UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

James Keenan, Manuel Vega, Luke Hoffman,
Stephen Hoffman, and Benedict Hoffman,

Plaintiffs,

v.

Holy See (State of Vatican City; The Vatican),

Defendant.

Case No.: _____

COMPLAINT

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

PARTIES

1. Plaintiff James Keenan is an adult male resident of the State of Minnesota. Plaintiff was a minor resident of the State of Minnesota and a citizen of the United States at the time of the sexual abuse alleged herein. Plaintiff brings this action both in his individual capacity and on behalf of the general public.

2. Plaintiff Manuel Vega is an adult male resident of the State of California. Plaintiff was a minor resident of the State of California and a citizen of the United States at the time of the sexual abuse alleged herein. Plaintiff brings this action both in his individual capacity and on behalf of the general public.

3. Plaintiff Luke Hoffman is an adult male resident of the State of Minnesota. Plaintiff was a minor resident of the State of Minnesota and a citizen of the United States at the time of the sexual abuse alleged herein. Plaintiff brings this action both in his individual capacity and on behalf of the general public.

4. Plaintiff Stephen Hoffman is an adult male resident of the State of Minnesota.

Plaintiff was a minor resident of the State of Minnesota and a citizen of the United States at the time of the sexual abuse alleged herein. Plaintiff brings this action both in his individual capacity and on behalf of the general public.

5. Plaintiff Benedict Hoffman is an adult male resident of the State of Minnesota. Plaintiff was a minor resident of the State of Minnesota and a citizen of the United States at the time of the sexual abuse alleged herein. Plaintiff brings this action both in his individual capacity and on behalf of the general public.

6. At all times material, Defendant Holy See (State of Vatican City; The Vatican) (hereinafter "Holy See") is a foreign country.

JURISDICTION AND VENUE

7. Plaintiffs bring this 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.

8. This Court has both personal and subject matter jurisdiction over all matters in this action with respect to 28 U.S.C. §1330, as a claim for relief with respect to a foreign state not entitled to immunity under §§ 1604-1607.

9. This Court has jurisdiction over Defendant Holy See because Defendant Holy See engaged in commercial activity in Minnesota and throughout the United States and territories.

10. This Court has personal jurisdiction over Defendant Holy See because a tort was committed by Defendant Holy See against Plaintiffs in this district. The acts Plaintiffs complain of involve an activity for which the law provides an exception to sovereign immunity.

11. Venue is proper in this district pursuant to 28 U.S.C. §1391 because a substantial part of the events or omissions giving rise to the claims occurred within this district.

FACTUAL BACKGROUND

12. At all times material, Father Curtis Wehmeyer (hereinafter "Fr. Wehmeyer") was a Roman Catholic priest, counselor and teacher educated by and under the direct supervision, authority, employ and control of Defendant Holy See.

13. At all times material, Father Thomas Adamson (hereinafter "Fr. Adamson") was a Roman Catholic priest, counselor and teacher educated by and under the direct supervision, authority, employ and control of Defendant Holy See.

14. At all times material, Father Fidencio Silva-Flores, M.Sp.S (hereinafter "Fr. Silva-Flores") was a Roman Catholic priest, counselor and teacher educated by and under the direct supervision, authority, employ and control of Defendant Holy See. Hereinafter, Fr. Wehmeyer, Fr. Adamson, and Fr. Silva-Flores will be collectively referred to as "Perpetrators."

15. Defendant Holy See is the sovereign nation located in the Vatican City State, Italy and the ecclesiastical, governmental, and administrative capital of the Roman Catholic Church and seat of the Supreme Pontiff. Defendant Holy See is the composite of the authority, jurisdiction, and sovereignty vested in the Supreme Pontiff and his delegated advisors and/or agents to direct the activities and business of the worldwide Roman Catholic Church. Defendant Holy See has unqualified power over the Catholic Church including each and every individual and section of the church including, but not limited to, all priests, Bishops, Archbishops, Metropolitans, Cardinals, and all other church workers, as well as dioceses, archdioceses, ecclesiastical provinces, and orders.

16. Defendant Holy See directs, supervises, supports, promotes and engages in the oversight of the sovereign nation, the organization, and its employees for the purpose of the business, foreign affairs, and employees of the worldwide Roman Catholic Church, and provides

religious and pastoral guidance, education and counseling to Roman Catholics worldwide in exchange for all or a portion of the revenues collected from its members.

17. Defendant Holy See engages in some of its activities and business through its agents, cardinals, bishops and clergy, including religious order priests, brothers and sisters, and lay employees who work under its authority.

18. Defendant Holy See actively engages in commercial activity in the United States by collecting contributions from members. Moreover, Plaintiffs' claims are based in part on their Perpetrators' commercial employment relationship with Defendant Holy See and its agents. The relevant employment relationship is not peculiar to a sovereign as the employment is not part of civil service, the diplomatic corps, or the military. Nor were the Perpetrators privy to governmental policy deliberations or engaged in legislative work.

19. Defendant Holy See also actively engages in commercial and business activity in the United States by recruiting and soliciting people to become members and contribute to the financial operation of the Roman Catholic Church, including overseeing the Society for the Propagation of the Faith in every diocese, including the Archdiocese of Saint Paul and Minneapolis (hereinafter "ADSPM").

20. Defendant Holy See is a unique entity, with an organizational structure and chain of command that mandates that Defendant Holy See and its head of state, the Supreme Pontiff, have a significantly high level of involvement in the routine and day-to-day activities of its agents and instrumentalities, particularly with respect to the handling of clergy who have engaged in certain specified conduct, including child sex abuse.

21. Defendant Holy See enters into treaties and conventions with other foreign states including, but not limited to, the Universal Declaration of Human Rights, the Convention on the

Rights of the Child and the Convention against Torture; maintains diplomatic relations with other foreign states, including the United States; and has observer status in the United Nations. Defendant Holy See occupies its own sovereign territory located within the city of Rome.

22. Defendant Holy See, engages in commercial and business activity in the State of Minnesota, the United States and throughout the world.

23. As part of its fundraising activities, Defendant Holy See oversees a pontifical mission society, the Pontifical Society for the Propagation of the Faith. The Society for the Propagation of the Faith was founded in 1822 and has a central office in Rome under the oversight and control of Defendant Holy See. Through offerings in Minnesota, the United States, and worldwide, "the Society for the Propagation of the Faith seeks prayer, service and financial support for the Church's missionary work and provides ongoing help for the pastoral and evangelizing programs of the Church of Africa, Asia, the Pacific Islands and Latin America." (https://centerformission.org/about/pmscrs/; last visited May 9, 2019).

