

STATE OF MINNESOTA
COUNTY OF RAMSEY

DISTRICT COURT
SECOND JUDICIAL DISTRICT

Case Type: Personal Injury

Court File No.:

Doe 41, Doe 42, Doe 43 and Doe 44,

Plaintiffs,

v.

SUMMONS

Canons Regular of the Order of the Holy Cross a/k/a
Crosier Fathers and Brothers, Inc., and
Father Gerald Funcheon,

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: 11/19/14

JEFF ANDERSON & ASSOCIATES, P.A.



By: Jeffrey R. Anderson, #2057
 Mike Finnegan, #033649X
 Trusha Patel, #0391708
 366 Jackson Street, Suite 100
 St. Paul, MN 55101
 (651) 227-9990

Attorneys for Plaintiffs

STATE OF MINNESOTA
 COUNTY OF RAMSEY

DISTRICT COURT
 SECOND JUDICIAL DISTRICT

Case Type: Personal Injury

Doe 41, Doe 42, Doe 43 and Doe 44,
 Plaintiffs,

Court File No.:

v.

COMPLAINT

Canons Regular of the Order of the Holy Cross a/k/a
 Crosier Fathers and Brothers, Inc., and
 Father Gerald Funcheon,

Defendants.

Plaintiffs, for their causes of action against Defendants, allege that:

PARTIES

1. Plaintiffs Doe 41, Doe 42, Doe 43 and Doe 44 (hereinafter referred to jointly as “Plaintiffs”) are adult male residents of the State of Minnesota. In the interest of privacy, the identity of Plaintiffs have been disclosed under separate cover to Defendants.

2. At all times material, Defendant Canons Regular of the Order of the Holy Cross, Province of St. Odilia a/k/a Crosier Fathers and Brothers Province, Inc. (hereinafter referred to as “Crosiers”) was an continues to be 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 and with principal places of business at 104 North Crosier Drive, Onamia, Minnesota and 4423 North 24th Street, Suite 400, Phoenix, Arizona. The Crosiers are a Roman Catholic religious order of priests and brothers affiliated with the Roman Catholic Church. The provincial is the top official of the Crosiers and is given authority over all matters dealing with the Crosiers as a result of his position. The Crosiers

function as a business by engaging in numerous revenue producing activities and soliciting money in exchange for its services. The Crosiers have programs which seek out the participation of children. The Crosiers, through its officials, have control over these programs involving children and the authority to appoint, supervise, monitor and fire each person working with children in these programs. Prior Kermit Holl is the superior of the Crosiers in Minnesota and is given authority over civil corporations including, but not limited to, the Crosier Seminary in Onamia, Crosier Missionary, Crosier Community of Anoka, Crosier Community of Shoreview and Crosier Fathers of Onamia.

3. At all times material, Defendant Gerald Allen Funcheon (hereinafter "Funcheon") was and continues to be a Roman Catholic Priest of the Crosier Order employed by Defendant Crosiers. At all times material, Funcheon remained under the direct supervision, employ and control of Defendant Crosiers. Defendant Crosiers placed Funcheon in positions where he had access to and worked with children as an integral part of his work.

FACTS

4. From 1959 to 1994, Funcheon was employed by Defendant Crosiers as a teacher and priest working with children in diocesan churches and schools. Funcheon worked at locations including:

- i. Hastings, NE: St. Cecilia High School
- ii. Fort Wayne, IN: Catholic Youth Organization Camp
- iii. Syracuse, IN: Our Lady of the Lake Seminary
- iv. Shoreview, MN: St. Odilia Catholic Church and School
- v. Fort Lauderdale, FL: St. Thomas Aquinas and Our Lady Queen of Martyrs
- vi. Onamia, MN: Crosier Seminary

