

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

JOHN DOE 171,

Civil No.: 11-1406

Plaintiff,

TRIAL BY JURY DEMANDED

vs.

THE ORDER OF ST. BENEDICT a/k/a and d/b/a
ST. JOHN'S ABBEY and FATHER RAYMOND
FRANCISCO SCHULTE,

COMPLAINT

Defendants.

Comes now the Plaintiff, for his causes of action against Defendants, and respectfully states and prays:

PARTIES

1. Plaintiff John Doe 171 is an adult male resident of the Commonwealth of Puerto Rico whose identity is made known to Defendant by separate cover letter. Plaintiff was a minor at the time of all sexual abuse and all sexual exploitation alleged herein.

2. At all times material, Defendant The Order of St. Benedict a/k/a and d/b/a St. John's Abbey (hereinafter "St. John's") was and continues to be a Minnesota non-profit corporation authorized to conduct business and conducting business in the State of Minnesota with its principal place of business at 31802 County Road 159, Collegeville, MN 56321 U.S.A.

3. Father Raymond Francisco Schulte (hereinafter "Fr. Schulte") is a Roman Catholic Priest who is a member of the Order of St. Benedict and upon information and belief is presently residing in Rome, Italy. At all times material, Schulte remained under the direct supervision, employ and control of Defendant St. John's.

JURISDICTION

4. Plaintiff brings his complaint under federal diversity jurisdiction, 28 U.S.C. 1332, as the parties are completely diverse in citizenship and the amount in controversy exceeds \$75,000. Venue is proper in this district inasmuch as Plaintiff is a resident of the Commonwealth of Puerto Rico and as set forth below, facts giving rise to this Complaint took place in Puerto Rico.

FACTS

5. From 1974 through present, Fr. Schulte was employed by Defendant St. John's at various times as a teacher and minister at St. John's Preparatory, St. John's School of Theology, and St. John's Abbey. In addition, Fr. Schulte represented St. John's in Puerto Rico, at the San Antonio Abad boarding school located in Humacao, Puerto Rico, North Carolina, Mexico, the Bahamas and Rome, Italy.

6. At all times material, San Antonio Abad boarding school was owned and operated by Defendant St. John's.

7. Plaintiff was raised in a devout Roman Catholic family, served as an altar boy, regularly celebrated mass, received the sacraments and participated in church-related activities. Plaintiff, therefore, developed great admiration, trust, reverence and respect for the Roman Catholic Church and its agents.

8. By holding Fr. Schulte out as a qualified Roman Catholic priest, ordained and employed by St. John's and by undertaking the religious instruction and spiritual and emotional guidance of the minor Plaintiff, Defendant St. John's entered into a fiduciary relationship with the minor Plaintiff. As a result of Plaintiff being a minor, and by Defendant St. John's undertaking the care and guidance of the then vulnerable minor Plaintiff, Defendant St. John's

held a position of empowerment over Plaintiff.

9. Further, Defendant St. John's, by holding itself out as a shepherd and leader of the Roman Catholic Church, solicited and/or accepted this position of empowerment. This empowerment prevented the then minor Plaintiff from effectively protecting himself and Defendant St. John's thus entered into a fiduciary relationship with Plaintiff.

10. By accepting custody of the minor Plaintiff, St. John's accepted custody *in loco parentis*, as a parent, and owed the Plaintiff the duty of full disclosure of all of the information they had regarding Fr. Schulte's history of sexual misconduct.

FACTS APPLICABLE TO JOHN DOE 171

11. In approximately 1978, when the Plaintiff was approximately 14 years of age, Father Schulte engaged in unpermitted, harmful and offensive sexual contact with Plaintiff at San Antonio Abad boarding school located in Humacao, Puerto Rico, a boarding school operated and staffed by St. John's.

12. Defendant St. John's intentional concealment and/or negligent and/or reckless failure to prevent or discover Schulte's continuing acts of sexual misconduct, constitutes a fraud and also prevented Plaintiff from discovering or suing upon the wrongs done to him. Defendant St. John's is therefore equitably estopped from asserting the statute of limitations in this action.

13. Plaintiff did not have knowledge of the injuries relating to the sexual abuse described herein until June 2010. Plaintiff did not discover that he had been injured by the sexual contact described herein until after June 2010. In May 2010 an investigator interviewed the Plaintiff relating to a case in the United States involving another possible victim of Fr. Schulte. After that interview, Plaintiff was required to describe what had happened to him with Fr. Schulte and put it in an affidavit. After Plaintiff completed the affidavit, in June 2010,

Plaintiff began to think about the sexual abuse by Fr. Schulte and the ways that these acts had injured him. Plaintiff also, for the first time, was aware that Fr. Schulte had sexually abused more than he and his friend, while at St. Antonio Abad boarding school. This knowledge led the Plaintiff to believe that the Defendant St. John's may in some way be responsible for failing to supervise Fr. Schulte, for failing to protect Plaintiff from Fr. Schulte, and that St. John's may have defrauded the Plaintiff. At that time, in June 2010, Plaintiff gained sufficient knowledge that he had been injured by the acts of Fr. Schulte and St. John's.

