

STATE OF MINNESOTA

STEARNS COUNTY-CH
COURT ADMINISTRATION

DISTRICT COURT

COUNTY OF STEARNS

SEVENTH JUDICIAL DISTRICT

2014 MAY 19 AM 8 06

Case Type: Personal Injury

Doe 33 and Doe 34,

BY: _____ DEPUTY

Court File No.:

Plaintiffs,

v.

SUMMONS

The Order of St. Benedict a/k/a and d/b/a
St. John's Abbey and Richard Eckroth,

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 Bradshaw & Bryant, 1505 Division Street, Waite Park, MN 56387.

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.

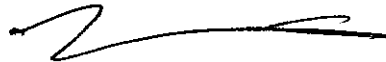
If you do not Answer within 20 days, you will lose this case. You will not get to tell your side of the story, and the Court may decide against you and award the Plaintiff everything asked for in the Complaint. If you do not want to contest the claims stated in the Complaint, you do not need to respond. 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: 5/16/14

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STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF STEARNS

SEVENTH JUDICIAL DISTRICT

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Doe 33 and Doe 34,

Court File No.:

Plaintiffs,

vs.

COMPLAINT

The Order of St. Benedict a/k/a and d/b/a
St. John's Abbey and Richard Eckroth,

Defendants.

Plaintiffs, for their causes of action against Defendants, allege as follows:

PARTIES

1. Plaintiffs Doe 33 and Doe 34 are residents of the State of Minnesota and at all relevant times for this Complaint resided in the State of Minnesota. The identities of Plaintiffs Doe 33 and Doe 34 have been disclosed under separate cover to Defendants.

2. Order of St. Benedict a/k/a and d/b/a St. John's Abbey (hereinafter "Defendant Order" or "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. At all times material, Defendant Richard William Eckroth (hereinafter "Eckroth") was a Catholic priest and member of Defendant Order. Eckroth was educated and trained by Defendant Order. On information and belief, Eckroth pledged obedience to the Order. Eckroth was placed at St. John's University and St. Benedict College 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, Eckroth was employed by the Order of St. Benedict.

FACTUAL BACKGROUND

5. Eckroth became a monk with Defendant Order on July 11, 1946.

6. Eckroth was ordained as a priest on June 7, 1952.

7. From 1952 through 1973 Eckroth was employed as a Philosophy Professor at St. John's University and Seminary.

8. During that time, Eckroth was also employed by Defendant Order as a Brother Master, a St. John's University Dorm Prefect, and at St. Benedict's College in St. Joseph, Minnesota.

9. Upon information and belief, during that time, Eckroth sexually abused a number of children at a cabin owned by Defendant Order.

10. Upon information and belief, Defendant Order knew or should have known Eckroth sexually abused minor children when he took them on trips to the cabin.

11. By and through his association and/or employment with Defendant Order, Eckroth was provided with a classroom, administrative support, a telephone, supplies and other related

services necessary to permit him to teach at Defendant Order's schools. Defendant Order at times also assigned Eckroth to work with the public at various parishes in Central Minnesota. Defendant Order, by associating with and holding out Eckroth to the public as safe to work with children, provided Eckroth with the means and opportunity to access Plaintiffs and other members of the public and in so doing represented that Eckroth was safe to work with children.

12. Plaintiffs were raised in a devout Catholic family and were parishioners at St. Joseph's Parish in St. Joseph, Minnesota during the 1960s and 1970s.

13. Plaintiffs and their family came to know Eckroth through St. Joseph's Parish in St. Joseph, Minnesota.

14. During the course of the priest-parishioner relationship between Eckroth, Plaintiffs, and Plaintiffs' family, Eckroth used his position of trust and authority to sexually abuse and exploit Plaintiffs.

15. On at least four occasions between approximately 1970 and 1972, when he was between approximately 8 and 10 years old, Eckroth invited Plaintiff Doe 33 to accompany him to the cabin owned by Defendant Order.

16. On at least three occasions between approximately 1970 and 1973, when Plaintiff Doe 34 was between approximately 10 and 13 years old, Eckroth invited Plaintiff Doe 34 to accompany him to the cabin owned by Defendant Order.