- vii. St. Cloud, MN: Cathedral High School and St. John XXIII Middle School
 - viii. Honolulu, HI: Damien Memorial High School
 - ix. Salinas, CA: Palma High School
 - x. Anoka, MN: St. Stephen Catholic Church and School
 - xi. Kokomo, IN: St. Joan of Arc Catholic Church and School
 - xii. Muncie, IN: St. Lawrence Catholic Church and School
5. Funcheon's ministry was restricted in approximately 1994.
6. In 1965, Defendant Crosiers learned or should have learned that Funcheon was not fit to work with children.
7. In approximately 1965, the Crosiers learned or should have learned that Funcheon sexually molested at least one child at the Catholic Youth Organization Camp in Syracuse, Indiana.
8. Defendant Crosiers knew or should have known that Funcheon was a child molester and knew or should have known that Funcheon was a danger to children before Funcheon sexually abused Plaintiffs.
9. Defendant Crosiers negligently or recklessly believed that Funcheon was fit to work with children and/or that any previous problems he had were fixed or cured; that Funcheon would not sexually abuse children; that Funcheon would not injure children; and/or that Funcheon would not hurt children.
10. In approximately 1970, Defendant Crosiers placed Funcheon at St. Odilia Catholic Church and School in Shoreview, Minnesota. Funcheon had unlimited access to children at St. Odilia's. Children, including Plaintiffs, and their families were not told what Defendant Crosiers knew or should have known – that Funcheon had sexually abused children;

that Funcheon had a specific pattern of grooming and molesting boys and that Funcheon was a danger to them.

11. Plaintiffs were raised in devout Roman Catholic families and attended St. Odilia as students in approximately 1971. As a result of their upbringing, Plaintiffs developed great admiration, trust, reverence and respect for the Roman Catholic Church, including Defendant Crosiers and its agents.

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

13. Further, Defendant Crosiers, 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 Crosiers thus entered into a fiduciary relationship with Plaintiffs.

14. Defendant Crosiers had a special relationship with each Plaintiff.

15. Defendant Crosiers owed each Plaintiff a duty of reasonable care because it had superior knowledge about the risk that Funcheon posed to Plaintiffs, the risk of abuse in general in its programs and/or the risks that its agents posed to minor children.

16. Defendant Crosiers owed each Plaintiff a duty of reasonable care because it solicited youth and parents for participation in its programs, encouraged youth and parents to have youth participate in its programs, undertook custody of minor children, including Plaintiffs, promoted its facilities and programs as being safe for children, held its agents, including

Funcheon, out as safe to work with children, encouraged parents and children to spend time with its agents, and/or encouraged its agents, including Funcheon, to spend time, interact with, and recruit children.

17. Defendant Crosiers had a duty to protect each Plaintiff from harm because Defendant Crosiers' actions created a foreseeable risk of harm to each Plaintiff.

18. Defendant Crosiers' breach of its duties include, but are not limited to: failure to have sufficient policies and procedures to prevent child sexual abuse, failure to properly implement policies and procedures to prevent child sexual abuse, failure to take reasonable measures to make sure that the policies and procedures to prevent child sexual abuse were working, failure to adequately inform families and children of the risks of child sexual abuse, failure to investigate risk of child molestation, failure to protect children in its programs from sexual abuse, failure to adhere to applicable standards of care for child safety, failure to investigate the amount and type of information necessary to represent the institutions, programs, leaders and people as safe and failure to use ordinary care in determining whether its facilities were safe and/or whether it had sufficient information to represent its facilities as safe.

19. Defendant Crosiers failed to use ordinary care in determining whether its facilities and agents were safe to work with children and/or in determining whether it had sufficient information to represent its facilities and agents as safe to work with children. Defendant Crosiers' failures include, but are not limited to: failure to have sufficient policies and procedures to prevent abuse by its agents and at its facilities, failure to investigate risks at its facilities and of its agents, failure to properly train workers at its facilities, failure to have any outside agency test its safety procedures, and failure to train its agents and employees to properly identify signs of child molestation.

20. Defendant Crosiers also breached its duty to each Plaintiff by failing to warn each Plaintiff and his family of the risk that Funcheon posed and the risk of child sexual abuse by clerics. It also failed to warn them about any knowledge that Defendant Crosiers had about child sexual abuse.

21. Defendant Crosiers also breached its duty to Plaintiffs by failing to report Funcheon's sexual abuse of children to law enforcement.

22. Defendant Crosiers knew or should have known that some of its leaders and people working at Catholic institutions and schools were not safe.

23. Defendant Crosiers knew or should have known that it did not have sufficient information about whether its leaders and people working at Catholic institutions and schools were safe.

24. Defendant Crosiers knew or should have known that there was a risk of child sexual abuse for children participating in Catholic programs and activities and with its agents and employees.

25. Defendant Crosiers knew or should have known that it did not have sufficient information about whether there was a risk of child sexual abuse for children participating in Catholic programs and activities and with its agents and employees.