14. As a direct result of the sexual abuse and sexual exploitation, Plaintiff has suffered and will continue to suffer great pain of mind and body, severe and permanent emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, humiliation and psychological injuries, was prevented and will continue to be prevented from performing his normal daily activities and obtaining the full enjoyment of life, has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling and, on information and belief, has incurred and will continue to incur loss of income and/or loss of earning capacity.

**FACTS SUPPORTING CONCEALMENT OF CRIMINAL CONDUCT
BY ST. JOHN'S LEADERS AND CLERGY MEMBERS**

15. Since approximately 1960 through the present, persons controlling, directing and/or participating in the operation of St. John's and its related entities, conspired to intentionally, recklessly and/or negligently conceal criminal conduct of its agents, aided and abetted the concealment of criminal conduct, aided and abetted criminal sexual conduct, failed to report criminal conduct of its agents, evaded criminal and/or civil prosecution and liability, committed fraud and/or fraudulently induced its prospective and current students, alumni, parishioners and the public in furtherance of its scheme to protect predatory priests and other

clergy from criminal prosecution, to maintain or increase charitable contributions and/or avoid public scandal.

16. The following evidence shows that persons controlling and/or participating in the operation of St. John's, engaged in a pattern and practice of fraudulent conduct in order to conceal the criminal and harmful acts of its agents and employees:

Father Raymond Francisco Schulte

17. In 1974, Fr. Raymond Francisco Schulte (hereafter "Fr. Schulte") took his solemn vows and became a monk with the Order of St. Benedict.

18. In 1979, Fr. Schulte was ordained as a priest within the Order of St. Benedict.

19. From approximately 1977 through 1981, Fr. Schulte was assigned as a monk, priest, teacher and principal to the San Antonio Abad boarding school located in Humacao, Puerto Rico that was operated and staffed by St. John's.

20. While serving as a priest, teacher and principal at San Antonio Abad, Fr. Schulte sexually abused at least three (3) students of the school.

21. Fr. Schulte recruited at least one of these boys to attend St. John's Preparatory School and St. John's University in Collegeville, Minnesota, where the sexual abuse continued.

22. In 1981, Fr. Schulte was transferred from St. Antonio Abad to St. John's Preparatory School in Collegeville, Minnesota, U.S.A., where Fr. Schulte served as a chaplain until 1983.

23. As the chaplain at St. John's Preparatory School, Fr. Schulte was responsible for the overall spiritual life of the St. John's Preparatory School community.

24. In 1981, while at St. John's Preparatory School during this period, Fr. Schulte sexually abused a student while serving as a chaperone on a trip to Mexico.

25. From 1983 through 1984, Fr. Schulte's work assignment is unknown.
26. From 1984 through 1986, Fr. Schulte was assigned to the Sacred Heart Cathedral in Raleigh, North Carolina where he served within the Diocese of Raleigh as the Vicar to the Hispanics.
27. While assigned in North Carolina, Fr. Schulte sexually abused two boys, one of which he recruited to return to St. John's Preparatory School in Minnesota.
28. From 1986 through 1988, Fr. Schulte was transferred back to St. John's Preparatory School in Minnesota.
29. While assigned to St. John's Preparatory School, Fr. Schulte was sexually inappropriate with one student and sexually abused another student.
30. In the early 1990's Fr. Schulte attended the Pontifical Gregorian University in Rome, Italy and earned his doctorate in spirituality.
31. From 1994 through 1997, Fr. Schulte was assigned at St. John's in a number of capacities.
32. From 1997 through approximately 2000, Fr. Schulte is assigned to St. Augustine's Monastery in Nassau, Bahamas where he served as the sub-prior.
33. In approximately 2000, Fr. Schulte was transferred from the Bahamas back to St. John's.
34. In 2002, Fr. Schulte was placed "on restriction" because of credible evidence of sexual misconduct.
35. In 2003, Fr. Schulte was granted leave from St. John's.
36. Some time prior to 2006, Fr. Schulte returned to St. John's and was transferred to the world-wide headquarters of the Order of St. Benedict in Rome, Italy and served on the staff

of the Abbot Primate.

