

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Joseph McLean, Paul Dunn, Phillip DiWilliams,
Darin Buckman, Mark Pinkosh and Troy Franks,

Case No.: 18-cv-3175

Plaintiffs,

v.

COMPLAINT

United States Conference of Catholic Bishops,

Defendant.

Plaintiffs, for their cause of action against Defendant, allege that:

PARTIES

1. Plaintiff Joseph McLean is an adult male resident of the State of Minnesota.
2. Plaintiff Paul Dunn is an adult male resident of the State of New York.
3. Plaintiff Phillip DiWilliams is an adult male resident of the State of Pennsylvania.
4. Plaintiff Darin Buckman is an adult male resident of the State of Illinois.
5. Plaintiff Mark Pinkosh is an adult male resident of the State of California.
6. Plaintiff Troy Franks is an adult male resident of the State of California.
7. Defendant United States Conference of Catholic Bishops (hereinafter "USCCB")

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 across the United States of America with its principal place of business at 3211 Fourth Street, N.E., Washington, DC 20017. Defendant USCCB was created in approximately 1966. Later, Defendant USCCB created a corporation called the United States Conference of Catholic Bishops to conduct some of its affairs.

8. Defendant USCCB is composed of Catholic Bishops from each Diocese throughout the United States and represents Bishops, Archbishops and their Dioceses. Defendant USCCB functions as a business by engaging in activities promoting, advancing and furthering the policies, practices and interests of Catholic institutions in the United States of America. Cardinal Daniel N. DiNardo, Archbishop of the Archdiocese of Galveston-Houston is the president of the USCBB. Archbishop Jose Gomez, the Archbishop of the Archdiocese of Los Angeles is the vice-president of the USCCB. Archbishop Dennis Schnurr, the Archbishop of the Archdiocese of Cincinnati is the treasurer of the USCCB. Archbishop Gregory Aymond, Archbishop of the Archdiocese of New Orleans is the secretary of the USCCB.

9. Defendant USCBB transacts business in every state, including Minnesota.

JURISDICTION

10. Plaintiffs bring their 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.

FACTS

11. In approximately 1981, when Plaintiff McLean was approximately 17 years old, Fr. Michael Charland, O.M.I. (hereinafter “Fr. Charland”) engaged in unpermitted sexual contact with Plaintiff.

12. Fr. Charland was ordained a Roman Catholic priest of the Order of Mary Immaculate in approximately 1971.

13. Fr. Charland was assigned to parishes in Minnesota, Nebraska, Wisconsin and Illinois prior to sexually abusing Plaintiff McLean in approximately 1981.

14. Plaintiff McLean was raised to trust, revere and respect the Roman Catholic Church, of which Defendant USCCB and its agents are a part. Plaintiff and his family came into contact with Fr. Charland as a Roman Catholic priest at St. Mary's Church in the Archdiocese of Saint Paul and Minneapolis in Minnesota.

15. Fr. Charland was removed from the priesthood in approximately 1989.

16. The full extent of Fr. Charland's sexual abuse of minors has not been disclosed publicly by Defendant USCCB.

17. From approximately 1976 to 1978, when Plaintiff Dunn was approximately 10 to 11 years old, Fr. Cornelius Otero (hereinafter "Fr. Otero") engaged in unpermitted sexual contact with Plaintiff.

18. Fr. Otero was ordained a Roman Catholic priest of the Diocese of Brooklyn in approximately 1949.

19. Plaintiff Dunn was raised to trust, revere and respect the Roman Catholic Church, of which Defendant USCCB and its agents are a part. Plaintiff and his family came into contact with Fr. Otero as a Roman Catholic priest at St. Joan of Arc in the Diocese of Brooklyn in New York.

20. In approximately 1979, after the sexual abuse of Plaintiff, Fr. Otero was arrested for selling books containing obscene photographs of children to undercover law enforcement officers. Fr. Otero avoided serving time in jail as a result of his behavior by aiding law enforcement in apprehending other predators.