26. Defendant Crosiers knew or should have known that it had numerous agents who had sexually molested children. It knew or should have known that child sexual molesters have a high rate of recidivism. It knew or should have known that there was a specific danger of child sexual abuse for children participating in its youth programs and with its agents.

27. Defendant Crosiers 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 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 being safe to work with children.

28. Defendant Crosiers were negligent and/or made representations to Plaintiffs and their families during each and every year of their minority.

29. Between approximately 1971 and 1974, when Plaintiff Doe 41 was approximately 11 to 14 years old, Funcheon inflicted harmful, offensive and unpermitted sexual contact upon Plaintiff Doe 41.

30. Between approximately 1970 and 1974, when Plaintiff 42 was approximately 11 to 13 years old, Funcheon inflicted harmful, offensive and unpermitted sexual contact upon Plaintiff Doe 42.

31. Between approximately 1971 and 1974, when Plaintiff 43 was approximately 11 to 13 years old, Funcheon inflicted harmful, offensive and unpermitted sexual contact upon Plaintiff Doe 43.

32. In approximately 1970, when Plaintiff 44 was approximately 13 years old, Funcheon inflicted harmful, offensive and unpermitted sexual contact upon Plaintiff 44.

33. Defendant Crosiers failed to inform law enforcement authorities that Funcheon had sexually abused minor children. As a direct result, Funcheon avoided criminal investigation and prosecution and continued to sexually abuse minor boys.

34. In 2002, Defendant Crosiers publicly admitted that there were eight clerics of the Crosier Order who had been credibly accused of sexually molesting minors. In 2014, Defendant Crosiers added 11 more clerics to its list of credibly accused offenders, including Funcheon, and publicly stated that 2 additional clerics were under investigation. Defendant Crosiers have not

released documents that expose the histories of these clerics, the patterns and practices the clerics used to molest minors, and Defendant Crosiers' knowledge of the clerics' dangerous tendencies. Also, Defendant Crosiers have not released the names of other clerics accused of molesting minors or documents about them. As a result, children are at risk of being sexually abused.

35. As a direct result of Defendants' conduct described herein, each 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. Plaintiffs were prevented and will continue to be prevented from performing their 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 counselling, and on information and belief have and/or will incur loss of income and/or loss of earning capacity.

**COUNT I: PLAINTIFF DOE 41 V. DEFENDANT GERALD FUNCHEON –
SEXUAL BATTERY**

36. Plaintiff Doe 41 incorporates all consistent paragraphs of this Complaint as if fully set forth under this count and further alleges that:

37. Between approximately 1971 and 1974, Defendant Funcheon inflicted harmful, offensive and unpermitted sexual contact upon Plaintiff.

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

**COUNT II: PLAINTIFF DOE 42 V. DEFENDANT GERALD FUNCHEON –
SEXUAL BATTERY**

39. Plaintiff Doe 42 incorporates all consistent paragraphs of this Complaint as if fully set forth under this count and further alleges that:

40. Between approximately 1970 and 1974, Defendant Funcheon inflicted harmful, offensive and unpermitted sexual contact upon Plaintiff.

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

**COUNT III: PLAINTIFF DOE 43 V. DEFENDANT GERALD FUNCHEON –
SEXUAL BATTERY**

42. Plaintiff Doe 43 incorporates all consistent paragraphs of this Complaint as if fully set forth under this count and further alleges that:

43. Between approximately 1971 and 1974, Defendant Funcheon inflicted harmful, offensive and unpermitted sexual contact upon Plaintiff.

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

**COUNT IV: PLAINTIFF DOE 44 V. DEFENDANT GERALD FUNCHEON –
SEXUAL BATTERY**

45. Plaintiff Doe 44 incorporates all consistent paragraphs of this Complaint as if fully set forth under this count and further alleges that:

46. In approximately 1970, Defendant Funcheon inflicted harmful, offensive and unpermitted sexual contact upon Plaintiff.

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

**COUNT V: PLAINTIFF DOE 41 V. DEFENDANT CROSIERS – NUISANCE
(COMMON LAW AND MINN. STAT. §561.01)**

48. Plaintiff Doe 41 incorporates all consistent paragraphs of this Complaint as if fully set forth under this count and further alleges that:

49. Defendant Crosiers continue 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 histories of, and the pedophilic/ephebophilic tendencies of Funcheon and Defendant Crosiers' other agents on its list of credibly accused clerics; 2) attach the credibility of victims of Defendant Crosiers' other agents; and/or 3) protect Defendant's agents from criminal prosecution for the sexual assaults of children.

