

STATE OF MINNESOTA
COUNTY OF BROWN

COPY

DISTRICT COURT
FIFTH JUDICIAL DISTRICT

Case Type: Personal Injury

Court File No.:

Doe 10,

Plaintiff,

v.

SUMMONS

Diocese of New Ulm and
The Servants of the Paraclete,

Defendants.

THIS SUMMONS IS DIRECTED TO DEFENDANTS ABOVE NAMED.

1. YOU ARE BEING SUED. The Plaintiff has started a lawsuit against you. The Plaintiff's Complaint against you is attached to this Summons. Do not throw these papers away. They are official papers that affect your rights. You must respond to this lawsuit even though it may not yet be filed with the Court and there may be no court file number on this Summons.

2. YOU MUST REPLY WITHIN 20 DAYS TO PROTECT YOUR RIGHTS. You must give or mail to the person who signed this Summons a **written response** called an Answer within 20 days of the date on which you received this Summons. You must send a copy of your Answer to the person who signed this Summons located at Jeff Anderson & Associates, P.A., 366 Jackson Street, Suite 100, St. Paul, MN 55101.

3. YOU MUST RESPOND TO EACH CLAIM. The Answer is your written response to the Plaintiff's Complaint. In your Answer you must state whether you agree or disagree with each paragraph of the Complaint. If you believe the Plaintiff should not be given everything asked for in the Complaint, you must say so in your Answer.

FILED 12-11-13
NO. _____
Carol Motick, Court Administrator
Brown County, Minnesota


4. YOU WILL LOSE YOUR CASE IF YOU DO NOT SEND A WRITTEN RESPONSE TO THE COMPLAINT TO THE PERSON WHO SIGNED THIS SUMMONS. If you do not Answer within 20 days, you will lose this case. You will not get to tell your side of the story, and the Court may decide against you and award the Plaintiff everything asked for in the Complaint. If you do not want to contest the claims stated in the Complaint, you do not need to respond. A default judgment can then be entered against you for the relief requested in the Complaint.

5. LEGAL ASSISTANCE. You may wish to get legal help from a lawyer. If you do not have a lawyer, the Court Administrator may have information about places where you can get legal assistance. **Even if you cannot get legal help, you must still provide a written Answer to protect your rights or you may lose the case.**

6. ALTERNATIVE DISPUTE RESOLUTION. The parties may agree to or be ordered to participate in an alternative dispute resolution process under Rule 114 of the Minnesota General Rules of Practice. You must still send your written response to the Complaint even if you expect to use alternative means of resolving this dispute.

Dated: 12/11/13

JEFF ANDERSON & ASSOCIATES, P.A.



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STATE OF MINNESOTA
COUNTY OF BROWN

DISTRICT COURT
FIFTH JUDICIAL DISTRICT

Case Type: Personal Injury

Doe 10,

Court File No.:

Plaintiff,

v.

COMPLAINT

Diocese of New Ulm and
The Servants of the Paraclete,

Defendants.

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

PARTIES

1. Plaintiff Doe 10 is an adult male resident of the State of Nevada who at all times material to this complaint resided in the State of Minnesota. In the interests of privacy, the identity of Plaintiff Doe 10 has been disclosed under separate cover to Defendants.

2. At all times material, Defendant Diocese of New Ulm (hereinafter "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 1400 6th Street North, New Ulm, Minnesota 56073. The Bishop is the top official of the Diocese and has authority over all matters within the New Ulm 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.

3. At all times material, Defendant The Servants of the Paraclete 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 places of business at P.O. Box 539, Cedar Hill, Missouri 63016 and P.O. Box 10, Jemez Springs, New Mexico, 87025. Defendant Servants of the Paraclete operates facilities in the United States that purport to treat pedophile priests. Defendant Servants of the Paraclete owned and operated a facility in Nevis, Minnesota at times material to this Complaint. Defendant's officials recruit and solicit and/or recruited and solicited clergy and men and women religious from Minnesota for its programs. Defendant's officials also correspond and/or corresponded with officials from each diocese in Minnesota as part of its recruitment efforts and programs. Several entities in Minnesota have paid money to Defendant for its services. On information and belief, a number of priests from Minnesota have been sent to Defendant for its services.

