



STATE OF MINNESOTA
COUNTY OF POLK

DISTRICT COURT
NINTH JUDICIAL DISTRICT

Case Type: Personal Injury

Court File No.:

Doe 24,

Plaintiff,

v.

AMENDED COMPLAINT

Diocese of Crookston, Roman Catholic Bishop
of Fall River a/k/a Diocese of Fall River,
and The Servants of the Paraclete,

Defendants.

Plaintiff, for her cause of action against Defendants, alleges that:

PARTIES

1. Plaintiff Doe 24 is a resident of the State of Minnesota and at all times material for this Complaint has resided in the State of Minnesota. In the interest of privacy, the identity of Plaintiff Doe 24 has been disclosed under separate cover to Defendants.

2. At all times material, Defendant Diocese of Crookston ("Crookston Diocese") was and 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 with its principal place of business at 1200 Memorial Drive, Crookston, Minnesota. The Bishop is the top official of the Crookston Diocese and has authority over all matters within the Crookston Diocese as a result of his position. The Crookston Diocese functions as a business by engaging in numerous revenue-producing activities and soliciting money from its members in exchange for its services.

3. At all times material, Defendant Roman Catholic Bishop of Fall River also known

as the Diocese of Fall River (hereinafter "Fall River Diocese") was and 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 with its principal place of business at 47 Underwood Street, Fall River, Massachusetts. The Bishop is the top official of the Fall River Diocese and has authority over all matters within the Fall River Diocese as a result of his position. The Fall River Diocese functions as a business by engaging in numerous revenue producing activities and soliciting money from its members in exchange for its services.

4. At all times material, Defendant The Servants of the Paraclete was and 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 with its principal places of business at P.O. Box 539, Cedar Hill, Missouri 63016 and P.O. Box 10, Jemez Springs, New Mexico 87025. Defendant Servants of the Paraclete operates facilities in the United States that purport to treat pedophile priests. Defendant Servants of the Paraclete owned and operated a facility in Nevis, Minnesota at times material to this Complaint.

FACTS

5. At all times material, Father James Porter (hereinafter "Porter"), was a Roman Catholic priest employed by Defendants Crookston Diocese, Fall River Diocese and Servants of the Paraclete. At all times material, Porter remained under the direct supervision, employ and control of Defendants. Defendants placed Porter in positions where he had access to and worked with children as an integral part of his work.

6. In 1960, James R. Porter was ordained a Roman Catholic priest of Defendant Fall River Diocese after receiving training at St. Mary's Seminary in Baltimore, Maryland. At that time, James Porter took a vow of obedience to the Bishop of Defendant Fall River Diocese, Bishop James L. Connelly and his successors. Porter remained under the vow of obedience to the Bishop of Defendant Fall River Diocese until Porter was laicized in 1974. Porter died in 2005.

7. In 1960, Bishop Connelly appointed Porter as associate pastor at the St. Mary's Parish and Parochial School in Attleborough, Massachusetts. Porter's responsibilities at St. Mary's Parish included performing masses, hearing confessions, granting absolution, training, supervising and providing recreational outings for altar boys, teaching at the parochial school and providing spiritual instruction and counseling to parishioners and students.

8. Between approximately 1960 and 1963, prior to his sexual abuse of Plaintiff, Porter engaged in harmful, unpermitted and offensive sexual contact with dozens of young parish children and students entrusted to his care at St. Mary's Parish. The sexual molestation occurred on the church premises, the rectory, the school, and victims' homes, among other locations.

9. Between 1960 and 1963, Porter's supervising pastor, Pastor Edward Booth, who was responsible for the well being of all parishioners at St. Mary's Parish including parish children and students at the parochial school, witnessed James Porter's sexual molestation of at least one child parishioner in the church rectory office. Pastor Booth took no steps to intervene, end the abuse or report Porter's criminal sexual misconduct to law enforcement authorities. Rather, Pastor Booth shook his head, and walked out of the office without saying a word.