Father Bruce Wollmering

37. As counselor and psychologist at St. John's, Fr. Bruce Wollmering (hereinafter "Fr. Wollmering") was responsible for the custody, care, health, welfare, and safety of the students.

38. From an early point St. John's had information regarding and was or should have been on notice of Fr. Wollmering's dangerous and exploitive propensities.

39. On information and belief, in the mid 1960's, Fr. Roger Botz learned that Fr. Wollmering had been sexually inappropriate with a boy or young man.

40. On information and belief, as a result of Fr. Wollmering's conduct and behavior, he developed a reputation in the St. John's community for acting out with students.

41. On information and belief, despite his conduct, behavior, and reputation in the St. John's community, St. John's allowed Fr. Wollmering to remain as counselor and psychologist to University students, where he continued to have unsupervised access to them.

42. On information and belief, St. John's did nothing more to investigate or discover the existence of any other victims of Fr. Wollmering. Instead, in conformity with its pattern and practice, it concealed these acts from victims, prospective students, current students, their families, alumni, parishioners, the public and/or law enforcement authorities.

Brother John Kelly

43. As a member of the faculty at St. John's, Brother John Kelly (hereinafter "Bro. Kelly") was responsible for the custody, care, health, welfare, and safety of the students.

44. From an early point St. John's had information regarding and was or should have been on notice of Bro. Kelly's dangerous and exploitive propensities.

45. On information and belief, as a result of Bro. Kelly's conduct and behavior, he developed a reputation in the St. John's community for acting out with students.

46. On information and belief, despite his conduct, behavior, and reputation in the St. John's community, St. John's allowed Bro. Kelly to remain as a faculty member and faculty resident, where he continued to have unsupervised access to students.

47. On information and belief, St. John's did nothing more to investigate or discover the existence of any other victims of Bro. Kelly. Instead, in conformity with its pattern and practice, it concealed these acts from victims, prospective students, current students, their families, alumni, parishioners, the public and/or law enforcement authorities.

48. From approximately 1981 through 1984, Bro. Kelly abused John UU Doe. This abuse occurred on the premises of St. John's, in Bro. Kelly's office, in John UU Doe's dormitory room, and in the woods on the property owned by St. John's.

49. In 1982, John UU Doe told Father Francisco Schulte, St. John's Chaplin, about the abuse.

50. Despite the report of abuse, Bro. Kelly continued to abuse John UU Doe in 1983 and 1984.

Father Finian McDonald

51. As a member of the faculty at St. John's and as head of the academic advisory program at St. John's, Father Finian McDonald (hereinafter "Fr. McDonald") was responsible for the custody, care, health, welfare, and safety of the students.

52. From an early point St. John's had information regarding and was or should have been on notice of Fr. McDonald's dangerous and exploitive propensities.

53. On information and belief, as a result of Fr. McDonald's conduct and behavior, he

developed a reputation in the St. John's community for acting out with students.

54. On information and belief, despite his conduct, behavior, and reputation in the St. John's community, St. John's allowed Fr. McDonald to remain as a faculty member and head of the academic advisory program at the University, where he continued to have unsupervised access to students.

55. On information and belief, St. John's did nothing more to investigate or discover the existence of any other victims of Fr. McDonald. Instead, in conformity with its pattern and practice, it concealed these acts from victims, prospective students, current students, their families, alumni, parishioners, the public and/or law enforcement authorities.

56. Fr. McDonald was ordained in 1962.

57. Fr. McDonald sexually abused B.B. in 1975 during his senior year in college, on at least three separate occasions, while he attended SJU.

Father Dunstan Moorse

58. Father Dunstan Moorse (hereinafter "Fr. Moorse"), was ordained on May 13, 1978.

59. From 1979 through 1985, Fr. Moorse taught at St. John's and served as a Prefect. As a Prefect, Fr. Moorse's duties included serving as a student monitor and ensuring the health, safety and welfare of the students.

60. From early on, St. John's had information and was on notice of Fr. Moorse's proclivity toward acting out sexually with minors:

- a. In 1978, a Deacon's evaluation stated "teenagers posed the most difficulties in [Moorse's] pastoral relationships."
- b. In 1981, Fr. Moorse sexually abused a boy.