FACTS

4. At all times material, Father Francis Markey (hereinafter "Markey") was an ordained Roman Catholic priest employed by Defendants Diocese and Servants of the Paraclete. At all times material, Markey remained under the direct supervision, employ and control of Defendants. Defendants placed Markey in positions where he had access to and worked with children as an integral part of his work.

5. In 1952, Markey was ordained as a Roman Catholic Priest and incardinated in the Diocese of Clogher. Markey was assigned to a parish in County Monaghan, Ireland.

6. In 1964, prior to his sexual abuse of Plaintiff, Markey was discovered to have sexually abused a child and was sent to treatment at St. John of God Hospital in Stillorgan, County, Dublin, Ireland.

7. St. John of God Hospital was a facility whose stated mission was to bring “healing care and wholeness to people who have mental illness or psychological and emotional problems.” Markey returned to County Monaghan after five months at St. John of God Hospital.

8. In 1973, prior to his sexual abuse of Plaintiff, Markey was discovered to have sexually abused another child. Again, he was sent to treatment at St. John of God Hospital.

9. In 1974, Markey was assigned to Inniskeen parish in south County Monaghan. In 1975, prior to his sexual abuse of Plaintiff, Markey was discovered to have sexually abused yet another child. This time, Markey was sent to the Our Lady of Victory treatment facility located in Stroud, Gloucestershire, England.

10. Our Lady of Victory was a sexual offender treatment facility located in Stroud, Gloucestershire, England that was operated by the Servants of the Paraclete.

11. From 1976 through 1981, Markey was temporarily assigned to the Clifden Diocese in England but remained incardinated within the Diocese of Clogher.

12. In 1981, Markey was sent to the Servants of the Paraclete facility in Jemez Springs, New Mexico, where he again received treatment as a sexual abuser.

13. In December 1981, Markey came to Minnesota to participate in a Clinical Pastoral Education program at Willmar State Hospital.

14. In 1982, with the knowledge and acquiescence of officials and agents of Defendant Servants of the Paraclete, the Bishop of Defendant Diocese, granted Markey full faculties to operate as a Roman Catholic priest in Defendant Diocese and appointed Markey as pastor at the Church of St. Andrew in Granite Falls, Minnesota. The Church of St. Andrew is within the Diocese for its purpose and under its control.

15. At the time Defendants permitted Markey to serve in Defendant Diocese,

Defendants knew that the Servants of the Paraclete facilities in Jemez Springs, New Mexico and Our Lady of Victory in Gloucestershire, England were neither equipped to, nor capable of, treating child sexual abusers. This is evidenced by the following:

- a. In a letter from the founder of Servants of the Paraclete, Fr. Gerald Fitzgerald, to Bishop Robert Dwyer of the Diocese of Reno, dated September 12, 1952, Fr. Fitzgerald stated:

Hence, leaving them on duty or wandering from diocese to diocese is contributing to scandal ... we find it quite universal that they seem to be lacking in appreciation of the serious situation ... I myself would be inclined to favor laicization for any priest, upon objective evidence, for tampering with the virtue of the young ...

- b. In a letter from Fr. Gerald Fitzgerald to Archbishop James Byrne of Santa Fe, dated September 18, 1957, Fr. Fitzgerald wrote:

May I beg your Excellency to concur and approve of what I consider a very vital decision on our part – that for the sake of preventing scandal that might endanger the good name of Via Coeli we will not offer hospitality to men who have seduced or attempted to seduce little boys or girls? These men Your Excellency are devils and the wrath of God is upon them and if I were a Bishop I would tremble when I failed to report them to Rome for involuntary layization [sic] ... Experience has taught us these men are too dangerous to the children of the Parish and neighborhood for us to be justified in receiving them here ... It is for this class of rattlesnake I have always wished the island retreat – but even an island is too good for these vipers ...

