

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

Case Type: Personal Injury

Minor Doe 31, by and through his Guardian,
Guardian Doe 31,

Plaintiff,

SUMMONS

vs.

Archdiocese of St. Paul and Minneapolis,
and Curtis Wehmeyer,

Defendants.

THIS SUMMONS IS DIRECTED TO DEFENDANTS ABOVE NAMED.

1. **YOU ARE BEING SUED.** The Plaintiff has started a lawsuit against you. The Plaintiff's Complaint against you is attached to this Summons. Do not throw these papers away. They are official papers that affect your rights. You must respond to this lawsuit even though it may not yet be filed with the Court and there may be no court file number on this Summons.

2. **YOU MUST REPLY WITHIN 20 DAYS TO PROTECT YOUR RIGHTS.** You must give or mail to the person who signed this Summons a **written response** called an Answer within 20 days of the date on which you received this Summons. You must send a copy of your Answer to the person who signed this Summons located at Jeff Anderson & Associates, P.A., 366 Jackson Street, Suite 100, St. Paul, MN 55101.

3. **YOU MUST RESPOND TO EACH CLAIM.** The Answer is your written response to the Plaintiff's Complaint. In your Answer you must state whether you agree or disagree with each paragraph of the Complaint. If you believe the Plaintiff should not be given

everything asked for in the Complaint, you must say so in your Answer.

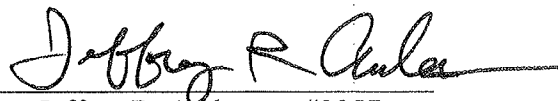
4. **YOU WILL LOSE YOUR CASE IF YOU DO NOT SEND A WRITTEN RESPONSE TO THE COMPLAINT TO THE PERSON WHO SIGNED THIS SUMMONS.** If you do not Answer within 20 days, you will lose this case. You will not get to tell your side of the story, and the Court may decide against you and award the Plaintiff everything asked for in the Complaint. If you do not want to contest the claims stated in the Complaint, you do not need to respond. A default judgment can then be entered against you for the relief requested in the Complaint.

5. **LEGAL ASSISTANCE.** You may wish to get legal help from a lawyer. If you do not have a lawyer, the Court Administrator may have information about places where you can get legal assistance. **Even if you cannot get legal help, you must still provide a written Answer to protect your rights or you may lose the case.**

6. **ALTERNATIVE DISPUTE RESOLUTION.** The parties may agree to or be ordered to participate in an alternative dispute resolution process under Rule 114 of the Minnesota General Rules of Practice. You must still send your written response to the Complaint even if you expect to use alternative means of resolving this dispute.

Dated: 1/30/14

JEFF ANDERSON & ASSOCIATES, P.A.



By: Jeffrey R. Anderson, #2057
Sarah G. Odegaard, #390760
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and Curtis Wehmeyer,

Defendants.

COMPLAINT

Plaintiff, for his causes of action against Defendants, alleges that:

PARTIES

1. At all relevant times for this Complaint, Plaintiff Doe 31 resided in the State of Minnesota. The identity of Minor Plaintiff Doe 31 and Guardian Doe 31 have been disclosed under separate cover to Defendants.

2. At all times material, Defendant Archdiocese of St. Paul and Minneapolis (“Defendant Archdiocese”) 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 226 Summit Avenue, St. Paul, Minnesota. The Archbishop is the top official of Defendant Archdiocese and is given authority over all matters within Defendant Archdiocese as a result of his position. Defendant Archdiocese functions as a business by engaging in numerous revenue producing activities and soliciting money from its members in

exchange for its services. Defendant Archdiocese has several programs which seek out the participation of children in Defendant Archdiocese's activities. Defendant Archdiocese, through its officials, has control over those activities involving children. Defendant Archdiocese has the power to appoint, supervise, monitor, and fire each person working with children within Defendant Archdiocese.

3. At all times material, Defendant Rev. Curtis C. Wehmeyer (hereinafter "Wehmeyer") was an adult male resident of the State of Minnesota.

FACTS

4. At all times material, Reverend Curtis C. Wehmeyer, was a Roman Catholic priest employed by Defendant Archdiocese. At all times material, Wehmeyer remained under the direct supervision, employ and control of Defendant Archdiocese. Defendant Archdiocese placed Wehmeyer in positions where he had access to and worked with children as an integral part of his work.