- c. On information and belief, in approximately, 1983, Fr. Schulte, a priest with St. John's warned a student at St. John's Preparatory School to keep his distance from Fr. Moorse.
- d. In approximately 1983, Fr. Moorse sexually abused St. John's student John L. Doe.
- e. On information and belief, in approximately 1983, Fr. Moorse grabbed another student's genitalia. This student reported the incident to a priest at St. John's and was told or made to believe that everything would be handled.
- f. On information and belief, during this time Fr. Moorse also made a sexual advance toward another student. On information and belief, a priest with St. John's was made aware of this situation.
- g. As the following examples indicate, files and documents maintained by St. John's and Defendant's Abbot also show direct knowledge of Fr. Moorse's conduct:
 - i. Abbot's file-May 7, 1984, "Report on improper behavior toward students: some propositioning? Verbal advice in regard to sex (between men?) Chasing a student in a car. Should he be removed from the prep school, i.e., from prefecting? Linus is speaking to him about this. See him (Dunstan) if other reports come in."
 - ii. Abbot's file-May 11, 1984, "He feels that the students have misinterpreted his statements and counsel. He says that he has learned from this turn of events. He wants to continue in the dorms

but he realizes that the talk among students could make it difficult to remain there.”

iii. Abbot's file-June 15, 1984, "Report that parents are calling headmaster and dean of students about Dunstan's counseling, [illegible, scratched out] advice, and actions [illegible, scratched out][?]. Does he have a perspective on the seriousness of the issues? He has a car signed out much of the time. He is following the Springers (Cold Spring baseball team) because a former student is playing on the team; he is gone night after night! Should Dunstan receive some counseling now? Should he go away for graduate studies now? It seems that he should clear up some of his personal issues before going away for studies. See Otto. Some activity a year ago spring. The student is now a Senior (will be a Senior). Some inappropriate language and suggestions. He should no longer be a prefect but he may continue to teach. It seems that he should seek some counseling. He is not very regular in monastic observance.”

iv. Abbot's file-August 27, 1984, "He has not sought counseling; I recommend it once again for the sake of clarifying the issues in his life. He seems to be taking the matter fairly well.”

61. On information and belief, as a result of Fr. Moorse's conduct and behavior, he developed a reputation in the St. John's community for acting out with students.

62. On information and belief, despite all of this evidence St. John's did nothing more

to investigate or discover the existence of any other victims. Instead, in conformity with its pattern and practice, it concealed these acts from victims, prospective students, current students, their families, alumni, parishioners, the public and/or law enforcement authorities and as a result, other students were sexually abused by Fr. Moorese.

63. In 1985, Fr. Moorese sexually abused Plaintiff John Doe 43 on St. John's property. After the incidents of abuse, Fr. Moorese threatened Plaintiff John Doe 43 not to disclose the abuse to anyone.

64. In 1985, Fr. Moorese sexually abused John B. Doe on St. John's property.

65. Thereafter, the Abbot's file on Fr. Moorese and other documents show St. John's conspired to conceal Fr. Moorese's abuse from its prospective students, current students, their families, victims, alumni, parishioners, the public, law enforcement authorities and/or prospective schools or assignments where Fr. Moorese may work:

- a. On July 1, 1986, the Abbot's file indicates another report of sexually improper conduct by Fr. Moorese, "The report is about some words of invitation, holding hands, a touching, and a hugging. Dunstan says it is 85% correct. He did it to keep the fellow from coming around to him and to his office! What a method of keeping him at a distance! The fellow's parents are divorced: . . . This incident happened last fall. [illegible] didn't the kind come in to talk about it? What and when did he report to the counselor?". . . "I learned more about the incident that happened two years ago. He apparently asked a student to disrobe. He also blocked a student from leaving his office, or he tried to do so . . . How many more incidents are there? Julian and Dennis question the propriety of Dunstan's going to

graduate school at this time. Should he not spend more time at counseling?

I hope he can do both. I should insist on regular counseling and a report.”

- b. In a letter dated, July 22, 1986, a priest with St. John’s wrote to Abbot Theisen expressing reservations about writing a letter of recommendation for Fr. Moorse in light of the accusations about him: “Linus had informed me just before he left for California that Dunstan would not be at the Prep school this year, that this had been your decision, and that before I began any work towards finding a replacement for his classes, I must wait until I heard further from either you or Linus. From this, I naturally assumed that the leave results from the allegations and/or incidents of sexual advance, of which I have heard rumor and received student complaint as Senior Prefect. Tonight I called Linus to ask authorization to discuss the matter with you, as I have some problems with supporting Dunstan’s matriculation to a graduate program under these circumstances.” (Emphasis added).
- c. A little over a month later, on August 25, 1986, Abbot Theisen wrote a letter on Fr. Moorse’s behalf to the bishop of Santa Fe diocese asking for a position for Fr. Moorse. In this letter, Abbot Theisen does not disclose any of the allegations of sexually improper conduct against Fr. Moorse but states, in part: “. . . I am unsure about just how much time he will have to devote to parochial work . . . Perhaps he might even be chaplain at a small convent.” Fr. Moorse was granted faculties within the Archdiocese of Santa Fe on or about September 1986.
- d. After leaving the Abbey and moving to Santa Fe, Fr. Moorse and Abbot

Theisen kept in constant contact often discussing his problems and when he could come back to the Abbey. In a letter dated, September 30, 1986, Abbot Theisen writes to Fr. Moorse about what information should be in Fr. Moorse's doctors report: "He [Moorse's counselor] wonders whether he needs to detail his finding in a letter. . . I will not require it but it would be helpful to have some short statement to the effect that you are doing well. I am glad that you have been able to look at some of the issues in your life, both with Dr. Lamb and with Dr. Quenk."