- c. In a letter from Fr. Gerald Fitzgerald to Cardinal Ottaviani, dated April 11, 1962, Fr. Fitzgerald stated:

On the other hand, where a priest for many years has fallen into repeated sins which are considered, generally speaking, as abnormal (abuse of nature) such as homosexuality and most especially the abuse of children, we feel strongly that such unfortunate priests should be given the alternative of a retired life within the protection of monastery walls or complete laicization [defrocked as a priest].

d. In a letter from Fr. Gerald Fitzgerald to Pope Paul VI, dated August 27, 1963, Fr. Fitzgerald wrote:

Personally I am not sanguine of the return of priests to active duty who have been addicted to abnormal practices, especially sins with the young ... Where there is indication of incorrigibility, because of the tremendous scandal given, I would most earnestly recommend total laicization.

16. Before Markey sexually molested Plaintiff, Defendants knew or should have known that Markey was a child molester and knew or should have known that Markey was a danger to children.

17. Defendants negligently or recklessly believed that Markey was fit to work with children and/or that any previous problems he had were fixed and cured; that Markey would not sexually molest children and that Markey would not injure children; and/or that Markey would not hurt children.

18. Defendant Diocese of New Ulm, with the knowledge and acquiescence of Defendant Servants of the Paraclete, placed Markey at the Church of St. Andrew. Markey had unlimited access to children at St. Andrew's. Children, including Plaintiff, and their families were not told what Defendants knew or should have known – that Markey had sexually molested children, that he had gone to treatment for sexual molestation several times, and that Markey was a danger to them.

19. Plaintiff was raised in a devout Roman Catholic family and regularly attended mass, received the sacraments and participated in youth activities at St. Andrew's Church. Plaintiff, therefore, developed great admiration, trust, reverence and respect for the Roman Catholic Church and Defendants and their agents, including Markey.

20. In 1982, when Plaintiff was approximately 8 years of age and in the second grade,

Fr. Markey engaged in harmful, offensive and unpermitted sexual contact with the Plaintiff.

21. By holding Markey out as safe to work with children, and by undertaking the custody, supervision of and/or care of the minor Plaintiff, Defendants entered into a fiduciary relationship with the minor Plaintiff. 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.

22. Further, Defendants, by holding themselves 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 Defendants thus entered into a fiduciary relationship with Plaintiff.

23. Defendants each had a special relationship with Plaintiff.

24. Defendants each owed Plaintiff a duty of reasonable care because each had superior knowledge about the risk that Markey posed to Plaintiff, the risk of abuse in general in its programs and/or the risks that its facilities posed to minor children.

25. Each Defendant owed Plaintiff a duty of reasonable care because each solicited youth and parents for participation in its youth programs; encouraged youth and parents to have 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 Markey out as safe to work with children; encouraged parents and children to spend time with its agents; and/or encouraged its agents, including Markey, to spend time with, interact with, and recruit children.

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

27. Each Defendant's breach of its duties includes, but is 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 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, 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.

28. Each Defendant failed to use ordinary care in determining whether its facilities were safe and/or in determining whether it had sufficient information to represent its facilities as safe. Each 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 properly train its employees to identify signs of child molestation by fellow employees, failure by relying upon mental health professionals, failure by relying upon people who claimed that they could treat child molesters.

29. Defendants each breached its duties to Plaintiff by failing to warn him and his

family of the risk that Markey posed and the risks of child sexual abuse by clerics. It also failed to warn him about any of the knowledge that each Defendant had about child sex abuse.

30. Defendants breached its duties to Plaintiff by failing to report Markey's abuse of children to the police and law enforcement.

31. Defendants each knew or should have known that some of the leaders and people working at Catholic institutions were a danger to children.

32. Defendants each knew or should have known that it did not have sufficient information about whether its leaders and people working at Catholic institutions within the Diocese were a danger to children.

33. Defendants each 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.

34. Defendants each knew or should have known that it did not have sufficient information about whether there was a risk of child sex abuse for children participating in Catholic programs and activities within the Diocese.

35. Defendants each knew or should have known that each had numerous agents who had sexually molested children. Each knew or should have known that child molesters have a high rate of recidivism. Each knew or should have known that there was a specific danger of child sex abuse for children participating in their youth programs.

36. Defendants each 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 to work with children.

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

38. Defendants failed to inform law enforcement authorities that Markey had sexually abused minor children. As a direct result, Markey avoided criminal investigation and prosecution and continued to sexually abuse minors.