24. Each diocese has a separate Society for the Propagation of the Faith under the control and oversight of Defendant Holy See, including the ADSPM. Money donated to the Society for the Propagation of the Faith, or The Center for Mission as it is known in the ADSPM, is sent to the Pontifical Mission Societies in the United States headquartered in New York, which is also under the direction and control of Defendant Holy See. The Society for the Propagation of Faith takes donations and has special collections specifically for the mission.

25. Defendant Holy See's business or private operation, in addition to overseeing its employees not engaged in work peculiar to a sovereign, performs acts that are commercial in nature, including extensive financial operations and fundraising activities throughout the United States. Consistent with its corporate structure, Defendant Holy See has instituted worldwide,

mandatory policies that perpetuate its financial strength and stability, particularly through the Society for the Propagation of the Faith.

26. Also as part of its fundraising activities, Defendant Holy See has continued the long and entrenched tradition of Peter's Pence. Peter's Pence fundraising for Defendant Holy See has been active since 1871 when it was created by the "Saepe Venerabilis" encyclical authored by Supreme Pontiff Pius IX. Members are encouraged to send their donations throughout the year directly to the Office of the Holy Father in Vatican City, but Defendant Holy See also directs and coordinates an international campaign each and every year on June 29 or the closest Sunday to the Solemnity of Saints Peter and Paul for its subdivisions, agencies, and/or instrumentalities to take up a specific collection for the benefit of Defendant Holy See. (http://www.vatican.va/roman_curia/secretariat_state/obolo_spietro/documents/index_en.htm last visited May 9, 2019).

27. Peter's Pence raises funds that are required to be sent directly to Defendant Holy See. Dioceses, Bishops, Archbishops and other agents are ordered to send the funds directly to "His Holiness Supreme Pontiff Francis, 00120, Vatican City." As part of Peter's Pence, Defendant Holy See is involved in the United States in creating materials to advertise for its campaign and benefits directly from solicitation letters sent to members of its organization throughout the United States. It is also directly involved in and authorizes and supports appeals at parishes throughout the United States for members to give money to Defendant Holy See and the creation and distribution of materials to help its agents recruit funds for the Peter's Pence Collection. Defendant Holy See also uses other forms of media such as ads and posters to solicit funds in the United States.

28. On information and belief, the Peter's Pence operation has provided Defendant

Holy See with millions of dollars each year from the United States. The Peter's Pence collection brought in almost $80 million for Defendant Holy See in 2007 and over $100 million in 2006, with the United States providing the largest percentage of the funds. Defendant Holy See's business divisions in the United States facilitate the largest portion of money collected for Defendant Holy See in the Peter's Pence Collection.

29. As part of this campaign, Defendant Holy See and its agents recruit and solicit people to become paying members of the organization.

30. Defendant Holy See also assesses each Bishop, Archbishop, and Cardinal a tax for certain activities. This is money that is required to be sent to Defendant Holy See.

31. Defendant Holy See also assesses a monetary amount that each Diocese, Archdiocese, Bishop, Archbishop and Cardinal must pay annually to Defendant Holy See. Generally this amounts to thousands of dollars from each Diocese.

32. As part of its business and private operation, Defendant Holy See requires its agents in charge of its operation in a particular geographical location to come to Rome and report about the state of Defendant Holy See's operations, including any problems involving issues that are commercial in nature, including financial status and business issues. Defendant Holy See calls these Ad Limina visits. These agents, as appointed leaders of the local business and private operations including those in the United States, are required to make this visit at least once every five years. As part of its business and private operation, Defendant Holy See also requires its divisions to write detailed reports about the status of the operation including, but not limited to, personnel issues, finances, and real estate holdings. With respect to the income of pastors and their supervisors, Defendant Holy See requires information regarding whether it is from real estate, public funds, or from a contribution made by the faithful or by the diocese. These reports are

sometimes called "quinquennial reports."

33. Defendant Holy See has direct involvement with seminaries in the United States including Minnesota, where it trains agents in its organization and operation. On August 15, 1990, Supreme Pontiff John Paul II issued an apostolic constitution on Catholic higher education entitled Ex corde Ecclesiae. The Apostolic Constitution described, in detail, the top-down relationship between Defendant Holy See and its educational institutions like seminaries. According to the Catholic Church Extension Society, no matter where it's located or how it's structured, every institution within the organization answers to Defendant Holy See. Defendant Holy See's Congregation for Catholic Education has jurisdiction over all Catholic institutions of higher learning, including seminaries. As a result, it oversees and controls the admissions requirements and curricula to ensure that candidates are properly prepared. In addition, since 1971, U.S. seminaries have adhered to the Program of Priestly Formation (PPF) promulgated by the U.S. bishops' conference and also approved by Rome. Defendant Holy See has a vast enterprise in the United States which recruits and solicits members in order to support its business operations in the United States and worldwide.

34. Defendant Holy See is solely responsible for creating new divisions of its business and private enterprise (called a "Diocese" or "Archdiocese") around the world. Only Defendant Holy See has this power. Defendant Holy See created all of the dioceses in Minnesota, including the ADSPM. It creates, divides and re-aligns dioceses, archdioceses and ecclesiastical provinces. It also gives final approval to the creation, division or suppression of provinces of religious orders and it is solely responsible for modification or elimination of one of the divisions of its business enterprise.

35. Defendant Holy See reserves the exclusive right to perform numerous local

activities within its business operation within the United States including, but not limited to, overseeing and managing the Society for the Propagation of the Faith, laicization of clerics, dispensations from its rules and regulations, and appeals of a bishop's decision.

36. Defendant Holy See has control over and involvement with property owned by all Catholic entities in Minnesota. Defendant Holy See's permission is required for the alienation (sale, gift, etc.) of much of the property owned by Catholic Entities in Minnesota.

37. Defendant Holy See directly and definitively controls the standards, morals, and obligations of the clergy of the Catholic Church. Defendant Holy See also does this by and through its agents and instrumentalities, including the Congregation for the Clergy and the Congregation for Religious, both delegated by the Supreme Pontiff and acting on his behalf and under his authority. Defendant Holy See interacts with its local business units including those in the United States in a manner that controls their day-to-day business and provides for no discretion on numerous issues, and in particular the handling of child sex abuse by clergy and the determinations whether clergy remain in Defendant Holy See's employ. Defendant Holy See routinely promulgates its policies through various means including encyclical, canon law, and Papal pronouncements.