21. In approximately 1979 or 1980, Fr. Otero was sent out of state to receive treatment.

22. From approximately 1988 to 1995, Fr. Otero was employed at St. Francis Hospital in the Diocese of Hartford in Connecticut.

23. The true nature of Fr. Otero's sexual abuse of minors has not been disclosed publicly by Defendant USCCB.

24. From approximately 1969 to 1973, when Plaintiff Phillip DiWilliams was approximately 14 to 18 years old, Fr. John Schmeer (hereinafter "Fr. Schmeer") engaged in unpermitted sexual contact with Plaintiff.

25. Fr. Schmeer was ordained a Roman Catholic priest of the Archdiocese of Philadelphia in approximately 1964.

26. Plaintiff DiWilliams was raised to trust, revere and respect the Roman Catholic Church, of which Defendant USCCB and its agents are a part. Plaintiff and his family came into contact with Fr. Schmeer as a Roman Catholic priest at Roman Catholic High School in the Archdiocese of Philadelphia in Pennsylvania.

27. In approximately 2002, Monsignor William Lynn, then Secretary for Clergy of the Archdiocese of Philadelphia learned that Fr. Schmeer sexually abused a student at Roman Catholic High School in the late 1960s. The student reported that he knew of 15 or 16 other boys whom Fr. Schmeer had abused.

28. Fr. Schmeer was sent to Saint John Vianney in Downingtown, Pennsylvania, a treatment facility used by Defendant and Catholic Bishops for evaluation and psychological treatment of sexually abusive clergy.

29. In approximately 2004, after the student filed a lawsuit against the Archdiocese for the abuse he suffered by Fr. Schmeer, the Archdiocese placed Fr. Schmeer on a leave of absence.

30. In approximately 2010, Plaintiff DiWilliams contacted the Archdiocese of Philadelphia and met with the Archdiocese's victim assistance coordinator. The Archdiocese took no other action in response to Plaintiff's report.

31. Fr. Schmeer remains a priest of the Archdiocese of Philadelphia and resides in a retirement home owned and operated by the Archdiocese.

32. The true nature of Fr. Schmeer's sexual abuse of minors has not been disclosed publicly by Defendant USCCB.

33. From approximately 1979 to 1984, when Plaintiff Buckman was approximately 8 to 14 years old, Fr. John Anderson (hereinafter "Fr. Anderson") engaged in unpermitted sexual contact with Plaintiff.

34. Fr. Anderson was ordained a Roman Catholic priest of the Diocese of Peoria in approximately 1959.

35. Plaintiff Buckman was raised to trust, revere and respect the Roman Catholic Church, of which Defendant USCCB and its agents are a part. Plaintiff and his family came into contact with Fr. Anderson as a Roman Catholic priest at St. Edward in the Diocese of Peoria in Illinois.

36. Fr. Anderson was removed from parish work in approximately 1993 as a result of his sexual abuse of minors. However, Fr. Anderson continued to work "on special assignment" until approximately 2002.

37. Fr. Anderson was allowed to retire in approximately 2002 and continues to remain a priest of the Diocese of Peoria.

38. The full extent of Fr. Anderson's sexual abuse of minors has not been disclosed publicly by Defendant USCCB.

39. From approximately 1973 to 1975, when Plaintiff Pinkosh was approximately 9 to 11 years old, Fr. Joseph Henry (hereinafter "Fr. Henry") engaged in unpermitted sexual contact with Plaintiff.

40. Fr. Henry was ordained a Roman Catholic Priest of the Maryknoll Order in approximately 1933.

41. The full extent of Fr. Henry's sexual abuse of minors has not been disclosed publicly by Defendant USCCB.

42. Plaintiff Pinkosh reported the sexual abuse he suffered by Fr. Henry to different priests at St. Anthony's and eventually to Fr. Joseph Ferrario (hereinafter "Fr. Ferrario").

