

STATE OF WISCONSIN

CIRCUIT COURT
CIVIL DIVISION

COUNTY OF MILWAUKEE

John Doe 17
c/o Jeffrey Anderson
Jeff Anderson & Associates, P.A.
366 Jackson Street, Ste. 100
St. Paul, MN 55101,

File No.: Case No.:
Case Code: 30107

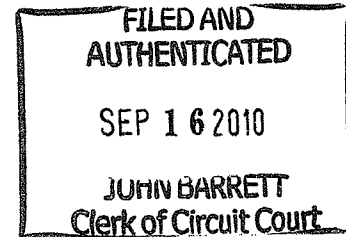
Plaintiff,

COMPLAINT

vs.

Archdiocese of Milwaukee
3501 South Lake Drive
P.O. Box 070912
Milwaukee, WI 53207,

Defendant.

**PARTIES**

1. Plaintiff John Doe 17 is an adult male resident of the State of Missouri. Plaintiff John Doe 17 was a minor at the time of the sexual abuse alleged herein, which occurred between approximately 1979 and 1980.

2. At all times material to the complaint, Defendant Archdiocese of Milwaukee (hereinafter "Archdiocese"), was and continues to be a non-profit religious corporation, authorized to conduct business and conducting business under the laws of the State of Wisconsin, with its principle place of business at 3501 South Lake Drive, P.O. Box 070912, Milwaukee, WI 53207.

3. At all times material, Franklyn W. Becker, (hereinafter "Becker"), was a Roman Catholic priest, counselor and a teacher educated by, ordained in and under the direct

supervision, authority, employ and control of Defendant Archdiocese.

FACTS

4. Franklyn Becker was ordained as a Roman Catholic priest by Defendant Archdiocese in 1964 and remained under defendant Archdiocese's direct supervision, employ and control during all times material to this Complaint.

5. During Becker's tenure as a priest, Defendant Archdiocese transferred Becker to serve in several parishes and assignments in Wisconsin, West Virginia and California. These parishes and assignments include:

- Holy Assumption in West Allis, WI from 1965 to 1968;
- St. John de Nepomuc in Milwaukee, WI from 1969 to 1972;
- Holy Family in Whitefish Bay, WI from 1973 to 1974;
- Catholic Community at Marshall University in Huntington, WV from 1975 to 1976;
- Awaiting Assignment in 1977;
- St. Brigid in San Diego, CA in 1978;
- Awaiting Assignment in 1979;
- St. Margaret Mary in Milwaukee, WI in 1979-1980;
- St. Joseph in Lyons, WI in 1980;
- St. John in South Milwaukee in 1980;
- St. Eugene's Parish in Fox Point in 1980
- Sick Leave in 1983;
- Chaplain at St. Joseph's Hospital in 1983;
- Awaiting Assignment in 1984;
- West Allis Memorial Hospital in West Allis, WI from 1985 to 1991;
- St. Rose in Woodland in 1993;
- St. Mary in Cascade, WI in 1993;
- Awaiting Assignment in 1994;
- On Leave from 1995 to 2003.

6. In approximately 1968, Defendant Archdiocese assigned Franklyn Becker to St. John de Nepomuc.

7. In approximately 1972, Defendant Archdiocese assigned Becker to Holy Family.

8. In the fall of 1970, Defendant Archdiocese received a report from a mother about a problem that her son had with Franklyn Becker which was suspicious for childhood sexual abuse.

9. On information and belief, the rumor at St. John de Nepomuc in the early 1970's was that Fr. Becker was attracted to young boys.

10. On information and belief, Defendant Archdiocese allowed Franklyn Becker to have unsupervised and unlimited access to children at St. John de Nepomuc and later at Holy Family.

11. On February 5, 1979 the Bishop of San Diego sent Archbishop Weakland a letter stating that, "No doubt there are psychological problems in Father Franklyn Becker's life that he must solve."

12. Plaintiff first met Becker at St. Margaret Mary in Milwaukee.

13. By placing Franklyn Becker at St. Margaret Mary in approximately 1979, Defendant Archdiocese, through its agents including Archbishop Rembert Weakland, affirmatively represented to minor children and their families, including Plaintiff John Doe 17 and his family, that Franklyn Becker did not have a history of molesting children, that Defendant Archdiocese did not know or suspect that Franklyn Becker had a history of molesting children and/or that Defendant Archdiocese did not know that Franklyn Becker was a danger to children.

