

STATE OF MINNESOTA  
COUNTY OF RAMSEY

DISTRICT COURT  
SECOND JUDICIAL DISTRICT

Case Type: Personal Injury

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John Doe 150,

Plaintiff,

Court File No.:

vs.

**COMPLAINT**

Archdiocese of St. Paul and Minneapolis,

Defendant.

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

**PARTIES**

1. Plaintiff John Doe 150 is an adult male resident of the State of Minnesota.
2. At all times material, Defendant Archdiocese of St. Paul and Minneapolis (hereinafter "Defendant") was and continues to be a Minnesota non-profit religious corporation, authorized to conduct business and conducting business in the State of Minnesota, with its principal place of business located at 226 Summit Avenue, St. Paul, Minnesota.

**FACTS**

3. At all times material, Father Thomas Stitts (hereinafter "Fr. Stitts"), now deceased, was an ordained Roman Catholic priest employed by Defendant from 1962 through 1985.
4. Defendant allowed Fr. Stitts to have unsupervised and unlimited access to young

persons at Our Lady of Grace in Edina, Minnesota, Guardian Angels church in Hastings, Minnesota, St. Leo's in St. Paul, Minnesota, and St. George's church in Long Lake, Minnesota.

5. Before Plaintiff John Doe 150 was first sexually abused by Fr. Stitts, Defendant had actual or constructive knowledge of material facts regarding Fr. Stitts' sexual misconduct, impulses and behavior.

6. In 1966, Fr. Forrey, a priest who worked with Fr. Stitts at Our Lady of Grace, warned Archbishop Leo Binz about Fr. Stitts' behavior and in particular, his behavior around altar boys.

7. In 1967, a boy reported to the principal of Guardian Angels school, Sister Eva Joseph, that Fr. Stitts engaged in inappropriate sexual touching with him.

8. Despite these clear indications of danger, Defendant took no steps to discover the specific nature of Fr. Stitts' problems or to determine whether he was fit to work with children, thereby increasing the likelihood that Plaintiff John Doe 150 would be harmed.

9. Between 1970 and 1973, prior to the sexual abuse alleged herein, officials of Defendant, specifically including Archbishop Byrne, learned that Fr. Stitts had sexually abused male students at St. Leo's Church in the Highland Park neighborhood of St. Paul, Minnesota. However, upon discovery of this abuse, Defendant took no further steps to investigate the misconduct or prevent further sexual abuse by Fr. Stitts.

10. Upon information and belief, following the report to Archbishop Byrne that Fr. Stitts had sexually abused a minor male student at St. Leo's Church, Fr. Stitts sexually abused another male student, who reported it to his mother, who then reported it to her brother who was a Catholic priest. Shortly thereafter Fr. Stitts was transferred to St. George's in Long Lake, Minnesota, where he continued to have access to children.

11. Defendant knew or should have known that Fr. Stitts was a child molester and knew or should have known that Fr. Stitts was a danger to children before Fr. Stitts molested Plaintiff.

12. Defendant negligently or recklessly believed that Fr. Stitts was fit to work with children and/or that any previous problems he had were fixed or cured; that Fr. Stitts would not sexually molest children; and/or that Fr. Stitts would not hurt children.

13. Plaintiff was raised in a devout Roman Catholic family, regularly celebrated mass, received the sacraments and participated in church-related activities, including serving as an altar boy at St. Leo's church. Plaintiff, therefore, developed great admiration, trust, reverence and respect for the Roman Catholic Church and its agents, including Fr. Stitts.

14. Defendant held Fr. Stitts out as a qualified Roman Catholic priest, and undertook the education, religious instruction and spiritual and emotional guidance of the Plaintiff. Accordingly, Plaintiff placed trust in Defendant so that Defendant gained superiority and influence over Plaintiff. Defendant entered into a fiduciary relationship with the Plaintiff and his family.

15. By holding Fr. Stitts 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.

16. 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 himself and

Defendant thus entered into a fiduciary relationship with Plaintiff.

17. Defendant had a special relationship with Plaintiff.

18. Defendant owed Plaintiff a duty of reasonable care because it had superior knowledge about the risk that Fr. Stitts posed to Plaintiff, the risk of abuse in general in its programs and/or the risks that its facilities posed to minor children.

19. Defendant owed Plaintiff a duty of reasonable care because it 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. Stitts out as safe to work with children; encouraged parents and children to spend time with its agents; and/or encouraged its agents, including Fr. Stitts, to spend time with, interact with, and recruit children.

