

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF STEARNS

SEVENTH JUDICIAL DISTRICT

Case Type: Personal Injury

Doe 2,

Court File No.:

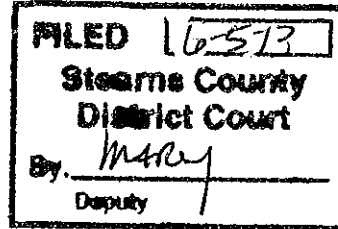
Plaintiff,

vs.

SUMMONS

The Order of St. Benedict a/k/a and d/b/a
St. John's Abbey and a/k/a and d/b/a St. John's
Preparatory School and Fr. Gilbert Allen Tarlton,

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: 5/4/13

JEFF ANDERSON & ASSOCIATES, P.A.



Jeffrey R. Anderson, #2057
Michael G. Finnegan, #033649X
366 Jackson Street, Suite 100
St. Paul, MN 55101
(651) 227-9990

Michael Bryant, #218583
Bradshaw & Bryant, PLLC
1505 Division Street
Waite Park, MN 56387
(320) 259-5414
Attorneys for Plaintiff

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF STEARNS

SEVENTH JUDICIAL DISTRICT

Case Type: Personal Injury

Doe 2,

Court File No.:

Plaintiff,

vs.

COMPLAINT

The Order of St. Benedict a/k/a and d/b/a
St. John's Abbey and a/k/a and d/b/a St. John's
Preparatory School and Fr. Gilbert Allen Tarlton,

Defendants.

Plaintiff, for his causes of action against Defendants, alleges as follows:

PARTIES

1. Plaintiff Doe 2 is a resident of the State of Minnesota and at all relevant times for this Complaint he resided in the State of Minnesota. The identity of Plaintiff Doe 2 has been disclosed under separate cover to Defendants.

2. Order of St. Benedict ("Defendant Order") is 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.

3. 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.

4. Defendant Order is also known as, does business as and owns and operates St. John's Preparatory School (hereinafter "SJP") which is a Benedictine college preparatory school with grades 7 through 12. Defendant Order represents SJP to be an exceptional middle and high school that provides its students a safe and secure environment through the use of full-time staff that supervises and mentors students.

5. At all times material, Defendant Father Gilbert Tarlton (hereinafter "Fr. Tarlton") was a Catholic priest and member of Defendant Order. Fr. Tarlton was educated and trained by Defendant Order. On information and belief, Fr. Tarlton pledged obedience to the Order. Fr. Tarlton was placed at SJP by and under the authority of Defendant Order and therefore was under the direct supervision, employ and control of Defendant Order. At all times material, Fr. Tarlton was employed as a teacher at SJP.

FACTUAL BACKGROUND

6. Fr. Tarlton became a monk with Defendant Order on June 11, 1949.

7. Fr. Tarlton was ordained as a priest in 1955.

8. From 1955 through 1958, Fr. Tarlton taught English at SJP.

9. During that time, Fr. Tarlton sexually abused a number of SJP students.

10. In 1958, when the Abbot of Defendant Order received complaints from two SJP students that Fr. Tarlton had been sexually inappropriate with them, the Abbot removed Fr. Tarlton from teaching at SJP and reassigned him to teach at St. John's University.

11. Upon information and belief, in 1960, Fr. Tarlton was sent for psychiatric treatment for "homosexuality."

12. When the term "homosexuality" was used in 1960 in reference to problems with a Roman Catholic priest, that term meant that the priest was a child sexual abuser.

13. Upon information and belief, in 1965, Fr. Tarlton was sent for psychiatric treatment at Seton Psychiatric Institute. Seton Psychiatric Institute was a psychiatric hospital that specialized in treating the psychiatric problems of Roman Catholic religious and clergy.

14. Fr. Tarlton was treated inpatient at Seton Psychiatric Institute for over 1½ years.

15. Immediately after being discharged from Seton Psychiatric Institute in 1967, Defendant Order assigned Fr. Tarlton to be a teacher at a school in Nassau, Bahamas affiliated with the St. Augustine College.