50. The negligence and/or deception and concealment by Defendant Crosiers 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 communities in which Defendant Crosiers have a presence and where credibly accused molesters work and 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 Crosiers to warn parents of the presence of the current and/or former accused molesters, nor to disclose said credibly accused molesters' and other accused molesters' assignment histories, nor to disclose their patterns of conduct in grooming and sexually assaulting children, all of which creates an impairment to the safety of children in the neighborhood in Minnesota and throughout the United States where Defendant Crosiers conducted and continue to conduct business.

51. The deception and concealment by Defendant Crosiers was specially injurious to Plaintiff's health as Plaintiff was sexually abused by Defendant Crosiers' agent, Funcheon.

52. The negligence and/or deception and concealment by Defendant Crosiers also was specially injurious to Plaintiff's health in that when Plaintiff finally discovered the negligence and/or deception and concealment of Defendant Crosiers, Plaintiff experienced mental and emotional distress that Plaintiff had been the victim of Defendant Crosiers' negligence and/or

deception and concealment; that Plaintiff had not been able to help other minors being molested because of the negligence and/or deception and concealment; and that Plaintiff had not been able, because of the negligence and/or deception and concealment to receive timely medical treatment needed to deal with the problems Plaintiff had suffered and continues to suffer as a result of the molestation.

53. Plaintiff also suffered special, particular and peculiar harm after Plaintiff learned of Defendant Crosiers' concealment of its list of clerics credibly accused of sexually molesting minors. As a result of the concealment, Plaintiff has suffered and continues to suffer lessened enjoyment of life, impaired health, emotional distress and/or physical symptoms of emotional distress. He has also experienced anxiety and drug and alcohol abuse.

54. Plaintiff has also suffered and continues to suffer special and peculiar pecuniary harm as a result of the dangerous condition maintained or permitted by Defendant Crosiers. As a result of the condition maintained or permitted by Defendant Crosiers that unreasonably endangers the safety and health of the public, Plaintiff has suffered and continues to suffer impaired health, emotional distress and/or physical symptoms of emotional distress. The continuing public nuisance created by Defendant Crosiers was and continues to be a proximate cause of the injuries and damages to the general public and of Plaintiff's special injuries and damages as alleged.

55. In doing the aforementioned acts, Defendant Crosiers acted negligently and/or intentionally, maliciously and with conscious disregard for Plaintiff's rights.

56. As a result of the above-described conduct, Plaintiff has suffered the injuries and damages described herein.

COUNT VI: PLAINTIFF DOE 42 V. DEFENDANT CROSIERS – NUISANCE
(COMMON LAW AND MINN. STAT. §561.01)

57. Plaintiff Doe 42 incorporates all consistent paragraphs of this Complaint as if fully set forth under this count and further alleges that:

58. Defendant Crosiers continue 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 histories of, and the pedophilic/ephebophilic tendencies of Funcheon and Defendant Crosiers' other agents on its list of credibly accused clerics; 2) attach the credibility of victims of Defendant Crosiers' other agents; and/or 3) protect Defendant's agents from criminal prosecution for the sexual assaults of children.

59. The negligence and/or deception and concealment by Defendant Crosiers 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 communities in which Defendant Crosiers have a presence and where credibly accused molesters work and 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 Crosiers to warn parents of the presence of the current and/or former accused molesters, nor to disclose said credibly accused molesters' and other accused molesters' assignment histories, nor to disclose their patterns of conduct in grooming and sexually assaulting children, all of which creates an impairment to the safety of children in the neighborhood in Minnesota and throughout the United States where Defendant Crosiers conducted and continue to conduct business.

60. The deception and concealment by Defendant Crosiers was specially injurious to Plaintiff's health as Plaintiff was sexually abused by Defendant Crosiers' agent, Funcheon.

61. The negligence and/or deception and concealment by Defendant Crosiers also was specially injurious to Plaintiff's health in that when Plaintiff finally discovered the negligence and/or deception and concealment of Defendant Crosiers, Plaintiff experienced mental and emotional distress that Plaintiff had been the victim of Defendant Crosiers' negligence and/or deception and concealment; that Plaintiff had not been able to help other minors being molested because of the negligence and/or deception and concealment; and that Plaintiff had not been able, because of the negligence and/or deception and concealment to receive timely medical treatment needed to deal with the problems Plaintiff had suffered and continues to suffer as a result of the molestation.