5. Wehmeyer was ordained as a priest on May 26, 2001.

6. From 2001 to 2012, Wehmeyer was employed by Defendant Archdiocese as a priest at Church of St. Joseph's in West St. Paul, Minnesota and Parish of the Blessed Sacrament (hereinafter "Blessed Sacrament") in St. Paul, Minnesota, both within Defendant Archdiocese.

7. From approximately 2008 to 2011, Wehmeyer engaged in unpermitted sexual contact with Plaintiff Doe 31 while he was approximately 11 to 14 years old.

8. On November 8, 2012, Wehmeyer plead guilty to one count of second degree criminal sexual conduct with a minor under 13 years of age, two counts of fifth degree criminal sexual conduct and seventeen counts of possessing child pornography.

9. Wehmeyer admitted to touching Doe 31's genitals more than once and

masturbating in front of the young boy.

10. Wehmeyer sexually abused Doe 31 in his camper while it was parked on the grounds of Blessed Sacrament, and on camping trips.

11. Wehmeyer supplied Doe 31 with marijuana, alcohol, cigarettes, and pornography.

12. Before Wehmeyer sexually abused Doe 31, Defendant Archdiocese knew or should have known that Wehmeyer was a sex addict, a child molester, unable to control his sexual impulses, and/or knew or should have known that Wehmeyer was a danger to children.

13. Upon information and belief, in May 2004, Wehmeyer approached two young men, age 19 and 20, for sex at a Barnes & Noble store in Roseville, Minnesota.

14. Upon information and belief, a report was made to a Defendant Archdiocese Official, then Vicar General Kevin McDonough, regarding the Barnes & Noble incident involving Wehmeyer.

15. Upon information and belief, as a result, in 2004, after the Barnes & Noble incident, Defendant Archdiocese sent Wehmeyer to Saint Luke's Institute in Maryland, a treatment center for clergy with sexual disorders.

16. Upon information and belief, upon Wehmeyer's return from Saint Luke's Institute, Defendant Archdiocese required Wehmeyer to attend sexaholics anonymous.

17. Upon information and belief, on March 21, 2005, Fr. McDonough met with Wehmeyer and Wehmeyer's therapist Paul Ruff.

18. Upon information and belief, between 2005 and 2012, Defendant Archdiocese kept Wehmeyer under its monitoring program for priests who committed sexual misconduct, meaning that Tim Rourke, Defendant Archdiocese's promoter of ministerial standards, checked in on Wehmeyer periodically.

19. In 2006, Wehmeyer sexually abused a young boy. Wehmeyer got the child intoxicated to the point of passing out while camping.

20. Upon information and belief, in 2006, Wehmeyer was caught by a Ramsey County Sheriff's officer driving by Keller Park in Maplewood, a park known for anonymous sexual encounters. The officer warned Defendant Archdiocese by reporting the incident to Fr. McDonough. In that meeting with Fr. McDonough, the officer identifies Wehmeyer as the priest he stopped. Fr. McDonough told the officer that Defendant Archdiocese had already received a report of the Barnes & Noble bookstore incident.

21. In 2006, Defendant Archdiocese assigned Wehmeyer as Parochial Administrator at Blessed Sacrament in St. Paul, Minnesota.

22. Upon information and belief, in February 2009, Wehmeyer underwent a background check by Defendant Archdiocese for the first time.

23. Upon information and belief, in April 2009, an official of Defendant Archdiocese, Jennifer Haselberger, wrote a memo to Archbishop Nienstedt detailing Wehmeyer's questionable behavior and numerous reports, including the Barnes & Noble incident and his treatment at Saint Luke's Institute. Haselberger assumed the memo would "end Wehmeyer's career". Wehmeyer continued to serve as a priest at Blessed Sacrament until his arrest in 2012.

24. Upon information and belief, in 2009, a priest called Defendant Archdiocese, and reported that Wehmeyer had approached him for sex.

25. Upon information and belief, in 2009, Defendant Archdiocese received a report that Wehmeyer was acting suspiciously with boys at a campground.

26. Upon information and belief, during the summers of 2009 and 2010, Tad Wicklander, an employee at Blessed Sacrament, reported seeing young boys alone in a camper

with Wehmeyer in the Blessed Sacrament parish parking lot to Debbie Phillips, Business Administrator at Blessed Sacrament.

27. In the summer of 2009, Wehmeyer took Doe 31 alone on a camping trip. Wehmeyer gave the minor gifts on the trip, including a sweatshirt and a watch.