- e. In December of 1986, despite the numerous allegations, Abbot Theisen writes in Fr. Moorse's file wondering what assignment he should take, "Quenk's [Fr. Moorse's physician] letter indicates that Dunstan is not homosexually oriented but that other reasons account for his behavior. . . Should he continue in the fall or take an assignment? I think take an assignment. I told him that I am [illegible] leaning toward Benilde (he sees that it is important to support [illegible])."
- f. In March of 1987, Abbot Theisen writes in Fr. Moorse's file about assigning Fr. Moorse to Benilde and his concerns about that assignment: "We spoke briefly about Benilde. I said that I wanted him to teach there; I know it is a risk. I asked him to ask his counselor about a statement to the effect that it would be a good assignment." (Emphasis added).
- g. On May 8, 1987, Abbot Theisen writes to Fr. Moorse about working at Benilde. Abbot Theisen also mentions that he spoke with Bishop Roach and indicates that Roach told Theisen that he relies on major superiors to

supply him with the proper amount of information.

- h. August 1987 (Abbot's file) ". . . we talked a bit about his moving into the archdiocese; the archbishop asked for no statements."
- i. On information and belief, in approximately 1987 Fr. Moorse was assigned to Benilde St. Margaret's High School where he was a religious instructor.

Father Allen Tarlton

66. Father Allen Tarlton (hereinafter Fr. Tarlton) was ordained in 1955.

67. Fr. Tarlton taught at St. John's from the 1970's through the 1990's.

68. In approximately the fall of 1982, Fr. Tarlton sexually abused John HHH Doe.

69. On or about December 2, 1982, the Abbot sent Fr. Tarlton for treatment at St. Luke Institute for issues with "homosexuality." St. Luke Institute is a licensed psychiatric facility which deals exclusively with clergy and religious men and women who have psychological problems as well as chemical dependency problems.

70. In approximately the summer of 1983, after completing his treatment at St. Luke, Fr. Tarlton returned to St. John's and continued teaching, without restriction, until 1992. As a result of St. John's conduct, other students were abused.

71. On or about fall of 1985, Fr. Tarlton sexually abused Plaintiff John Doe 43. After the incidents of abuse, Fr. Tarlton threatened Plaintiff John Doe 43 not to disclose the abuse to anyone.

72. On information and belief, as a result of Fr. Tarlton's conduct and behavior, he developed a reputation in the St. John's community for acting out with students.

Father Eckroth

73. Father Richard Eckroth (Fr. Eckroth) was ordained in 1952.

74. From approximately 1971 through 1972, Fr. Eckroth abused John Doe 10A on two occasions. The sexual abuse occurred at a cabin located in northern Minnesota, which, on information and belief, was owned and operated by St. John's. Following the sexual abuse, Fr. Eckroth threatened and coerced John Doe 10A into secrecy by telling John Doe 10A that he would kill him if anyone ever found out about the sexual contact.

75. On information and belief, in approximately 1972 through 1976, Fr. Eckroth abused John Doe on two occasions.

76. In 1973, Fr. Eckroth abused John Doe 10B on two occasions. The first instance of sexual abuse occurred at a cabin located in northern Minnesota, which, on information and belief, was owned and operated by St. John's.

77. The second instance of sexual abuse occurred at the St. Augustine's rectory. Fr. Eckroth threatened and coerced John Doe 10B into secrecy by telling him words to the effect of "Don't tell. If you do, you'll be dead."

Father Brennan Maiers

78. Father Brennan Maiers (hereinafter Fr. Maiers) was ordained in 1963.

79. In 1966, Fr. Maiers sexually abused John A Doe.

80. During his tenure with St. John's, Fr. Maiers acted out sexually. In the 1970's, Fr. Maiers engaged in adult consensual homosexual activity. In the 1970's, Fr. Maiers also sought counseling regarding his sexuality. Then, in the early 1980s, Fr. Maiers was also cited, but not charged, for soliciting an adult male police officer.