39. In 2003, Defendant Diocese publicly admitted that there were 12 priests who worked in the Diocese who had been accused of sexually molesting minors. Defendant Diocese has not released those names to the public. As a result, children are at risk of being sexually molested.

40. Defendant Servants of the Paraclete housed numerous priests that had been accused of sexually molesting children. Many of these priests admitted to the Servants of the Paraclete that they had sexually molested children. The Servants of the Paraclete have not released the names or information about the priests that admitted to sexually molesting children. As a result, children are at risk of being sexually molested.

41. As a direct result of the Defendants' 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 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 and/or will incur loss of income and/or loss of earning capacity.

**COUNT I: DEFENDANT DIOCESE OF NEW ULM –
NUISANCE (COMMON LAW AND MINN. STAT. § 561.01)**

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

43. Defendant Diocese 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, Markey and Defendant Diocese's other agents on its list of credibly accused priests; 2) attack the credibility of the victims of Defendant Diocese's agents; and/or 3) protect Defendant's agents from criminal prosecution for the sexual assaults against children.

44. The negligence and/or deception and concealment by Defendant Diocese 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 Defendant Diocese and all other members of the general public who live in communities where Defendant Diocese's credibly 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 the general public cannot trust Defendant Diocese to warn parents of the presence of the current and/or former credibly accused molesters, nor to identify their current and/or former credibly accused molesters, nor to disclose said credibly 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 business.

45. Defendant Diocese's nuisance is ongoing and continuing. Defendant commits this nuisance each day that the information about the credibly accused child molesters remains secret.

46. The negligence and/or deception and concealment by Defendant Diocese was specially injurious to Plaintiff's health as he was sexually assaulted by Defendant's agent, Markey.

47. The negligence and/or deception and concealment by Defendant Diocese 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 and emotional distress that Plaintiff had been the victim of Defendant's negligence and/or deception and concealment; that Plaintiff had not been able to help other minors being molested because of the negligence and/or deception and concealment; and that Plaintiff had not been able, because of the negligence and/or deception and concealment, to receive timely medical treatment needed to deal with the problems Plaintiff had suffered and continues to suffer as a result of the molestations.

48. Plaintiff has also suffered special, particular and peculiar harm after he learned of Defendant Diocese's concealment of its list of priests credibly accused of sexually molesting minors, which continues as long as the list remains concealed. As a result of the concealment, Plaintiff has suffered and continues to suffer lessened enjoyment of his life, impaired health, emotional distress, and/or physical symptoms of emotional distress. He has also experienced depression, anxiety and anger.

49. The continuing public nuisance created by Defendant Diocese was and continues to be a proximate cause of the injuries and damages to the general public and of Plaintiff's

special injuries and damages as alleged herein.

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

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

COUNT II: DEFENDANT DIOCESE OF NEW ULM - NEGLIGENCE

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

53. Defendant owed Plaintiff a duty of reasonable care.

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

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

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

COUNT III: DEFENDANT DIOCESE OF NEW ULM - NEGLIGENT SUPERVISION

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

58. At all times material, Markey was employed by Defendant Diocese and was under Defendant's direct supervision, employ and control when he committed the wrongful acts alleged herein. Markey 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 Markey in his parish assignment and failed to prevent the foreseeable misconduct of Markey from causing harm to others, including the Plaintiff herein.

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

**COUNT IV: DEFENDANT DIOCESE OF NEW ULM –
NEGLIGENT RETENTION**

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

61. Defendant Diocese, by and through its agents, servants and employees, became aware or should have become aware of problems indicating that Markey was an unfit agent with dangerous and exploitive propensities, prior to Markey's sexual abuse of Plaintiff., yet Defendant Diocese failed to take any further action to remedy the problem and failed to investigate or remove Markey from working with children.

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

**COUNT V: DEFENDANT SERVANTS OF THE PARACLETE – NUISANCE
(COMMON LAW AND MINN. STAT. § 561.01)**

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

64. Defendant Servants of the Paraclete 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, Markey and Defendant Servants of the Paraclete's other agents on its list of accused priests; 2) attack the credibility of the victims of Defendant Servants of the Paraclete's agents; and/or 3) protect Defendant's agents from criminal prosecution for the sexual assaults against children.