43. Fr. Ferrario counselled Plaintiff Pinkosh on multiple occasions following Plaintiff Pinkosh's report, asking him details of the abuse he suffered.

44. Then, in approximately 1976, when Plaintiff Pinkosh was approximately 12 years old, Fr. Ferrario engaged in unpermitted sexual contact with Plaintiff.

45. Fr. Ferrario was ordained a Roman Catholic priest of the Society of St. Sulpice Order in approximately 1951.

46. Plaintiff Pinkosh was raised to trust, revere and respect the Roman Catholic Church, of which Defendant USCCB and its agents are a part. Plaintiff and his family came into contact with Fr. Henry and Fr. Ferrario as Roman Catholic priests at St. Anthony Church and School in the Diocese of Honolulu in Hawaii.

47. From approximately 1975 to 1978, when Plaintiff Franks was approximately 7 to 10 years old, Fr. Joseph Ferrario (hereinafter "Fr. Ferrario") engaged in unpermitted sexual contact with Plaintiff.

48. Plaintiff Franks was raised to trust, revere and respect the Roman Catholic Church, of which Defendant USCCB and its agents are a part. Plaintiff and his family came into contact with Fr. Ferrario as a Roman Catholic priest at St. Anthony Church and School in the Diocese of Honolulu in Hawaii.

49. Ferrario was appointed auxiliary bishop of the Diocese of Honolulu in approximately 1978.

50. In approximately 1981, following the retirement of Bp. Scanlan, then-Bishop of Honolulu, parishioners reported to the Vatican that Ferrario was regularly seen in gay bars in the company of younger men. Parishioners also reported that Ferrario had been sexually involved with more than one young seminarian from St. Stephen's seminary.

51. Archbishop Pio Laghi, a representative of the Vatican, received a letter from the father of a young boy who reported that the boy was sexually abused by Ferrario at the seminary. In response, Bp. Scanlan, then-Bishop of Honolulu, was instructed to conduct a confidential investigation. The boy and his father were interviewed, sworn to secrecy, and discredited by Bp. Scanlan.

52. In approximately 1982, despite reports of Ferrario's unfitness, he was elevated to the Bishop of Honolulu. Ferrario served as Bishop until approximately 1993.

53. In approximately 1985, the mother of a boy sexually abused by Ferrario wrote to the Papal Nuncio, a representative of the Vatican, describing the sexual abuse of her then-minor son. A secret investigation was ordered during which the mother, son and Bp. Ferrario were interviewed. Bp. Ferrario was summoned to Rome to discuss the allegations with the Vatican.

54. In 1989, the Diocese of Honolulu issued a statement claiming that the allegations against Bp. Ferrario were baseless.

55. Bishop Ferrario retired in approximately 1994 and died in approximately 2003.

56. The full extent of Bp. Ferrario's sexual abuse of minors has not been disclosed publicly by Defendant USCCB.

57. Defendant USCCB holds its leaders and agents out as people of high morals, as possessing immense power, teaching families and children to obey its 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 work in its programs as safe.

58. As a result, Defendant's leaders and agents have occupied positions of great trust, respect and allegiance among members of the general public, including Plaintiffs.

59. Each bishop of each diocese is a member of Defendant USCCB.

60. Since approximately 1966, Defendant USCCB has provided a unified front to address the handling of sexual abuse allegations involving Catholic priests in the United States of America.

61. Defendant USCCB, on behalf of each diocese in the U.S., has made representations about the safety of programs in Catholic institutions.

62. Defendant USCCB mandates policies and practices which are required to be implemented in each Diocese in the United States.

63. Defendant USCCB has repeatedly pledged, as recently as 2018, to do all in its power to protect children and young people.

64. These pledges are inconsistent with the policies, practices and actions which demonstrate secrecy and suppression of information about clergy who have sexually abused children in the United States.

65. Additionally, promises made by Defendant USCCB to address child sexual assault have not been kept.

66. Defendant USCCB meets annually to formulate policies and practices related to matters of importance to the Catholic Bishops and the USCCB.