62. Plaintiff also suffered special, particular and peculiar harm after Plaintiff learned of Defendant Crosiers' concealment of its list of clerics credibly accused of sexually molesting minors. As a result of the concealment, Plaintiff has suffered and continues to suffer lessened enjoyment of life, impaired health, emotional distress and/or physical symptoms of emotional distress. He has also experienced anxiety and loss of trust.

63. Plaintiff has also suffered and continues to suffer special and peculiar pecuniary harm as a result of the dangerous condition maintained or permitted by Defendant Crosiers. As a result of the condition maintained or permitted by Defendant Crosiers that unreasonably endangers the safety and health of the public, Plaintiff has suffered and continues to suffer impaired health, emotional distress and/or physical symptoms of emotional distress. The continuing public nuisance created by Defendant Crosiers was and continues to be a proximate cause of the injuries and damages to the general public and of Plaintiff's special injuries and damages as alleged.

64. In doing the aforementioned acts, Defendant Crosiers acted negligently and/or intentionally, maliciously and with conscious disregard for Plaintiff's rights.

65. As a result of the above-described conduct, Plaintiff has suffered the injuries and damages described herein.

**COUNT VII: PLAINTIFF DOE 43 V. DEFENDANT CROSIERS – NUISANCE
(COMMON LAW AND MINN. STAT. §561.01)**

66. Plaintiff Doe 43 incorporates all consistent paragraphs of this Complaint as if fully set forth under this count and further alleges that:

67. Defendant Crosiers continue 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 histories of, and the pedophilic/ephebophilic tendencies of Funcheon and Defendant Crosiers' other agents on its list of credibly accused clerics; 2) attach the credibility of victims of Defendant Crosiers' other agents; and/or 3) protect Defendant's agents from criminal prosecution for the sexual assaults of children.

68. The negligence and/or deception and concealment by Defendant Crosiers 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 communities in which Defendant Crosiers has a presence and where credibly accused molesters work and 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 Crosiers to warn parents of the presence of the current and/or former accused molesters, nor to disclose said credibly accused molesters' and other accused molesters' assignment histories, nor to disclose their patterns of conduct in grooming and sexually assaulting children, all of which creates an

impairment to the safety of children in the neighborhood in Minnesota and throughout the United States where Defendant Crosiers conducted and continue to conduct business.

69. The deception and concealment by Defendant Crosiers was specially injurious to Plaintiff's health as Plaintiff was sexually abused by Defendant Crosiers' agent, Funcheon.

70. The negligence and/or deception and concealment by Defendant Crosiers also was specially injurious to Plaintiff's health in that when Plaintiff finally discovered the negligence and/or deception and concealment of Defendant Crosiers, Plaintiff experienced mental and emotional distress that Plaintiff had been the victim of Defendant Crosiers' negligence and/or deception and concealment; that Plaintiff had not been able to help other minors being molested because of the negligence and/or deception and concealment; and that Plaintiff had not been able, because of the negligence and/or deception and concealment to receive timely medical treatment needed to deal with the problems Plaintiff had suffered and continues to suffer as a result of the molestation.

71. Plaintiff also suffered special, particular and peculiar harm after Plaintiff learned of Defendant Crosiers' concealment of its list of clerics credibly accused of sexually molesting minors. As a result of the concealment, Plaintiff has suffered and continues to suffer lessened enjoyment of life, impaired health, emotional distress and/or physical symptoms of emotional distress. He has also experienced depression and anxiety.

72. Plaintiff has also suffered and continues to suffer special and peculiar pecuniary harm as a result of the dangerous condition maintained or permitted by Defendant Crosiers. As a result of the condition maintained or permitted by Defendant Crosiers that unreasonably endangers the safety and health of the public, Plaintiff has suffered and continues to suffer impaired health, emotional distress and/or physical symptoms of emotional distress. The

continuing public nuisance created by Defendant Crosiers was and continues to be a proximate cause of the injuries and damages to the general public and of Plaintiff's special injuries and damages as alleged.

73. In doing the aforementioned acts, Defendant Crosiers acted negligently and/or intentionally, maliciously and with conscious disregard for Plaintiff's rights.

