

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF STEARNS

SEVENTH JUDICIAL DISTRICT
Case Type: Personal Injury

Doe 115,

Court File No.:

Plaintiff,

SUMMONS

vs.

Diocese of St. Cloud, Order of St. Benedict
a/k/a and d/b/a St. John's Abbey, and
Church of Saint Joseph,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.

4. YOU WILL LOSE YOUR CASE IF YOU DO NOT SEND A WRITTEN RESPONSE TO THE COMPLAINT TO THE PERSON WHO SIGNED THIS SUMMONS.

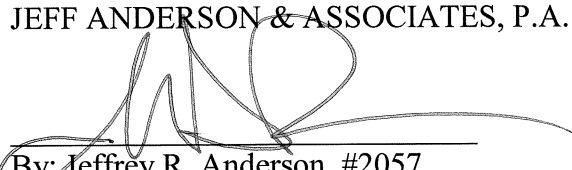
If you do not Answer within 20 days, you will lose this case. You will not get to tell your side of the story, and the Court may decide against you and award the Plaintiff everything asked for in the Complaint. If you do not want to contest the claims stated in the Complaint, you do not need to respond. 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: 1/12/16

JEFF ANDERSON & ASSOCIATES, P.A.



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STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF STEARNS

SEVENTH JUDICIAL DISTRICT

Case Type: Personal Injury

Doe 115,

Court File No.:

Plaintiff,

COMPLAINT

vs.

Diocese of St. Cloud, Order of St. Benedict
a/k/a and d/b/a St. John's Abbey, and
Church of Saint Joseph,

Defendants.

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

PARTIES

1. At all times material, Plaintiff Doe 115 resided in the State of Minnesota. The identity of Plaintiff Doe 115 has been disclosed under separate cover to Defendants.

2. At all times material, Defendant Diocese of St. Cloud (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 214 Third Avenue South, St. Cloud, Minnesota. The Diocese of St. Cloud was created in approximately 1889. Later, the Diocese created a corporation called the Diocese of St. Cloud to conduct some of its affairs. The Diocese operates its affairs as both a corporate entity and as an organization named the Diocese of St. Cloud, with the Bishop as the top official. Both of these entities and all other corporations and entities controlled by the Bishop are included in this Complaint as being the Diocese. 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.

3. At all times material, Defendant Order of St. Benedict a/k/a and d/b/a St. John's Abbey (hereinafter "Defendant Order" or "Order") 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 located in Collegeville, Minnesota. The Abbot is the top official of the Order and is given authority over all matters dealing with the Order as a result of his position. The Order functions as a business by engaging in numerous revenue producing activities and soliciting money in exchange for its services. The Order has several programs which seek out the participation of children in the Order's activities. The Order, through its officials, has control over those activities involving children. The Order has the power to appoint, supervise, monitor, and fire each person working with children within the Order.

4. Defendant Order is also known as, does business as, and owns and operates St. John's Abbey, which is a Benedictine religious community located in Collegeville, Minnesota.

5. At all times material, the Church of Saint Joseph (hereinafter "St. Joseph's") was and continues to be an organization authorized to conduct business and conducting business in the State of Minnesota, with its principal place of business at 12 West Minnesota Street, St. Joseph, Minnesota. St. Joseph includes but is not limited to the parish corporation. At all times material,

Defendant Parish was and continues to be under the direct authority, control and province of Defendant Diocese and the Bishop of the Diocese of St. Cloud.

FACTS

6. At all times material, Father Othmar Hohmann was a Roman Catholic priest employed by the Defendants Order of St. Benedict, Diocese of St. Cloud, and Church of Saint Joseph. Hohmann remained under the direct supervision, employ and control of Defendants. Defendants placed Hohmann in positions where he had access to and worked with children as an integral part of his work.

7. Plaintiff Doe 115 was raised in a devout Roman Catholic family and attended the Church of Saint Joseph in St. Joseph, Minnesota, in the Diocese of St. Cloud. Plaintiff also attended the Catholic School at St. Joseph's. Plaintiff and her family came in contact with Hohmann as an agent and representative of Defendants, and at St. Joseph's.