10. Between approximately 1960 and 1963, Father Armando A. Annunziato, a Roman Catholic priest and agent of Defendant Fall River Diocese served as an associate pastor

at the St. Mary's Parish. As such, Fr. Armando A. Annunziato was responsible for the well being of all parishioners at St. Mary's Parish, including the children and students at the parochial school. On multiple occasions, Fr. Annunziato witnessed Porter sexually molesting parish and/or school children on the church's premises. Annunziato took no steps to intervene, end the abuse or report Porter's criminal sexual misconduct to law enforcement authorities. Rather, Annunziato left the room and allowed the sexual abuse to continue. Annunziato told one child parishioner who reported that he was sexually abused by Porter, that the victim was "possessed by Satan", and told another such victim to "stop stirring up trouble."

11. In approximately 1963, the mother of a twelve year old altar boy reported to Pastor Booth and Father Armando A. Annunziato that Porter had molested young boys and demanded that Porter be removed immediately. Reverend Booth told the enraged and distraught mother that Porter was receiving treatment for his problem and there was no need to remove him from the church. Reverend Booth rhetorically asked "what are you trying to do, crucify the man?"

12. Between approximately 1960 and 1963, parents of minor victims reported to Fr. Annunziato that Porter was sexually molesting their children. In response, Annunziato told at least one parent that "you have to understand that Father Porter is only human."

13. By 1963, parents of minor victims at St. Mary's Parish reported to officials and agents of Fall River Diocese, including Bishop Connelly and Humberto Cardinal Medeiros - then the Chancellor of Fall River Diocese -- that James Porter was sexually molesting parish and school children. Due to these complaints, Bishop Connelly, through Chancellor Medeiros, removed Porter from St. Mary's Parish. Instead of reporting Porter's criminal misconduct to local law enforcement authorities, commencing laicization proceedings or canonically removing

Porter's faculties to operate as a Roman Catholic priest, Bishop Connelly and Chancellor Medeiros clandestinely moved Porter to Sacred Heart Parish in Fall River, Massachusetts.

14. In 1963, Bishop Connelly appointed Porter as associate pastor at Sacred Heart Parish in Fall River, Massachusetts. Porter was given the same associate pastor duties as his previous assignment, including the supervision of the parish's altar boy program. A parent who had previously reported Porter's sexual molestation of youth at St. Mary's learned of this appointment and complained to Chancellor Medeiros that Porter was not fit to serve as a parish priest and expressed concerns that he would continue to sexually molest parish youth if he remained in a parish. Chancellor Medeiros assured the parent that Defendant Fall River Diocese would take care of the situation.

15. Porter continued to serve at Sacred Heart Parish until 1965. During that time, Porter engaged in harmful, offensive and unpermitted sexual contact with youth of the parish. In approximately 1965, officials of Defendant Fall River Diocese were informed of Porter's sexual molestation of youth at Sacred Heart. Instead of reporting Porter's criminal misconduct to law enforcement authorities, commencing laicization proceedings or removing Porter from contact with children, Bishop Connelly and Chancellor Medeiros clandestinely transferred Porter to reside at St. James Parish in New Bedford, Massachusetts and assigned him to the St. Luke's Hospital, where, upon information and belief, Porter received psychiatric treatment for his compulsive sexual molestation of youth. From 1965 through 1967, Porter continued to sexually molest youth in New Bedford, Massachusetts.

16. In approximately 1966, parents of a New Bedford, Massachusetts boy reported to the priests assigned to St. James Parish, Monsignor Hugh Gallagher, Reverend Edward Duffy, Reverend Thomas O'Shea and Reverend Albert Shovelton, that Porter had sexually molested

their son. The priests took no steps to end the abuse, prevent Porter from having access to children, or report Porter's criminal sexual misconduct to law enforcement authorities. Instead, Porter remained at the parish and the sexual abuse of New Bedford children by Porter continued.

17. In approximately 1967, officials of Defendant Fall River Diocese learned that, despite psychiatric treatment, Porter was sexually molesting youth in New Bedford, Massachusetts. Rather than reporting Porter's criminal misconduct to law enforcement authorities, commencing laicization proceedings or removing Porter from having contact with children, Bishop Connelly clandestinely transferred Porter to the facility owned and operated by Defendant Servants of the Paraclete in New Mexico.

