

STATE OF MINNESOTA  
COUNTY OF RAMSEY

DISTRICT COURT  
SECOND JUDICIAL DISTRICT

Case Type: Personal Injury

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John Doe 115,

Court File No.: \_\_\_\_\_

Plaintiff,

vs.

**COMPLAINT**

Archdiocese of St. Paul and Minneapolis,

Defendant.

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Plaintiff, for his causes of action against Defendant, allege that:

**PARTIES**

1. Plaintiff John Doe 115, (hereinafter referred to jointly as “Plaintiff”) is an adult male residents of the State of Minnesota.

2. At all times material, Defendant Archdiocese of St. Paul and Minneapolis (hereinafter “Defendant”) 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 226 Summit Avenue, St. Paul, Minnesota.

**FACTS**

Fr. Ramon Jerome Buckley

3. At all times material, Father Ramon Jerome Buckley (hereinafter “Fr. Buckley”), now deceased, was an ordained Roman Catholic priest employed by Defendant from 1977 through 1999.

4. Defendant allowed Fr. Buckley to have unsupervised an unlimited access to young persons at St. Weneslaus parish in New Prague, Sacred Heart parish in Robbinsdale, St. Mark parish in St. Paul, St. Mary parish in Bellechester, St. Paul parish in Zumbrota, Holy Cross parish in Minneapolis and St. Luke parish in Clearwater.

5. Before Plaintiff John Doe 115 was first sexually abused by Fr. Buckley, Defendant knew, or should have known of Fr. Buckley's sexual misconduct, impulses and behavior.

6. Despite these clear indications of danger, Defendant took no steps to discover the specific nature of Fr. Buckley'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 115 would be harmed.

7. Defendant knew or should have known that Fr. Buckley was a child molester and knew or should have known that Fr. Buckley was a danger to children before Fr. Buckley molested Plaintiff.

8. Defendant negligently or recklessly believed that Fr. Buckley was fit to work with children and/or that any previous problems he had were fixed or cured; that Fr. Buckley would not sexually molest children; and/or that Fr. Buckley would not hurt children.

Fr. John McGrath

9. At all times material, Father John McGrath (hereinafter "Fr. McGrath"), now deceased, was an ordained Roman Catholic priest employed by Defendant from 1957 through 1995.

10. Defendant allowed Fr. McGrath to have unsupervised an unlimited access to young persons at The Nativity parish in St. Paul, St. Helena parish in Minneapolis, St. Andrew parish in

St. Paul, The College of St. Thomas in St. Paul, and Sacred Heart parish in Robbinsdale.

11. Before Plaintiff John Doe 115 was first sexually abused by Fr. McGrath, Defendant knew, or should have known of Fr. McGrath's sexual misconduct, impulses and behavior.

12. Despite these clear indications of danger, Defendant took no steps to discover the specific nature of Fr. McGrath'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 115 would be harmed.

13. Defendant knew or should have known that Fr. McGrath was a child molester and knew or should have known that Fr. McGrath was a danger to children before Fr. McGrath molested Plaintiff.

14. Defendant negligently or recklessly believed that Fr. McGrath was fit to work with children and/or that any previous problems he had were fixed or cured; that Fr. McGrath would not sexually molest children; and/or that Fr. McGrath would not hurt children.

Plaintiff John Doe 115

15. Plaintiff was raised in a devout Roman Catholic family, regularly celebrated mass, received the sacraments and participated in church-related activities. Plaintiff was an altar boy at Sacred Heart parish. Plaintiff was confirmed by Defendant's Bishop. Plaintiff, therefore, developed great admiration, trust, reverence and respect for the Roman Catholic Church and its agents, the Archdiocese and its agents, including the Archbishop, and including Fr. Buckley and Fr. McGrath.

16. Defendant held out both Fr. Buckley and Fr. McGrath as qualified Roman Catholic priests, and undertook the education, religious instruction and spiritual and emotional guidance of

the Plaintiff. The Bishop, having confirmed Plaintiff under the Archdiocese, exercised a direct roll 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.

17. By holding, Fr. Buckley and Fr. McGrath 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 undertaking the care and guidance of the then vulnerable minor Plaintiff, Defendant held a position of empowerment over Plaintiff.

18. 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 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.

19. Defendant had a special relationship with Plaintiff.

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

21. Defendant owed Plaintiff a duty of reasonable care because it 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 out its agents including Fr. Buckley and Fr. McGrath as safe to work with children; encouraged parents and children to spend time with its agents; and/or encouraged its agents, including Fr. Buckley and Fr. McGrath, to spend time with, interact with, and recruit children.