28. On July 1, 2009, Defendant Archdiocese promoted Wehmeyer to Pastor at Blessed Sacrament (merged with St. Thomas the Apostle) in St. Paul, MN.

29. Wehmeyer served at Blessed Sacrament until his arrest in 2012.

30. In the summer or early fall of 2009, then Defendant Archdiocese Vicar General Sirba, now Bishop of the Diocese of Duluth, called Guardian Doe 31 on behalf of Defendant Archdiocese because he learned that Wehmeyer took Doe 31 camping alone. Sirba told Guardian Doe 31 that times have changed, and so as to avoid scandal, Guardian Doe 31 should make sure that whenever the boys are alone with Wehmeyer, another adult is present.

31. On September 29, 2009, Wehmeyer was arrested for DWI in Fillmore County. Police received a complaint about Wehmeyer appearing intoxicated, trying to pick up teenagers and asking a young boy, age 15, to get in his truck to take him to his camper at a state park nearby. Upon arrest, Wehmeyer asks to call his lawyer, Joseph Kueppers, now Chancellor for Civil Affairs of Defendant Archdiocese.

32. On October 27, 2009, Wehmeyer pled guilty and was sentenced to 90 days in jail and two years of supervised probation. He served 3 days on electric home monitoring with the remaining 87 stayed for two years.

33. In August 2010, Wehmeyer took Doe 31 on camping trip to Savanna Portage State Park in McGregor, MN. Daniel Vincent Mehskiomer also went on the camping trip. Mehskiomer reports to police in August 2012 that he left after 3 days of camping and that

Wehmeyer assured him that another priest would be arriving that day.

34. In 2011, Defendant Archdiocese official Fr. McDonough wrote a memo to Tim Rourke, instructing him to not disclose Wehmeyer's history of sexual misconduct to parishioners at Blessed Sacrament.

35. In July 2011, another child is abused by Wehmeyer in Wehmeyer's camper parked at Blessed Sacrament parking lot.

36. Upon information and belief, in July or August 2011, Blessed Sacrament Director of Maintenance Tad Wicklander sees Wehmeyer bringing 3 bowls of ice cream to his camper. Wicklander does not go into the camper because he does not want "to find out what the hell is going on in there."

37. On June 15, 2012, Guardian Doe 31 reported sexual abuse of Doe 31 by Wehmeyer to Fr. Erickson, an agent of Defendant Archdiocese. In response, Fr. Erickson told Guardian Doe 31 that either she make the police report or that Defendant Archdiocese, by its official Andrew Eisenzimmer, will make the police report. Guardian Doe 31 told Fr. Erickson that she wants the Archdiocese to make the police report. Fr. Erickson assured Guardian Doe 31 this will happen right away.

38. On June 19, 2012, Greta Sawyer, a non-clergy agent of Defendant Archdiocese conducted a detailed, two and a half hour interview with Doe 31 regarding the sexual abuse by Wehmeyer. The interview is recorded by Sawyer. Upon information and belief, the content of the interview has never been released outside Defendant Archdiocese files, and has therefore never been made known to law enforcement, Guardian Doe 31 or Doe 31.

39. On June 20, 2012, Defendant Archdiocese opened an internal canonical investigation of Wehmeyer. Archbishop Nienstedt authored a Decree announcing the official

canonical investigation into Wehmeyer sexually abusing children. The Archbishop wrote that Defendant Archdiocese first received report of Wehmeyer sexually abusing children on June 18, 2012.

40. On June 21, 2012, Defendant Archdiocese official Deacon John Vomastek emails St. Paul police commander Axel Henry to inform him that Wehmeyer will be relieved of his duties the next day.

41. Axel Henry sends a return email to Deacon Vomastek, emphasizing that the St. Paul Police "have NO reports with the names given" (emphasis in original).

42. Upon information and belief, on the morning of June 21, 2012, Defendant Archdiocese officials Fr. McDonough and Deacon Vomastek met with Wehmeyer at Blessed Sacrament Rectory. During that meeting, Fr. McDonough and Deacon Vomastek take Wehmeyer's gun and computer from the rectory and urge him to move out of the rectory immediately. After the meeting, Wehmeyer tells Debbie Phillips that nothing oral happened and no penetration happened only fondling. Phillips is instructed later that day by a top Archdiocesan official to not say anything to parish employees or parishioners.

43. Upon information and belief, on June 21, 2012, Wehmeyer moved his camper into storage, and Wehmeyer and/or Archdiocesan officials cleaned out the camper and/or destroyed any potential evidence contained therein.