38. Defendant Holy See controls where its agents live and prohibits certain conduct. At times, Defendant Holy See has prohibited clerics from gambling, carrying arms, hunting, or spending time at a tavern without just cause. Defendant Holy See has also prohibited clerics from practicing medicine or surgery, from being a legislator, or volunteer for the army.

39. Defendant Holy See promotes the sacred liturgy, directs and coordinates the spreading of its doctrine, and undertakes other actions necessary to promote its doctrine. It creates, appoints, assigns and re-assigns bishops, superiors of religious orders, and through the bishops and

superiors of religious orders has the power to directly assign. Defendant Holy See has the final and sole power to remove individual clergy. All bishops, clergy, and priests, including religious order priests, vow to show respect and obedience to the Supreme Pontiff and their bishop.

40. Defendant Holy See also examines and is responsible for the work and discipline and all those things which concern bishops, superiors of religious orders, priests and deacons of the religious clergy. In furtherance of this duty, Defendant Holy See requires bishops to file a report, on a regular basis, outlining the status of and any problems with clergy. Defendant Holy See promulgates and enforces the laws and regulations regarding the education, training and standards of conduct and discipline for its members and those who serve in the governmental, administrative, judicial, educational and pastoral workings of the Catholic Church worldwide. Defendant Holy See is also directly and solely responsible for removing superiors of religious orders, bishops, archbishops and cardinals from service in the various divisions and offices of the Catholic Church.

41. Defendant Holy See buys and sells real and personal property, and purchases and supplies goods and services in pursuit of its private and business activities.

42. Defendant Holy See--even beyond its collection through Peter's Pence and other means--is supported through the contributions of its parishioners, which are received as part of a regular course of commercial conduct in the form of donations of money, real property and personal property.

43. A major source of funds for Defendant Holy See is monies received from its parishioners in the form of tithing. The amount of money flowing to the Defendant from the United States is directly affected by the beliefs of its parishioners in the righteousness of Defendant Holy See and its conduct. As members of the Church, they are obligated to revere, respect, and

obey the edicts issued from Defendant Holy See, and are under threat of a denial of the sacraments or excommunication if they do not follow those edicts.

44. Another major source of funding that Defendant Holy See and its agents receive is in the form of tuition for attendance at its Catholic Schools.

45. Defendant Holy See directs and mandates the morals and standards of conduct of all clergy of the Roman Catholic Church. Defendant Holy See ostensibly does this by and through its agents and instrumentalities, by enforcement of its rules and regulations written and promulgated by Defendant Holy See and used as the employee manual for clergy.

46. Defendant Holy See creates, appoints, assigns, reassigns and retires all clerics, bishops, archbishops and cardinals. It accords definitive approval to the election of the heads of religious orders and, through the religious superiors and the bishops of dioceses, it exercises the power to directly assign and remove individual priests and deacons. It also determines whether religious orders are to be disciplined for inappropriate behavior and whether they may remain in the Church following inappropriate behavior.

47. All bishops, priests and clergy, including religious order priests, vow to show respect and obedience to Defendant Holy See. For example, when a priest is ordained, he kneels before his bishop and promises him and his successor's obedience and respect. On the day a priest receives the fullness of the priesthood in his ordination to the episcopacy, he stands before his consecrators and the assembled people of God and promises his obedience and loyalty to the supreme Roman pontiff, Defendant Holy See. He receives financial support throughout the full length of his life, and he may not be deprived of his pension or his clerical status unless Defendant Holy See approves.

48. Each Cardinal takes an oath upon becoming a Cardinal which requires obedience

to Defendant Holy See and also requires secrecy in certain circumstances. An English translation of that oath is "I [name and surname], Cardinal of the Holy Roman Church, promise and swear to be faithful henceforth and forever, while I live, to Christ and his Gospel, being constantly obedient to the Holy Roman Apostolic Church, to Blessed Peter in the person of the Supreme Pontiff [name of current Pontiff], and of his canonically elected Successors; to maintain communion with the Catholic Church always, in word and deed; not to reveal to anyone what is confided to me in secret, nor to divulge what may bring harm or dishonor to Holy Church; to carry out with great diligence and faithfulness those tasks to which I am called by my service to the Church, in accord with the norms of the law."

49. Defendant Holy See examines and is responsible for the work and discipline and all those things which concern bishops, superiors or religious orders, priests and deacons. In furtherance of this duty, Defendant Holy See, among other things, requires bishops to file a report, on a regular basis, outlining the status of and any problems with priests and clergy.

50. Defendant Holy See promulgates and enforces the laws and regulations regarding the education, training and standards of conduct and discipline for those who serve in the governmental, administrative, judicial, educational and pastoral workings of the Roman Catholic Church worldwide.

51. No priest, cleric, superior of a religious order, bishop, archbishop or cardinal may be removed from service without the approval of Defendant Holy See; nor can any priest, cleric, superior of a religious order, bishop, archbishop or cardinal remain in service over the objection of Defendant Holy See.

52. Defendant Holy See is directly and absolutely responsible for removing bishops, archbishops and cardinals from service in the various divisions and offices of the Roman Catholic

Church by issuing instructions, mandates and dictates in the United States.

53. The problem of child sexual abuse committed by Roman Catholic clerics and others within Defendant Holy See's control is almost as old as the Roman Catholic Church itself. The first formal legislation was passed at the Council of Elvira in Spain in 306 A.D. This council passed legislation condemning sexual abuse by the clergy, including sexual abuse of boys. The Council of Elvira was the first in a series of legislative attempts by the Church to curb its problem of child sexual abuse committed by its clergy.

54. In the 11th century, a writing authored by Father Peter Damien, THE BOOK OF GOMORRAH, was presented to Defendant Holy See. This work encouraged punishment of priests and clerics who sexually molested and abused children, particularly boys.

55. In 1917, Defendant Holy See codified all of its rules, regulations and laws, including those applicable to its employees, agents, and instrumentalities in one document. These rules and regulations specifically forbade priests and clerics from having sexual relations or relationships with children under the age of 16, demonstrating that Defendant Holy See was well aware of the centuries-old practice of child sexual abuse by Roman Catholic priests and clerics. Today, in the current 1983 version, the sexual abuse of children by priests and clerics continues to be expressly forbidden.