18. In 1967, Porter came under the supervision and control of Defendant Servants of the Paraclete while purporting to receive treatment at its New Mexico facility. Defendant Servants of the Paraclete took no steps to report Porter's criminal misconduct to Massachusetts law enforcement authorities or demand that Bishop Connelly remove Porter from ministry or restrict Porter's ability to work with children. Instead, agents of Defendant Servants of the Paraclete released Porter, and allowed, encouraged, and facilitated his return to additional Roman Catholic parishes where they knew or should have known that he would continue to sexually molest parish youth.

19. In April 1969, Porter was sent to Defendant Servants of the Paraclete's facility in Nevis, Minnesota. The move occurred with knowledge, permission and approval of Defendant Fall River Diocese.

20. In August 1969, with the knowledge, permission and approval of Bishop Connelly of Defendant Fall River Diocese, and with the knowledge and acquiescence of officials and agents of Defendant Servants of the Paraclete, the Bishop of Defendant Crookston Diocese,

Bishop Laurence A. Glenn granted Porter full faculties to operate as a Roman Catholic priest in Defendant Crookston Diocese and appointed Porter as associate pastor at the Church of St. Philip in Bemidji, Minnesota.

21. At the time Defendants permitted Porter to be placed in the Crookston Diocese, Defendants Crookston Diocese and Fall River Diocese knew that the Servants of the Paraclete facilities in Jemez Springs, New Mexico and Nevis, Minnesota were neither equipped to nor capable of treating child sexual abusers. This is evidenced by the following:

a. In a letter from the founder of Servants of the Paraclete, Fr. Gerald Fitzgerald, to Bishop Robert Dwyer of the Diocese of Reno, dated September 12, 1952, Fr. Fitzgerald stated:

Hence, leaving them on duty or wandering from diocese to diocese is contributing to scandal ... we find it quite universal that they seem to be lacking in appreciation of the serious situation ... I myself would be inclined to favor laicization for any priest, upon objective evidence, for tampering with the virtue of the young ...

b. In a letter from Fr. Gerald Fitzgerald to Archbishop James Byrne of Santa Fe, dated September 18, 1957, Fr. Fitzgerald wrote:

May I beg your Excellency to concur and approve of what I consider a very vital decision on our part – that for the sake of preventing scandal that might endanger the good name of Via Coeli we will not offer hospitality to men who have seduced or attempted to seduce little boys or girls? These men Your Excellency are devils and the wrath of God is upon them and if I

were a Bishop I would tremble when I failed to report them to Rome for involuntary layization [sic] ... Experience has taught us these men are too dangerous to the children of the Parish and neighborhood for us to be justified in receiving them here ... It is for this class of rattlesnake I have always wished the island retreat – but even an island is too good for these vipers ...

c. In a letter from Fr. Gerald Fitzgerald to Cardinal Ottaviani, dated April 11, 1962, Fr. Fitzgerald stated:

On the other hand, where a priest for many years has fallen into repeated sins which are considered, generally speaking, as abnormal (abuse of nature) such as homosexuality and most especially the abuse of children, we feel strongly that such unfortunate priests should be given the alternative of a retired life within the protection of monastery walls or complete laicization [defrocked as a priest].

d. In a letter from Fr. Gerald Fitzgerald to Pope Paul VI, dated August 27, 1963, Fr. Fitzgerald wrote:

Personally I am not sanguine of the return of priests to active duty who have been addicted to abnormal practices, especially sins with the young ... Where there is indication of incorrigibility, because of the tremendous scandal given, I would most earnestly recommend total laicization.

22. From approximately August 1969 through September 1970, Porter was employed by Defendant Crookston Diocese and, contemporaneously, by Defendant Fall River Diocese, as the associate pastor at the St. Philip Parish in Bemidji, Minnesota. Father W. F. Lemen, an agent of Defendant Crookston Diocese was the pastor at the St. Philip Parish and was responsible for the well being of parishioners at the church and students at the St. Philip Parochial School.

