

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

Case Type: Personal Injury

John Doe 71,

Court File No.:

Plaintiff,

v.

COMPLAINT

Boy Scouts of America, Northern Star
Council, Boy Scouts of America f/k/a Indianhead
Council, Boy Scouts of America, and Donald
Leonard Keys.

Defendants.

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

PARTIES

1. At all times material, Plaintiff is and was a resident of the State of Minnesota. The identity of Plaintiff John Doe 71 has been disclosed under separate cover to Defendants.

2. At all times material, the Boy Scouts of America ("BSA") was and is a congressionally chartered corporation, authorized to do business in Minnesota, with its principal place of business, and its agent for service, located at 2218 County Highway 10, Mounds View, Minnesota 55112. BSA does business in Ramsey County, and the events which give rise to this Complaint occurred in Ramsey County.

3. At all times material, Defendant Northern Star Council, Boy Scouts of America f/k/a Indianhead Council, Boy Scouts of America ("NSC") was and continues to be a non-profit corporation organized under the laws of the State of Minnesota, and with its principal place of business at 393 Marshall Avenue, St. Paul, Minnesota 55102. Upon information and belief, Indianhead Council merged with Viking Council in 2005 to create Northern Star Council in 2005.

Northern Star Council is the successor-in-interest to the Indianhead and Viking Council. Defendant NSC is a wholly owned subsidiary of Defendant BSA.

4. At all times material, Donald Leonard Keys was an adult resident of the State of Minnesota and an adult leader, assistant scoutmaster and scoutmaster of Boy Scout Troop 18 in St. Paul, Minnesota.

FACTS

5. From approximately 1969 to 1970, Donald Leonard Keys was an adult leader, assistant scoutmaster and scoutmaster of Boy Scout Troop 18 located in St. Paul, Minnesota. At all times material, Keys remained under the direct supervision, employ and control of Defendants BSA and NSC. Defendants BSA and NSC placed Defendant Keys in positions where he had access to and worked with children as an integral part of his work.

6. Plaintiff was a member of Troop 18 from approximately 1969 to 1970. Through his participation in the Boy Scouts, Plaintiff developed great admiration, trust and respect for scouting and came to know and trust Defendant Keys as his assistant scoutmaster and scoutmaster, a mentor and authority figure.

7. Between approximately 1969 and 1970, Plaintiff participated in scouting activities including camping trips with Boy Scout Troop 18.

8. Between approximately 1969 and 1970, when Plaintiff was approximately 11 to 12 years old, Defendant Keys engaged in repeated unpermitted sexual contact with Plaintiff.

9. Before Defendant Keys sexually abused Plaintiff, Defendants BSA and NSC knew or should have known that Defendant Keys was a danger to children.

10. Defendants BSA and NSC negligently or recklessly believed that Defendant Keys was fit to work with children and/or that any previous problems he had were fixed or cured; that

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

11. By holding Defendant Keys out as safe to work with children, and by undertaking the custody, supervision and/or care of the minor Plaintiff, Defendants BSA and NSC entered into a fiduciary relationship with the minor Plaintiff. As a result of Plaintiff being a minor, and by Defendants BSA and NSC undertaking the care and guidance of the then vulnerable minor Plaintiff, Defendants BSA and NSC held a position of empowerment over Plaintiff.

12. Further, Defendants BSA and NSC, 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 BSA and NSC thus each entered into a fiduciary relationship with Plaintiff.

13. Defendants BSA and NSC each had a special relationship with Plaintiff.

14. Defendants BSA and NSC each owed Plaintiff a duty of reasonable care because they had superior knowledge about the risk that Defendant Keys posed to Plaintiff, the risk of abuse in general in their programs and/or the risk that their facilities posed to minor children.

15. Defendants BSA and NSC owed Plaintiff a duty of reasonable care because they solicited youth and parents for participation in their programs; encouraged youth and parents to have youth participate in their programs; undertook custody of minor children, including Plaintiff; promoted their facilities and programs as being safe for children; held their agents, including Defendant Keys out as safe to work with children; encouraged parents and children to spend time with their agents; and/or encouraged their agents, including Defendant Keys, to spend time with and recruit children.

16. Defendants BSA and NSC had a duty to Plaintiff to protect him from harm because

each Defendants' actions created a foreseeable risk of harm to Plaintiff.

