

OFFICIAL RECEIPT
St. Louis County - Duluth Receipt
100 N. 5th Ave. W.
Duluth, MN 55802

Payor
ANDERSON, JEFFREY R
366 Jackson Street
Suite - 100
Saint Paul, MN 55101

Receipt No.
69D-2015-06574

Transaction Date
05/18/2015

Description	Amount Paid
Buchtel, Quin	
69DU-CV-15-1264	
Quin Buchtel vs Diocese of Duluth	
Civil Filing Fee	322.00
Jury Fee	102.00
SUBTOTAL	424.00
Remaining Balance Due: \$0.00	

PAYMENT TOTAL **424.00**

Check (Ref #28152) Tendered	424.00
Total Tendered	424.00
Change	0.00

05/18/2015
09:08 AM

Cashier
Station 69D320ONE

Audit
1634727157

OFFICIAL RECEIPT

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF ST. LOUIS

SIXTH JUDICIAL DISTRICT

Quin Buchtel,

Case Type: Personal Injury

Court File No.:

Plaintiff,

v.

COMPLAINT

Diocese of Duluth,

Defendant.

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

PARTIES

1. At all times relevant for this Complaint, Plaintiff Quin Buchtel resided in the State of Minnesota.

2. At all times material, Defendant Diocese of Duluth ("Diocese") was and continues to be an organization or entity, which includes, but is not limited to, civil corporations, decision making entities, officials, and employees, authorized to conduct business and conducting business in the State of Minnesota with its principal place of business at 2830 East 4th Street, Duluth, Minnesota. The Bishop is the top official of the Diocese and is given authority over all matters within the Diocese as a result of his position. The Diocese functions as a business by engaging in numerous revenue producing activities and soliciting money from its members in exchange for its services. The Diocese has several programs which seek out the participation of children in the Diocese's activities. The Diocese, through its officials, has control over those activities involving children. The Diocese has the power to appoint, supervise, monitor, and fire each person working with children within the Diocese.

FACTS

3. At all times material, Father Charles Joseph Gormly was a Roman Catholic priest employed by the Diocese of Duluth. At all times material, Gormly remained under the direct supervision, employ and control of Defendant. Defendant placed Gormly in positions where he had access to and worked with children as an integral part of his work.

4. In 1935 Gormly was ordained a Roman Catholic Priest for the Diocese of Cheyenne, Wyoming.

5. From 1960-1961, Gormly was employed by the Diocese of Duluth and worked at the following locations:

- a. St. Lawrence Church, Duluth, MN;
- b. St. Raphael's Church, Duluth, MN;
- c. St. Francis of Assisi, Brainerd, MN.

6. Plaintiff Quin Buchtel was raised in a devout Roman Catholic family, participated in youth activities at the church, and participated in church activities at St. Francis of Assisi in Brainerd. Plaintiff, therefore, developed great admiration, trust, reverence and respect for the Roman Catholic Church, including Defendant and its agents.

7. Plaintiff and her family came in contact with Gormly at St. Francis.

8. From approximately 1960 to 1961, when Plaintiff was approximately 12 to 13 years old, Gormly engaged in unpermitted sexual contact with Plaintiff.

9. Defendant knew or should have known that Gormly was a danger to children before Gormly molested Plaintiff.

10. Defendant negligently or recklessly believed that Gormly was fit to work with children and/or that any previous problems he had were fixed and cured; that Gormly would not

sexually molest children and that Gormly would not injure children; and/or that Gormly would not hurt children.

11. By holding Gormly 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.

12. 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.

13. Defendant had a special relationship with Plaintiff.

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

15. 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 Gormly, out as safe to work with children; encouraged parents and children to spend time with its agents; and/or encouraged its agents, including Gormly, to spend time with, interact with, and recruit children.

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

17. 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 each of Defendant's geographical confines, failure to have any outside agency test their 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, 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.

18. 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, 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.

19. Defendant also breached its duties to Plaintiff by failing to warn her and her family of the risk that Gormly posed and the risks of child sexual abuse by clerics. They also failed to warn them about any of the knowledge that Defendant had about child sex abuse.

20. Defendant also violated a legal duty by failing to report known and/or suspected abuse of children by Gormly and/or its other agents to the police and law enforcement.

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

22. 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 Diocese were safe.

23. 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 Diocese.

24. 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 Diocese.

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

26. 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.

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

28. In 2004, the Diocese of Duluth publicly admitted that it knew there were 17 priests who worked in the Diocese who had been accused of sexually molesting minors. The Diocese has since released the original list of names, plus an additional nine names to the public but continues to conceal important information about the priests on the list and the names and information about accused priests not on the list. Information about accused priests' patterns of grooming and sexual abuse have not been disclosed. As a result, children are at risk of being sexually molested.

29. Upon information and belief, prior to and since 2004, 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.

30. 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 her 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 and/or will incur loss of income and/or loss of earning capacity.

COUNT I: NUISANCE (COMMON LAW AND MINN. STAT. § 561.01)
AGAINST THE DIOCESE OF DULUTH

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

under this count.

32. 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, Gormly and Defendant's other accused priests; and/or 2) conceal from proper civil authorities sexual assaults and abuse committed by Gormly 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.