23. Porter's employment duties at the St. Philip Parish and school included, but was not limited to, performing masses, hearing confessions, granting absolution, training, supervising and providing recreational activities for youth, teaching and coaching young students at the parochial school and providing spiritual instruction and counseling to parishioners and students.

24. Between August 1969 and September 1970, Porter sexually abused numerous child parishioners and students of St. Philip's Parish.

25. Plaintiff Doe 24 was raised in a devout Roman Catholic family, was baptized, and confirmed in the Roman Catholic Church, and regularly attended mass, received the sacraments and participated in youth activities and education at St. Philip Parish in Bemidji, Minnesota. Therefore, Plaintiff developed great admiration, trust, reverence and respect for the Roman Catholic Church and Defendants and their agents, including Porter.

26. Between 1969 through 1970, when Plaintiff Doe 24 was approximately 7 to 8 years old and a grade student at St. Philip Parochial School, Porter engaged in repeated harmful, offensive and unpermitted sexual contact with Plaintiff. The sexual abuse occurred on the parish school's property and in Plaintiff's home while Porter was visiting Plaintiff's family as their parish priest.

27. In approximately 1970, the parents of several children who were parishioners at St. Philip's Parish learned that their children were being sexually molested by Porter. These

parents reported Porter's sexual molestation of youth to Fr. W.F. Lemen and instructed Fr. Lemen to relay to the new Bishop of Crookston, the Reverend Kenneth J. Povish, their ultimatum - if James Porter was not immediately removed from St. Philip's Parish, his criminal sexual conduct would be reported to law enforcement authorities. As a result, Bishop Povish immediately removed Porter from St. Philip's Parish. Defendant Crookston Diocese, by and through its agents, did not take any steps to investigate the sexual abuse of parish and school students or report Porter's sexual molestation of children to law enforcement authorities. Porter was removed from the parish and school and instructed to seek counseling. Porter travelled to Hastings, Minnesota where he received psychological treatment.

28. Upon information and belief, in approximately 1972 or 1973, Porter returned to the facility operated by Defendant Servants of the Paraclete in New Mexico, due to his compulsive sexual molestation of youth. In 1972 or 1973, with the permission of the new Bishop of Fall River Diocese, Bishop Daniel A. Cronin, and then Archbishop James Davis of the Archdiocese of Santa Fe, agents of Defendant Servants of the Paraclete authorized Porter to perform part-time parish work at St. Edwin Church in the South Valley in Albuquerque, New Mexico under the supervision of Father Clarence Galli, a psychotherapist and priest of the Archdiocese of Santa Fe, who was often designated by the Archbishop of Santa Fe to supervise priests who had engaged in sexual misconduct. From 1972 through 1973, while performing part-time parish duties, Porter sexually molested minor parish boys at St. Edwin Church.

29. Porter's placement in the Crookston Diocese in 1969 required the permission of the Bishop of the Crookston Diocese, the Bishop of Fall River Diocese and The Servants of the Paraclete. Porter was under the supervision and control of each and all Defendants when the abuse of Plaintiff occurred.

30. Defendants placed Porter at St. Philip Parish in Bemidji, MN. Porter had unlimited access to children at St. Philip. Children, including Plaintiff, and their families were not told what Defendants knew or should have known - that Porter had sexually molested dozens of children, admitted to molesting children, that he committed offenses at almost every parish he served, and that Porter was a danger to them.

31. Defendants each knew or should have known that Porter was a child molester and knew or should have known that Porter was a danger to children before Porter sexually molested Plaintiff.

32. Defendants each negligently or recklessly believed that Porter was fit to work with children and/or that any previous problems he had were fixed and cured; that Porter would not sexually molest children and that Porter would not injure children; and/or that Porter would not hurt children.

33. By holding Porter out as safe to work with children, and by undertaking the custody, supervision of, and/or care of the minor Plaintiff, Defendants entered into a fiduciary relationship with the minor Plaintiff. As a result of Plaintiff being a minor, and by Defendants undertaking the care and guidance of the then vulnerable minor Plaintiff, Defendants held a position of empowerment over Plaintiff.