Abbot John Eidenschenk

81. Father John Eidenschenk (hereinafter Fr. Eidenschenk) was ordained in 1941.

82. From approximately 1962 through 1963, Fr. Eidenschenk abused John Doe 13A

during weekly counseling meetings. During these counseling sessions Fr. Eidenschenk would lead John Doe 13A to Fr. Eidenschenk's bedroom and proceed to fondle him.

83. Following the first incident of abuse, John Doe 13A went to the Rector of the seminary, and asked him if Fr. Eidenschenk should be requesting that John Doe 13A remove his clothes and then proceed to fondle him. In response, the Rector became very angry and ordered John Doe 13A to leave his office.

84. In 1971, Fr. Eidenschenk became Abbot of St. John's.

Father Cosmos Dahlheimer

85. Father Cosmos Dahlheimer (Fr. Dahlheimer) was ordained in 1936.

86. In 1963, Fr. Dahlheimer received shock treatment for psychological problems he was suffering. In letters written to the Abbot, Fr. Dahlheimer indicated that he worried he was a man of weak faith and that he had been told that he may not be able to return to the priesthood. Nevertheless, Fr. Dahlheimer was sent back to serve and work in local parishes.

87. In approximately 1970, while serving at St. Augustine's parish, Fr. Dahlheimer abused John J. Doe.

88. In approximately 1975, while serving at St. Bernard's parish, Fr. Dahlheimer abused John Doe 19A.

89. In approximately 1977, while serving at St. Bernard's parish, Fr. Dahlheimer abused C.T.

90. In approximately 1978, while serving at St. Bernard's parish, Fr. Dahlheimer abused Jon Roe.

91. In approximately 1987, St. John's was made aware of two incidents of sexual abuse by Fr. Dahlheimer. Documents show that initially St. John's did not make Fr. Dahlheimer

aware of the first incident and allegation of abuse.

Father Francis Hoefgen

92. Father Hoefgen (hereinafter Fr. Hoefgen) was ordained in 1979.

93. Fr. Hoefgen served as associate pastor at St. Boniface Church, in Cold Spring, in 1983.

94. On or about 1983, John KKK Doe was staying at St. Cloud hospital. Fr. Hoefgen would visit John KKK Doe often. After his stay at St. Cloud hospital, John KKK Doe went to stay at St. Boniface Parish House. While staying there, Fr. Hoefgen abused John KKK Doe on at least two occasions.

95. In 1984, Fr. Hoefgen's abuse of John KKK Doe was reported to law enforcement authorities. Fr. Hoefgen's statement was taken and he admitted to two acts of sexual abuse with John KKK Doe.

96. In 1984, St. John's sent Fr. Hoefgen to St. Luke Institute for evaluation. Thereafter, St. John's allowed John KKK Doe to maintain his position at St. Boniface—which later merged into St. Elizabeth in 1987--until 1992. Thereafter, he was a guestmaster and personnel coordinator at St. John's.

Father Thomas Gillespie

97. Father Thomas Gillespie (Fr. Gillespie) was ordained in 1964.

98. During approximately 1977 through 1978, Fr. Gillespie abused John Doe 19A on St. John's property.

99. In addition to these named perpetrators who were known to St. John's, the following St. John's clergy members have been credibly accused of sexually abusing children and students:

Brother Andre Bennett

Brother Steve Lilly

Brother Jim Phillips

Brother Isaac Connolly

Fr. Brennan Maiers

Fr. James Kelly

Fr. Robert Blumeyer

Br. Paschal Brisson

Fr. Pirmin Wendt

Fr. Peregrine Berres.

100. Ultimately, several of the victims described above brought lawsuits against St. John's in the early 2000's. In 2002, as a result of these allegations and in an attempt to improve public relations and placate victims, prospective students, current students, their families, alumni, parishioners, the public and/or law enforcement authorities and maintain donations and contributions, St. John's appointed a commission to create a system in which allegations of abuse could be addressed.

101. In 2003, the commission created the External Review Board (hereinafter "ERB"). ERB was presented as St. John's attempt at providing a mechanism to handle and address allegations of abuse. However, on information and belief, when allegations of sexual abuse were brought to ERB, it failed to take prompt or remedial measures to address the allegations.

102. By these acts, St. John's, misrepresented and/or failed to represent facts of known sexual misconduct of Defendant's priests and brothers to victims, prospective students, current students, their families, alumni, parishioners, the public and/or law enforcement authorities and

failed to investigate the allegations and/or make a pastoral outreach. Defendants' actions resulted in the sexual abuse of other children and the exacerbation of injury to victims, including Plaintiff.