44. Upon information and belief, on June 22, 2012, at 9:30 a.m., Wehmeyer returned to his camper, and is believed to have destroyed evidence. Police seized the camper and searched it one hour later.

45. On June 22, 2012, at 2:30 p.m., Wehmeyer was arrested in Ramsey County for one count of Criminal Sex Conduct-2nd Degree-Victim Under 13 > 36m old and two counts of

Criminal Sex Conduct-5th Degree-Lewd Exhibition-Under 16.

46. On June 24, 2012, Defendant Archdiocese issued a statement stating that Wehmeyer removed as pastor, will remain a priest but cannot perform any duties of the church.

47. Upon information and belief, on June 25, 2012, Archdiocese officials Andrew Eisenzimmer and Deacon Vomastek hand over Wehmeyer's laptop to St. Paul Police.

48. Upon information and belief, on July 7, 2012, the Blessed Sacrament rectory was searched, and child porn was discovered on Wehmeyer's laptop found in the closet of the rectory.

49. Upon information and belief, on November 1, 2012, Defendant Archdiocese commenced the laicization process for Wehmeyer.

50. Upon information and belief, in 2012, Defendant Archdiocese official Jennifer Haselberger reported Defendant Archdiocese's failure to report child endangerment and child pornography to the Ramsey County Attorney's Office.

51. On November 8, 2012, Wehmeyer pled guilty to 20 counts against him involving criminal sexual conduct with a minor and possession of child pornography and entered sex offender treatment.

52. On February 1, 2013, Wehmeyer was sentenced to 5 years in prison.

53. On February 7, 2013, Defendant Archdiocese returned Wehmeyer's gun to the St. Paul Police. The gun was kept in the vault at the Office for Canonical Affairs.

54. In 2013, Defendant Archdiocese official Haselberger again reported Defendant Archdiocese's failure to report child endangerment and child pornography to the Ramsey County Attorney.

55. Plaintiff Doe 31 was raised in a devout Roman Catholic family and participated in

activities at Blessed Sacrament. Plaintiff, therefore, developed great admiration, trust, reverence and respect for the Roman Catholic Church, including Defendant Archdiocese and its agents.

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

57. Further, Defendant Archdiocese, by holding itself out as being able to provide a safe environment for children, solicited and/or accepted this position of empowerment. This empowerment prevented the then minor Plaintiff from effectively protecting himself and Defendant Archdiocese thus entered into a fiduciary relationship with Plaintiff.

58. Defendant Archdiocese had a special relationship with Plaintiff.

59. Defendant Archdiocese owed Plaintiff a duty of reasonable care because it had superior knowledge about the risk that Wehmeyer posed to Plaintiff, the risk of abuse in general in its programs and/or the risks that its facilities posed to minor children.

60. Defendant Archdiocese owed Plaintiff a duty of reasonable care because it solicited youth and parents for participation in its youth programs; encouraged youth and parents to have the youth participate in its programs; undertook custody of minor children, including Plaintiff; promoted its facilities and programs as being safe for children; held its agents including Wehmeyer out as safe to work with children; encouraged parents and children to spend time with its agents; and/or encouraged its agents, including Wehmeyer, to spend time with, interact with, and recruit families and children.

61. Defendant Archdiocese had a duty to Plaintiff to protect him from harm because its actions created a foreseeable risk of harm to Plaintiff.

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

63. Defendant Archdiocese also breached its duties to Plaintiff by failing to warn him and his family of the risk that Wehmeyer posed and the risks of child sexual abuse by clerics. It also failed to warn him about any of the knowledge that Defendant had about child sex abuse.

64. Defendant Archdiocese also breached its duties to Plaintiff by failing to report Wehmeyer's abuse of children to the police and law enforcement.

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

66. Defendant Archdiocese 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 Defendant Archdiocese were safe.

67. Defendant Archdiocese knew or should have known that there was a risk of child sex abuse for children participating in Catholic programs and activities within Defendant Archdiocese.

68. Defendant Archdiocese knew or should have known that it did not have sufficient information about whether or not there was a risk of child sex abuse for children participating in Catholic programs and activities within Defendant Archdiocese.

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

70. Defendant Archdiocese 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.

71. Defendant Archdiocese was negligent and/or made representations to Plaintiff and his family during each and every year of his minority.