67. In approximately 1971, Dr. Conrad Baars and Dr. Anna Terruwe presented a report entitled “The Role of the Church in the Causation, Treatment and Prevention of the Crisis in the Priesthood” to Defendant USCCB. The report described the problem of inappropriate sexual activity, including the sexual abuse of minors by U.S. priests.

68. In 1972, Defendant USCCB commissioned Dr. Eugene Kennedy, a Maryknoll priest-psychologist, and Dr. Victor Heckler to conduct a study of the psychological state of U.S. priests. The study, presented to Defendant USCCB, found a prevalence of unresolved psychosexual problems among priests.

69. In 1985, Defendant USCCB convened for their annual conference in Collegeville, Minnesota.

70. At the 1985 meeting, Father Thomas Doyle, Father Michael Peterson and Ray Mouton prepared a comprehensive report for review by the Catholic Bishops. The report entitled “The Problem of Sexual Molestation by Roman Catholic Clergy/Meeting the Problem in a Comprehensive and Responsible Way” was given to the Catholic Bishops. Among other things, the report provided strategies in prevention of sexual abuse and advocated against secrecy in dealing with reports of sexual misconduct by priests.

71. In approximately the early 2000s, Defendant USCCB’s Ad Hoc Committee on Sexual Abuse created the Charter for the Protection of Children and Young People (hereinafter “Charter”). The Charter was approved by the full body of Defendant USCCB at its June 2002 General Meeting in Dallas, Texas.

72. As a result, Defendant USCCB mandated policies and procedures instructing each Diocese in the United States on how to handle reports of sexual abuse of minors by clergy.

73. However, Defendant USCCB has failed to implement key provisions of the Charter. These provisions include but are not limited to reporting all known or suspected child abuse to civil authorities and granting bishops the power to remove priests who have sexually molested children from ministry.

74. Defendant USCCB has also failed to ensure compliance with provisions of the Charter which have been implemented.

75. In adopting the Charter, Defendant USCCB created a National Review Board to commission a descriptive study of the nature and scope of the problem of sexual abuse of minors by clergy in each diocese in the United States.

76. Defendant USCCB oversees the National Review Board and receives annual reports from the National Review Board regarding compliance with child protection measures in the U.S. Dioceses.

77. As a result of Defendant's implementation of the Charter in 2002, each Bishop conducted internal audits regarding reports of sexual abuse of minors by clergy.

78. In approximately 2004, Defendant USCCB published a report of the audit conducted by the John Jay College of Criminal Justice in New York (hereinafter "John Jay Report").

79. In approximately 2006, Defendant USCCB revised its policies for responding to reports of sexual abuse of minors. Among other requirements, Defendant USCCB required each U.S. diocese to conduct an internal investigation in response to allegations of sexual abuse of a minor by priests or deacons.

80. In its 2017 Annual Report, the National Review Board Chairman, Francesco Cesareo, reported to Defendant USCCB that “worrisome signs for the future revealed itself in [the 2017] audit that cannot be ignored.” Chairman Cesareo expressed concern about the vigor in which aspects of the 2002 Charter were being implemented in U.S. Dioceses and cautioned against suggestions that sexual abuse of minors by clergy is a past problem, as refuted by the 2017 audit’s findings.

81. Chairman Cesareo, the National Review Board’s chairman since 2013, publicly stated that the National Review Board has raised concerns to Defendant USCCB that the audits are not getting at the information needed.

82. Chairman Cesareo voiced concern about Defendant USCCB’s creation of a what he described as a “loophole” in the Charter which has allowed and continues to allow bishops to act as a gatekeeper deciding which allegations go to the review board and which do not, thereby allowing bishops to protect perpetrator priests.