103. Upon information and belief, St. John's, by and through its agents, persons controlling and/or directing St. John's, misrepresented and/or failed to present the facts of known sexual misconduct to victims, prospective students, current students, their families, alumni, parishioners, the public and/or law enforcement authorities for the economic purpose of maintaining or increasing charitable contributions and tuition payments.

104. Upon information and belief, after learning of Fr. Schulte's and other brothers' and priests' conduct, St. John's, by and through its agents, ratified the conduct by failing to report them to law enforcement authorities, victims, prospective students, current students, their families, alumni, parishioners and/or the public. Further, St. John's conduct communicated to Plaintiff and other victims that St. John's priests and brothers' conduct was proper and that legal action was not necessary. Therefore, Defendants knew or should have known that their actions would silence Plaintiff and other victims, prevent them from discovering their injuries, their complaints or possible other complaints or victims, and ultimately exacerbate their emotional distress and trauma.

**COUNT I: SEXUAL ABUSE/VICARIOUS
LIABILITY/RATIFICATION**

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

106. From approximately 1978, the Defendant Fr. Schulte engaged in unpermitted, harmful and offensive sexual contact upon the person of Plaintiff constituting sexual abuse in violation of Puerto Rican and Minnesota law. Said conduct was undertaken while the Fr. Schulte

was an employee and agent of Defendant St. John's, while in the course and scope of employment with Defendant St. John's, was ratified by Defendant St. John's and/or was accomplished by virtue of his job-created authority.

107. Defendant St. John's granted Fr. Schulte facilities to perform as a priest, teacher, spiritual leader and counselor within St. John's. Defendant St. John's held Fr. Schulte out to the community as a fit and competent agent of Defendant. Fr. Schulte committed the acts alleged within the apparent authority arising from his agency. Said conduct was undertaken in the course and scope of Fr. Schulte's employment with Defendant St. John's and/or was ratified by Defendant St. John's.

108. Fr. Schulte was acting at least in part to serve the interests of his employers when he committed the sexual abuse. Specifically, Fr. Schulte was acting as a priest, as well as using the trust, power and authority of the position granted, while he was with the Plaintiff. Simultaneously, Fr. Schulte used that same power and authority to gain Plaintiffs' confidence and trust and to sexually abuse Plaintiff.

109. By using his position as a priest and the trust, power and authority of the position conferred on him, Fr. Schulte purported to act and/or speak on behalf of St. John's when he committed the tortious acts alleged herein. Plaintiff further relied upon Fr. Schulte's apparent authority to action behalf of St. John's.

110. Fr. Schulte would not have been able to commit the sexual abuse were he not given the authority to act as a priest by St. John's under their direct supervision. Fr. Schulte conducted his tortious conduct during his agency relationship with St. John's while providing religious instruction and counseling to Plaintiff. Therefore, St. John's is liable for the negligent and wrongful conduct of Fr. Schulte under the law of vicarious liability, including the doctrine of

respondeat superior.

111. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing his daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

COUNT II: NEGLIGENCE

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

113. St. John's assumed a duty to Plaintiff by holding Fr. Schulte out to the public, including Plaintiff, as a competent and trustworthy employee, teacher and counselor of high morals.

114. By accepting custody of the minor Plaintiff, Defendant St. John had a duty to protect and care for the minor Plaintiff when Plaintiff was at San Antonio Abad boarding school.

115. Defendant St. John's breached this duty by exposing Plaintiff to Fr. Schulte, an unfit agent with dangerous and exploitive propensities.

116. It was foreseeable that Fr. Schulte would sexually abuse boarding students at San Antonio Abad if the students and Fr. Schulte were not properly supervised.

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

COUNT III: NEGLIGENT SUPERVISION

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

119. At all times material, Fr. Schulte was employed by Defendant St. John's and was under Defendant's direct supervision, employ and control when he committed the wrongful acts alleged herein. Fr. Schulte engaged in the wrongful conduct while acting in the course and scope of his employment with Defendant St. John's and/or accomplished the sexual abuse by virtue of his job-created authority. St. John's had a duty to supervise Fr. Schulte in order to prevent Fr. Schulte from injuring students. Defendant St. John's failed to exercise ordinary care in supervising Fr. Schulte in his assignment and failed to prevent the foreseeable misconduct of Fr. Schulte from causing harm to others.

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

COUNT IV: FRAUD

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

122. Defendant St. John's affirmatively represented to Plaintiff and his family that Fr. Schulte did not have a history of molesting children, that Defendant St. John's did not know that Fr. Schulte had a history of molesting children and that Defendant St. John's did not know that Fr. Schulte was a danger to children.

