

IN THE IOWA DISTRICT COURT IN AND FOR SCOTT COUNTY

2015-03-17 11:15

MICHAEL GOULD,	)	
	)	
Plaintiff,	)	Law No. 104526
	)	
vs.	)	
	)	
BISHOP LAWRENCE D. SOENS,	)	
IOWA CITY REGINA HIGH SCHOOL,	)	PLAINTIFF'S STATEMENT
REGINA INNER PARISH CATHOLIC	)	OF DISPUTED FACTS IN
EDUCATION CENTER, f/k/a IOWA	)	RESISTANCE TO DEFENDANT
CITY CATHOLIC HIGH SCHOOL, INC.,	)	IOWA CITY REGINA HIGH
AND THE DIOCESE OF DAVENPORT,	)	SCHOOL'S MOTION FOR
	)	SUMMARY JUDGMENT
Defendants.	)	

COMES NOW, Plaintiff, Michael Gould, by and through his attorneys, Betty, Neuman & McMahon, P.L.C. and Jeff Anderson & Associates, in resistance to Defendant Regina High School's Motion for Summary Judgment, states as follows:

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**INTRODUCTION**

The sexual sadistic molestation of Plaintiff and numerous other boys by Bishop Soens while they attended Regina High School is now a well documented fact. Bishop Soens has admitted such acts and his public ministry has been restricted (See Soens' Deposition, pages 165, 166, 170-172, Exhibit 20). Authority figures at Regina High School either knew, or should have known, of his perverted acts and prevented the harm they caused. No public admission of his misconduct has ever been made by Bishop Soens, Regina High School or the Diocese of Davenport. These fiduciary authorities continue to keep "secret" his sexual misconduct.

**I. BISHOP SOENS SEXUALLY AND SADISTICALLY MOLESTED NUMEROUS STUDENTS INCLUDING PLAINTIFF MICHAEL GOULD WHILE A PRIEST AND PRINCIPAL AT REGINA HIGH SCHOOL**

Beginning in 1963 and lasting throughout his high school years, Mike Gould suffered sexual sadistic acts at the hands of his principal and priest, Bishop Lawrence D. Soens. Bishop Soens pinched his nipples, stroked his zipper over his genitalia, unzipped his pants, rubbed his penis inside and outside his underwear and pinched his penis. (See Affidavit of Mike Gould, Exhibit 1).

Similar sexual misconduct was practiced by Bishop Soens on numerous male high school students. (See Sworn Statement of Regina Student No. 10, Exhibit 2; Sworn Statement of Regina Student No. 14, Exhibit 3; Sworn Statement of Regina Student No. 15, Exhibit 4; Sworn Statement of Regina Student No. 16, Exhibit 5; Sworn Statement of Regina Student No. 17, Exhibit 6; Sworn Statement of Regina Student No. 18, Exhibit 7; Sworn Statement of Regina Student No. 28, Exhibit 8; Affidavit of Mike Dalton, Exhibit 9; Affidavit of Mark Dalton, Exhibit 10; Affidavit of Steve Kinney, Exhibit 11; Affidavit of Regina Student No. 5, Exhibit 12; Affidavit of Regina Student No. 11, Exhibit 13; Affidavit of Regina Student No. 22, Exhibit 14; Affidavit of Regina Student No. 44, Exhibit 15; Affidavit of Regina Student No. 48, Exhibit 16; Affidavit of Regina Student No. 74, Exhibit 17; and Affidavit of Regina Student No. 79, Exhibit 18).

Bishop Soens, while under oath, has testified and admitted to pinching the nipples of a young man under the age of 18 in his lifetime. (See Soens' deposition, Page 52, 53, 159, 160 attached hereto as Exhibit 19). One thing Bishop Soens did not admit to is the name of any young man at Regina High School whose nipples he pinched. He has continued to fraudulently conceal and deny such actions.

The leading authority on sexual misconduct by clergy has described the sexual misconduct by Bishop Soens as sadistic. (See Affidavit of A.W. Richard Sipe, Exhibit 21).

## **II. AUTHORITY FIGURES AT REGINA HIGH SCHOOL EITHER KNEW OR SHOULD HAVE KNOWN OF BISHOP SOENS' SEXUAL MISCONDUCT**

In 1963, a student told his religion teacher at Regina, Father Bevenour, about Bishop Soens "playing with his jewels" in confession. (See Pages 21-25, 44, 45, 54, 56 and 57 of Sworn Statement of Regina Student No. 18, Exhibit 7). Father Bevenour did not counsel this student to take additional actions. Bishop Soens himself has testified that a

priest should have provided information to this student as to how to report it and not just advise him to say Hail Mary's and ask for forgiveness for the misconduct of a priest. (See Soens Deposition, pages 62-64, Exhibit 22). Another student complained of Bishop Soens' conduct to Father Bevenour in 1964. (See Paragraphs 7-10 of Affidavit of Regina Student No. 22, Exhibit 14).