56. The rules and regulations are mandatory and must be obeyed by each member of Defendant Holy See, including by all Dioceses, Archdioceses, Bishops, Archbishops, Cardinals, and priests.

57. Defendant Holy See has known about the widespread problem of child sexual abuse committed by its clergy for centuries, but has covered up that abuse and thereby perpetuated the abuse. Secret settlement agreements with victims have been used to silence the victims and their

families and to protect the abuser from criminal prosecution by United States and state authorities. This practice was designed to shield Defendant Holy See from "scandal," and has been mandated not only in the United States but throughout the world, including North and South America, Europe and Australia. Defendant Holy See is responsible for the historically verified practice of the hierarchy, including the bishops, moving sexually abusive priests to areas where allegations of the offender's abusive conduct were not known. Defendant Holy See has never taken appropriate or effective steps to remove sexually abusive priests from the ministry. The absolute power of Defendant Holy See over its bishops and clergy in the United States was demonstrated in 2002, when the most powerful American bishop's organization, the U.S. Conference of Catholic Bishops, adopted a proposed policy designed to protect children from priest sexual abuse. The bishops were powerless to implement this policy without approval from Defendant Holy See. Defendant Holy See denied approval of key provisions sought by the U.S. bishops which would have required that its agents in the United States report all known or suspected child abuse to the civil authorities. Defendant Holy See also refused to give the U.S. bishops the power to remove abusive priests from the ministry.

58. While the "public" policy of Defendant Holy See is to forbid child sexual abuse by priests and clerics within its control, the actual "private" or secret policy is to harbor and protect its abusive priests, clerics, bishops, archbishops, cardinals, agents, and employees from public disclosure and prosecution, in order to maintain the Supreme Pontiff's rightful claim of control and thereby ensure that its parishioners, followers and financial contributors will keep confidence in the institution, continue to view Defendant Holy See and the Supreme Pontiff as deserving of allegiance, and, therefore, continue to contribute money and property to Defendant Holy See.

59. Defendant Holy See has mandated a multi-level policy of mandatory secrecy over

all matters involving the administrative, legislative and judicial activities of the Vatican offices and departments under the direct authority of the Supreme Pontiff, as well as overall similar activity in dioceses throughout the world. There are degrees of secrecy demanded of the bishops, clergy, and members. The highest level of secrecy is the absolute secrecy mandated for all communications which take place in the sacrament of penance, commonly referred to as "confession." The highest level of secrecy outside the confessional is known as the "Pontifical secret," which is imposed on certain activities of the various departments or congregations of Defendant Holy See. Violation of the Pontifical Secret results in certain severe penalties, including excommunication.

60. At all times material hereto, and as part of both its course of commercial conduct and particular commercial transactions and acts, Defendant Holy See directed its bishops in the United States to conceal from its parishioners and the general public the sexual abuse of children committed by its priests, bishops, clerics, agents and employees in order to avoid public scandal, and to perpetuate its Christian public image and power to ensure the continued receipt of funds from its parishioners and other financial contributors, all in furtherance of the Defendant Holy See's commercial activities.

61. Plaintiffs were sexually abused as children by one of Defendant Holy See's clerics, agents or employees. Defendant Holy See's directives to conceal the sexual abuse of children committed by its clerics, agents, and employees in order to maximize revenue and image by avoiding scandal was a substantial factor in bringing about Plaintiffs' abuse.

62. In 1990, Defendant Holy See ratified the Convention on the Rights of the Child ("CRC") and is therefore legally obligated to comply with it.

63. By ratifying the CRC, Defendant Holy See agreed to be legally bound by the terms

of the CRC.

64. By ratifying the CRC, Defendant Holy See committed itself to implementing the Convention not only on the territory of the Vatican City State but also as the supreme power of the Catholic Church through individuals and institutions placed under its authority.

65. In January 2014, Defendant Holy See was called to respond to questions about its record in protecting children from sexual violence.

66. In February 2014, the CRC issued a report on Defendant Holy See's failure to protect children and expressed its deepest concern about child sexual abuse committed by members of the Catholic Churches who operate under the authority of Defendant Holy See, with clerics having been involved in the sexual abuse of tens of thousands of children worldwide.

67. The United Nations has expressed the following concerns with Defendant Holy See's compliance with the CRC:

a. Defendant Holy See has consistently placed the preservation and reputation of the Church and the protection of perpetrators above the best interest of children;

b. That well-known child sexual abusers have been transferred from parish to parish or to other countries in an attempt to cover-up such crimes;

c. That despite establishing full jurisdiction over child sexual abuse cases in 1962 and placing them under the exclusive competence of the Congregation of the Doctrine of the Faith in 2001, Defendant Holy See has failed to provide the United Nations with data on all cases of child sexual abuse brought to its attention over the reporting period and the outcome of the internal procedure in these cases;

d. That Defendant Holy See's internal law has addressed child sexual abuse through confidential proceedings which have allowed the vast majority of abusers and

almost all those who concealed child sexual abuse to escape judicial proceedings in States where the abuses were committed;

e. That Defendant Holy See's internal law imposes a code of silence on all members of the clergy which has (i) prevented child sexual abuse from being reported to law enforcement authorities; and (ii) caused those members who have reported to be ostracized, demoted or fired, while priests who have refused to denounce child abusers have been congratulated and promoted within the Catholic Church;

f. Defendant Holy See has adopted policies and practices which have continued the abuses and impunity of perpetrators;

g. Defendant Holy See has been reluctant or refused to cooperate with judicial authorities to the detriment of the safety of children;

h. That limited efforts have been made to empower children enrolled in Catholic schools, and institutions to protect themselves from sexual abuse; and

i. That Defendant Holy See has in some instances obstructed efforts in certain countries to extend the statute of limitations for child sexual abuse.

68. The CRC made the following recommendations to Defendant Holy See, none of which Defendant Holy See has complied with:

a. To independently investigate all cases of child sexual abuse and make the outcomes public to prevent the recurrence of child sexual abuse within the Catholic Church;

b. Immediately remove all known and suspected child sexual abusers from assignment and refer to relevant law enforcement authorities for investigation and prosecution;

c. Ensure a transparent sharing of all archives which can be used to hold abusers accountable as well as those who concealed their crimes and knowingly placed offenders in contact with children;

d. Amend their internal law for child sexual abuse to be considered a crime and repeal all provisions which may impose an obligation of silence on the victims and on those who become aware of their crimes;

e. Establish clear rules, mechanisms, and procedures for the mandatory reporting of all suspected cases of child sexual abuse and exploitation to law enforcement authorities;

f. Ensure that all priests working under the authority of Defendant Holy See are made aware of their reporting obligations and that in case of conflict, these obligations prevail over internal law provisions; and

g. Promote the reform of statute of limitations in countries where they impeded victims of child sexual abuse from seeking justice and redress.

