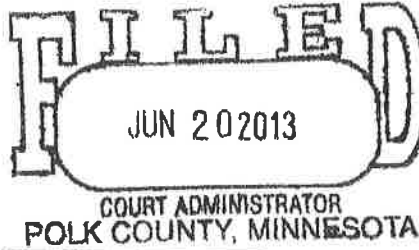


STATE OF MINNESOTA
COUNTY OF POLK



DISTRICT COURT
NINTH JUDICIAL DISTRICT

Case Type: Personal Injury

Doe 4,

Court File No.: 60-CV-13-1261

Plaintiff,

v.

COMPLAINT

Diocese of Crookston, Roman
Catholic Bishop of Fall River, and
The Servants of the Paraclete,

Defendants.

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

PARTIES

1. Plaintiff Doe 4 is a resident of the State of Minnesota and at all relevant times for this Complaint she resided in the State of Minnesota. The identity of Plaintiff Doe 4 has been disclosed under separate cover to Defendants.

2. At all times material, Defendant Diocese of Crookston ("Crookston 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 1200 Memorial Drive, Crookston, MN 56716. The Bishop is the top official of the Crookston Diocese and is given authority over all matters within the Crookston Diocese as a result of his position. The Crookston Diocese functions as a business by engaging in numerous revenue producing activities and soliciting money from its members in exchange for its services. The Crookston Diocese has several programs which seek out the participation of children in the Crookston

Diocese's activities. The Crookston Diocese, through its officials, has control over those activities involving children. The Crookston Diocese has the power to appoint, supervise, monitor, and fire each person working with children within the Crookston Diocese.

3. At all times material, Defendant Roman Catholic Bishop of Fall River also known as the Diocese of Fall River (hereinafter "Fall River 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, conducting business in the State of Minnesota with its principal place of business located at 47 Underwood Street, Fall River, Massachusetts. The Bishop is the top official of the Fall River Diocese and is given authority over all matters within the Fall River Diocese as a result of his position. The Fall River Diocese functions as a business by engaging in numerous revenue producing activities and soliciting money from its members in exchange for its services. The Fall River Diocese has several programs which seek out the participation of children in the Fall River Diocese's activities. The Fall River Diocese, through its officials, has control over those activities involving children. The Fall River Diocese has the power to appoint, supervise, monitor, and fire each person working with children who is under its control.

4. 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, conducting business in the State of Minnesota with its principal places of business located at P.O. Box 539, Cedar Hill, Missouri 63016 and P.O. Box 10, Jemez Springs, New Mexico 87025 U.S.A. Defendant Servants of the Paraclete operates facilities in the United States that purport to treat pedophile priests. Defendant Servants of the Paraclete ran a facility in Nevis, MN.

FACTS

5. At all times material, Father James Porter (hereinafter "Porter"), was a Roman Catholic priest employed by Defendants Crookston Diocese, Fall River Diocese, and Servants of the Paraclete (collectively "Defendants"). At all times material, Porter remained under the direct supervision, employ and control of Defendants. Defendants placed Porter in positions where he had access to and worked with children as an integral part of his work.

6. Defendants Crookston Diocese and Fall River Diocese knew that The Servants of the Paraclete facilities in Jemez Springs, New Mexico and Nevis, Minnesota were not 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 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].

- b. In a letter from Fr. Gerald Fitzgerald to Bishop Robert Dwyer, Bishop 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 . . .

- c. In a letter from Fr. Gerald Fitzgerald to Archbishop James Byrne, Archdiocese 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 . . .

- 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.

7. In 1960, James R. Porter was ordained a Roman Catholic priest of Defendant Fall River Diocese after receiving training at the St. Mary's Seminary in Baltimore, Maryland. At that time, James Porter took a vow of obedience to the Bishop of Defendant Fall River Diocese, the Most Reverend James L. Connelly and his successors. James Porter remained under the vow of obedience to the Bishop of Defendant Fall River Diocese until James Porter left the priesthood in the mid-1970s.

