Defendant had numerous agents who had sexually molested children. Defendant knew or should have known that child molesters have a high rate of recidivism. Defendant knew or should have known that there was a specific danger of child sex abuse for children participating in its youth and school programs.

45. Defendant held its leaders and agents out as people of high morals, as possessing immense power, teaching families and children to obey these leaders and agents, teaching families and children to respect and revere these leaders and agents, soliciting youth and families to its programs, marketing to youth and families, recruiting youth and families, and holding out the people that worked in the programs as safe.

46. Defendant was negligent and/or made representations to Plaintiff and her family during each and every year of her minority.

47. Upon information and belief, Defendant failed to report multiple allegations of sexual abuse of children by its agents to the proper civil authorities. As a result, children are at risk of being sexually molested.

48. Upon information and belief, Defendant Holy Innocents' continues to hold itself out as an institution of high morals, and has not disclosed to the public the dangerous condition it has created and that continues to exist.

49. Upon information and belief, Holy Innocents' School has never disclosed to the public, to the families who have sent their children to them in the past, or to families currently sending children to its school, that the children who attend this school are in danger of being

sexually abused.

50. As a direct result of Defendant's conduct 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, physical, personal and psychological injuries. Plaintiff was prevented, and will continue to be prevented, from performing normal daily activities and obtaining the full enjoyment of life; and/or has incurred and will continue to incur expenses for psychological treatment, therapy, and counseling; and/or has and will incur loss of income and loss of earning capacity.

COUNT I: PUBLIC NUISANCE (COMMON LAW AND MINN. STAT. § 609.74)

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

51. Defendant continues to conspire and engage and/or have conspired and engaged in efforts to: 1) conceal from the general public the sexual assaults committed by, the identities of, and the pedophilic/ephebophilic tendencies of, Fr. Brey, Robert J. Sis, Bernice Sis, Maria Sis, Heidi Sis, and/or Christopher Sis and Defendant's other accused agents; and/or 2) conceal from proper civil authorities sexual assaults and abuse committed by Fr. Brey, Robert J. Sis, Bernice Sis, Maria Sis, Heidi Sis, and/or Christopher Sis and Defendant's other agents against minor children; and/or 3) attack the credibility of victims of Defendant's agents; and/or 4) protect Defendant's agents from criminal prosecution for their sexual assaults and abuse against children; and/or 5) allow known child molesters to live freely in the community without informing the public; and/or 6) operate a school and solicit families from the public to send their children there where the children are subjected to danger of sexual abuse.

52. The negligence and/or deception and concealment by Defendant has maintained or

permitted a condition which unreasonably endangers the safety and health of a considerable number of members of the public, including, but not limited to, children and residents in Waite Park, St. Cloud, Stearns County and throughout the St. Cloud area, and other members of the general public who live in communities where Defendant's agents who molested children live. Defendant's failure to report multiple allegations of sexual assault and abuse of children to proper authorities, as well as its failure to inform the public about sexual abuse, or agents and employees accused of sexual abuse of minors has prevented the public from knowing of a real danger, and has thereby endangered the safety and health of a considerable number of the members of the public by allowing child molesters to avoid prosecution and remain living freely in unsuspecting communities and working with and around children. These child molesters, known to Defendant but not to the public, pose a threat of additional abuse to a considerable number of members of the public.

53. The negligence and/or deception and concealment by Defendant was specially injurious to Plaintiff's health as Plaintiff was sexually assaulted by Defendant's agents, Fr. Brey, Robert J. Sis, Bernice Sis, Maria Sis, Heidi Sis, and/or Christopher Sis.

54. The negligence and/or deception and concealment by Defendant was also specially injurious to Plaintiff's health in that when Plaintiff finally discovered the negligence and/or deception and concealment of Defendant, Plaintiff experienced mental, emotional and/or physical distress that she had been the victim of Defendant's negligence and/or deception and concealment.

55. Plaintiff has suffered and/or continues to suffer special, particular, and peculiar psychological and emotional harm and/or peculiar pecuniary harm, different in kind from the general public as a result of the dangerous condition maintained and/or permitted by Defendant, which continues as long as decisions are made and actions are taken to keep the information about

the abuse and/or the accused agents concealed. As a result of the negligence and/or deception and concealment, Plaintiff has suffered and continues to suffer lessened enjoyment of life, and/or impaired health, and/or emotional distress, and/or physical symptoms of emotional distress and/or pecuniary loss including medical expenses for mental health and other treatment and/or wage loss.