34. Further, Defendants, by holding themselves 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 Plaintiff from effectively protecting herself and Defendants thus entered into a fiduciary relationship with Plaintiff.

35. Defendants each had a special relationship with Plaintiff.

36. Each Defendant owed Plaintiff a duty of reasonable care because each had

superior knowledge about the risk that Porter posed to Plaintiff, the risk of abuse in general in its programs and/or the risks that its facilities posed to minor children.

37. Each Defendant owed Plaintiff a duty of reasonable care because each 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 its agents including Porter out as safe to work with children; encouraged parents and children to spend time with its agents; and/or encouraged its agents, including Porter, to spend time with, interact with, and recruit children.

38. Each Defendant had a duty to Plaintiff to protect her from harm because each Defendant's actions created a foreseeable risk of harm to Plaintiff.

39. Each Defendant'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 within each 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, 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.

40. Each Defendant failed to use ordinary care in determining whether its facilities were safe and/or determining whether it had sufficient information to represent its facilities as safe. Each 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 properly train its employees 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.

41. Defendants each breached its duties to Plaintiff by failing to warn her and her family of the risk that Porter posed and the risks of child sexual abuse by clerics. It also failed to warn her about any of the knowledge that each Defendant had about child sex abuse.

42. Defendants each breached its duties to Plaintiff by failing to report Porter's abuse of children to the police and law enforcement.

43. Defendants each knew or should have known that some of the leaders and people working at Catholic institutions within the Diocese were a danger to children.

44. Defendants each 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 Crookston Diocese were a danger to children.

45. Defendants each 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.

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

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

48. Defendants each 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 to work with children.

49. Each Defendant was negligent and/or made representations to Plaintiff and her family during each and every year of her minority.

50. Defendant Crookston Diocese, Defendant Fall River Diocese, and Defendant Servants of the Paraclete failed to inform law enforcement authorities that Porter had sexually abused minor children. As a direct result, Porter avoided criminal investigation and prosecution and continued to sexually abuse minors.

51. In 2004, Defendant Crookston Diocese publically admitted that 5 priests who worked in the Crookston Diocese had been credibly accused of sexually molesting minors. Defendant Crookston Diocese has not released those names to the public. As a result, children are at risk of being sexually molested.

52. In 2004, Defendant Fall River Diocese publically admitted that 32 priests who worked in or for the Fall River Diocese had been accused of sexually molesting minors. Upon information and belief, the Fall River Diocese has not released those names to the public. As a result, children are at risk of being sexually molested.

53. Defendant Servants of the Paraclete housed numerous priests that had been accused of sexually molesting children. Many of these priests admitted to the Servants of the Paraclete that they had sexually molested children. The Servants of the Paraclete have not released the names or information about the priests that admitted to sexually molesting children. As a result, children are at risk of being sexually molested.

54. As a direct result of the Defendants' conduct described herein, 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. Plaintiff was prevented, and will continue to be prevented, from performing her 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; and, on information and belief, has and/or will incur loss of income and/or loss of earning capacity.

**COUNT I: DEFENDANT CROOKSTON DIOCESE –
NUISANCE (COMMON LAW AND MINN. STAT. § 561.01)**

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

56. Defendant Crookston Diocese 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, Porter and

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

57. The negligence and/or deception and concealment by Defendant Crookston Diocese 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 the Crookston Diocese and all other members of the general public who live in communities where Defendant Crookston Diocese'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 Crookston Diocese 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.

58. The negligence and/or deception and concealment by Defendant Crookston Diocese was specially injurious to Plaintiff's health as she was repeatedly sexually assaulted by Defendant Crookston Diocese's agent, Porter.

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

60. Plaintiff also suffered special, particular and peculiar harm after she learned of the Defendant Crookston Diocese's concealment of its list of priests credibly accused of sexually molesting minors. As a result of the concealment, Plaintiff has suffered and continues to suffer lessened enjoyment of her life, impaired health, emotional distress, and/or physical symptoms of emotional distress. She has also experienced depression, anxiety and anger.

61. The continuing public nuisance created by Defendant Crookston Diocese 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 herein.