83. In June 2012, Fr. Curtis Wehmeyer, a priest of the Archdiocese of Saint Paul and Minneapolis, was arrested for sexual abuse of minors and possession of child pornography. Prior to Fr. Wehmeyer’s arrest, then-Archbishop John Nienstedt of the Archdiocese of Saint Paul and Minneapolis ignored reports of Fr. Wehmeyer’s sexual misconduct dating back to 2004 and took no action to remove or restrict Fr. Wehmeyer’s access to children prior to his arrest.

84. In September 2018, Fr. Manuel La Rosa-Lopez, a priest of the Archdiocese of Galveston-Houston, was arrested for sexual abuse of minors in the 1990s and 2000s. Cardinal DiNardo, President of Defendant USCCB and Archbishop of the Archdiocese of Galveston-Houston, received reports about Fr. La Rosa-Lopez’s sexual abuse of minors prior to his arrest in

approximately 2011 and again in August 2018, but took no action to remove or restrict Fr. La Rosa-Lopez's access to children prior to his arrest.

85. Defendant USCCB has created and maintains a policy and practice of secrecy and suppression of information to cover up child sexual abuse in every state in an effort to avoid scandal and retain its power and financial influence in the United States of America.

86. In approximately October 2018, in advance of Defendant USCCB's annual meeting, Chairman of Defendant USCCB's Committee on Communications represented that Defendant USCCB has made incredible strides in protecting children to the point that the Catholic community in the United States is one of the safest places for children.

87. Defendant USCCB has known that child molesters have a high rate of recidivism, meaning that they are likely to sexually abuse more children. Defendant USCCB knew that children, parents and guardians who did not possess the knowledge Defendant USCCB possesses about its sexually abusive agents and former agents and who unsuspectingly were around these agents were at a high risk to be sexually molested.

88. Because of the high rate of recidivism, Defendant's agents and former agents molested numerous children. As such, Defendant USCCB knew that there were children hurt because of Defendant USCCB's policies of secrecy, deception and self-protection.

89. Defendant USCCB has indicated that over 6,000 clerics have been accused of sexual abuse of minors between 1950 and 2016. Less than 3,000 of these names have been released to the public. Defendant USCCB continues to conceal the identities of, and information about, priests accused of sexual abuse of minors. As a result, children are at risk of being sexually abused.

90. The public does not know the identities and locations of Defendant's agents and former agents who have been reported as sexually abusive towards children.

91. Defendant USCCB has adopted, and continues to adopt, policies and practices of covering up criminal activity committed by its agents. These practices continue to present day.

92. Defendant USCCB's practices have endangered numerous children in the past and these practices will continue to put children at risk in the future.

93. Upon information and belief, Defendant USCCB failed to report multiple allegations of sexual abuse of children by its agents to the proper civil authorities. As a result, children are at risk of being sexually assaulted.

94. Further, the public is under the mistaken belief that Defendant USCCB does not possess undisclosed knowledge of clerics who present a danger to children.

95. As a direct result of Defendant's conduct described herein, Plaintiffs have suffered and will continue to suffer, great pain of mind and body, severe and permanent emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, humiliation, physical, personal and psychological injuries. Plaintiffs were prevented and will continue to be prevented from performing normal daily activities and obtaining the full enjoyment of life; and/or has incurred and will continue to incur expenses for psychological treatment, therapy and counselling and/or will incur loss of income and/or loss of earning capacity.

COUNT I: NUISANCE (COMMON LAW AND MINN. STAT. § 609.74)

Plaintiffs incorporate all consistent paragraphs of this Complaint as if fully set forth under this Count.

96. Defendant 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 Fr. Michael Charland, O.M.I., Fr. Cornelius Otero, Fr. John Schmeer, Fr. John Anderson, Fr. Joseph Henry, Bp. Joseph Ferrario and other accused

Roman Catholic priests across the country; and/or 2) conceal from proper civil authorities sexual assaults and abuse committed by Fr. Michael Charland, O.M.I., Fr. Cornelius Otero, Fr. John Schmeer, Fr. John Anderson, Fr. Joseph Henry, Bp. Joseph Ferrario and other agents against minor children; and/or 3) attack the credibility of victims of Defendant's agents; and/or 4) protect Defendant's agents from criminal prosecution for their sexual assaults and abuse against children; and/or 5) allow known child molesters to live freely in communities across the country without informing the public and/or 6) participate in the concealment of sexual abuse by Roman Catholic clergy.