8. In 1960, Bishop Connelly appointed Porter associate pastor at the St. Mary's Parish and Parochial School in Attleborough, Massachusetts. James Porter's responsibility at St. Mary's Parish included performing masses, hearing confessions, granting absolution, training, supervising and providing recreational outings for altar boys, teaching at the parochial school and providing spiritual instruction and counseling to parishioners and students.

9. While employed at St. Mary's Parish from 1960 through 1963, James Porter systematically sexually molested dozens of young parish children and students entrusted to his care. The sexual molestation occurred at numerous places including the church premises, the rectory, the school, the victim's homes, and also occurred while the children were entrusted to the care and supervision of James Porter as an associate pastor.

10. From 1960 through 1963, James Porter's supervising pastor at the St. Mary's Parish was Pastor Edward Booth, who was responsible for the well being of all parishioners at St. Mary's Parish, including parish children and students at the parochial school. Pastor Booth witnessed James Porter's sexual molestation of at least one parish child in the church rectory office. Pastor Booth did not assist this young victim, did not take reasonable steps to end the

abuse nor did he report James Porter's criminal sexual misconduct to local law enforcement authorities. Rather, Pastor Booth shook his head, and walked out of the office without saying a word.

11. In approximately spring, 1963, a mother of a twelve year old altar boy reported to Pastor Booth and Father Armando A. Annunziato that James Porter had molested little boys and demanded that James Porter be removed quickly. Reverend Booth told this enraged and distraught mother that James Porter was receiving treatment for his problem and there was no need to remove him from the church. Reverend Booth then stated "what are you trying to do, crucify the man?"

12. Father Armando A. Annunziato, a Roman Catholic priest of Defendant Fall River Diocese and an agent of Defendant Fall River Diocese, served as an associate pastor at the St. Mary's Parish. As such, Father Armando A. Annunziato was responsible for the well being of all parishioners at St. Mary's Parish, including the parish children and students at the parochial school. On repeated occasions, Father Armando A. Annunziato directly witnessed James Porter sexually molesting parish and/or school children on the church premises. On these occasions, Armando A. Annunziato did not assist the young victims, did not take reasonable steps to end the abuse nor did he report James Porter's criminal sexual misconduct to local law enforcement authorities. Rather, Father Armando A. Annunziato left the room and allowed the sexual abuse to continue. Father Armando A. Annunziato told one parish child who complained that he was sexually molested, that the victim was "possessed by Satan", and told another such victim to "stop stirring up trouble."

13. Between 1960 and 1967, while James Porter was serving as an associate pastor at St. Mary's Parish, parents of the minor victims reported to Father Armando A. Annunziato that

James Porter was sexually molesting their children. Father Armando A. Annunziato responded to at least one such parent that "you have to understand that Father Porter is only human."

14. By 1963, parents of the minor victims at the St. Mary's Parish reported to officials and agents of Fall River Diocese, including Bishop Connelly and Humberto Cardinal Medeiros - then the Chancellor of Fall River Diocese -- that James Porter was sexually molesting parish and school children. Because of these complaints, Bishop Connelly, through Chancellor Medeiros, removed James Porter from the St. Mary's Parish. Instead of reporting James Porter's criminal misconduct to local law enforcement authorities, commencing laicization proceedings or canonically removing James Porter's faculties to operate as a Roman Catholic priest, Bishop Connelly and Chancellor Medeiros clandestinely transferred James Porter to the Sacred Heart parish in Fall River, Massachusetts in 1963.

15. In 1963, Bishop Connelly appointed James Porter associate pastor at the Sacred Heart Parish in Fall River, Massachusetts. James Porter was given the same associate pastor duties set forth herein, including the supervision of the parish altar boy program. The parents who had previously reported James Porter's sexual molestation of youth learned of this appointment and complained to Chancellor Medeiros that James Porter was not fit to serve as a parish priest and they were concerned that he would continue to sexually molest parish youth if he remained in a parish. Chancellor Medeiros assured these parents that the Diocese would take care of the situation.