65. The negligence and/or deception and concealment by Defendant Servants of the

Paraclete 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 and all other members of the general public who live in communities where Defendant Servants of the Paraclete's credibly 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 the general public cannot trust Defendant Servants of the Paraclete to warn parents of the presence of current and/or former credibly accused molesters, nor to identify their current and/or former credibly accused molesters, nor to disclose said credibly 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 United States where Defendant conducted and continues to conduct business.

66. Defendant Servants of Paraclete's nuisance is ongoing and continuing. Defendant commits this nuisance each day that the information about the credibly accused child molesters remains secret.

67. The negligence and/or deception and concealment by Defendant Servants of the Paraclete was specially injurious to Plaintiff's health as he was sexually assaulted by Defendant's agent, Markey.

68. The negligence and/or deception and concealment by Defendant Servants of the Paraclete 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 and emotional distress that Plaintiff had been the victim of Defendant's negligence and/or deception and concealment; that Plaintiff had not been able to help other minors being molested because of the negligence and/or deception and concealment; and that Plaintiff had not been

able, because of the negligence and/or deception and concealment, to receive timely medical treatment needed to deal with the problems Plaintiff had suffered and continues to suffer as a result of the molestations.

69. Plaintiff has also suffered special, particular and peculiar harm after he learned of Defendant Servants of the Paraclete's concealment of its list of priests accused of sexually molesting minors, which continues as long as the list remains concealed. As a result of the concealment, Plaintiff has suffered and continues to suffer lessened enjoyment of his life, impaired health, emotional distress, and/or physical symptoms of emotional distress. He has also experienced depression, anxiety and anger.

70. The continuing public nuisance created by Defendant Servants of the Paraclete was and continues to be a proximate cause of the injuries and damages to the general public and of Plaintiff's special injuries and damages as alleged herein.

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

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

COUNT VI: DEFENDANT SERVANTS OF THE PARACLETE - NEGLIGENCE

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

74. Defendant owed Plaintiff a duty of reasonable care.

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

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

77. As a direct result of Defendant Servants of the Paraclete's negligent conduct,

Plaintiff has suffered the injuries and damages as described herein.

**COUNT VII: DEFENDANT SERVANTS OF THE PARACLETE -
NEGLIGENT SUPERVISION**

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

79. At all times material, Markey was employed by Defendant Servants of the Paraclete and was under Defendant's direct supervision, employ and control when he committed the wrongful acts alleged herein. Markey engaged in the wrongful conduct while acting in the course and scope of his employment with Defendant Servants of the Paraclete and/or accomplished the sexual abuse by virtue of his job-created authority. Defendant Servants of the Paraclete failed to exercise ordinary care in supervising Markey in his parish assignment and failed to prevent the foreseeable misconduct of Markey from causing harm to others, including the Plaintiff herein.

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

**COUNT VIII: DEFENDANT SERVANTS OF THE PARACLETE –
NEGLIGENT RETENTION**

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

82. Defendant Servants of the Paraclete, by and through its agents, servants and employees, became aware or should have become aware of problems indicating that Markey was an unfit agent with dangerous and exploitive propensities, prior to Markey's sexual abuse of Plaintiff., yet Defendant Servants of the Paraclete failed to take any further action to remedy the problem and failed to investigate or remove Markey from working with children.

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

PRAYER FOR RELIEF

84. Plaintiff demands judgment against Defendants 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.

85. Plaintiff requests an order requiring that the Diocese of New Ulm publicly release its list of credibly accused child molesting priests, each such priest's history of abuse, each such priest's pattern of grooming and sexual behavior, and each such priest's last known address. This includes the Diocese's documents on these priests.

86. Plaintiff requests an order requiring that the Servants of the Paraclete publicly release the name of each priest that admitted to the Paraclete that he had sexually molested a child, each such priest's history of abuse, each such priest's pattern of grooming and sexual behavior, and each such priest's last known address. This includes the Paraclete's documents on these priests.

DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial on all issues so triable.

Dated: 12/11/13

JEFF ANDERSON & ASSOCIATES, P.A.



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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.