

STATE OF MINNESOTA  
COUNTY OF BROWN

DISTRICT COURT  
FIFTH JUDICIAL DISTRICT

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John Doe 116,

Court File No.:

Plaintiff,

v.

**COMPLAINT**

The Diocese of New Ulm,

Defendant.

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Plaintiff, for his cause of action against Defendant, alleges as follows:

**PARTIES**

1. Plaintiff John Doe 116 is an adult male resident of the State of Minnesota whose identity has been disclosed to Defendant by separate cover letter. Plaintiff was a minor at the time of the sexual abuse alleged herein.

2. At all times material, the Defendant Diocese of New Ulm (Diocese) was and continues to be a Minnesota non-profit religious corporation, authorized to conduct business and conducting business in the State of Minnesota with its principal place of business located at 1400 6<sup>th</sup> Street North, New Ulm, Minnesota 56073-2099. The Bishop is the top official of the Diocese and is given authority over all matters within the Diocese as a result of his position. The Diocese functions as a business by engaging in numerous revenue producing activities and soliciting money from its members in exchange for its services. The Diocese has several programs which seek out the participation of children in the Diocese's activities. The Diocese, through its officials, has

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

### **FACTS**

3. At all times material, Father Michael Skoblik (hereinafter “Fr. Skoblik”), now deceased, was an ordained Roman Catholic priest employed by Defendant from about 1940 to 1989.

4. Defendant allowed Fr. Skoblik to have unsupervised and unlimited access to young children, including teenagers, at Church of St. Joseph in Silver Lake, Minnesota, located at the time within the Diocese. At all times material, Fr. Skoblik was employed by Defendant Diocese. At all times material, Fr. Skoblik remained under the direct supervision, employ, and control of the Defendant Diocese.

5. Upon information and belief, before Plaintiff John Doe 116 was sexually abused by Fr. Skoblik, Defendant had actual or constructive knowledge of material facts regarding Fr. Skoblik’s sexual misconduct, impulses, and behavior. Defendant further had actual or constructive notice of the historical problem of clergy sexual abuse of children within the Catholic Church in the Defendant Diocese.

6. Despite clear indications of danger, Defendant’s took no steps to discover the specific nature of Fr. Skoblik’s problems or to determine whether he was fit to work with children or to protect children from him, thereby increasing the likelihood that Plaintiff John Doe 116 would be harmed. Defendant further did not implement necessary policies, protocols and procedures to protect children from the known risk of clergy sexual abuse of minors in general.

7. Plaintiff was raised in a devout Roman Catholic family, regularly celebrated mass, received the sacraments, and participated in church-related activities. Plaintiff, therefore,

developed great admiration, trust, reverence, and respect for the Roman Catholic Church and its agents, the Diocese and its agents, including the Archbishop and Fr. Skoblik.

8. Defendant held Fr. Skoblik out as a qualified Roman Catholic priest, and undertook the education, religious instruction, and spiritual and emotional guidance of Plaintiff John Doe 116. The Archbishop exercised a direct role over Plaintiff. Accordingly, Plaintiff placed trust in Defendant so that Defendant and its agents gained superiority and influence over Plaintiff. Defendant entered into a special relationship with the Plaintiff and his family.

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

10. Furthermore, 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 Plaintiff from effectively protecting himself, and Defendant thus entered into a special relationship with Plaintiff. By holding itself out as a safe, moral, and trusted institution to Plaintiff's parents, Defendant induced Plaintiff's parents to entrust their child to Defendant and thereby deprived Plaintiff of the protection of his family.

11. Defendant owed Plaintiff a duty of reasonable care, because it assumed duties owed to Plaintiff and had superior knowledge about the risk that Fr. Skoblik posed to Plaintiff, the risk of abuse in general in its programs, the historical risk of child sexual abuse perpetrated by Catholic clergy, and/or the risks that its facilities posed to minor children. Defendant had the duty to protect

the health, safety and moral purity of Plaintiff and other Roman Catholic children within the Diocese of New Ulm.