16. From 1963 through 1965, while serving as the associate pastor at the Sacred Heart Parish, James Porter systematically sexually molested youth of the parish. In approximately 1965, officials of Defendant Fall River Diocese were informed of this sexual molestation. Instead of reporting James Porter's criminal misconduct to local law enforcement authorities,

commencing laicization proceedings or removing James Porter from children, Bishop Connelly and Chancellor Medeiros clandestinely transferred James Porter to reside at the St. James Parish in New Bedford, Massachusetts and assigned him to the St. Luke's Hospital, where, on information and belief, James Porter received psychiatric treatment for his compulsive sexual molestation of youth. During this tenure, from 1965 through 1967, James Porter continued to systematically sexually molest youth in New Bedford, Massachusetts.

17. Between 1965 and 1967, parents of a New Bedford, Massachusetts boy reported to the priests assigned to the St. James Parish, Monsignor Hugh Gallagher, Reverend Edward Duffy, Reverend Thomas O'Shea and Reverend Albert Shovelton, that James Porter had sexually molested their son. Instead of reporting James Porter's criminal sexual misconduct to local law enforcement authorities or taking other reasonable steps to end the sexual molestation, these priests allowed James Porter to remain in the parish and the sexual abuse of New Bedford children by Porter continued.

18. In approximately 1967, officials of Defendant Fall River Diocese learned that, despite psychiatric treatment, James Porter was sexually molesting youth in New Bedford, Massachusetts. Rather than reporting James Porter's criminal misconduct to local law enforcement authorities, commencing laicization proceedings or removing James Porter from children, Bishop Connelly clandestinely transferred James Porter to the facilities in New Mexico run by Defendant Servants of the Paraclete.

19. In 1967, James Porter came under the supervision and control of agents of Defendant Servants of the Paraclete while purporting to receive treatment. Rather than reporting James Porter's criminal misconduct to Massachusetts law enforcement authorities or demanding that Bishop Connelly remove or restrict James Porter's ability to work with children, agents of

Defendant Servants of the Paraclete, released James Porter, and allowed, encouraged, and facilitated his return to additional Roman Catholic parishes where they knew or should have known that he was a great risk to continue to sexually molest parish youth.

20. In August 1969, James Porter travelled to the State of Minnesota to serve as an extern priest in the Defendant Crookston Diocese. At that time, the Bishop of the Defendant Crookston Diocese was Bishop Laurence A. Glenn. With the knowledge, permission and approval of Bishop Connelly of Defendant Fall River Diocese, and, on information and belief, with the knowledge and acquiescence of officials and agents of Defendant Servants of the Paraclete, Bishop Glenn granted James Porter full faculties to operate as a Roman Catholic priest in Defendant Crookston Diocese and appointed James Porter as the associate pastor at the Church of St. Philip in Bemidji, Minnesota.

21. From approximately August 1969 through September 1970, James Porter was employed by Defendant Crookston Diocese and, contemporaneously, by Defendant Fall River Diocese, as the associate pastor at the St. Philip Parish in Bemidji, Minnesota. Father W. F. Lemen, an agent of Defendant Crookston Diocese was the pastor at the St. Philip Parish and was responsible for the well being of parishioners at the church and students at the St. Philip Parochial School.

22. James Porter's employment duties at the St. Philip Parish and school included performing masses, hearing confessions, granting absolution, training, supervising and providing recreational activities for youth, teaching and coaching young students at the parochial school and providing spiritual instruction and counseling to parishioners and students.

23. While at St. Philips Parish from August 1969 through September 1970, James Porter systematically sexually abused numerous parish children.

24. Plaintiff Doe 4 was raised in a devout Roman Catholic family, was baptized, and confirmed in the Roman Catholic Church, and regularly attended mass and received the sacraments at the St. Philip Parish in Bemidji, Minnesota. From 1969 through 1970, Plaintiff Doe 4 was also a 3rd and 4th grade student at St. Philip Parochial School. Plaintiff therefore came to know, trust, revere, obey and admire James Porter as her parish priest, spiritual instructor, and mentor.

25. From 1969 through 1970, James Porter regularly and repeatedly sexually molested Plaintiff Doe 4. Plaintiff was approximately nine through ten years old and in the 3rd and 4th grades at the time of this sexual molestation. The sexual abuse occurred on the parish school's property and in the Plaintiff's home while James Porter was visiting Plaintiff's family as their parish priest.