14. Defendant Archdiocese was in a specialized position where it had knowledge that Plaintiff did not. Defendant Archdiocese was in a position to have this knowledge because it was Becker's employer and because the Archdiocese was responsible for Becker. Plaintiff on the other hand was a child. As a child he was not in a position to have information about Becker's molestation of other children or the Archdiocese's knowledge of the danger Becker posed to

children.

15. In addition to the representations being made directly to Plaintiff, Defendant Archdiocese, through its agents including Archbishop Weakland, made these representations with knowledge and intent that they would be communicated to the minor Plaintiff through his parents/caregivers words and actions. The Archdiocese also had reason to believe that the representations made to Plaintiff's parents/caregivers would influence Plaintiff and particularly that the representations would influence the amount and type of time spent alone with Becker, Becker's access to Plaintiff, and Becker's ability to molest Plaintiff.

16. Particularly, Defendant Archdiocese knew and/or suspected that Franklyn Becker was a child molester and/or knew that Franklyn Becker was a danger to children before Becker molested Plaintiff.

17. Because Defendant was his spiritual leader, because of his devotion to the Catholic Church, and because of the superiority and influence that Defendant had over him, Plaintiff believed and relied upon these misrepresentations.

18. In reliance upon Defendant Archdiocese's misrepresentations, in approximately 1979 to 1980, when Plaintiff was between 7 and 8 years old, Franklyn Becker touched the genitals of the minor Plaintiff on numerous separate occasions, performed oral sex upon the Plaintiff and on one occasion attempted to force the Plaintiff to perform oral sex on Becker, but stopped when Plaintiff started to cry.

19. Had Plaintiff or his family known what Defendant Archdiocese knew - that Franklyn Becker was a suspected child molester and a danger to children before Plaintiff was first molested by Becker, Plaintiff would not have been sexually molested.

20. Plaintiff John Doe 17 did not discover that he had been defrauded or have any

reason to believe that Defendant Archdiocese had defrauded him until sometime in 2010.

21. In approximately 2009, just before his mother died, Plaintiff's mother told him that after Plaintiff told her that Becker was sexually abusing him, she then immediately met with Archbishop Weakland and reported that Becker had sexually abused her son. She told Plaintiff that Archbishop Weakland told her that she should forgive Fr. Becker, and that she should leave the Catholic Church.

22. At the time Plaintiff's mother met with Archbishop Weakland, she was a single mother, struggling financially, and receiving financial assistance from the Archdiocese of Milwaukee for her son's education and child care while she attended college. After she told Weakland that Becker had sexually abused her son, the financial assistance ended and she moved her family out of the state of Wisconsin. She was unable to continue her studies.

23. As a direct and proximate result of Defendant's misrepresentations, fraud, and misconduct, Plaintiff John Doe 17 has suffered and continues to suffer great pain of mind and body, shock, emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation and loss of enjoyment of life, was prevented and will continue to be prevented from performing his normal daily activities and obtaining the full enjoyment of life, has sustained loss of earning capacity and has incurred and will continue to incur expenses for medical and/or psychological treatment, therapy and counseling. The amount of Plaintiff's damages will be fully ascertained at trial.

24. Defendant Archdiocese intentionally or recklessly disregarded Plaintiff's rights and safety such that punitive damages should be awarded against Defendant.

FIRST CAUSE OF ACTION
FRAUD AGAINST DEFENDANT ARCHDIOCESE

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

26. Defendant Archdiocese affirmatively represented to Plaintiff John Doe 17 and his family that Franklyn Becker did not have a history of molesting children, that Defendant Archdiocese did not know or suspect that Franklyn Becker had a history of molesting children and/or that Defendant Archdiocese did not know that Franklyn Becker was a danger to children.

27. Franklyn Becker did have a history of sexually molesting children. Defendant Archdiocese knew or suspected that Franklyn Becker had a history of sexually molesting children and that he was a danger to children.

28. Plaintiff John Doe 17 justifiably relied upon Defendant Archdiocese's misrepresentations which caused him to be sexually molested by Franklyn Becker and suffer the other damages described herein.