56. Plaintiff's injuries are also particular to her and different from certain members of the public who have not been harmed by the nuisance. People who have not been harmed by the nuisance include those who have not suffered any injury at all, those who are unaware of the nuisance, those who do not believe that the Defendant ever concealed anything about child sex abuse.

57. Plaintiff's injuries are also particular to her and different from certain members of the public in that as a victim of sexual abuse at Holy Innocents', her awareness of the ongoing danger to other members of the community, including but not limited to children, causes her immense emotional distress that children are being subjected to the same abuse at Holy Innocents' School that she suffered.

58. The continuing public nuisance created by Defendant was, and continues to be, the proximate cause of Plaintiff's special injuries and damages as alleged.

59. In doing the aforementioned acts, Defendant acted negligently and/or intentionally, maliciously and with conscious disregard for Plaintiff's rights.

60. As a result of the above-described conduct, Plaintiff has suffered the injuries and damages described herein.

COUNT II: PRIVATE NUISANCE (MINN. STAT. § 561.01)

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

61. Defendant continues to conspire and engage and/or has conspired and engaged in efforts to: 1) conceal from the general public the sexual assaults committed by, the identities of, and the pedophilic/ephebophilic tendencies of, Fr. Brey, Robert J. Sis, Bernice Sis, Maria Sis, Heidi Sis, and/or Christopher Sis and Defendant's other accused agents; and/or 2) conceal from proper civil authorities sexual assaults and abuse committed by Fr. Brey, Robert J. Sis, Bernice Sis, Maria Sis, Heidi Sis, and/or Christopher Sis and Defendant's other agents against minor children; and/or 3) attack the credibility of victims of Defendant's agents; and/or 4) protect Defendant's agents from criminal prosecution for their sexual assaults and abuse against children; and/or 5) allow known child molesters to live freely in the community without informing the public, and/or 6) operate a school and solicit families from the public to send their children there, where the children are subjected to danger of sexual abuse.

62. The negligence and/or deception and concealment by Defendant was and is injurious to the health and/or indecent or offensive to the senses of the general public, including, but not limited to, residents in Waite Park and surrounding area, and other members of the general public who live in communities where Defendant's accused molesters live. It was and is indecent and offensive to the senses, so as to interfere with the general public's comfortable enjoyment of life in that many in the general public cannot trust Defendant to warn parents of the presence of the current and/or former accused molesters, nor to identify its current and/or former accused molesters, nor to disclose said accused molesters' patterns of conduct in grooming and sexually assaulting children, all of which create an impairment of the safety of children in the neighborhoods in Minnesota where Defendant conducted, and continue to conduct, its business.

63. The negligence and/or deception and concealment by Defendant was injurious to Plaintiff's health and/or Plaintiff's personal enjoyment of life as Plaintiff was sexually assaulted

by Defendant's agents, Fr. Brey, Robert J. Sis, Bernice Sis, Maria Sis, Heidi Sis, and/or Christopher Sis.

64. The negligence and/or deception and concealment by Defendant also was injurious to Plaintiff's health and/or personal enjoyment of life in that when Plaintiff discovered the negligence and/or deception and concealment of Defendant that led to Plaintiff's sexual assault, Plaintiff experienced mental, emotional, and/or physical distress that Plaintiff had been the victim of the Defendant's negligence and/or deception and concealment.

65. The continuing nuisance created by Defendant was, and continues to be, a proximate cause of Plaintiff's injuries and damages as alleged.

66. In doing the aforementioned acts, Defendant acted negligently and/or intentionally, maliciously and with conscious disregard for Plaintiff's rights.

67. As a result of the above-described conduct, Plaintiff has suffered the injuries and damages described herein.

COUNT III: NEGLIGENCE

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

68. Defendant owed Plaintiff a duty of reasonable care.

69. Defendant owed Plaintiff a duty of care because Defendant had a special relationship with Plaintiff.

70. Defendant owed Plaintiff a duty to protect Plaintiff from harm because Defendant had a special relationship with Fr. Brey, Robert J. Sis, Bernice Sis, Maria Sis, Heidi Sis, and/or Christopher Sis.