26. In approximately 1970, the parents of several children who were parishioners at the St. Philip Parish, learned that their children were being sexually molested by James Porter. These parents reported James Porter's sexual molestation of parish youth to Father W.F. Lemen and instructed Father Lemen to relay to the new Bishop of Crookston, the Most Reverend Kenneth J. Povish their ultimatum that if James Porter was not immediately removed from the St. Philip Parish, his criminal sexual conduct would be reported to local law enforcement authorities. As a result, Bishop Povish immediately removed James Porter from the St. Philips Parish. Defendant Crookston Diocese, by and through its agents, did not further investigate James Porter's molestation of parish and school students, or report James Porter's molestation to law enforcement authorities. James Porter was simply removed from the parish and school and instructed to seek counseling. James Porter travelled to Hastings, Minnesota where he received psychological treatment.

27. On information and belief, in approximately 1972 or 1973, James Porter returned to the facilities operated by Defendant Servants of the Paraclete in New Mexico, because of his compulsive sexual molestation of youth. In 1972 or 1973, with the permission of the new Bishop of Fall River Diocese, Bishop Daniel A. Cronin, and the Archbishop of the Archdiocese of Santa Fe, Archbishop James Davis, agents of Defendant Servants of the Paraclete authorized James Porter to perform part-time parish work at St. Edwin Church in the South Valley, in Albuquerque, New Mexico under the supervision of Father Clarence Galli, a psychotherapist and priest of the Archdiocese of Santa Fe, who was often designated by the Archbishop of Santa Fe to supervise priests who had engaged in sexual misconduct. From 1972 through 1973, while performing part-time parish duties, James Porter sexually molested minor parish boys at the St. Edwin Church.

28. Porter was placed in a position to work with children within the Crookston Diocese in 1969. This required the permission of both the Bishops and The Servants of the Paraclete. At this time, Porter was under the supervision and control of the Crookston Diocese and the Fall River Diocese, through each Bishop and The Servants of the Paraclete.

29. Defendants placed Porter at St. Philip Parish in Bemidji, MN. Porter had unlimited access to children at St. Philip. Children, including Plaintiff, and their families were not told what Defendants knew or should have known - that Porter had sexually molested dozens of children, admitted to molesting children, that he committed offenses at almost every parish he served, and that Porter was a danger to them.

30. Defendants Crookston Diocese and Fall River Diocese each knew or should have known that Porter was a child molester and knew or should have known that Porter was a danger to children before Porter molested Plaintiff.

31. Defendants Crookston Diocese and Fall River Diocese each negligently or recklessly believed that Porter was fit to work with children and/or that any previous problems he had were fixed and cured; that Porter would not sexually molest children and that Porter would not injure children; and/or that Porter would not hurt children.

32. Plaintiff Doe 4 participated in youth activities at St. Philip Parish. She was raised in a devout Roman Catholic family and participated in activities at St. Philips Parish. Plaintiff Doe 4, therefore, developed great admiration, trust, reverence and respect for the Roman Catholic Church, including Defendants and their agents.

33. By holding Porter 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.

34. 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.

35. Defendants each had a special relationship with Plaintiff.

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

37. 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

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

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

39. Each 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 Defendant's geographical confines, failure to have any outside agency test its safety procedures, failure to protect the children in their programs from child sex abuse, failure to adhere to the applicable standard of care for child safety, failure to investigate the amount and type of information necessary to represent the institutions, programs, and leaders and people as safe, 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.

40. Each 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. 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 train its employees properly 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.

41. Defendant Crookston Diocese, Defendant Fall River Diocese and Defendant Servants of the Paraclete also each breached its duties to Plaintiff by failing to warn her and her family of the risk that Porter posed and the risks of child sexual abuse by clerics. It also failed to warn her about any of the knowledge that each Defendant had about child sex abuse.

42. Defendant Crookston Diocese, Defendant Fall River Diocese, and Defendant Servants of the Paraclete also each breached its duties to Plaintiff by failing to report Porter's abuse of children to the police and law enforcement.