8. Plaintiff participated in youth activities, school and church activities at St. Joseph's. Plaintiff, therefore, developed great admiration, trust, reverence and respect for the Roman Catholic Church, including Defendants and their agents, including Hohmann.

9. During and through these activities, Plaintiff, as a minor and vulnerable child, was dependent on Defendants and Hohmann. Defendants had custody of Plaintiff and accepted the entrustment of Plaintiff. Defendants had responsibility for Plaintiff and authority over her.

10. From approximately 1961 to 1966, when Plaintiff was approximately 11 to 16 years old, Hohmann engaged in unpermitted sexual contact with Plaintiff on multiple occasions.

11. Plaintiff's relationship to Defendants and Hohmann, as a vulnerable child, parishioner, and participant in Church activities, was one in which Plaintiff was subject to the ongoing influence of Defendants and Hohmann, her abuser. The culture of the Catholic Church over Plaintiff created pressure on Plaintiff not to report Hohmann's abuse of her.

12. Prior to the sexual abuse of Plaintiff, Defendants learned or should have learned that Hohmann was not fit to work with children.

13. Defendants knew or should have known that Hohmann was a danger to children before Hohmann sexually molested Plaintiff.

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

15. By holding Hohmann 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.

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

17. 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 herself and Defendants thus entered into a fiduciary relationship with Plaintiff.

18. Defendants had a special relationship with Plaintiff.

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

20. Defendants owed Plaintiff a duty of reasonable care because they solicited youth and parents for participation in their youth programs; encouraged youth and parents to have the 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 Hohmann, out as safe to work with children; encouraged parents and children to spend time with their agents; and/or encouraged their agents, including Hohmann, to spend time with, interact with, and recruit children.

21. Defendants owed a duty to Plaintiff to protect her from harm because Defendants' actions created a foreseeable risk of harm to Plaintiff. As a vulnerable child participating in the programs Defendants offered to minors, Plaintiff was a foreseeable victim. As a vulnerable child who Hohmann had access to through Defendants' facilities and programs, Plaintiff was a foreseeable victim.

22. Defendants' breach of their 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 Defendants' 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 their 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.

23. Defendants failed to use ordinary care in determining whether their facilities were safe and/or to determine whether they had sufficient information to represent their facilities as safe. Defendants' failures include, but are not limited to: failure to have sufficient policies and procedures to prevent abuse at their facilities, failure to investigate risks at their facilities, failure to properly train the workers at their facilities, failure to have any outside agency test their safety procedures, failure to investigate the amount and type of information necessary to represent its facilities as safe, failure to train their 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.

24. Defendants also breached their duty to Plaintiff by failing to warn her and her family of the risk that Hohmann posed and the risks of child sexual abuse by clerics. They also failed to warn them about any of the knowledge that Defendants had about child sex abuse.

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

26. Defendants also breached their duty to Plaintiff by actively maintaining and employing Hohmann in a position of power and authority through which Hohmann had access to children, including Plaintiff, and power and control over children, including Plaintiff.

27. Defendants knew or should have known that some of the leaders and people working at Catholic institutions within the Diocese of St. Cloud were not safe.

28. Defendants knew or should have known that they did not have sufficient information about whether or not their leaders and people working at Catholic institutions within the Diocese of St. Cloud were safe.

29. Defendants 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 of St. Cloud.

30. Defendants 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 of St. Cloud.

31. Defendants knew or should have known that Defendants had numerous agents who had sexually molested children. Defendants 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 sex abuse for children participating in their youth programs.

32. Defendants held their 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 their programs, marketing to youth and families, recruiting youth and families, and holding out the people that worked in the programs as safe.

33. Defendants were negligent and/or made representations to Plaintiff and her family during each and every year of her minority.

34. In 2003, Defendant Diocese publicly admitted that there were 26 priests who worked in the Diocese who had been accused of sexually molesting minors. The Diocese of St. Cloud has since released the original 26 names and more to the public but continues to conceal important information about the priests on that list and the names and information about accused priests not

on the list. Information has not been disclosed about the credibly accused priests' patterns of grooming and sexual abuse. As a result, children are at risk of being sexually molested.

35. Upon information and belief, prior to and since 2003, Defendant Diocese 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.