69. Defendant Holy See was instructed to respond to the CRC Committee's report by September 1, 2017, but failed to comply.

70. In 2002, Defendant Holy See ratified the Convention against Torture ("CAT") and is therefore legally obligated to comply with it.

71. By ratifying the CAT, Defendant Holy See agreed to be legally bound by the terms of the CAT.

72. By ratifying the CAT, Defendant Holy See committed itself to implementing the Convention not only on the territory of the Vatican City State but also as the supreme power of the Catholic Church through individuals and institutions placed under its authority.

73. In May 2014, Defendant Holy See was reviewed for the first time by the CAT.

74. Following the review, the CAT issued a report finding that the widespread sexual violence within the Catholic Church amounts to torture and cruel, inhuman and degrading treatment prohibited by CAT.

75. The CAT expressed concern that Defendant Holy See did not provide requested data on the number of cases in which Defendant Holy See provided information to civil authorities in places where the cases arose and where the priests concerned are currently located, stating "the Committee is concerned by reports that the [Holy See's] officials resist the principle of mandatory reporting of such allegations to civil authorities."

76. The CAT also expressed concern about the transfer of clergy accused or convicted by civil authorities to other dioceses and institutions where they remained in contact with minors and others who are vulnerable, and in some cases committed abuse in their subsequent placements.

77. The CAT made the following recommendations to Defendant Holy See, none of which Defendant Holy See has complied with:

a. Ensure that individuals that are subject to an allegation of abuse brought to the attention of the Congregation for the Doctrine of the Faith or other officials of the State party are immediately suspended from their duties pending the investigation of the complaint, to guard against the possibility of subsequent abuse or intimidation of victims;

b. Ensure effective monitoring of the placements of all clergy that are under investigation by the Congregation for the Doctrine of the Faith and prevent the transfer of clergy who have been credibly accused of abuse for the purposes of avoiding proper investigation and punishment of their crimes. For those found responsible, apply sanctions, including dismissal from the clerical state;

c. Ensure that all State party officials exercise due diligence and react properly to credible allegations of abuse, subjecting any official that fails to do so to meaningful sanctions;

d. Take effective measures to ensure that allegations received by its officials concerning violations of the Convention are communicated to the proper civil authorities to facilitate their investigation and prosecution of alleged perpetrators;

e. Establish an independent complaints mechanism to which victims of alleged violations of the Convention can confidentially report allegations of abuse and which has the power to cooperate with Defendant Holy See's authorities as well as civil authorities in the location where the alleged abuse occurred;

f. Ensure that organizations charged with carrying out investigations into allegations of violations of the Convention by public officials of Defendant Holy See, including the Office of the Promotor of Justice, are independent with no hierarchical connection between the investigators and the alleged perpetrators;

g. Take steps to ensure victims of sexual abuse committed by or with the acquiescence of Defendant Holy See's officials receive redress, including fair, adequate and enforceable right to compensation and as full rehabilitation as possible, regardless of whether perpetrators of such acts have been brought to justice. Appropriate measures should be taken to ensure the physical and psychological recovery and social reintegration of the victims of abuse; and

h. Compile statistical data relevant to the monitoring of the implementation of the Convention, including data on complaints and investigations of cases amounting to violations of the Convention as well as on means of redress, including compensation and

rehabilitation, provided to the victims.

78. At all times material hereto, Defendant Holy See violated customary international law of human rights by ignoring, tolerating, disregarding, permitting, allowing, condoning and/or failing to report inhuman and degrading treatment such as the sexual abuse of minor children. This conduct constitutes a violation of various human rights conventions, including the Universal Declaration of Human Rights and the Convention on the Rights of the Child, which the Defendant signed and ratified, and the Defendant's violation of customary international law and conventions was a substantial factor in bringing about the Plaintiffs' injuries.

79. At all times material hereto, Defendant Holy See breached duties owed to Plaintiffs under customary international law of human rights, the federal common law, the law of the 50 states and territories, and the law of the State of Minnesota, thereby causing injury to Plaintiffs.

80. At all times material hereto, Defendant Holy See's directives, which, among other things, prohibited the reporting of child sexual abuse to law enforcement authorities, constitute an act or acts of concealment or misleading or obstructive conduct under statutory law, common law, and customary international law.

81. At all times material hereto, Defendant Holy See's concealment of its policy of harboring and protecting its abusive priests, clerics, bishops, archbishops, cardinals, agents and employees from public disclosure and prosecution constitutes an act or acts of concealment or misleading or obstructive conduct under statutory law, common law, and customary international law.

82. Defendant Holy See has established exclusive policies and standards that dictate how sexual abuse of children by its employees will be handled. With respect to this aspect of its employment policy and business, Defendant Holy See mandates certain procedures and absolute

secrecy by all involved on penalty of immediate removal from the organization (excommunication), retains the power at all times to conduct the inquisition of the case itself, and admits no deviations from its mandate. Through its mandated policies and its agents and instrumentalities, Defendant Holy See is an integral part of the day-to-day handling of cases of child sex abuse by clergy.

83. In 1922, Defendant Holy See released a confidential document regarding cases of solicitation of sex in the confessional. This document mandated a specific procedure for Defendant Holy See's agents to use when a cleric abused children using the confessional. The document required strict secrecy.

84. The 1922 document showed that Defendant Holy See was fully aware that there was a systemic problem of its agents sexually molesting children using the confessional.

85. In 1962, Defendant Holy See released the confidential document, Instruction on The Manner of Proceeding in Cases of Solicitation, (The Vatican Press, 1962), available at http://www.vatican.va/resources/resources_crimen-sollicitationis-1962_en.html (last viewed May 9, 2019) (hereinafter referred to as "Crimen Sollicitationis"). The heading of the document says "From the Supreme and Holy Congregation of the Holy Office To All Patriarchs, Archbishops, Bishops and Other Diocesan Ordinaries 'Even of the Oriental Rite'" and contains mandatory and specific instructions regarding the handling of child sex abuse by clergy. It permits no discretion in the handling of such cases. According to the document itself, it is an "instruction, ordering upon those to whom it pertains to keep and observe it in the minutest detail." *Crimen Sollicitationis* at paragraph 24.