43. Defendant Crookston Diocese, Defendant Fall River Diocese, and Defendant Servants of the Paraclete each knew or should have known that some of the leaders and people working at Catholic institutions within the Crookston Diocese were not safe.

44. Defendant Crookston Diocese, Defendant Fall River Diocese, and Defendant Servants of the Paraclete each 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 Crookston Diocese were safe.

45. Defendant Crookston Diocese, Defendant Fall River Diocese, and Defendant Servants of the Paraclete 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 Crookston Diocese.

46. Defendant Crookston Diocese, Defendant Fall River Diocese, and Defendant Servants of the Paraclete each 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 Crookston Diocese.

47. Defendant Crookston Diocese, Defendant Fall River Diocese, and Defendant Servants of the Paraclete 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.

48. Defendant Crookston Diocese, Defendant Fall River Diocese, and Defendant Servants of the Paraclete 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.

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

50. Between approximately 1969 and 1970, Porter engaged in unpermitted sexual contact with Plaintiff Doe 4.

51. Defendant Crookston Diocese, Defendant Fall River Diocese, and Defendant Servants of the Paraclete failed to inform law enforcement authorities that Porter had sexually

abused minor children. As a direct result, Porter avoided criminal investigation and prosecution and continued to abuse minor boys.

52. In 2004, Defendant Crookston Diocese publically admitted that there were 5 priests who worked in the Crookston Diocese who had been credibly accused of sexually molesting minors. Defendant Crookston Diocese has not released those names to the public. As a result children are at risk of being sexually molested.

53. In 2004, Defendant Fall River Diocese publically admitted that there were 32 priests who worked in or for the Fall River Diocese who had been accused of sexually molesting minors. On information and belief, the Fall River Diocese has not released those names to the public. As a result children are at risk of being sexually molested.

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

55. 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 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: DEFENDANT CROOKSTON DIOCESE –
NUISANCE (COMMON LAW AND MINN. STAT. § 561.01)**

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

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

58. The negligence and/or deception and concealment by Defendant Crookston 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 Crookston Diocese and all other members of the general public who live in communities where Defendant Crookston 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 Crookston 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 where Defendant Crookston Diocese conducted, and continue to conduct, their business.

59. The negligence and/or deception and concealment by Defendant Crookston

Diocese was especially injurious to Plaintiff's health as she and her family were unaware of the danger posed to young children left unsupervised with agents of Defendant Crookston Diocese, and in particular unaware of the immense danger that Porter posed to youth, and as a result of this deception, Plaintiff was placed in the custody and control of Porter, an agent of Defendant Crookston Diocese, who subsequently and repeatedly sexually assaulted Plaintiff.

60. The negligence and/or deception and concealment by Defendant Crookston Diocese also was specially injurious to Plaintiff's health in that when Plaintiff finally discovered the negligence and/or deception and concealment of Defendant Crookston Diocese, Plaintiff experienced mental and emotional distress that Plaintiff had been the victim of the Defendant Crookston Diocese'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 to 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.

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

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

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

**COUNT II: DEFENDANT CROOKSTON DIOCESE -
NEGLIGENCE**

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

this count and further alleges:

65. Defendant Crookston Diocese owed Plaintiff a duty of reasonable care.

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

67. Defendant Crookston Diocese's breach of its duty was the proximate cause of Plaintiff's injuries.

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

**COUNT III: DEFENDANT CROOKSTON DIOCESE –
NEGLIGENT SUPERVISION**

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

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

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

**COUNT IV: DEFENDANT CROOKSTON DIOCESE –
NEGLIGENT RETENTION**

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

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

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

**COUNT V: DEFENDANT FALL RIVER DIOCESE –
NUISANCE (COMMON LAW AND MINN. STAT. § 561.01)**

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

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

77. The negligence and/or deception and concealment by Defendant Fall River 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, all

other members of the general public who live in communities where Defendant Fall River 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 Fall River 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 where Defendant Fall River Diocese conducted, and continue to conduct, its business.