16. Upon information and belief, minor children attended the school in Nassau and Fr. Tarlton taught those minor children.

17. Upon information and belief, in the spring of 1968, Fr. Tarlton was involved in an incident where he struck a fellow teacher at St. Augustine College.

18. Upon information and belief, shortly after the incident with the fellow teacher, Fr. Tarlton was granted a one-year leave of absence from Defendant Order.

19. Upon information and belief, prior to the leave of absence in 1968, Fr. Tarlton used the name Gilbert Tarlton.

20. Upon information and belief, after the leave of absence in 1968, Fr. Tarlton used the name Allen Paul Tarlton.

21. In 1972, Fr. Tarlton began teaching at Holy Cross School in Louisville, Kentucky.

22. In May 1977, Fr. Tarlton legally changed his name from Allen Berry to Allen Tarlton by filing the required paperwork in the Hamilton County, Ohio Court of Common Pleas, Probate Division, Case No., 77157.

23. In 1977, Fr. Tarlton taught children at SJP.

24. By and through his association and/or employment with Defendant Order, Fr. Tarlton was provided with a classroom, administrative support, telephone, supplies and other related services necessary to permit him to teach at SJP. Defendant Order, by associating with and holding out Fr. Tarlton to the public as safe to work with children, provided Fr. Tarlton with the means and opportunity to have access to Plaintiff and other members of the public and in so doing represented that Fr. Tarlton was safe to work with children.

25. During the course of the student-teacher relationship between Fr. Tarlton and Plaintiff, Fr. Tarlton used his position of trust and authority over Plaintiff to sexually exploit him.

26. Plaintiff Doe 2 attended SJP in approximately 1977.

27. In order for Plaintiff Doe 2 to attend SJP, Plaintiff Doe 2's parents had to make significant sacrifices.

28. On information and belief, SJP is owned by and/or operated under the supervision and control of and staffed and managed by Defendant Order. At the time Plaintiff Doe 2 attended SJP, it operated as a full-time school.

29. As a teacher at SJP, Fr. Tarlton was a person of great influence on Plaintiff Doe 2.

30. In 1977, Plaintiff Doe 2 first met and came to know Fr. Tarlton as his English teacher at SJP.

31. Doe 2 lived at SJP. As such the Order took complete custody and responsibility for the safety and well-being of Doe 2.

32. Fr. Tarlton was placed in a position to work with children at SJP. This required the permission of the Abbot. At this time, Tarlton was under the supervision and control of the Order.

33. Defendant placed Fr. Tarlton at SJP in Collegeville, MN. Fr. Tarlton had unlimited access to children at SJP. Children, including Plaintiff, and their families were not told

what Defendant knew or should have known - that Fr. Tarlton had sexually molested boys and that Fr. Tarlton was a danger to them.

34. The Order knew or should have known that Fr. Tarlton was a child molester and knew or should have known that Fr. Tarlton was a danger to children before Fr. Tarlton molested Plaintiff.

35. The Order negligently believed that Fr. Tarlton was fit to work with children and/or that any previous problems he had were fixed and cured; that Fr. Tarlton would not sexually molest children and that Fr. Tarlton would not injure children; and/or that Fr. Tarlton would not hurt children.

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

37. Further, Defendant, by holding itself out as being able to provide a safe environment for children, solicited and/or accepted this position of empowerment. This empowerment prevented the then minor Plaintiff from effectively protecting himself and Defendant thus entered into a fiduciary relationship with Plaintiff.

38. Defendant had a special relationship with Plaintiff.

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

40. Defendant owed Plaintiff a duty of reasonable care because it solicited youth and parents for participation in its youth programs; undertook custody of minor children, including

Plaintiff; promoted its facilities and programs as being safe for children; held its agents including Fr. Tarlton out as safe to work with children; encouraged parents and children to spend time with its agents; and/or encouraged its agents, including Fr. Tarlton, to spend time with, interact with, and recruit children.