97. The negligence and/or deception and concealment by Defendant 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 Roman Catholic Dioceses across the country and other members of the general public who live in communities where Defendant's agents who molested children live. Defendant's failure to report multiple allegations of sexual assault and abuse of children to proper authorities, as well as its failure to inform the public about sexual abuse, or priests accused of sexual abuse of minors has prevented the public from knowing of a real danger, and has thereby endangered the safety and health of a considerable number of members of the public by allowing child molesters to avoid prosecution and remain living freely in unsuspecting communities and working with and around children. These child molesters, known to Defendant but not to the public, pose a threat of additional abuse to a considerable number of members of the public.

98. The negligence and/or deception and concealment by Defendant was and is specially injurious to Plaintiffs' health as Plaintiffs were sexually assaulted and/or harmed by one of Defendant's agents.

99. The negligence and/or deception and concealment by Defendant also was and is specially injurious to Plaintiffs' health in that when Plaintiffs finally discovered the negligence and/or deception and concealment of Defendant, Plaintiffs experienced mental, emotional and/or physical distress that they had been victims of Defendant's negligence and/or deception and concealment.

100. Plaintiffs have suffered and/or continue to suffer special, particular, and peculiar psychological and emotional harm and/or peculiar pecuniary harm, different in kind from the general public, after learning of Defendant's concealment of names and information about priests accused of sexually assaulting minors and as a result of the dangerous condition maintained and/or permitted by Defendant, which continues as long as decisions are made and actions are taken to keep the information about the abuse and/or the accused priests concealed. As a result of the negligence and/or deception and concealment, Plaintiffs have suffered and continue to suffer lessened enjoyment of life, and/or impaired health, and /or emotional distress, and/or physical symptoms of emotional distress and/or pecuniary loss including medical expenses and/or wage loss.

101. Plaintiffs' injuries are also particular to them and differ from certain members of the public who have not been harmed by the nuisance. People who have not been harmed by the nuisance include those who have not suffered any injury at all, those who are unaware of the nuisance, those who do not believe that Defendant ever concealed or participated in the concealment of anything about child sex abuse, and those who think that any concealment only occurred decades ago.

102. The continuing public nuisance created by Defendant was, and continues to be, the proximate cause of Plaintiffs' special injuries and damages as alleged.

103. In doing the aforementioned acts, Defendant acted negligently and/or intentionally, maliciously and with conscious disregard of Plaintiffs' rights.

104. As a result of the above-described conduct, Plaintiffs have suffered the injuries and damages described herein.

COUNT II: NUISANCE (MINN. STAT. § 561.01)

Plaintiffs incorporate all consistent paragraphs of this Complaint as if fully set forth under this Count.

105. Defendant 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 Fr. Michael Charland, O.M.I., Fr. Cornelius Otero, Fr. John Schmeer, Fr. John Anderson, Fr. Joseph Henry, Bp. Joseph and other accused Roman Catholic priests across the country; and/or 2) conceal from proper civil authorities sexual assaults and abuse committed by Fr. Michael Charland, O.M.I., Fr. Cornelius Otero, Fr. John Schmeer, Fr. John Anderson, Fr. Joseph Henry, Bp. Joseph Ferrario and Defendant's other agents against minor children; and/or 3) attack the credibility of victims of Defendant's agents; and/or 4) protect Defendant's agents from criminal prosecution for their sexual assaults and abuse against children; and/or 5) allow known child molesters to live freely in the community without informing the public and/or 6) participate in the concealment of sexual abuse by Roman Catholic clergy.