12. Defendant owed Plaintiff a duty of reasonable care because it assumed that duty and because it solicited youth and parents for participation in its youth programs; encouraged youth and parents to have youth participate in its programs; undertook custody of minor children, including Plaintiff; promoted its facilities and programs as being safe for children; held out its agents including Fr. Skoblik as safe to work with children; encouraged parents and children to spend time with its agents; and/or encouraged its agents, including Fr. Skoblik, to spend time with, interact with, and recruit children.

13. Defendant had a duty to Plaintiff to protect him from harm because, inter alia, Defendant had a special relationship with Plaintiff and Defendant's actions created a foreseeable risk of harm to Plaintiff.

14. Defendant's breach of its duties include but are not limited to: exposing Plaintiff to a known pedophile; exposing Plaintiff to a priest Defendant should have known was a pedophile; recruiting, hiring, and maintaining Fr. Skoblik in a position of authority over children; exposing Fr. Skoblik to children; leaving Fr. Skoblik alone with children unsupervised; inducing Plaintiff and his parents to entrust Plaintiff to Fr. Skoblik; failing to follow policies and procedures designed to prevent child sex abuse and/or failing to implement sufficient policies and procedures to prevent child sex abuse; failing to take reasonable measures to make sure that policies and procedures to prevent child sex abuse were working; failing to adequately inform families and children of the known risks of child sex abuse within the Diocese; holding out its employees and agents, including Fr. Skoblik, as safe and wholesome for children to be with; failing to investigate risks of child molestation; failing to document incidences of clergy sexual abuse of children: failing to properly

train the workers at institutions and programs within Defendant's geographical confines; failing to have any outside agency test its safety procedures; failing to protect the children in its programs from child sex abuse; failing to adhere to the applicable standard of care for child safety; failing to investigate the amount and type of information necessary to represent the institutions, programs, and leaders and people as safe; failing to respond to and/or investigate information of improper conduct of employee or agent with children, including Fr. Skoblik; and failing to properly train its employees to identify signs of child molestation by fellow employees.

15. Defendant breached its duty 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 breaches of duty include but are not limited to: recruiting, hiring, and maintaining Fr. Skoblik at its facilities; maintaining a dangerous condition on the premises of its facilities (i.e., a priest Defendant's knew or should have known posed a risk of pedophilic harm to children); holding out its facilities as a safe and moral place for children, which they were not; failing to have sufficient policies and procedures to prevent abuse at its facilities; failing to investigate risks at its facilities; failing to properly train the workers at its facilities; failing to have any outside agency test its safety procedures; failing to investigate the amount and type of information necessary to represent its facilities as safe; and failing to train its employees properly to identify signs of child molestation by fellow employees.

16. Defendant also breached its duties to Plaintiff by holding out clerics, including Fr. Skoblik, as safe, moral, and trustworthy people and by failing to warn Plaintiff and his family of the risk that Fr. Skoblik posed and the known risks of child sexual abuse by clerics in general. Defendant's also failed to warn Plaintiff about any of the knowledge that the Defendant's had about child sex abuse perpetrated by clerics or Fr. Skoblik.

17. Defendant also breached its duties to Plaintiff by failing to report Fr. Skoblik's abuse of children to the police and law enforcement. Defendant further breached its duties by hiding a pedophile and engaging in a cover-up of abuse perpetrated by Fr. Skoblik.

18. Defendant knew or should have known that some of the clergy leaders and people working at Catholic institutions within the Diocese were not safe for children.

19. Defendant 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 Diocese were safe around children.

20. Defendant knew or should have known that there was a risk of child sex abuse for children participating in Catholic programs and activities within the Diocese.

21. Defendant knew or should have known that it did not have sufficient information about whether or not there was a risk of child sex abuse for children participating in Catholic programs and activities within the Diocese.

22. Defendant knew or should have known that it had other agents who had sexually molested children. Defendant knew or should have known that child molesters have a high rate of recidivism. Defendant knew or should have known that there was a specific danger of child sex abuse for children participating in Defendant's youth programs.