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

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

**COUNT II: DEFENDANT CROOKSTON DIOCESE –
NUISANCE (MINN. STAT. § 609.74)**

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

65. Defendant Crookston Diocese continues to conspire and engage and/or has conspired and engaged in efforts to: 1) conceal from the proper civil authorities sexual assaults and abuse committed by Porter and Defendant Crookston Diocese's other agents against minor

children; and/or 2) protect Defendant Crookston Diocese's agents from criminal prosecution for their sexual assaults and abuse against children; and/or 3) allow known child molesters to live freely in the community unknown to the public.

66. The deception and concealment by Defendant Crookston Diocese 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 the Crookston Diocese and all other members of the general public who live in communities where Defendant Crookston Diocese's credibly accused molesters worked and live. Defendant Crookston Diocese'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 the members of the public by allowing child molesters' to avoid prosecution and remain living freely in unsuspecting communities. These child molesters, known to the Crookston Diocese but not to the public, pose a threat of additional abuse to a considerable number of members of the public.

67. The deception and concealment by Defendant Crookston Diocese was specially injurious to Plaintiff's health as she was sexually assaulted by Defendant's agent, Porter.

68. The condition permitted or maintained by Defendant Crookston Diocese was also specially injurious to Plaintiff in that she experienced mental and emotional distress because she had been the victim of the Defendant Crookston Diocese'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 she had suffered and continues to suffer as a result of the molestation. Plaintiff has also experienced depression, anxiety, and/or anger.

69. 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 Crookston Diocese. As a result of the condition maintained or permitted by Defendant Crookston Diocese that unreasonably endangers the safety and health of the public, Plaintiff has suffered and continues to suffer pecuniary loss including medical expenses and/or wage loss as a result of the nuisance.

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

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

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

**COUNT III: DEFENDANT CROOKSTON DIOCESE -
NEGLIGENCE**

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

74. Defendant Crookston Diocese owed Plaintiff a duty of reasonable care.

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

76. Defendant Crookston Diocese's breach of its duty was a proximate cause of Plaintiff's injuries.

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

**COUNT IV: DEFENDANT CROOKSTON DIOCESE –
NEGLIGENT SUPERVISION**

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

79. At all times material, Porter was employed by Defendant Crookston Diocese and was under Defendant Crookston Diocese's direct supervision, employ and control when he committed the wrongful acts alleged herein. Porter engaged in the wrongful conduct while acting in the course and scope of his employment with Defendant Crookston Diocese and/or accomplished the sexual abuse by virtue of his job-created authority. Defendant Crookston Diocese failed to exercise ordinary care in supervising Porter in his parish assignment within Defendant Crookston Diocese and failed to prevent the foreseeable misconduct of Porter from causing harm to others, including Plaintiff.

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

**COUNT V: DEFENDANT CROOKSTON DIOCESE –
NEGLIGENT RETENTION**

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

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

83. As a direct result of Defendant Crookston Diocese's negligent conduct, Plaintiff

has suffered the injuries and damages described herein.

**COUNT VI: DEFENDANT FALL RIVER DIOCESE –
NUISANCE (COMMON LAW AND MINN. STAT. § 561.01)**

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

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

86. The negligence and/or deception and concealment by Defendant Fall River Diocese 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 the Fall River Diocese and all other members of the general public who live in communities where Defendant Fall River Diocese'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 Fall River Diocese 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 to the safety of children in the neighborhoods in Minnesota and throughout the United States where Defendant conducted, and continues to conduct, its business.

87. The negligence and/or deception and concealment by Defendant Fall River Diocese was specially injurious to Plaintiff's health as she was repeatedly sexually assaulted by Defendant Fall River Diocese's agent, Porter.

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

89. Plaintiff also suffered special, particular and peculiar harm after she learned of the Fall River Diocese's concealment of its list of priests credibly accused of sexually molesting minors, which continues as long as the list remains concealed. As a result of the concealment, Plaintiff has suffered and continues to suffer lessened enjoyment of her life, impaired health, emotional distress, and/or physical symptoms of emotional distress. She has also experienced depression, anxiety and anger.