33. The negligence and/or deception and concealment by Defendant was and is injurious to the health and/or indecent or offensive to the senses and/or an obstruction to the free use of property by the general public, including, but not limited to, residents in the Diocese of Duluth 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 their current and/or former accused molesters, nor to disclose said credibly accused molesters' and other accused molesters' assignment histories, nor to disclose their 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 and throughout the Midwest United States where Defendant conducted, and continues to conduct, its business.

34. The negligence and/or deception and concealment by Defendant was specially injurious to Plaintiff's health as she was sexually assaulted by Defendant's agent, Gormly.

35. The negligence and/or deception and concealment by Defendant also was specially injurious to Plaintiff's health in that when Plaintiff 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 the Defendant's negligence and/or deception and concealment.

36. Plaintiff also suffered special, particular and peculiar harm after she learned of the Diocese's concealment of names and information about priests accused of sexually molesting minors, which continues as long as information about abuse and/or the accused priests remains concealed. As a result of the negligence and/or deception and concealment, Plaintiff has suffered and continues to suffer lessened enjoyment of her life, impaired health, emotional distress, and/or physical symptoms of emotional distress. She has also experienced depression, anxiety, and/or anger.

37. Plaintiff has also suffered and continues to suffer special and peculiar pecuniary harm as a result of the dangerous condition maintained or permitted by Defendant, which continues as long as decisions are made and actions taken to keep the information about the abuse and the accused priests concealed. As a result of the negligence and/or deception and concealment Plaintiff has suffered and continues to suffer pecuniary loss including medical expenses and/or wage loss.

38. 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 Diocese ever concealed anything about child sex abuse, and those who think that any concealment only occurred decades ago.

39. The continuing nuisance created by Defendant was, and continues to be, the

proximate cause of Plaintiff's special injuries and damages as alleged.

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

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

COUNT II: NUISANCE (MINN. STAT. § 609.74)
AGAINST THE DIOCESE OF DULUTH

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

43. 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, Gormly and Defendant's other accused priests; and/or 2) conceal from proper civil authorities sexual assaults and abuse committed by Gormly 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.

44. 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 the Diocese of Duluth 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 and priests 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 the Diocese but not to the public, pose a threat of additional abuse to a considerable number of members of the public.

45. The deception and/or concealment by Defendant was specially injurious to Plaintiff's health as she was sexually assaulted by Defendant's agent, Gormly.

46. The condition deception and/or concealment by Defendant was also specially injurious to Plaintiff in that she experienced mental and emotional distress because she had been the victim of the Defendant's deception and concealment.

47. Plaintiff also suffered special, particular and peculiar harm after she learned of the Diocese's concealment of names and information about priests accused of sexually molesting minors, which continues as long as information about the abuse and/or accused priests remains concealed. As a result of the concealment, Plaintiff has suffered and continues to suffer lessened enjoyment of her life, impaired health, emotional distress, and/or physical symptoms of emotional distress. She has also experienced depression, anxiety, and/or anger.

48. Plaintiff has also suffered and continues to suffer special and peculiar pecuniary harm as a result of the dangerous condition maintained or permitted by Defendant, which continues as long as decisions are made and actions taken to keep the information about the abuse and the accused priests concealed. As a result of the negligence and/or deception and concealment Plaintiff has suffered and continues to suffer pecuniary loss including medical expenses and/or wage loss.

49. 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 Diocese ever concealed anything about child sex abuse, and those who think that any concealment only occurred decades ago.

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

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

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

COUNT III: NEGLIGENCE
AGAINST THE DIOCESE OF DULUTH

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

54. Defendant Diocese owed Plaintiff a duty of reasonable care.

55. Defendant Diocese breached the duty of reasonable care it owed Plaintiff.

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

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

COUNT IV: NEGLIGENT SUPERVISION
AGAINST THE DIOCESE OF DULUTH

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

59. At all times material, Gormly was employed by Defendant Diocese and was under

Defendant's direct supervision, employ and control when he committed the wrongful acts alleged herein. Gormly engaged in the wrongful conduct while acting in the course and scope of his employment with Defendant Diocese and/or accomplished the sexual abuse by virtue of his job-created authority. Defendant Diocese failed to exercise ordinary care in supervising Gormly in his parish assignments within the Diocese and failed to prevent the foreseeable misconduct of Gormly from causing harm to others, including the Plaintiff herein.

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

**COUNT V: NEGLIGENT RETENTION
AGAINST THE DIOCESE OF DULUTH**

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

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

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

PRAYER FOR RELIEF

64. Plaintiff demands judgment against Defendant 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.

65. Plaintiff requests an order requiring that the Diocese of Duluth publicly release the names of all agents, including priests, accused of child molestation, each agent's history of abuse,

each such agent's pattern of grooming and sexual behavior, and his last known address. This includes the release of the Diocese of Duluth's documents on the agents.

DEMAND IS HEREBY MADE FOR A TRIAL BY JURY.

Dated: 5/13/15

JEFF ANDERSON & ASSOCIATES, P.A.



By: Jeffrey R. Anderson, #2057
Michael G. Finnegan, #033649X
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Attorneys for Plaintiff

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.