74. As a result of the above-described conduct, Plaintiff has suffered the injuries and damages described herein.

COUNT VIII: PLAINTIFF DOE 43 V. DEFENDANT CROSIERS – NUISANCE
(MINN. STAT. §609.74)

75. Plaintiff Doe 43 incorporates all consistent paragraphs of this Complaint as if fully set forth under this count and further alleges that:

76. Defendant Crosiers continues to conspire and engage and/or has conspired and engaged in efforts to: 1) conceal from proper civil authorities sexual assaults committed by Funcheon and Defendant's other agents against minor children; 2) protect Defendant's agents from criminal prosecution for their sexual assaults of children; and/or 3) allow known child molesters to live freely in the community unknown to the public.

77. The deception and concealment by Defendant Crosiers has maintained or permitted a condition which unreasonably endangers the safety and health of a considerable number of members of the public, including, but not limited to, children and residents in Minnesota, and all other members of the general public who live in communities where Defendant's credibly accused molesters work and live. Defendant's failure to report multiple allegations of sexual assault and abuse of children to proper authorities has endangered the safety and health of a considerable number of members of the public by allowing child molesters to avoid prosecution and remain living freely in unsuspecting communities. These child molesters,

known to Defendant Crosiers, but not living in the public, pose a threat of additional abuse to a considerable number of members of the public.

78. The deception and concealment by Defendant Crosiers was specially injurious to Plaintiff's health as Plaintiff was sexually abused by Defendant Crosiers' agent, Funcheon.

79. The condition permitted or maintained by Defendant Crosiers was also specially injurious to Plaintiff in that Plaintiff experienced mental and emotional distress because he had been the victim of Defendant's deception and concealment; Plaintiff had not been able to help other minors being molested because of the deception and concealment and because Plaintiff had not been able to receive timely medical treatment needed to deal with the problems he had suffered and continues to suffer as a result of the molestation. Plaintiff has also experienced anxiety and depression.

80. Plaintiff also suffered and continues to suffer special and peculiar pecuniary harm as a result of the dangerous condition maintained or permitted by Defendant Crosiers. As a result of the condition maintained or permitted by Defendant Crosiers that unreasonably endangers the safety and health of the public, Plaintiff has suffered and continues to suffer pecuniary wage loss as a result of the nuisance.

81. The continuing public nuisance created by Defendant Crosiers was and continues to be a proximate cause of the unreasonably dangerous condition to the public and of Plaintiff's special injuries and damages as alleged.

82. In doing the aforementioned acts, Defendant Crosiers acted intentionally, maliciously and with conscious disregard for Plaintiff's rights.

83. As a result of the above-described conduct, Plaintiff has suffered the injuries and damages as described herein.

COUNT IX: PLAINTIFF DOE 44 V. DEFENDANT CROSIERS – NUISANCE
(COMMON LAW AND MINN. STAT. §561.01)

84. Plaintiff Doe 44 incorporates all consistent paragraphs of this Complaint as if fully set forth under this count and further alleges that:

85. Defendant Crosiers 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 histories of, and the pedophilic/ephebophilic tendencies of Funcheon and Defendant Crosiers' other agents on its list of credibly accused clerics; 2) attach the credibility of victims of Defendant Crosiers' other agents; and/or 3) protect Defendant's agents from criminal prosecution for the sexual assaults of children.

86. The negligence and/or deception and concealment by Defendant Crosiers 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 communities in which Defendant Crosiers have a presence and where credibly accused molesters work and 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 Crosiers to warn parents of the presence of the current and/or former accused molesters, nor to disclose said credibly accused molesters' and other accused molesters' assignment histories, nor to disclose their patterns of conduct in grooming and sexually assaulting children, all of which creates an impairment to the safety of children in the neighborhood in Minnesota and throughout the United States where Defendant Crosiers conducted and continue to conduct business.

87. The deception and concealment by Defendant Crosiers was specially injurious to Plaintiff's health as Plaintiff was sexually abused by Defendant Crosiers' agent, Funcheon.

88. The negligence and/or deception and concealment by Defendant Crosiers also was specially injurious to Plaintiff's health in that when Plaintiff finally discovered the negligence and/or deception and concealment of Defendant Crosiers, Plaintiff experienced mental and emotional distress that Plaintiff had been the victim of Defendant Crosiers' negligence and/or deception and concealment; that Plaintiff had not been able to help other minors being molested because of the negligence and/or deception and concealment; and that Plaintiff had not been able, because of the negligence and/or deception and concealment to receive timely medical treatment needed to deal with the problems Plaintiff had suffered and continues to suffer as a result of the molestation.