17. Plaintiffs' devout parents believed it was an honor for Plaintiffs to attend weekend trips with a priest. They allowed Plaintiffs, who were between 8 and 14 years old, to travel with Eckroth to the cabin.

18. Upon information and belief, Defendant Order was aware its agent Eckroth routinely brought young children with him to the cabin. By allowing Eckroth to do so, the Order

took complete custody and responsibility for the safety and well-being of Plaintiffs.

19. Eckroth was placed in a position that allowed him to bring children with him to the Order's cabin. This required the permission of the Abbot. At this time, Eckroth was under the supervision and control of the Order.

20. Defendant Order allowed Eckroth to bring children with him to its cabin. Eckroth had unlimited access to children at the cabin. Children, including Plaintiffs, and their families were not told what Defendant knew or should have known - that Eckroth had sexually molested children and that Eckroth was a danger to them.

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

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

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

24. 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 Plaintiffs from effectively protecting themselves and Defendant thus entered into a fiduciary relationship with Plaintiffs.

25. Defendant had a special relationship with Plaintiffs.

26. Defendant owed Plaintiffs a duty of reasonable care because it had superior knowledge about the risk that Eckroth posed to Plaintiffs, the risk of abuse in general in its programs and by its agents, and/or the risks that its facilities posed to minor children.

27. Defendant Order owed Plaintiffs a duty of reasonable care because it solicited youth and parents for participation in its youth programs; undertook custody of minor children, including Plaintiffs; promoted its facilities and programs as being safe for children; held its agents including Eckroth out as safe to work with children; encouraged parents and children to spend time with its agents; and/or encouraged its agents, including Eckroth, to spend time with, interact with, and recruit children.

28. Defendant Order had a duty to Plaintiffs to protect them from harm because Defendant's actions created a foreseeable risk of harm to Plaintiffs.

29. Defendant Order'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.

30. 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.

31. Defendant Order also breached its duties to Plaintiffs by failing to warn them and their family of the risk that Eckroth posed and the risks of child sexual abuse by clerics. It also failed to warn them about any of the knowledge that Defendant had about child sex abuse.

32. Defendant Order also breached its duties to Plaintiffs by failing to report Eckroth's abuse of children to the police and law enforcement.

33. 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.

34. 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.

35. The Order knew or should have known that there was a risk of child sex abuse for children participating in its programs and activities, and attending weekend trips to Order property with its monks.

36. 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, and attending weekend trips to Order property with its monks.

37. 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.

38. 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.

39. From approximately 1970 to 1972, when Plaintiff Doe 33 was between approximately 8 and 10 years old, Eckroth engaged in unpermitted sexual contact with Plaintiff Doe 33 while on weekend trips to the Order's cabin.

40. From approximately 1970 to 1973, when Plaintiff Doe 34 was between approximately 10 and 13 years old, Eckroth engaged in unpermitted sexual contact with Plaintiff Doe 34 while on weekend trips to the Order's cabin.

41. The Order failed to inform law enforcement authorities that Eckroth had sexually abused minor children. As a direct result, Eckroth avoided criminal investigation and prosecution and continued to abuse minors.

42. The Order was negligent and/or made representations to Plaintiffs and their family during each and every year of his minority.

43. In 2011, Defendant Order released the names of 17 clerics who worked at the Order who had been credibly accused of sexual molestation in a letter and through a statement on its website. Then in 2012, the list was removed from the website and not publicly available. As a result, children were at risk of being sexually molested.

44. On December 9, 2013, under intense public pressure, Defendant Order posted the names of 18 clerics who worked at the Order who had been credibly accused of sexual molestation. The Order refuses, however, to disclose to the public the files and documents on the perpetrators. As a result, the histories of the abusive clerics are still concealed and children are at risk of being sexually molested.

45. As a direct result of the Defendants' conduct described herein, Plaintiffs have 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. Plaintiffs were prevented, and will continue to be prevented, from performing normal daily activities and obtaining the full enjoyment of life; have incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling; and, on information and belief, have and/or will incur loss of income and/or loss of earning capacity.

**COUNT I: DEFENDANT RICHARD ECKROTH -
SEXUAL BATTERY**

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

47. From approximately 1970 to 1972, Defendant Eckroth repeatedly inflicted unpermitted, harmful, and offensive sexual contact upon the person of Plaintiff Doe 33.