20. Defendant had a duty to Plaintiff to protect him from harm because Defendant's actions created a foreseeable risk of harm to Plaintiff.

21. Defendant's 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 within Defendant's geographical confines, failure to have any outside agency test its safety procedures, failure to protect the children in their 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, and leaders and people as safe, and

failure to properly train its employees to identify signs of child molestation by fellow employees.

22. Defendant failed to use ordinary care in determining whether its facilities were safe and/or to determine whether it 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, and failure to train its employees properly to identify signs of child molestation by fellow employees.

23. Defendant also breached its duties to Plaintiff by failing to warn him and his family of the risk that Fr. Stitts posed and the risks of child sexual abuse by clerics. It also failed to warn him about any of the knowledge that the Defendant had about child sex abuse.

24. Defendant also breached its duties to Plaintiff by failing to report Fr. Stitts' abuse of children to the police and law enforcement.

25. Defendant knew or should have known that some of the leaders and people working at Catholic institutions within the Archdiocese were not safe.

26. Defendant knew or should have known that it did not have sufficient information about whether or not its leaders and people working at Catholic institutions within the Archdiocese were safe.

27. Defendant knew or should have known that there was a risk of child sex abuse for children participating in Catholic programs and activities within the Archdiocese.

28. Defendant knew or should have known that it did not have sufficient information about whether or not there was a risk of child sex abuse for children participating in Catholic

programs and activities within the Archdiocese.

29. Defendant knew or should have known that it 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 their youth programs.

30. 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.

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

32. In approximately 1970, when Plaintiff John Doe 150 was approximately 14 years of age, Fr. Stitts engaged in unpermitted sexual contact with Plaintiff John Doe 150 by hearing Plaintiff's confession in the rectory, attempting to forcefully touch Plaintiff's genitals, and forcing Plaintiff to touch Fr. Stitts' penis as penance for Plaintiff's sins.

33. After Plaintiff's abuse, Plaintiff told the principal at St. Leo's School that Fr. Stitts sexually abused him. The principal referred Plaintiff to a psychiatrist and took no further action to prevent Fr. Stitts from sexually abusing Plaintiff.

34. The principal at St. Leo's school also told Monsignor Murray, a priest at St. Leo's Church, that Fr. Stitts sexually abused Plaintiff.

35. Neither the principal, Msgr. Murray, nor any official from the Archdiocese informed law enforcement authorities that Fr. Stitts sexually abused a minor child. As a direct

result, Fr. Stitts avoided criminal investigation and prosecution and continued to have access to minor boys.

36. As a direct result of the sexual abuse, sexual exploitation and Defendant's conduct, 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.

#### **COUNT I: NEGLIGENCE**

37. Plaintiff incorporates all paragraphs of this complaint as if fully set forth under this count and states and alleges as follows:

38. Defendant owed Plaintiff a duty of reasonable care.

39. Defendant breached the duty of reasonable care it owed Plaintiff.

40. Defendant's breach of its duty was the proximate cause of Plaintiff's injuries.

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

#### **COUNT II: NEGLIGENT SUPERVISION**

42. Plaintiff incorporates all paragraphs of this complaint as if fully set forth under this count and states and alleges as follows:

43. At all times material, Fr. Stitts was employed by the Defendant and was under Defendant's direct supervision, employ, and control when he committed the wrongful acts alleged herein. Fr. Stitts engaged in the wrongful conduct while acting in the course and scope

of his employment with Defendant and/or accomplished the sexual abuse by virtue of his job-created authority. Defendant failed to exercise ordinary care in supervising Fr. Stitts in his parish assignment and Defendant failed to prevent the foreseeable misconduct of Fr. Stitts from causing harm to others, including the Plaintiff herein.

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

**COUNT III: NEGLIGENT RETENTION**

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

46. Defendant, by and through its agents, servants and employees, became aware, or should have become aware, of problems indicating that Fr. Stitts 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. Stitts from working with children.

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

WHEREFORE, Plaintiff John Doe 150 demands judgment against Defendant individually, jointly and severally in an amount in excess of \$50,000 plus costs, disbursements, reasonable attorney's fees, interest, and whatever other relief the Court deems just and equitable.

Dated: 5/31/13

JEFF ANDERSON & ASSOCIATES, P.A.



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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.