On at least two occasions, the sexual misconduct by Soens on students at Regina High School was observed by school personnel. Nothing was done and no investigation was conducted as a result of these incidents. (See Affidavit of Regina Student No. 44, Exhibit 15 and Affidavit of Regina Student No. 74, Exhibit 17).

Numerous students have provided sworn testimony or Affidavits that the sexual misconduct of Bishop Soens was readily observable in the school and that authority figures within the school should have seen it. (See Paragraph 5 of Affidavit of Mike Gould, Exhibit 1; Pages 21, 24, 33 of Sworn Statement of Regina Student No. 10, Exhibit 2; Pages 26, 27 of Sworn Statement of Regina Student 14, Exhibit 3; Pages 7-9 of Sworn Statement of Student No. 28, Exhibit 8; Paragraph 3 of Affidavit of Regina Student No. 5, Exhibit 12; Paragraph 3 of Affidavit of Regina Student No. 11, Exhibit 13; Paragraph 4 of Affidavit of Regina Student No. 79, Exhibit 18; Paragraph 5 of Affidavit of Regina Student No. 44, Exhibit 15; Paragraphs 3, 5 of Affidavit of Regina Student No. 74, Exhibit 17; and Affidavit of Cynthia Seelman, Exhibit 23).

A simple method to permit personnel and other authority figures at Regina High School to see any sexual misconduct by a principal in his office was performed by the present Regina High School principal, Ray Pechous (See Pechous Deposition, pages 33,

34, Exhibit 24). He had an unguarded window placed in the door of his office to protect students from any misconduct inside the office. Certainly, this simple procedure could have been performed from Day 1 so that other school personnel and authority figures at Regina High School “should have known of Bishop Soens’ misconduct”.

It will be uncontested in this case that the sexual molestation of minors by priests has been a known understood and foreseeable risk for centuries. Attached hereto is the Affidavit of Father Tom Doyle, Cannon lawyer and expert on the history of the molestation of minors by Catholic priests (See Exhibit 25).

**III. REGINA HIGH SCHOOL HAS  
IN THE PAST AND CONTINUES TO FRAUDULENTLY  
CONCEAL BISHOP SOENS’ SEXUAL MISCONDUCT**

There is no better example of the concealment by Regina High School and the Diocese of Davenport of Bishop Soens’ sexual misconduct of students than a 2002 report prepared by the Chancellor of the Diocese, the Assistant High School Principal at Regina High School, several priests of the Diocese of Davenport, the Superintendent of Education for the Diocese and the Director of Communications of the Diocese. With this group of individuals, a secret, confidential report was authored after several confirmed reports of fondling and pinching of testicles and pinching of nipples. The committee found that Bishop Soens’ conduct was “disciplinary” and not undertaken for any sexual gratification. As a result, no discipline was taken against Bishop Soens and the report of such activities was kept secret. (See Diocese of Davenport Confidential Investigation Report, Exhibit 26).

Specific complaints about Bishop Soens, while the rector at St. Ambrose Seminary, were made by Mike Uhde to then Bishop O’Keefe in Davenport (See Affidavit of Mike Uhde, Exhibit No. 27). Bishop O’Keefe took notes regarding these complaints, including

sexual fondling by Bishop Soens of Mike Uhde. No record of these notes exists. After the specific complaints were made to Bishop O'Keefe and written down by Bishop O'Keefe, Father Soens was promoted and made Bishop of the Diocese of Sioux City, Iowa, on August 17, 1983.

The first public admission of allegations of misconduct by Bishop Soens was made by Bishop Franklin in a January, 2005 press release. On January 18, 2005, Bishop Franklin announced that in October, 2004, a \$20,000 settlement was reached with a man who was a student at Regina High School and with whom Bishop Soens had improper sexual contact.

Despite this information, it is known that Bishop Soens continues to be held up in esteem and as a holy figure in the Roman Catholic Church. In Sioux City, the building housing the Catholic Charities is named the Bishop Soens Center (See photograph, Exhibit 28).