106. The negligence and/or deception and concealment by Defendant was and is injurious to the health and/or indecent or offensive to the senses of the general public including, but not limited to, children and residents in Roman Catholic Dioceses across the country and other members of the general public who live in communities where Defendant's agents and/or Roman Catholic clergy who molested children 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 many in the general public cannot trust Defendant to warn parents of the presence of the current and/or former accused molesters, nor to identify their current and/or former accused molesters, nor to disclose said credibly accused molesters' and other accused molester's 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 throughout the United States where Defendant conducted, and continues to conduct, its business.

107. The negligence and/or deception and concealment by Defendant was injurious to Plaintiffs' health and/or Plaintiffs' personal enjoyment of life as Plaintiffs were sexually assaulted by Defendant's agents and/or Roman Catholic priests, Fr. Michael Charland, O.M.I., Fr. Cornelius Otero, Fr. John Schmeer, Fr. John Anderson, Fr. Joseph Henry, and Bp. Joseph Ferrario.

108. The negligence and/or deception and concealment by Defendant also was injurious to Plaintiffs' health and/or personal enjoyment of life in that when Plaintiffs discovered the negligence and/or deception and concealment of Defendant that led to Plaintiffs' sexual assault, Plaintiffs experienced mental, emotional, and/or physical distress that Plaintiffs had been the victim of Defendant's negligence and/or deception and concealment.

109. The continuing nuisance created by Defendant was, and continues to be, a proximate cause of Plaintiffs' injuries and damages as alleged.

110. In doing the aforementioned acts, Defendant acted negligently and/or intentionally, maliciously and with conscious disregard for Plaintiffs' rights.

111. As a result of the above-described conduct, Plaintiffs have suffered the injuries and damages described herein.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs request an injunction restraining and enjoining Defendant from continuing its current practice and policy of dealing with allegations of child sexual abuse, and requiring that it work with civil authorities to create, implement and follow a policy for dealing with sexually abusive clergy that will better protect children and the general public from further harm.

To abate the continuing nuisance, Plaintiffs further request an order requiring that Defendant publicly release the names of all agents, including priests, accused of child sexual abuse, each such agent's history of abuse, each such agent's pattern of grooming and sexual behavior, and his or her last known address. This includes the release of Defendant's documents on the agents.

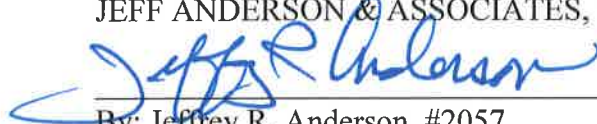
Plaintiffs demand judgment against Defendant in an amount in excess of \$75,000, plus costs, disbursements, reasonable attorney's fees, interest, and such other and further relief as the Court deems just and equitable.

DEMAND FOR TRIAL

Plaintiffs hereby demand a trial by jury in this matter.

Dated: 11/13/18

JEFF ANDERSON & ASSOCIATES, P.A.



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JS 44 (Rev. 06/17)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Joseph McLean, Paul Dunn, Phillip DiWilliams, Darin Buckman, Mark Pinkosh and Troy Franks

DEFENDANTS

United States Conference of Catholic Bishops

(b) County of Residence of First Listed Plaintiff Hennepin

(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Washington

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Jeffrey R. Anderson, Michael G. Finnegan, Trusha Patel Goffe, Jeff Anderson & Associates, PA, 366 Jackson Street, Suite 100, St. Paul, MN 55101 (651) 227-9990

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State | ☒ 1 | ☐ 1 | Incorporated or Principal Place of Business In This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☒ 2 | Incorporated and Principal Place of Business In Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☒ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 835 Patent - Abbreviated New Drug Application ☐ 840 Trademark SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 USC § 1332

Brief description of cause:

Public nuisance for handling of sexual abuse by clergy**VII. REQUESTED IN COMPLAINT:**☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE 11/13/18

SIGNATURE OF ATTORNEY OF RECORD

Jeffrey R. Anderson**FOR OFFICE USE ONLY**

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____