90. The continuing public nuisance created by Defendant Fall River Diocese was, and continues to be, the 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 Fall River Diocese 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 VII: DEFENDANT FALL RIVER DIOCESE –
NUISANCE (MINN. STAT. § 609.74)**

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

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

95. The deception and concealment by Defendant Fall River Diocese 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 the Fall River Diocese and all other members of the general public who live in communities where Defendant Fall River Diocese's credibly accused molesters worked and live. Defendant Fall River Diocese'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 the members of the public by allowing child molesters' to avoid prosecution and remain living freely in unsuspecting communities. These child molesters, known to the Fall River Diocese but not to the public, pose a threat of additional abuse to a considerable number of members of the public.

96. The deception and concealment by Defendant Fall River Diocese was specially injurious to Plaintiff's health as she was sexually assaulted by Defendant Fall River Diocese's

agent, Porter.

97. The condition permitted or maintained by Defendant Fall River Diocese was also specially injurious to Plaintiff in that she experienced mental and emotional distress because she had been the victim of the Defendant Fall River Diocese'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 she had suffered and continues to suffer as a result of the molestation. Plaintiff has also experienced depression, anxiety, and/or anger.

98. 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 Fall River Diocese. As a result of the condition maintained or permitted by Defendant that unreasonably endangers the safety and health of the public, Plaintiff has suffered and continues to suffer pecuniary loss including medical expenses and/or wage loss as a result of the nuisance.

99. The continuing public nuisance created by Defendant Fall River Diocese was, and continues to be, the proximate cause of the unreasonably dangerous condition to the public and of Plaintiff's special injuries and damages as alleged.

100. In doing the aforementioned acts, Defendant Fall River Diocese acted intentionally, maliciously and with conscious disregard for Plaintiff's rights.

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

COUNT VIII: DEFENDANT FALL RIVER DIOCESE --
NEGLIGENCE

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

103. Defendant Fall River Diocese owed Plaintiff a duty of reasonable care.

104. Defendant Fall River Diocese breached the duty of reasonable care it owed Plaintiff.

105. Defendant Fall River Diocese's breach of its duty was a proximate cause of Plaintiff's injuries.

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

**COUNT IX: DEFENDANT FALL RIVER DIOCESE –
NEGLIGENT SUPERVISION**

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

108. At all times material, Porter was employed by Defendant Fall River Diocese and was under Defendant Fall River Diocese's direct supervision, employ and control when he committed the wrongful acts alleged herein. Porter engaged in the wrongful conduct while acting in the course and scope of his employment with Defendant Fall River Diocese and/or accomplished the sexual abuse by virtue of his job-created authority. Defendant Fall River Diocese failed to exercise ordinary care in supervising Porter in his parish assignment within the Crookston Diocese and failed to prevent the foreseeable misconduct of Porter from causing harm to others, including Plaintiff.

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

**COUNT X: DEFENDANT FALL RIVER DIOCESE –
NEGLIGENT RETENTION**

110. Plaintiff incorporates all consistent paragraphs of this Complaint as if fully set

forth under this count.

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

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

**COUNT XI: DEFENDANT SERVANTS OF THE PARACLETE –
NUISANCE (COMMON LAW AND MINN. STAT. § 561.01)**

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

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

115. The negligence and/or deception and concealment by Defendant Servants of the Paraclete 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 of Minnesota and all other members of the general public who live in communities where Defendant Servants of the Paraclete'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 Servants of the Paraclete 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 to the safety of children in the neighborhoods in Minnesota and throughout the United States where Defendant conducted, and continues to conduct, its business.

116. The negligence and/or deception and concealment by Defendant Servants of the Paraclete was specially injurious to Plaintiff's health as she was repeatedly sexually assaulted by Defendant Servants of the Paraclete's agent, Porter.

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

118. Plaintiff also suffered special, particular and peculiar harm after she learned of Defendant Servants of the Paraclete's concealment of its list of priests credibly accused of sexually molesting minors, which continues as long as the list remains concealed. As a result of the concealment, Plaintiff has suffered and continues to suffer lessened enjoyment of her life,

impaired health, emotional distress, and/or physical symptoms of emotional distress. She has also experienced depression, anxiety and anger.