71. Defendant owed Plaintiff a duty to protect Plaintiff from harm because

Defendant's active misfeasance created a foreseeable risk of harm.

72. Defendant owed Plaintiff a duty to protect Plaintiff from harm because Defendant invited her onto its property and Fr. Brey, Robert J. Sis, Bernice Sis, Maria Sis, Heidi Sis, and/or Christopher Sis posed a dangerous condition on Defendant's property.

73. By establishing and/or operating the Diocese of St. Cloud and Holy Innocents' School, accepting minor Plaintiff as a parishioner and/or participant in church activities and/or student, and holding Defendant Diocese and Holy Innocents' School out to be a safe environment for Plaintiff to participate and/or study and/or learn, accepting custody of the minor Plaintiff *in loco parentis*, and by establishing a fiduciary relationship with Plaintiff, Defendant entered into an express and/or implied duty to properly supervise Plaintiff and provide a reasonably safe learning and spiritual environment.

74. By establishing and/or operating the Diocese of St. Cloud and Holy Innocents' School, which offered educational programs to children, which may have included a parish school, and by accepting the enrollment and participation of minor Plaintiff as a student/participant in those educational programs, Defendant owed Plaintiff a duty to properly supervise Plaintiff to prevent harm from foreseeable dangers.

75. Defendant breached its duties to Plaintiff. Defendant's failures include but are not limited to failing to properly supervise Fr. Brey, Robert J. Sis, Bernice Sis, Maria Sis, Heidi Sis, and/or Christopher Sis, failing to properly supervise Plaintiff and failing to protect Plaintiff from a known danger.

76. Defendant's breach of its duties was the proximate cause of Plaintiff's injuries.

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

COUNT IV: NEGLIGENT SUPERVISION

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

78. At all times material, Fr. Brey, Robert J. Sis, Bernice Sis, Maria Sis, Heidi Sis, and/or Christopher Sis were employed by Defendant Diocese and/or Holy Innocents' School, and were under Defendant's direct supervision, employ and control when they committed the wrongful acts alleged herein. Fr. Brey, Robert J. Sis, Bernice Sis, Maria Sis, Heidi Sis, and/or Christopher Sis engaged in the wrongful conduct while acting in the course and scope of their employment with Defendant and/or accomplished the sexual abuse by virtue of their job-created authority. Defendant failed to exercise ordinary care in supervising Fr. Brey, Robert J. Sis, Bernice Sis, Maria Sis, Heidi Sis, and/or Christopher Sis in their assignments and failed to prevent the foreseeable misconduct of Fr. Brey, Robert J. Sis, Bernice Sis, Maria Sis, Heidi Sis, and/or Christopher Sis from causing harm to others, including the Plaintiff herein.

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

COUNT V: NEGLIGENT RETENTION

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

80. Defendant, by and through its agents, servants and/or employees, became aware, or should have become aware, of problems indicating that Fr. Brey, Robert J. Sis, Bernice Sis, Maria Sis, Heidi Sis, and/or Christopher Sis was an unfit agent with dangerous and exploitive propensities, yet Defendant failed to take any further action to remedy the problem and failed to investigate or remove Fr. Brey, Robert J. Sis, Bernice Sis, Maria Sis, Heidi Sis, and/or Christopher

Sis from working with children.

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

PRAYER FOR RELIEF

82. Plaintiff demands judgment against Defendant, individually, jointly and severally in an amount in excess of \$50,000.00, plus costs, disbursements, reasonable attorney's fees, interest, and such other and further relief as the court deems just and equitable.

83. Plaintiff requests an order from the Court requiring that the Defendant Holy Innocents' forever close Holy Innocents' School, sell the property at 1705 County Road 13, Waite Park, Minnesota, and that Robert J. Sis, Bernice Sis, Maria Sis, Heidi Sis, and Christopher Sis be forever prevented from operating or working at a school in the State of Minnesota, and that Robert J. Sis, Bernice Sis, Maria Sis, Heidi Sis, and Christopher Sis not be allowed a teaching license in the State of Minnesota or elsewhere in order to abate the nuisance created by Defendant.

DEMAND IS HEREBY MADE FOR A TRIAL BY JURY.

Dated: 12/3/18

JEFF ANDERSON & ASSOCIATES, P.A.

/s/ Michael A. Bryant

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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.

/s/ Michael A. Bryant