**IV. BISHOP SOENS AND REGINA HIGH SCHOOL HAD A  
FIDUCIARY RELATIONSHIP WITH STUDENTS, INCLUDING THE PLAINTIFF,  
AND OWED A FIDUCIARY DUTY TO ADVISE AND PROTECT STUDENTS  
FROM THE SEXUAL MISCONDUCT OF BISHOP SOENS**

Mike Gould was raised and educated in parishes in the Davenport Diocese and conditioned, as a result of his education and upbringing, to view Bishop Soens as a person of great influence and persuasion as a holy man and authority figure in his life. He developed great admiration, trust, dependence, reverence and respect for Bishop Soens as his principal and for Regina High School. He was conditioned to comply with Bishop Soens' requests because he did not want to be thrown out of school, be excommunicated or go to hell. He placed confidence and depended upon the representatives of Regina High School and the Diocese of Davenport for his educational, spiritual and emotional

guidance. He did not consider himself the equal of Bishop Soens (See Affidavit of Michael Gould, Exhibit 1).

The Regina Student Handbook for the years 1966-1967 (See Selected Handbook pages, Exhibit 29) further illustrates the fiduciary duty Bishop Soens and Regina had toward Mike Gould. The handbook instructs that the teachers and administrators of Regina High School...share in the role of parents and to assist them in the God given sacred duty of complete formation of young men and women. The handbook further emphasizes that the education at Regina High School should enable students to acquire a working knowledge of their Catholic faith, achieve the ability to give faith to others, develop and maintain good physical and mental health, develop skills, understandings and socially and morally sound attitudes and develop principals for personal and social conduct based on moral and spiritual values, among other things. Religion is the most necessary of all subjects in the curriculum. It was not only a curricular subject, but a master guide. Its ideals must carry over into all classes. Included in the curriculum were religion classes, morning prayer and retreats. Guidance and counseling programs were also required at the school. There is no basis to claim that the relationship between the principal and the high school was anything other than a fiduciary relationship based on the trust and confidence the student had toward the principal, teachers and administrators of the school.

Bishop Soens was not just Mike Gould's high school principal. He was also his priest and celebrated mass at the high school (See Soens Deposition, pages 65-68, Exhibit 30).

**V. PLAINTIFF MICHAEL GOULD SUFFERED FROM A MENTAL  
CONDITION THAT PREVENTED HIM FROM ENFORCING HIS LEGAL  
RIGHTS AGAINST BISHOP SOENS, REGINA HIGH SCHOOL AND  
THE DIOCESE OF DAVENPORT**

Plaintiff, Mike Gould, as a victim of sexual trauma by Bishop Soens, suffers from mental illness and its effects as a result of the sexual abuse by Defendant Soens. Plaintiff suffers from mental illness and has developed symptoms of psychological distress as a result of the sexual misconduct by Defendant Soens. Plaintiff suffers from shame, guilt, self-blame, anxiety and depression and has numerous other mental health damages (See Affidavit of Mike Gould, Exhibit 1).

Dr. Wayne Sliwa, a well respected expert in the field of sex abuse, has evaluated and counseled victims of sexual trauma during his career. It is his opinion that Mike Gould suffers from Post Traumatic Stress Disorder – Complex with Dissociative Features, Major Depressive Disorder with Suicidal Ideation-Recurrent attributed to the sexual trauma perpetrated by Defendant Soens. It is Dr. Sliwa's opinion that this condition has existed from the time of the abuse until the present. As a result of this disorder, Michael Gould suffers significant psychological disturbance and impairment. His psychological condition prevented Michael Gould from appreciating the nature and impact of his sexual abuse by Defendant Soens. It is further Dr. Sliwa's opinion that Michael Gould was greatly affected by the abuse, could not appreciate the nature and affect of the sexual abuse and also prevented him from filing a lawsuit and vindicating his legal rights as a result of the sexual abuse (See Dr. Wayne Sliwa Affidavit, Exhibit 31).

**VI. PLAINTIFF MICHAEL GOULD DID NOT DISCOVER HIS INJURIES  
AND CONNECTION OF DAMAGES UNTIL APPROXIMATELY  
ONE YEAR PRIOR TO THE FILING OF THE LAWSUIT**

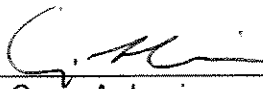


As a result of the psychological impact of the abuse by Bishop Soens on the Plaintiff, Plaintiff has been unable to discover his injury and the causal connection of the injury to the abuse until the time he filed the lawsuit. (See Affidavit of Michael Gould, Exhibit 1; Affidavit of Dr. Wayne Sliwa, Exhibit 31).

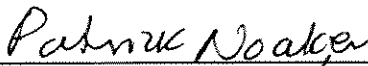
**CONCLUSION**

In conclusion, the sexual perverse and sadistic acts of Bishop Soens caused Plaintiff's mental illness. Plaintiff's church and school failed to protect him by negligently supervising Bishop Soens and by concealing the truth about his conduct.

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PROOF OF SERVICE

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause by depositing a copy thereof in the United States Mail, postage prepaid, in envelopes addressed to each party at their respective address disclosed on the pleadings as follows:

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On the 5<sup>th</sup> day of September, 2006.