78. The negligence and/or deception and concealment by Defendant Fall River Diocese was specially injurious to Plaintiff's health as she and her family were unaware of the danger posed to young children left unsupervised with agents of Defendant Fall River Diocese, and in particular unaware of the immense danger that Porter posed to youth, and as a result of this deception, Plaintiff was placed in the custody and control of Porter, an agent of Defendant Fall River Diocese, who subsequently and repeatedly sexually assaulted Plaintiff.

79. The negligence and/or deception and concealment by Defendant Fall River Diocese also was specially injurious to Plaintiff's health in that when Plaintiff finally discovered the negligence and/or deception and concealment of Defendant Fall River Diocese, Plaintiff experienced mental and emotional distress that Plaintiff had been the victim of the Defendant Fall River Diocese'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 to because of the negligence and/or deception and concealment to receive timely medical treatment needed to deal with the problems Plaintiff

had suffered an continues to suffer as a result of the molestations.

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

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

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

**COUNT VI: DEFENDANT FALL RIVER DIOCESE -
NEGLIGENCE**

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

84. Defendant Fall River Diocese owed Plaintiff a duty of reasonable care.

85. Defendant Fall River Diocese breached the duty of reasonable care it owed Plaintiff.

86. Defendant Fall River Diocese's breach of its duty was the proximate cause of Plaintiff's injuries.

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

**COUNT VII: DEFENDANT FALL RIVER DIOCESE -
NEGLIGENT SUPERVISION**

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

89. At all times material, Porter was employed by Defendant Fall River Diocese and

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

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

**COUNT VIII: DEFENDANT FALL RIVER DIOCESE –
NEGLIGENT RETENTION**

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

92. Defendant Fall River Diocese, by and through its agents, servants and employees, became aware, or should have become aware, of problems indicating that Porter was an unfit agent with dangerous and exploitive propensities, yet Defendant Fall River Diocese failed to take any further action to remedy the problem and failed to investigate or remove Porter from working with children.

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

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

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

95. 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, Porter and Defendant Servants of the Paraclete's other agents who admitted to molesting children; and/or 2) protect Defendant Servants of the Paraclete's agents from criminal prosecution for their sexual assaults against children.

96. 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 in the Crookston Diocese and all other members of the general public who live in communities where Defendant Servants of the Paraclete's admitted 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 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 where Defendant Servants of the Paraclete conducted, and continue to conduct, their business.

97. The negligence and/or deception and concealment by Defendant Servants of the Paraclete was especially injurious to Plaintiff's health as she and her family were unaware of the danger posed to young children left unsupervised with agents of Defendant Servants of the Paraclete, and in particular unaware of the immense danger that Porter posed to youth, and as a

result of this deception, Plaintiff was placed in the custody and control of Porter, an agent of Defendant Servants of the Paraclete, who subsequently and repeatedly sexually assaulted Plaintiff.

98. The negligence and/or deception and concealment by Defendant Servants of the Paraclete also was specially injurious to Plaintiff's health in that when Plaintiff finally discovered the negligence and/or deception and concealment of Defendant Servants of the Paraclete, Plaintiff experienced mental and emotional distress that Plaintiff had been the victim of the Defendant Servants of the Paraclete'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 to 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.

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

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

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

**COUNT X: DEFENDANT SERVANTS OF THE PARACLETE -
NEGLIGENCE**

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

103. Defendant Servants of the Paraclete owed Plaintiff a duty of reasonable care.

104. Defendant Servants of the Paraclete breached the duty of reasonable care it owed Plaintiff.

105. Defendant Servants of the Paraclete's breach of its duty was the proximate cause of Plaintiff's injuries.

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

**COUNT XI: DEFENDANT SERVANTS OF THE PARACLETE –
NEGLIGENT SUPERVISION**

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

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

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

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

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

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

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

PRAYER FOR RELIEF

113. 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.

114. Plaintiff requests an order requiring that the Crookston Diocese and Fall River Diocese each publically 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.

115. Plaintiff requests an order requiring that The Servants of the Paraclete publically 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.

Dated: 6/18/13

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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.