119. The continuing public nuisance created by Defendant Servants of the Paraclete was, and continues to be, the proximate cause of the injuries and damages to the general public and of Plaintiff's special injuries and damages as alleged herein.

120. In doing the aforementioned acts, Defendant Servants of the Paraclete acted negligently and/or intentionally, maliciously and with conscious disregard for Plaintiff's rights.

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

**COUNT XII: SERVANTS OF THE PARACLETE –
NUISANCE (MINN. STAT. § 609.74)**

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

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

124. The deception and concealment by Defendant Servants of the Paraclete 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 Servants of the Paraclete's credibly accused molesters worked and live.

Defendant Servants of the Paraclete'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 the members of the public by allowing child molesters' to avoid prosecution and remain living freely in unsuspecting communities. These child molesters, known to the Servants of the Paraclete but not to the public, pose a threat of additional abuse to a considerable number of members of the public.

125. The deception and concealment by Defendant Servants of the Paraclete was specially injurious to Plaintiff's health as she was sexually assaulted by Defendant's agent, Porter.

126. The condition permitted or maintained by Defendant Servants of the Paraclete was also specially injurious to Plaintiff in that she experienced mental and emotional distress because she had been the victim of the Defendant Servants of the Paraclete'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 she had suffered and continues to suffer as a result of the molestation. Plaintiff has also experienced depression, anxiety, and/or anger.

127. 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 Servants of the Paraclete. As a result of the condition maintained or permitted by Defendant Servants of the Paraclete that unreasonably endangers the safety and health of the public, Plaintiff has suffered and continues to suffer pecuniary loss including medical expenses and/or wage loss as a result of the nuisance.

128. The continuing public nuisance created by Defendant Servants of the Paraclete

was, and continues to be, the proximate cause of the unreasonably dangerous condition to the public and of Plaintiff's special injuries and damages as alleged.

129. In doing the aforementioned acts, Defendant Servants of the Paraclete acted intentionally, maliciously and with conscious disregard for Plaintiff's rights.

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

**COUNT XIII: DEFENDANT SERVANTS OF THE PARACLETE -
NEGLIGENCE**

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

132. Defendant Servants of the Paraclete owed Plaintiff a duty of reasonable care.

133. Defendant Servants of the Paraclete breached the duty of reasonable care it owed Plaintiff.

134. Defendant Servants of the Paraclete's breach of its duty was a proximate cause of Plaintiff's injuries.

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

**COUNT XIV: DEFENDANT SERVANTS OF THE PARACLETE –
NEGLIGENT SUPERVISION**

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

137. At all times material, Porter was employed by Defendant Servants of the Paraclete and was under Defendant Servants of the Paraclete direct supervision, employ and control when he committed the wrongful acts alleged herein. Porter engaged in the wrongful conduct while

acting in the course and scope of his employment with Defendant Servants of the Paraclete and/or accomplished the sexual abuse by virtue of his job-created authority. Defendant Servants of the Paraclete failed to exercise ordinary care in supervising Porter in his parish assignment and failed to prevent the foreseeable misconduct of Porter from causing harm to others, including the Plaintiff herein.

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

**COUNT XV: DEFENDANT SERVANTS OF THE PARACLETE --
NEGLIGENT RETENTION**

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

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

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

PRAYER FOR RELIEF

142. Plaintiff demands 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.

143. Plaintiff requests an order requiring that the Crookston Diocese and Fall River Diocese each publically release its list of credibly accused child molesting priests, each such

priest's history of abuse, each such priest's pattern of grooming and sexual behavior, and each such priest's last known address.

144. Plaintiff requests an order requiring that The Servants of the Paraclete publically release the name of each priest that admitted to the Paraclete that he had sexually molested a child, each such priest's history of abuse, each such priest's pattern of grooming and sexual behavior, and each such priest's last known address.

DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial on all issues so triable.

Dated: 9/22/14

JEFF ANDERSON & ASSOCIATES, P.A.



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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.