89. Plaintiff also suffered special, particular and peculiar harm after Plaintiff learned of Defendant Crosiers' concealment of its list of clerics credibly accused of sexually molesting minors. As a result of the concealment, Plaintiff has suffered and continues to suffer lessened enjoyment of life, impaired health, emotional distress and/or physical symptoms of emotional distress. He has also experienced depression, anxiety and loss of trust.

90. Plaintiff has also suffered and continues to suffer special and peculiar pecuniary harm as a result of the dangerous condition maintained or permitted by Defendant Crosiers. As a result of the condition maintained or permitted by Defendant Crosiers that unreasonably endangers the safety and health of the public, Plaintiff has suffered and continues to suffer impaired health, emotional distress and/or physical symptoms of emotional distress. The continuing public nuisance created by Defendant Crosiers was and continues to be a proximate cause of the injuries and damages to the general public and of Plaintiff's special injuries and damages as alleged.

91. In doing the aforementioned acts, Defendant Crosiers acted negligently and/or intentionally, maliciously and with conscious disregard for Plaintiff's rights.

92. As a result of the above-described conduct, Plaintiff has suffered the injuries and damages described herein.

**COUNT X: PLAINTIFFS DOE 41, DOE 42, DOE 43 AND DOE 44 V.
DEFENDANT CROSIERS – NEGLIGENCE**

93. Plaintiffs incorporate all consistent paragraphs of this Complaint as if fully set forth under this count and further allege that:

94. Defendant Crosiers owed each Plaintiff a duty of reasonable care.

95. Defendant Crosiers breached the duty of reasonable care it owed to each Plaintiff.

96. Defendant Crosiers' breach of its duty was a proximate cause of each Plaintiff's injuries.

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

**COUNT XI: PLAINTIFFS DOE 41, DOE 42, DOE 43 AND DOE 44 V.
DEFENDANT CROSIERS – NEGLIGENT SUPERVISION**

98. Plaintiffs incorporate all consistent paragraphs of this Complaint as if fully set forth under this count and further allege that:

99. At all times material, Funcheon was employed by Defendant Crosiers and was under Defendant Crosiers' direct supervision, employ and control when he committed the wrongful acts alleged herein. Funcheon engaged in the wrongful conduct while acting in the course and scope of his employment with Defendant Crosiers and/or accomplished the sexual abuse by virtue of his job-created authority. Defendant Crosiers failed to exercise ordinary care in supervising Funcheon in his assignment and failed to prevent the foreseeable misconduct of

Funcheon from causing harm to others, including Plaintiffs.

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

**COUNT XII: PLAINTIFFS DOE 41, DOE 42, DOE 43 AND DOE 44 V.
DEFENDANT CROSIERS - NEGLIGENCE RETENTION**

101. Plaintiffs incorporate all consistent paragraphs of this Complaint as if fully set forth under this count and further allege that:

102. Defendant Crosiers, by and through its agents, servants and employees, became aware or should have become aware of problems indicating that Funcheon was an unfit agent with dangerous and exploitive propensities, prior to Funcheon's sexual abuse of Plaintiffs, yet Defendant Crosiers failed to take any further action to remedy the problem and failed to investigate or remove Funcheon from working with children.

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

PRAYER FOR RELIEF

104. Plaintiffs demand judgment against Defendants, individually, jointly and severally in an amount in excess of \$50,000.00, plus costs, disbursements, reasonable attorney fees, interest and such other and further relief as the court deems just and equitable.

105. Plaintiffs request an order requiring Defendant Crosiers to publicly release the names of all accused child molesting clerics, each such cleric's history of abuse, each such cleric's pattern of grooming and sexual behavior, and each such cleric's last known address.

DEMAND FOR JURY TRIAL

Plaintiffs demand a jury trial on all issues so triable.

Dated: 11/12/14

JEFF ANDERSON & ASSOCIATES, P.A.



By: Jeffrey R. Anderson, #2057
Michael G. Finnegan, #033649X
Trusha Patel, #0391708
366 Jackson Street, Suite 100
St. Paul, MN 55101
(651) 227-9990

Attorneys for Plaintiffs

ACKNOWLEDGMENT

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