29. Defendant Archdiocese knew that its misrepresentations were false or at least were reckless without care of whether these representations were true or false.

30. Defendant Archdiocese made the misrepresentation with the intent to deceive Plaintiff and to induce him to act on the misrepresentations to his detriment.

WHEREFORE, Plaintiff demands judgment against Defendant Archdiocese in an amount to be determined at trial, plus costs, disbursements, reasonable attorneys' fees, interest, and such other relief that the Court deems just and equitable. Plaintiff also demands punitive damages against Defendant Archdiocese in an amount to be determined at trial.

SECOND CAUSE OF ACTION
FRAUD (INTENTIONAL NON-DISCLOSURE)
AGAINST DEFENDANT ARCHDIOCESE

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

32. Defendant Archdiocese knew or suspected that Franklyn Becker had a history of sexually molesting children before Becker sexually molested Plaintiff.

33. Whether or not Becker had a history of sexual abuse was a material fact to plaintiff.

34. Plaintiff relied on this non-disclosure.

35. Defendant Archdiocese intentionally did not disclose this fact to the then minor Plaintiff in order to induce him to act on the misrepresentations to his detriment.

36. Plaintiff relied upon this intentional non-disclosure, which caused him to be sexually molested by Franklyn Becker and suffer the other damages described herein.

WHEREFORE, Plaintiff demands judgment against Defendant Archdiocese in an amount to be determined at trial, plus costs, disbursements, reasonable attorneys' fees, interest, and such other relief that the Court deems just and equitable. Plaintiff also demands punitive damages against Defendant Archdiocese in an amount to be determined at trial

THIRD CAUSE OF ACTION
FRAUD (NEGLIGENT MISREPRESENTATION)
AGAINST DEFENDANT ARCHDIOCESE

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

37. Defendant Archdiocese, through its agents including Archbishop Weakland, represented to Plaintiff and his family that Becker did not have a history of molesting children

and/or that Becker was not a danger to children.

38. Becker did have a history of sexually molesting children and/or was a danger to children.

39. The Archdiocese did not intend or anticipate that the Plaintiff would be harmed or abused because of its representation.

40. The Archdiocese owed a duty of care to Plaintiff because it should have known that Becker would have access to children including Plaintiff, should have known that Becker was a danger to children, and should have known that Becker had molested children before he molested Plaintiff, and should have known that parents and children would place the utmost trust in Becker.

41. The Archdiocese, through its agents including Archbishop Weakland, in acts separate from and before its representation, failed to use ordinary care in making the representation or in ascertaining the facts related to Becker. The Archdiocese reasonably should have foreseen that its representation would subject Plaintiff to the unreasonable risk of harm.

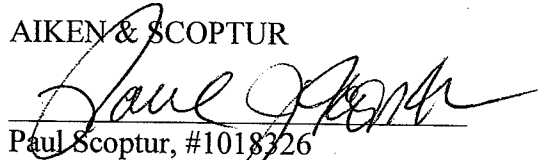
42. The Archdiocese failed to use ordinary care to determine Becker's history of molesting children and whether he was safe for work with children before it made its representation about Becker. The Archdiocese's failures include but are not limited to: failure to ask Becker whether he sexually molested children, failure to ask Becker's co-workers whether he molested children or whether they had any concerns about Becker and children, failure to investigate Becker's interest in children, failure to have a sufficient system to determine whether Becker molested children and whether he was safe, failure to train its employees properly to identify signs of child molestation by fellow employees, and failure to investigate warning signs about Becker when they did arise.

43. Plaintiff believed and justifiably relied upon Defendant Archdiocese's representations which caused him to be sexually molested by Becker and suffer the other damages described herein.

WHEREFORE, Plaintiff demands judgment against Defendant Archdiocese in an amount to be determined at trial, plus costs, disbursements, reasonable attorneys' fees, interest, and such other relief that the Court deems just and equitable. Plaintiff also demands punitive damages against Defendant Archdiocese in an amount to be determined at trial.

Dated: Sept 15, 2010

AIKEN & SCOPTUR


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**DEMAND IS HEREBY MADE FOR A TRIAL
BY JURY TO A TWELVE-PERSON JURY**