17. Defendants BSA and NSC's breach of their duties include, but are not limited to: failure to have sufficient policies and procedures in place to prevent child sexual abuse, failure to properly implement policies and procedures to prevent child sexual abuse, failure to take reasonable measures to make sure that the policies and procedures to prevent child sexual abuse were working, failure to adequately inform families and children of the risks of child sexual abuse, failure to investigate risks of child molestation, failure to properly train the workers at institutions and programs within each of Defendants' geographical confines, failure to have any outside agency test their safety procedures, failure to protect children in their programs from child sexual 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 scouting programs, leaders and people as safe, failure to train their employees to properly identify signs of child molestation by fellow employees, and/or failure by relying up mental health professionals.

18. Defendants BSA and NSC failed to use ordinary care in determining whether their programs were safe and/or determining whether they had sufficient information to represent their programs as safe. Each Defendant's failures include, but are not limited to: failure to have sufficient policies and procedures to prevent sexual abuse in their programs, failure to investigate risks in their programs, failure to properly train their employees working in their programs, failure to have any outside agency test their safety procedures, failure to investigate the amount and type of information necessary to represent its programs as safe, failure to train their employees to properly identify signs of child molestation by fellow employees, and/or failure by relying upon mental health professionals.

19. Defendants BSA and NSC also breached their duties to Plaintiff by failing to warn

him and his family of the risk that Defendant Keys posed and the risk of child sexual abuse in Scouting.

20. Defendants BSA and NSC also failed to warn Plaintiff and his family about any knowledge that Defendants had about child sexual abuse, including but not limited to, knowledge as reflected in the Ineligible Volunteer Files.

21. Defendants BSA and NSC have known for decades that sexual predators had infiltrated scouting, desiring positions around children, due in part to their sexual interest in children. Defendants BSA and NSC knew or should have known of the danger that pedophiles presented to children participating in Scouting before Plaintiff was abused.

22. Defendants BSA and NSC's own "Ineligible Volunteer Files," including a subcategory referred to as the "Perversion Files," collected and maintained in secrecy for at least seventy years, reveal that pedophiles are drawn to Scouting and that the Boy Scouts is a sanctuary for child molesters.

23. Defendants BSA and NSC's "Perversion Files" demonstrate that the Boy Scouts are aware and have been aware that pedophiles are attracted to Scouting, the distinctive characteristics of Scouting render scouts particularly susceptible to pedophiles who are given authority, and the actual and apparent authority of persons who serve in scoutmaster roles are used by pedophiles to sexually abuse young scouts in and out of Scouting.

24. Defendants BSA and NSC knew or should have known that Scouting attracts pedophiles because a) by requiring overnight trips in order to participate, Scouting provides a pedophile with access to boys who are alone and away from their parents in secluded settings; b) Scouting provides opportunities for a pedophile to sexually abuse a boy by accessing him in situations where the boy has to change clothing or spend the night with him; c) a pedophile given

authority in Scouting can volunteer for, and have access to, boys of only a certain age or age range; d) Scouting cloaks scoutmasters with authority that gives scoutmasters the ability to exploit trust and groom parents and scouts to sexually abuse scouts in and out of Scouting; e) Scouting conditions boys to the concept of strict obedience to the scout authority and a bonding mechanism that pedophiles are known to exploit; f) Scouting promotes the idea of secret ceremonies, rituals and loyalty oaths, all of which help facilitate a pedophile's efforts to keep the victims silent and compliant; g) Scouting provided insufficient oversight and supervision to scoutmasters enabling them to isolate with scouts; and h) at the time of the Plaintiff's abuse, background checks were not conducted or insufficient.

25. Defendants BSA and NSC were aware prior to 1970 that it had removed numerous pedophiles from its ranks of leadership in local scout troops. Defendants BSA and NSC concealed a known danger of leaders grooming scouts and their families to access scouts and sexually abuse them in and out of scouting.

26. Defendants BSA and NSC knew or should have known that the "Ineligible Volunteer" system of tracking pedophiles infiltrating its ranks did not function to protect children who participated in scouting from sexual abuse. The "Ineligible Volunteer" system operated only to keep a record of abuse that had already occurred.

27. Defendants BSA and NSC knew or should have known that they did not have sufficient information about whether their leaders and people participating in Scouting were safe.