123. Defendant St. John's knew that Fr. Schulte had a history of sexually molesting children and was a danger to children.

124. Whether Fr. Schulte had a history of molesting children, whether Defendant St.

John's knew that Fr. Schulte had a history of molesting children and whether Defendant St. John's knew that Fr. Schulte was a danger to children were all material facts to Plaintiff.

125. Had Plaintiff known that Fr. Schulte had a history of sexually molesting children and that Defendant St. John's knew that Fr. Schulte had a history of sexually molesting children Plaintiff would have acted differently.

126. Defendant St. John's made the misrepresentations with the intent to deceive Plaintiff and with the intent to induce Plaintiff to act on the misrepresentations to their detriment.

127. Separate and apart from the representations described above, by assigning Fr. Schulte, Fr. Wollmering, Brother John Kelly, Fr. Finnian McDonald, Fr. Dunston Moorse, Fr. Allen Tarlton, Fr. Eckroth, Fr. Brennan Maiers, Abott John Eidenschenk, Fr. Cosmos Dahlheimer, Fr. Francis Hoefgen and Fr. Thomas Gillespie to positions where they had unsupervised access to children and students, St. John's affirmatively represented to Plaintiff and his family that St. John's did not have a culture of misrepresenting the safety of its employees to students and their parents and that St. John's did not have a pattern and practice of knowingly concealing sexual misconduct from the Plaintiff, his parents, and other students.

128. Fr. Schulte, Fr. Wollmering, Brother John Kelly, Fr. Finnian McDonald, Fr. Dunston Moorse, Fr. Allen Tarlton, Fr. Eckroth, Fr. Brennan Maiers, Abott John Eidenschenk, Fr. Cosmos Dahlheimer, Fr. Francis Hoefgen and Fr. Thomas Gillespie did have a history of sexual misconduct with children and students and St. John's knew about such history and St. John's knew that it had a culture of misrepresenting the safety of its employees to students and their parents and St. John's knew that it had a pattern and practice of knowingly concealing sexual misconduct by a number of its employees from students and parents.

129. Plaintiff justifiably relied upon Defendant's misrepresentations which caused

them to be sexually molested by Schulte and suffer the other damages described herein.

130. Defendant's misrepresentations were the proximate cause of Plaintiff's damages.

COUNT V: FRAUD (NEGLIGENT MISREPRESENTATION)

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

132. St. John's, through its agents, represented to Plaintiff and his family that Fr. Schulte did not have a history of molesting children and that Fr. Schulte was not a danger to children.

133. Fr. Schulte did have a history of sexually molesting children and was a danger to children.

134. St. John's did not necessarily intend or anticipate that the Plaintiff would be harmed or abused because of its representation.

135. St. John's owed a duty of care to Plaintiff because St. John's should have known that Fr. Schulte would have access to children, including Plaintiff, should have known that Fr. Schulte was a danger to children, should have known that Fr. Schulte had molested children before he molested Plaintiff, and should have known that parents and children would place the utmost trust in Fr. Schulte.

136. St. John's, through its agents, in acts separate from and before its representation, failed to use ordinary care in making the representation or in ascertaining the facts related to Fr. Schulte. St. John's reasonably should have foreseen that its representation would subject Plaintiff to the unreasonable risk of harm.

137. St. John's failed to use ordinary care to determine Fr. Schulte's history of molesting children and whether he was safe for work with children before St. John's made their

representation about Fr. Schulte.

138. Plaintiff believed and justifiably relied upon St. John's representations which caused them to be sexually molested by Fr. Schulte and suffer the other damages described herein.

139. All the causes of action pled herein before are contrary to the laws of the Commonwealth of Puerto Rico, particularly, article 1802 of the Civil Code (31 L.P.R.A. sec. 5141).

140. Plaintiff demands a trial by jury.

WHEREFORE, Plaintiff demands judgment against Defendants in an amount in excess of \$75,000 plus costs, disbursements, reasonable attorneys fees, interest, and whatever other relief the Court deems just and equitable.

Respectfully Submitted,

Dated: May 2, 2011.

s/Patrick W. Noaker
Jeffrey R. Anderson
Patrick W. Noaker
JEFF ANDERSON & ASSOCIATES, P.A.
366 Jackson Street, Suite 100
St. Paul, Minnesota 55101 USA
651-227-9990; FAX 651-297-6543
Attorneys for Plaintiff

(Motion to Appear Pro Hac Vice Pending)

s/Enrique Velez Rodriguez
Enrique Velez Rodriguez, Esquire
P.O. Box 70351
San Juan, PR 00936-0351
787-751-1219, FAX 787-751-3991
USDC PR 120304
Attorney for Plaintiff