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

23. 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. Buckley and Fr. McGrath in positions of authority over children; exposing Fr. Buckley and Fr. McGrath to children; leaving Fr. Buckley and Fr. McGrath alone with children unsupervised; inducing Plaintiff and his parents to entrust Plaintiff to Fr. Buckley and Fr. McGrath; 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; holding out its employees and agents, including Fr. Buckley and Fr. McGrath, as safe and wholesome for children to be with; failure to investigate risks of child molestation; failure to properly train the workers at institutions and programs within 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; and failure to properly train its employees to identify signs of child molestation by fellow employees.

24. 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 breach of duty includes but are not limited to: recruiting, hiring and maintaining Fr. Buckley and Fr. McGrath at its facilities; maintain a dangerous condition on the premises of its facilities (i.e. a priest Defendant 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; 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; and failure to train its employees properly to identify signs of child molestation by fellow employees.

25. Defendant also breached its duties to Plaintiff by holding out clerics, including Fr. Buckley and Fr. McGrath, as safe, moral and trusting people and by failing to warn Plaintiff and his family of the risk that Fr. Buckley and Fr. McGrath posed and the risks of child sexual abuse by clerics. It also failed to warn Plaintiff about any of the knowledge that the Defendant had about child sex abuse perpetrated by clerics, including Fr. Buckley and Fr. McGrath.

26. Defendant knew or should have known that some of the leaders and people working at Catholic institutions within the Archdiocese were not safe.

27. 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 Archdiocese

were safe.

28. 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 Archdiocese.

29. 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 Archdiocese.

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

31. 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, marketing to youth and families, recruiting youth and families, and holding out the people that worked in the programs as safe.

32. 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. Buckley and Fr. McGrath who harmed him.

33. Between approximately 1978 and 1979, when Plaintiff John Doe 115 was approximately 12-14 years of age, Fr. Buckley sexually assaulted Plaintiff John Doe 115 when he was a minor without Plaintiff John Doe 115's consent by forcefully touching Plaintiff John Doe

115's genitals and performing oral sex, while in the parish office at Sacred Heart parish.

34. Said sexual conduct occurred on the physical premises of the Sacred Heart parish.

35. Upon information and belief, before Plaintiff John Doe 115 was first sexually abused by Fr. Buckley, Defendant had actual or constructive knowledge of material facts regarding Fr. Buckley's sexual misconduct, impulses and behavior, but failed to act on that knowledge thereby increasing the likelihood that Plaintiff John Doe 115 would be harmed.

36. Between approximately 1978 and 1980, when Plaintiff John Doe 115 was approximately 13-15 years of age, Fr. McGrath sexually assaulted Plaintiff John Doe 115 when he was a minor without Plaintiff John Doe 115's consent by forcefully touching Plaintiff John Doe 115's genitals, performing oral sex and attempting to penetrate John Doe 115's anus with Fr. McGrath's penis, while in the parish rectory at Sacred Heart parish.

37. Said sexual conduct occurred on the physical premises of the Sacred Heart parish.

38. Upon information and belief, before Plaintiff John Doe 115 was first sexually abused by Fr. McGrath, Defendant had actual or constructive knowledge of material facts regarding Fr. McGrath's sexual misconduct, impulses and behavior, but failed to act on that knowledge thereby increasing the likelihood that Plaintiff John Doe 115 would be harmed.

39. As a direct result of Defendant's negligence, 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**

40. Plaintiff incorporates all paragraphs of this complaint as if fully set forth under this count and state and allege as follows:

41. Defendant owed Plaintiff a duty of reasonable care.

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

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

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

**COUNT II – NEGLIGENT SUPERVISION**

45. Plaintiff incorporates all paragraphs of this complaint as if fully set forth in this count.

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

**COUNT III: NEGLIGENT RETENTION**

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

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

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

### **JURY TRIAL REQUEST**

50. Plaintiff John Doe 115 requests a jury trial on all counts of this Complaint.

WHEREFORE, Plaintiff John Doe 115 demands judgment against Defendant individually, jointly and severally in an amount in excess of \$50,000 plus costs, disbursements, reasonable attorneys fees, interest, and whatever other relief the Court deems just and equitable.

#### **NOAKER LAW FIRM**



Dated: September 15, 2014

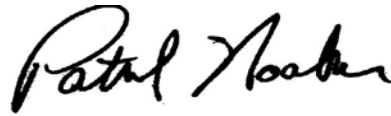
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ATTORNEY FOR PLAINTIFF

**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 the party against whom the allegations in this pleading are asserted.



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