86. The 1962 document again reinforced that Defendant Holy See had knowledge that there was a systemic problem of its agents sexually molesting children using the confessional.

87. In Ireland, a government-generated, in-depth report that investigated and analyzed the sexual abuse of minors by clergy documented that the Catholic Church had a systemic problem of numerous clergy sexually abusing youth. The report reached several conclusions including, but not limited to: cases of sexual abuse were managed within the institution with a view to minimizing the risk of public disclosure and consequent damage to the institution; the offenses were not reported to the police; the recidivist nature of sexual abuse was well known to authorities within the institution; the Church authorities knew that the sexually abusive clergy were often long-term offenders who repeatedly abused children wherever they were working; when confronted with evidence of sexual abuse, a standard response of the religious authorities was to transfer the offender to another location where, in many instances, he was free to abuse again; sexual abuse was endemic in boys' institutions. http://www.childabusecommission.ie/ (last viewed May 9, 2019). Defendant Holy See was an active manager and mandated the policies that led to these horrific occurrences in Ireland.

88. Defendant Holy See has been involved in the formation of secret facilities in the United States where sexually offending clergy would be sent for short periods of time. In 1962, Fr. Gerald Fitzgerald, working in the United States, was in communication with Defendant Holy See. At the request of the prefect, Cardinal Alfredo Ottaviani, one of Defendant Holy See's officials, he prepared a report dated April 11, 1962. In this report he discussed the various types of sexual problems of priests, including sexual abuse of minors: "On the other hand, where a priest for many years has fallen into repeated sins which are considered, generally speaking, as abnormal (abuse of nature) such as homosexuality and most especially the abuse of children, we feel strongly that such unfortunate priests should be given the alternative of a retired life within the protection of monastery walls or complete laicization."

89. In 1963, Fr. Gerald Fitzgerald had a private audience with Supreme Pontiff Paul VI (1963-1978) and on August 27, 1963, submitted a report to the Supreme Pontiff at the Supreme Pontiff's request. Concerning priests who sexually abuse minors he said to the Supreme Pontiff: "Problems that arise from abnormal, homosexual tendencies are going to call for, not only spiritual, but understanding psychiatric counseling. Personally I am not sanguine of the return of priests to active duty who have been addicted to abnormal practices, especially sins with the young.....Where there is indication of incorrigibility, because of the tremendous scandal given, I would most earnestly recommend total laicization." Defendant Holy See, chose to keep this report and knowledge a secret under its long standing policy to avoid scandal at all costs. At this point Defendant Holy See knew that it had a widespread problem of its clergy sexually molesting minors, including in the United States, and it authorized, facilitated and participated in the creation of these facilities in the United States where sexually offending clergy could be sent before they were moved to another parish to work and potentially abuse again.

90. Defendant Holy See's policy of secrecy under penalty of immediate removal from the organization (excommunication) for all involved in an accusation against clergy for the crime of solicitation—which includes sexual abuse of a minor—created a shroud of secrecy insulating priests from consequence. This policy is explicitly laid out in the 1962 Vatican secret document, *Crimen Sollicitationis*. It specifies in paragraph 4 that although the penalty for a Catholic member who violates the vow of secrecy regarding child sex abuse by clergy is usually excommunication, extreme cases can also result in removal from ministry or "they [the Ordinary, or controlling agent] will also be able to transfer him to another [assignment], unless the Ordinary of the place has forbidden it because he has already accepted the denunciation and has begun the inquisition." Through this policy and others Defendant Holy See knowingly allowed, permitted and encouraged

child sex abuse by its priests, including the Perpetrators.

91. Defendant Holy See retains at all times the power over who conducts the "inquisition" that investigates claims regarding the "crime of solicitation." *Crimen Sollicitationis* at paragraph 2. While it delegates power over such proceedings to its chosen agents, it retains the unilateral power at all times to "summon[] the case to itself." *Id.* In addition, if it is unclear whether the "denounced person" is under the jurisdiction of any of Defendant Holy See's agents, the 1962 document orders the agent with knowledge of the abuse to send the case "to the Supreme Holy Congregation of the Holy Office." *Crimen Sollicitationis* at paragraph 31.

92. Defendant Holy See specifically has carved out the treatment of child sex abuse by clergy from other employment issues in order to have continuing control over this issue. Defendant Holy See governs it every day and perpetually according to non-negotiable and mandatory standards that it first set into place in 1867, which is approximately when civil law also outlawed child sex abuse, and then reiterated and elaborated in 1922, 1962 and 2001. Defendant Holy See has defined the "worst crime" to be covered by its dictated procedures, standards, and mandatory treatment, as "any obscene, external act, gravely sinful, perpetrated in any way by a cleric or attempting by him with youths of either sex or with brute animals (bestiality)." *Crimen Sollicitationis* at paragraph 73. There is no discretion given to its agents in the handling of such cases:

> What is treated in these cases has to have a greater degree of care and observance so that those same matters be pursued in a most secretive way, and, after they have been defined and given over to execution, they are to be restrained by a perpetual silence. (Instruction of the Holy Office, February 20, 1867, n. 14). Each and everyone pertaining to the tribunal in any way or admitted to knowledge of the matters because of their office, is to observe the strictest secret, which is commonly regarded as a secret of the Holy Office, in all matters and with all persons, under the penalty of excommunication *latae sententiae*, ipso facto and without any declaration [of such a penalty] having been incurred and reserved to the sole person of the Supreme Pontiff, even to the exclusion of the Sacred Penitentiary, are bound to observe [this secrecy] inviolably. *Crimen Sollicitationis* at paragraph 11.

93. Defendant Holy See mandates secrecy for all those involved, including agents and itself, in handling allegations of sexual abuse. Penalties for the crime of solicitation include an order to move offending priests to other locations once they have been determined to be "delinquent." In response to allegations, the document mandates that supplementary penalties include: "As often as, in the prudent judgment of the Ordinary, it seems necessary for the amendment of the delinquent, for the removal of the near occasion [of soliciting in the future], or for the prevention of scandal or reparation for it, there should be added a prescription for a prohibition of remaining in a certain place." *Crimen Sollicitationis* at paragraph 64. Defendant Holy See creates and maintains this policy of secrecy and transfers, threatening all involved with excommunication and, thus, damnation, if they do not comply. According to *Crimen Sollicitationis,* once these non-discretionary penalties are levied, only Defendant Holy See through the Congregation of the Holy Office, has the power to alter or remit the punishment.