48. From approximately 1971 to 1973, Defendant Eckroth repeatedly inflicted

unpermitted, harmful, and offensive sexual contact upon the person of Plaintiff Doe 34.

49. As a direct result of Defendant Eckroth's wrongful conduct, Plaintiffs have suffered the injuries alleged herein.

**COUNT II: DEFENDANT ORDER –
NUISANCE (COMMON LAW AND MINN. STAT. § 561.01)**

50. Plaintiffs incorporate all consistent paragraphs of this Complaint as if fully set forth under this count.

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

52. The negligence and/or deception and concealment by Defendant 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 Central Minnesota and all other members of the general public who live in communities where Defendant'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 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 in Minnesota and throughout the Midwest United States where Defendant conducted, and continues to conduct, its business.

53. The negligence and/or deception and concealment by Defendant Order of St. Benedict was specially injurious to Plaintiffs' health as they were sexually assaulted by Defendant's agent, Eckroth.

54. The negligence and/or deception and concealment by Defendant also was specially injurious to Plaintiffs' health in that when Plaintiffs finally discovered the negligence and/or deception and concealment of Defendant, Plaintiffs experienced mental and emotional distress that Plaintiffs had been the victim of the Defendant's negligence and/or deception and concealment; that Plaintiffs had not been able to help other minors being molested because of the negligence and/or deception and concealment; and that Plaintiffs, 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 Plaintiffs had suffered and continue to suffer as a result of the molestation.

55. Plaintiffs also suffered special, particular and peculiar harm after they learned of the Order's concealment of files and information about its list of priests credibly accused of sexually molesting minors, which continues as long as the information remains concealed. As a result of the concealment, Plaintiffs have suffered and continue to suffer lessened enjoyment of their life, impaired health, emotional distress, and/or physical symptoms of emotional distress. They have also experienced depression, anxiety, and/or anger.

56. The continuing public nuisance created by Defendant was, and continues to be, the proximate cause of the injuries and damages to the general public and of Plaintiffs' special injuries and damages as alleged.

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

58. As a result of the above-described conduct, Plaintiffs have suffered the injuries and

damages described herein.

**COUNT III: DEFENDANT ORDER -
NEGLIGENCE**

59. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth under this count and further alleges:

60. Defendant owed Plaintiffs a duty of reasonable care.

61. Defendant breached the duty of reasonable care it owed Plaintiffs.

62. Defendant's breach of its duty was the proximate cause of Plaintiffs' injuries.

63. As a direct result of Defendant's negligent conduct, Plaintiffs have suffered the injuries and damages described herein.

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

64. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth under this count and further alleges:

65. At all times material, Defendant Eckroth 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 Eckroth 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 Eckroth in his parish assignments at Defendant Order and failed to prevent the foreseeable misconduct of Defendant Eckroth from causing harm to others, including the Plaintiffs herein.

66. As a direct result of Defendant's negligent conduct, Plaintiffs have suffered the injuries and damages described herein.

COUNT V: DEFENDANT ORDER --
NEGLIGENT RETENTION

67. Plaintiffs incorporate all paragraphs of this complaint as if fully set forth under this count.

68. Defendant, by and through its agents, servants and employees, became aware, or should have become aware, of problems indicating that Eckroth 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 Eckroth from working with children.

69. As a direct result of Defendant's negligent conduct, Plaintiffs have suffered the injuries and damages described herein.

PRAYER FOR RELIEF

Plaintiffs demand 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.

Plaintiffs request an order requiring that the Order publicly release the names and documents on all clerics credibly accused of child molestation, which includes each such cleric's history of abuse, each such cleric's pattern of grooming and sexual behavior, and his last known address.

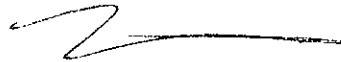
Plaintiffs request an order requiring that Defendant Order discontinue its current practice of dealing with allegations of child sexual abuse by its agents secretly, and that it work with civil authorities to create, implement and follow a policy for dealing with such molesters that will better protect children and the general public from further harm.

DEMAND IS HEREBY MADE FOR A TRIAL BY JURY.

Dated: _____

8/16/14

BRADSHAW & BRYANT, PLLC



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Attorneys for Plaintiffs

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.