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 her normal daily activities and obtaining the full enjoyment of life; has incurred and will continue to incur expenses for psychological treatment, therapy, and counseling, and has suffered lost and/or decreased wages.

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

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

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

38. 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 the Diocese of St. Cloud 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.

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

40. The negligence and/or deception and concealment by Defendant Diocese 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.

41. 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 decisions are made and actions are taken to keep the

information about the abuse and/or the accused priests 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.

42. 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 Diocese, 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 psychological treatment and therapy expenses, and lost and/or decreased wages.

43. 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.

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

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

46. 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 ST. CLOUD

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

this count.

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

48. The negligence and/or deception and concealment by Defendant Diocese 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 St. Cloud 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.

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

50. 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.

51. 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.

52. 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 Diocese, 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 psychological treatment and therapy expenses, and has suffered lost and/or decreased wages.

53. 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.

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

55. In doing the aforementioned acts, Defendant acted negligently and/or intentionally,

maliciously and with conscious disregard for Plaintiff's rights.

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

**COUNT III: NEGLIGENCE AGAINST
DEFENDANTS DIOCESE, ORDER AND PARISH**

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

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

58. Each Defendant owed Plaintiff a duty of care because each Defendant had a special relationship with Plaintiff.

59. Each Defendant owed Plaintiff a duty to protect her from harm because each Defendant had a special relationship with Hohmann.

60. Each Defendant owed Plaintiff a duty to protect her from harm because each Defendant's active misfeasance created a foreseeable risk of harm.

61. Each Defendant owed Plaintiff a duty to protect her from harm because Defendants invited her onto their property and Hohmann posed a dangerous condition on Defendants' property.

62. By establishing and operating the Diocese of St. Cloud, Order of St. Benedict and Church of Saint Joseph, accepting minor Plaintiff as a parishioner and student, and holding Defendants Diocese, Order and Parish out to be a safe environment for Plaintiff to study and learn, accepting custody of the minor Plaintiff *in loco parentis*, and by establishing a fiduciary relationship with Plaintiff, Defendants entered into an express and/or implied duty to properly supervise Plaintiff and provide a reasonably safe learning and spiritual environment.

63. Each Defendant breached its duties to Plaintiff. Each Defendant's failures include

but are not limited to failing to properly supervise Hohmann, failing to properly supervise Plaintiff and failing to protect Plaintiff from a known danger.

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

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

**COUNT IV: NEGLIGENT SUPERVISION AGAINST
DEFENDANTS DIOCESE, ORDER AND PARISH**

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

66. At all times material, Hohmann was employed by Defendants Diocese of St. Cloud, Order of St. Benedict, and Church of Saint Joseph, and was under each Defendant's direct supervision, employ and control when he committed the wrongful acts alleged herein. Hohmann engaged in the 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 Hohmann in his assignments and failed to prevent the foreseeable misconduct of Hohmann from causing harm to others, including the Plaintiff herein.

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

**COUNT V: NEGLIGENT RETENTION AGAINST
DEFENDANTS DIOCESE, ORDER AND PARISH**

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

68. Defendants Diocese of St. Cloud, Order of St. Benedict, and Church of Saint Joseph, by and through their agents, servants and/or employees, became aware, or should have become aware, of problems indicating that Hohmann 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 Hohmann from working with children.

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

PRAYER FOR RELIEF


70. 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.

71. Plaintiff requests an order requiring that the Diocese of St. Cloud publicly release the names and history of abuse of each credibly accused child molesting cleric and each such cleric's pattern of grooming and sexual behavior. This includes the release of the Diocese of St. Cloud's documents on the clerics.

DEMAND IS HEREBY MADE FOR A TRIAL BY JURY.

Dated: 1/12/16

JEFF ANDERSON & ASSOCIATES, P.A.

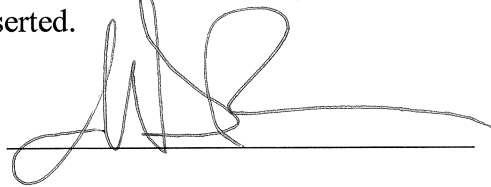

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Attorneys for Plaintiff

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.

A handwritten signature in black ink, appearing to be 'MB', is written over a horizontal line.