94. In *Crimen Sollicitationis*, Defendant Holy See created a specific procedure which local Ordinaries, as agents of Defendant Holy See were required to follow. Moreover, the commandment of silence regarding cases of sexual abuse embodied in the instruction on penalty of removal (excommunication) operated to deprive the local agents of any meaningful discretion. Even if *Crimen Sollicitationes* can be read to allow the local agent of Defendant Holy See to choose one of a limited number of options, the instruction from Defendant Holy See nonetheless mandates which of those specific options should be chosen, and mandates how each is to be handled. In addition, Defendant Holy See reserves to itself the power to reverse whichever of the limited set of options is chosen.

95. Again in 1988, Defendant Holy See issued another mandatory and specific policy that reiterated that Defendant Holy See's Congregation for the Doctrine of Faith had the power

over crimes against morals, which includes sexual abuse of children by priests. This document was Apostolic Constitution called *Pastor Bonus.* (available at http://www.bishop-accountability.org/AtAGlance/church_docs.htm) (last visited May 9, 2019.)

96. In 1990, Bishop A. James Quinn, at a Midwest Canon Law Society Meeting told of a policy where Bishops could send documents that "you really don't want people to see" to the Vatican embassy in Washington "because they have immunity." (available at http://www.bishop-accountability.org/AtAGlance/church_docs.htm, last visited May 9, 2019.)

97. Supreme Pontiff John Paul II issued an Apostolic Letter, *Sacramentorum Sanctitatis Tutela*, dated April 30, 2001, available at http://www.bishop-accountability.org/resources/resource-files/churchdocs/SacramentorumAndNormaeEnglish.htm (last visited May 9, 2019), which confirms the direct relationship between Defendant Holy See and employees who commit these crimes of solicitation. The mandate supplemented the 1962 *Crimen Solicitationis* and confirmed its position as an executive disciplinary handbook:

> "It is to be kept in mind that an Instruction of this kind had the force of law since the Supreme Pontiff, according to the norm of can. 247, § 1 of the *Codex Iuris Canonici* promulgated in 1917, presided over the Congregation of the Holy Office, and the Instruction proceeded from his own authority… Supreme Pontiff Paul VI… confirmed the Congregation's judicial and administrative competence…Finally, by the authority with which we are invested, in the Apostolic Constitution, *Pastor Bonus,* promulgated on June 28, 1988, we expressly established, "[The Congregation for the Doctrine of the Faith] examines delicts against the faith and more grave delicts whether against morals or committed in the celebration of the sacraments, which have been referred to it and, whenever necessary, proceeds to declare or impose canonical sanctions according to the norm of both common and proper law," thereby further confirming and determining the judicial competence of the same Congregation for the Doctrine of the Faith as an Apostolic Tribunal.

98. The 2001 mandate expressly reserved to Defendant Holy See's Congregation of the Doctrine of the Faith the right to deal with allegations of child sex abuse against priests.

99. Under the mandatory policy contained in the 2001 mandate, Bishops, Archbishops,

Cardinals and hierarchs are required to report any priest accused of sexual misconduct to Defendant Holy See's Congregation for the Doctrine of Faith.

100. Actions of Defendant Holy See occurring in the United States include the transmission and receipt in the United States of policies, directives, orders or other direction or guidance, whether explicit or implicit.

101. Plaintiffs were harmed as a result of the Defendant Holy See's practice and policy of not reporting suspected child abuse to law enforcement officials and requiring secrecy of all its agents who received reports of abuse. There are children today who are in imminent danger of abuse because Defendant Holy See has failed to report or release the names of agents that have either been convicted or credibly accused of molesting children, or that Defendant Holy See itself has found guilty of abuse.

102. There are a number of priests, brothers, bishops and agents who Defendant Holy See continued in ministry after Defendant Holy See knew or suspected that those agents had molested children.

103. Defendant Holy See knew that there was a high probability that these clerics would sexually molest more children, but sought to protect itself from scandal, sought to keep its income stream going, at the peril of children.

104. On information and belief, Defendant Holy See did not report all allegations of child sexual abuse by its agents and former agents to law enforcement, those directly in the path of danger, or the public. Further, Defendant Holy See adopted and enforced a policy and practice where its agents were not supposed to report abuse by Defendant Holy See's agents to law enforcement, those directly in the path of danger, or the public.

105. After 2001, Defendant Holy See instructed its agents that all cases of sexual abuse

by its agents were to be handled by Defendant Holy See. Since then Defendant Holy See has learned of thousands of cases. Defendant Holy See has not released the names of the sex offenders that it learned about since 2001 to the public and to law enforcement.

106. Defendant Holy See continues to address and handle child sexual abuse cases internally, putting children at risk of harm.

107. The United States Catholic Conference of Bishops has indicated that over 6,000 clerics have been accused of sexual abuse of minors between 1950 and 2016. Not all of these names have been released to the public.

108. In 2014, Defendant Holy See released statistics regarding clergy accused of abuse under pressure from the United Nations. Archbishop Silvio Tomasi reported in 2014 that since 2004, more than 3,400 credible cases of abuse have been referred to Rome. Of these, 848 priests had been laicized and 2,572 removed from ministry and sentenced to a lifetime of prayer and penance. Defendant Holy See has not released these names to the public.

109. The sexual abuse by clerics and concealment of information regarding sexual abuse is widespread. For instance, beginning in 2012, ex-Prime Minister of Australia Julia Gillard announced the Royal Commission into Institutional Responses to Child Sexual Abuse.

110. Almost two-thirds of the survivors abused in religious institutions in Australia were abused in Catholic institutions. The Royal Commission identified 1,880 perpetrators from the Catholic Church only, 572 of those perpetrators being priests. The abuse occurred in 964 different Catholic institutions. The Royal Commission found the following:

a. Children (who came forward) were ignored or worse, punished. Allegations were not investigated;

b. Documents were not kept or they were destroyed. Secrecy prevailed as did

cover-ups; and

c. After offending, priests were transferred to other communities where they knew nothing of their past.

111. While much of the abuse in religious institutions occurred prior to 1990, the Royal Commission identified more than 200 survivors abused in religious institutions since 1990.