72. In 2013, Defendant Archdiocese publicly admitted that there were 34 priests who worked in Defendant Archdiocese that had been accused of sexually molesting minors. Defendant Archdiocese has since released those names to the public. However, Defendant Archdiocese refuses to disclose to the public documents on the perpetrators. As a result, the histories of the abusive clerics are still concealed.

73. Defendant Archdiocese falsely represents that its parishes, schools and programs are safe places for children. Defendant Archdiocese states on its website:

“The Archdiocese has had a zero tolerance approach to sexual abuse of minors in Church ministry for more than 20 years: a person accused of such abuse is removed immediately from ministry pending the outcome of an investigation. We cooperate immediately and fully with police and other civil authorities in all investigations. Victim assistance services are offered from the outset. The Archdiocese first published a wide-ranging policy on prevention of and response to sexual misconduct in ministry in 1992. The policy was last revised in 2013, as *Strengthening Trust*. Archdiocesan policies and actions for more than two decades have shown: we do not tolerate sexual abuse of minors and we have demonstrated how swiftly we will act when this tragedy does occur.”

74. On December 17, 2013, the St. Paul Police Chief announced in a press conference that Defendant Archdiocese is not cooperating fully with the police in ongoing investigations into child sexual abuse by Archdiocesan agents.

75. As a direct result of 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 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 and/or will incur loss of income and/or loss of earning capacity.

**COUNT I: DEFENDANT REV. CURTIS C. WEHMEYER -
SEXUAL BATTERY**

76. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count and further alleges:

77. Between approximately 2008-2011, Defendant Wehmeyer inflicted unpermitted, harmful, and offensive sexual contact several times upon the person of Plaintiff Doe 31.

78. As a direct result of Defendant Wehmeyer's wrongful conduct, Plaintiff has suffered the injuries alleged herein.

**COUNT II: DEFENDANT ARCHDIOCESE –
NUISANCE (COMMON LAW AND MINN. STAT. § 561.01)**

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

80. Defendant Archdiocese continues to conspire and engage and/or has conspired and engaged in efforts to: 1) conceal from the general public the sexual assaults committed by, the histories of, and the pedophilic/ephebophilic tendencies of, Wehmeyer and Defendant Archdiocese's other agents on its list of credibly accused priests; 2) attack the credibility of the victims of Defendant's agents; and/or 3) protect Defendant's agents from criminal prosecution for their sexual assaults against children.

81. The negligence and/or deception and concealment by Defendant Archdiocese 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 Defendant Archdiocese of St. Paul and Minneapolis and all other members of the general public who live in communities where Defendant Archdiocese'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 Archdiocese 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 Archdiocese conducted, and continues to conduct, its business.

82. The negligence and/or deception and concealment by Defendant Archdiocese was specially injurious to Plaintiff's health as he was sexually assaulted by Defendant Archdiocese's agent, Wehmeyer.

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

84. Plaintiff also suffered special, particular and peculiar harm after he learned of Defendant Archdiocese's concealment of its list of priests credibly accused of sexually molesting minors, and the histories of those priests credibly accused of sexually molesting minors, which continues as long as the histories remains concealed. As a result of the concealment, Plaintiff has suffered and continues to suffer lessened enjoyment of his life, impaired health, emotional distress, and/or physical symptoms of emotional distress. He has also experienced depression, anxiety, and/or anger.

85. The continuing public nuisance created by Defendant Archdiocese 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.

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

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

**COUNT III: DEFENDANT ARCHDIOCESE -
NEGLIGENCE**

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

89. Defendant Archdiocese owed Plaintiff a duty of reasonable care.

90. Defendant Archdiocese breached the duty of reasonable care it owed Plaintiff.

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

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

**COUNT IV: DEFENDANT ARCHDIOCESE -
NEGLIGENT SUPERVISION**

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

94. At all times material, Defendant Wehmeyer was employed by Defendant Archdiocese and was under Defendant Archdiocese's direct supervision, employ and control when he committed the wrongful acts alleged herein. Defendant Wehmeyer engaged in the wrongful conduct while acting in the course and scope of his employment with Defendant Archdiocese and/or accomplished the sexual abuse by virtue of his job-created authority.

Defendant Archdiocese failed to exercise ordinary care in supervising Defendant Wehmeyer in his parish assignment within Defendant Archdiocese and failed to prevent the foreseeable misconduct of Defendant Wehmeyer from causing harm to others, including the Plaintiff herein.