23. Defendant 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, schools, marketing to youth and families, recruiting youth and families, and holding out the people that worked in the programs as safe for children/youth.

24. Defendant made negligent representations to Plaintiff and his family during each and every year of his minority. Plaintiff and/or his family relied upon these representations, which resulted in Plaintiff being put in a vulnerable situation with Fr. Skoblik who harmed him.

25. In approximately 1968, when Plaintiff was approximately 10 or 11 years old, Plaintiff was a student attending St. Joseph's. At about this same time, Fr. Skoblik sexually abused Plaintiff.

26. Fr. Skoblik engaged in unpermitted, harmful, and offensive sexual contact with the Plaintiff on the physical premises of and around St. Joseph's Catholic Church. Fr. Skoblik sexually assaulted Plaintiff John Doe 116 when Plaintiff was a minor without Plaintiff's consent by, inter alia, touching of Plaintiff's genitals, performing oral sex on Plaintiff, forcing Plaintiff to perform oral sex upon Fr. Skoblik, performing violent and masochistic acts upon Plaintiff and threatening Plaintiff with violence if Plaintiff refused to comply with Fr. Skoblik's demands.

27. Upon information and belief, before Plaintiff was sexually abused by Fr. Skoblik, Defendant Diocese had actual or constructive knowledge of material facts regarding Fr. Skoblik's sexual misconduct, impulses, and behavior, but failed to act on that knowledge and exposed Plaintiff as a child to Fr. Skoblik thereby increasing the likelihood that Plaintiff would be harmed. Defendant diocese further had actual or constructive knowledge of material facts regarding clerical sexual misconduct, impulses, and behavior, but failed to act on that knowledge and exposed Plaintiff as a child.

28. As a direct and proximate result of Defendant Diocese's breached duties, the sexual abuse, sexual exploitation, and Defendant's conduct, acts and omissions, 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 and psychological injuries, 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.

### **COUNT I: NEGLIGENCE**

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

32. Defendant Diocese owed Plaintiff a duty of reasonable care.

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

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

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

### **COUNT II: NEGLIGENT SUPERVISION**

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

42. At all times material hereto, Fr. Skoblik was employed by Defendant Diocese and was under Defendant Diocese's direct supervision, employ, and control when he committed the wrongful acts alleged herein. Fr. Skoblik engaged in the wrongful conduct while acting in the course and scope of his employment with Defendant and/or accomplished the sexual abuse by virtue of his job-created authority. Most of the sexually abusive acts committed by Fr. Skoblik against Plaintiff were committed on the premises of the Church of St. Joseph and were committed within the working hours of a priest.

43. Defendant Diocese failed to exercise ordinary care in supervising Fr. Skoblik in his parish assignments, and Defendant further failed to prevent the foreseeable misconduct of Fr. Skoblik from causing harm to others, including the Plaintiff herein.

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

### **COUNT III: NEGLIGENT RETENTION**

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

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

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

### **JURY TRIAL REQUEST**

55. Plaintiff John Doe 116 requests a jury trial on all counts of this Complaint.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff John Doe 116 demands judgment against Defendant in an amount in excess of \$50,000 plus costs, disbursements, reasonable attorney's fees, interest, and whatever other relief the Court deems just and equitable.

Dated: September 15, 2014

**NOAKER LAW FIRM LLC**

A handwritten signature in black ink that reads "Patrick Noaker". The signature is written in a cursive style with a large initial "P".

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By: Patrick Noaker MN Bar # 274951  
Noaker Law Firm LLC  
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333 Washington Avenue N., Suite 329  
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(612) 839-1080

**ATTORNEY FOR PLAINTIFF JOHN DOE 116**

## ACKNOWLEDGMENT

The undersigned hereby acknowledges that sanctions, including costs, disbursements, and reasonable attorney fees may be awarded pursuant to Minn. Stat Section 549.211 to a party against whom the allegations in this pleading are asserted.



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