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

42. 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 run by the Order, 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.

43. 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. 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.

44. Defendant Order also breached its duties to Plaintiff by failing to warn him and his family of the risk that Fr. Tarlton posed and the risks of child sexual abuse by clerics. It also failed to warn him about any of the knowledge that Defendant had about child sex abuse.

45. Defendant Order also breached its duties to Plaintiff by failing to report Fr. Tarlton's abuse of children to the police and law enforcement.

46. Defendant Order knew or should have known that some of the leaders and people working at Catholic institutions run, owned, staffed, and/or operated by its agents were not safe.

47. Defendant Order knew or should have known that it did not have sufficient information about whether or not its leaders and people working at Catholic institutions run, owned, staffed, and/or operated by its agents were safe.

48. The Order knew or should have known that there was a risk of child sex abuse for children participating in its programs and activities.

49. The Order 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 its programs and activities.

50. The Order knew or should have known that it had numerous agents who sexually molested children. It knew or should have known that child molesters have a high rate of recidivism. It knew or should have known that there was a specific danger of child sex abuse for children participating in its youth programs.

51. The Order 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.

52. In approximately 1977, Fr. Tarlton engaged in unpermitted sexual contact with Plaintiff Doe 2.

53. The Order failed to inform law enforcement authorities that Fr. Tarlton had sexually abused minor children. As a direct result, Fr. Tarlton avoided criminal investigation and prosecution and continued to abuse minor boys.

54. As a direct result of the Defendants' conduct described herein, Plaintiff has suffered, and will continue to suffer, great pain of mind and body, severe and permanent emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, humiliation, physical, personal and psychological injuries. Plaintiff was prevented, and will continue to be prevented, from performing his normal daily activities and obtaining the full enjoyment of life; has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling; and, on information and belief, has and/or will incur loss of income and/or loss of earning capacity.

**COUNT I: DEFENDANT FR. GILBERT TARLTON -
SEXUAL BATTERY**

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

56. In approximately 1977, Defendant Fr. Tarlton repeatedly inflicted unpermitted, harmful, and offensive sexual contact upon the person of Plaintiff.

57. As a direct result of Defendant Fr. Tarlton's wrongful conduct, Plaintiff has

suffered the injuries alleged herein.

**COUNT II: DEFENDANT ORDER -
NEGLIGENCE**

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

59. Defendant owed Plaintiff a duty of reasonable care.

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

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

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

**COUNT III: DEFENDANT ORDER -
NEGLIGENT SUPERVISION**

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

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

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

**COUNT IV: DEFENDANT ORDER –
NEGLIGENT RETENTION**

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

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

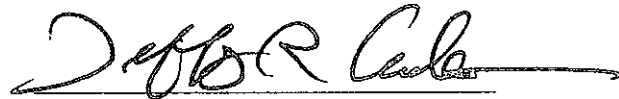
68. As a direct result of Defendant's negligent conduct, Plaintiff has suffered the injuries and damages described herein.

PRAYER FOR RELIEF

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.

Dated: 6/4/13

JEFF ANDERSON & ASSOCIATES, P.A.



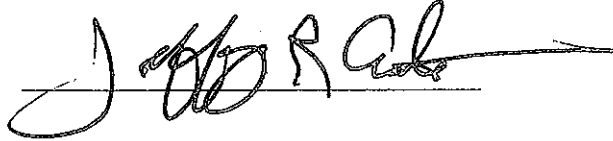
Jeffrey R. Anderson, #2057
Michael G. Finnegan, #033649X
366 Jackson Street, Suite 100
St. Paul, MN 55101
(651) 227-9990

Michael Bryant, #218583
BRADSHAW & BRYANT, PLLC
1505 Division Street
Waite Park, MN 56387
(320) 259-5414

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 read "J. M. R. A.", is written over a horizontal line. The signature is stylized and cursive.