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

**COUNT V: DEFENDANT ARCHDIOCESE –
NEGLIGENT RETENTION**

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

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

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

**COUNT VI: DEFENDANT ARCHDIOCESE –
SPOILIATION OF EVIDENCE**

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

100. Defendant Archdiocese maintained exclusive possession and control of evidence critical to Wehmeyer's misconduct involving Doe 31 and Plaintiff's potential civil claims.

101. Defendant Archdiocese knew of Plaintiff's potential civil claims.

102. Defendant Archdiocese owed Plaintiff a duty to preserve the critical evidence.

103. Defendant Archdiocese breached its duty owed by its spoliation of the evidence.

104. Defendant Archdiocese's breach of the duty was the proximate cause of Plaintiff's prejudice and injury.

105. Defendant Archdiocese knew or should have known the evidence would be relevant to imminent litigation and should be preserved for pending or future litigation.

106. Defendant Archdiocese intentionally, inadvertently, and/or negligently destroyed evidence interfering with, pertinent to and/or necessary to Plaintiff's claims.

107. As a result of Defendant Archdiocese's conduct, Plaintiff has suffered injury and damage in being deprived critical evidence preventing him and/or impeding his ability to prove and/or allege the entirety of claims available to him under the law.

**COUNT VII: DEFENDANT ARCHDIOCESE—
DECEPTIVE TRADE PRACTICES (M.S.A. § 325D.44)**

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

109. Defendant Archdiocese's false, misleading and/or confusing assertions and non-disclosures about child sex abuse and known abusers under its control and supervision have created a false impression about the standards and quality of the services it provides, and the general safety of minor students in working with its agents, including Wehmeyer.

110. Defendant Archdiocese's conduct described herein has created a likelihood of confusion or misunderstanding as to the quality and standard of the services it provides to the public.

111. Defendant Archdiocese willfully engaged in the trade practices knowing it to be deceptive.

112. As a direct result of Defendant Archdiocese's conduct, Plaintiff has suffered the

injuries and damages described herein.

**COUNT VIII: DEFENDANT ARCHDIOCESE –
FALSE STATEMENT IN ADVERTISEMENT (M.S.A. § 325F.67 & M.S.A. § 8.31)**

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

114. Defendant Archdiocese, by and through its agents, servants and employees, has engaged in a practice of purposeful, reckless, or negligent conduct in order to create a misleading impression about the safety and environment at its parishes, youth programs, and other activities.

115. Defendant Archdiocese has disseminated false statements to the public about its handling and knowledge of sexual abuse at its facilities and its efforts to protect children, and has failed to disclose material information about the dangerous propensities it knew or should have known a number of its agents possessed in an effort to protect itself from scrutiny and cast itself in a positive light so that it can sell and/or increase consumption of the services it provides to the public.

116. As a result of Defendant Archdiocese's conduct, Plaintiff has suffered the injuries and damages described herein.

**COUNT IX: DEFENDANT ARCHDIOCESE –
VICARIOUS LIABILITY**

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

118. At all times material, Defendant Wehmeyer was employed by Defendant Archdiocese. As such, Defendant Wehmeyer was under the Defendant Archdiocese's direct supervision, employ and control when he committed the harmful sexual acts alleged herein.

119. Defendant Wehmeyer engaged in this conduct while acting in the course and scope of his employment with Defendant Archdiocese and/or accomplished the sexual exploitation by virtue of his job-created authority.

120. Defendant Archdiocese is liable for the wrongful conduct of Defendant Wehmeyer under the law of vicarious liability, including the doctrine of respondeat superior.

121. As a direct result of the sexual abuse, Plaintiff has suffered and will continue to suffer great pain of mind and body, severe and permanent 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.

PRAYER FOR RELIEF

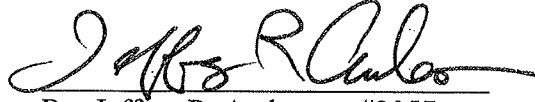
122. Plaintiff demands judgment against Defendants, individually, jointly and severally, in an amount in excess of \$50,000.00, plus costs, disbursements, reasonable attorney's fees, interest, sanctions, and such other and further relief as the court deems just and equitable.

123. Plaintiff requests an order requiring that Defendant Archdiocese publicly release the history of abuse of each credibly accused child molesting cleric and each such cleric's pattern of grooming and sexual behavior. This includes the release of Defendant Archdiocese's documents on the clerics.

DEMAND IS HEREBY MADE FOR A TRIAL BY JURY.

Dated: 1/30/14

JEFF ANDERSON & ASSOCIATES, P.A.



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(651) 227-9990

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.