28. Defendants BSA and NSC knew or should have known that there was a risk of child sexual abuse for children participating in Scouting.

29. Defendants BSA and NSC knew or should have known that some of the leaders and people participating in Scouting were not safe to work with children.

30. Defendants BSA and NSC knew or should have known that they did not have sufficient information about whether there was a risk of child sexual abuse for children participating in their programs and activities.

31. Defendants BSA and NSC knew or should have known that they had numerous agents who had sexually molested children. They knew or should have known that child molesters have a high rate of recidivism. They knew or should have known that there was a specific danger of child sexual abuse for children participating in Scouting programs.

32. Defendants BSA and NSC held their leaders, agents, and employees out as people of high morals, as possessing superior power, instructing families and children to respect, obey and revere these leaders, agents and employees, soliciting youth and families to their programs, marketing to youth and families, recruiting youth and families and holding out the people that worked in their Scouting programs as safe.

33. Defendants BSA and NSC also violated a legal duty by failing to report known and/or suspected sexual abuse of children by Defendant Keys and/or its other agents to the police and law enforcement.

34. In July 1970, Defendant BSA placed Defendant Keys in its confidential "Ineligible Volunteer" files.

35. Defendants BSA and NSC were negligent and/or made representations to Plaintiff and his family during each and every year of his minority.

36. As a direct result of 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 psychological treatment, therapy and counseling.

COUNT I: SEXUAL BATTERY AGAINST DEFENDANT DONALD LEONARD KEYS

37. Plaintiff incorporates all consistent paragraphs of this Complaint as if fully set forth under this count and further alleges:

38. Between approximately 1969 and 1970, Defendant Keys engaged in multiple incidents of unpermitted sexual contact upon the person of Plaintiff.

39. As a direct result of Defendant Keys' wrongful conduct, Plaintiff has suffered the injuries and damages as described herein.

COUNT II: NEGLIGENCE AGAINST DEFENDANTS BSA AND NSC

40. Plaintiff incorporates all consistent paragraphs of this Complaint as if fully set forth under this count and further alleges:

41. Each Defendant owed Plaintiff a duty of reasonable care.

42. Each Defendant breached the duty of reasonable care it owed Plaintiff.

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

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

COUNT III: NEGLIGENT HIRING AGAINST DEFENDANTS BSA AND NSC

45. Plaintiff incorporates all consistent paragraphs of this Complaint as if fully set forth under this count and further alleges:

46. Each Defendant owed Plaintiff a duty of reasonable care in hiring its agents, servants and employees.

47. Each Defendant further assumed this duty by holding Keys out to the public,

including Plaintiff, as a competent and trustworthy scout leader, supervisor, teacher and counselor.

48. Each Defendant, by and through their agents, servants and employees, knew or should have known of Keys' dangerous and exploitive propensities, which could have been discovered by reasonable investigation by each Defendant prior to hiring him as an assistant scoutmaster, scoutmaster and agent of Defendants. Defendants further knew the risk of child sexual abuse in Scouting.

49. Each Defendant breached its duty to Plaintiff by failing to exercise reasonable care in hiring its agents, servants and employees, including Keys.

50. As a direct result of Defendants' negligent conduct, Plaintiff has suffered the injuries and damages described herein.

COUNT IV: NEGLIGENT SUPERVISION AGAINST DEFENDANTS BSA AND NSC

51. Plaintiff incorporates all consistent paragraphs of this Complaint as if fully set forth under this count and further alleges that:

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

53. As a direct result of Defendants' negligent conduct, Plaintiff has suffered the injuries and damages described herein.

COUNT V: NEGLIGENT RETENTION AGAINST DEFENDANTS BSA AND NSC

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

forth under this count and further alleges that:

55. Defendants, by and through their agents, servants and employees, became aware or should have become aware, of problems indicating that Keys was an unfit agent with dangerous and exploitive propensities, yet Defendants failed to take any further action to remedy the problem and failed to investigate or remove Keys from working with children.

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

PRAYER FOR RELIEF

57. Plaintiff demands judgment against Defendants individually, jointly and severally, in an amount in excess of \$50,000 plus costs, disbursements, reasonable attorney's fees, interest, and such other and further relief as the court deems just and equitable.

DEMAND IS HEREBY MADE FOR A TRIAL BY JURY

Dated: 9/16/2015

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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.