112. Defendant Holy See official and one of the leaders of the Catholic Church in Australia, Cardinal George Pell, has been implicated in the clergy sexual abuse scandal in Australia, yet continued to rise through the ranks of the Catholic Church.

113. In 1993, Cardinal Pell accompanied a perpetrator, Gerald Ridsdale, to a court appearance and tried to "lessen [Ridsdale's] time in jail." Subsequently, Cardinal Pell became Archbishop of Melbourne in 1996 and Archbishop of Sydney in 2001.

114. Not only has Cardinal Pell publicly supported accused offenders, Cardinal Pell has also been accused of concealing child sexual abuse allegations. Despite this, in 2014 Pell was appointed Secreteriat for the Economy for Defendant Holy See.

115. Cardinal Pell was also accused of abusing minors himself and was convicted of five counts of criminal sexual conduct in December 2018 in Australia. Supreme Pontiff Francis had granted Cardinal Pell a leave of absence prior to the criminal trial so he could "clear his name."

116. Another Australian Archbishop, Philip Wilson, has also been accused of concealing child sexual abuse decades ago and was criminally convicted of concealing crimes of child sexual abuse in 2018.

117. As early as 2010, Archbishop Wilson endured public scrutiny for his handling of sexual abuse claims related to James Fletcher and Denis McAlinden in the Maitland-Newcastle Archdiocese. Even in light of his role in the concealment of child sexual abuse, Defendant Holy

See allowed Archbishop Wilson to continue his duties as Archbishop. In March 2015 when Wilson was criminally charged, he took a leave of absence until January 2016 when he resumed his duties as Archbishop of Adelaide. Supreme Pontiff Francis and Defendant Holy See did nothing to restrict the Archbishop's ministry or title during this period. Supreme Pontiff Francis only accepted Wilson's resignation after Wilson was found guilty in 2018.

118. On the island of Guam alone, approximately 160 lawsuits have been filed related to clergy sexual abuse, implicating priests and at least one archbishop with complaints dating back at least four decades. Consequently, the Archdiocese of Guam filed for Chapter 11 Reorganization as a result of the claims against it.

119. One of the accused offenders in Guam is former Archbishop Anthony Sablan Apuron, O.F.M. Cap. (hereinafter "Archbishop Apuron"). Archbishop Apuron was placed on leave in 2016 and an internal investigation was made into the allegations against Archbishop Apuron by a Vatican tribunal. Archbishop Apuron was removed from office in March 2018 and found guilty of some of the allegations made against him, including crimes involving minors. After Archbishop Apuron appealed the Vatican tribunal's decision, Supreme Pontiff Francis indicated that he would review Archbishop Apuron's appeal personally. However, Defendant Holy See did not release information about why Archbishop Apuron was removed or what he was found guilty of.

120. Defendant Holy See has not publicized or corroborated information regarding the accused clerics in Guam.

121. In Chile, Bishop Juan Barros Madrid has been accused by survivors of concealing the sexual abuse of children by Fr. Fernando Karadima, one of the most notorious sexual abusers in Chile.

122. One of Fr. Karadima's victims, Juan Carlos Cruz, testified that Bishop Barros witnessed Fr. Karadima sexually abusing him. Despite this testimony, Supreme Pontiff Francis appointed Barros as Bishop of Osorno, Chile, in 2015, and defended Bishop Barros, calling the accusations "slander" and asking for "proof" that Bishop Barros was complicit in the cover-up of Fr. Karadima.

123. In 2015, Supreme Pontiff Francis received a letter from Juan Carlos Cruz detailing Bishop Barros' involvement in the sexual abuse by Fr. Karadima. It was not until 2018 that Supreme Pontiff Francis appointed Archbishop Charles Scicluna to investigate the Bishop Barros matter. Since the investigation, Supreme Pontiff Francis has acknowledged that he made "grave errors" in judgment regarding the situation in Chile. Only after the investigation and public scrutiny did Supreme Pontiff Francis accept the resignation of Bishop Barros.

124. In the United States, Cardinal Bernard Law was accused of concealing information relating to child sexual abuse in the Boston Archdiocese. Specifically, Cardinal Law knew that priest John Geoghan had sexually abused boys and been moved from parish to parish. Despite this, upon his resignation as Archbishop of Boston, Cardinal Law was promoted in Rome and became an archpriest of one of Rome's basilicas. He received a cardinal's funeral upon his death in 2017.

125. In 2018, Carlo Maria Viganò, Titular Archbishop of Ulpiana and former Apostolic Nuncio in the United States, released a letter indicating that Defendant Holy See had been informed in at least 2000 of former Archbishop of Washington D.C.'s Theodore McCarrick's "gravely immoral behavior with seminarians and priests." McCarrick became a Cardinal in approximately 2001.

126. In 2018, Fr. Boniface Ramsey released an October 2006 letter which he received

from a top official of the Vatican Secretariat of State. In the letter, then-Archbishop Leonardo Sandri acknowledged receipt of the allegations regarding McCarrick in 2000.

127. After 2008, sanctions were imposed by Supreme Pontiff Benedict XVI upon McCarrick due to his inappropriate behavior with seminarians and fellow priests.

128. Archbishop Viganò indicated in his letter that he informed Supreme Pontiff Francis of McCarrick's inappropriate behavior and history of abuse in approximately 2013.

129. Supreme Pontiff Francis remained complicit in the cover-up of McCarrick and did not take action as to McCarrick or accept McCarrick's resignation from the College of Cardinals until July 2018 after several accusations that McCarrick had sexually abused minors became public.

130. In Minnesota, Bishop Michael Hoeppner in the Diocese of Crookston settled a lawsuit in 2017 brought against him individually for coercion and intentional infliction of emotional distress after he forced a survivor of sexual abuse to recant his report of abuse. In the process, Bishop Hoeppner violated a state court order requiring him to disclose the names and files of priests accused of abuse in the Crookston Diocese.

131. Bishop Hoeppner remains the bishop in the Diocese of Crookston despite suppressing evidence of child sexual abuse after being ordered to produce such information by a state court judge.

132. In 2017, Msgr. Carlo Alberto Capella was accused by United States authorities of possessing and distributing child pornography. Capella worked as a diplomat at Defendant Holy See's embassy in Washington, D.C. Instead of leaving Capella to be prosecuted in the United States, the Vatican invoked diplomatic immunity and Capella was recalled to the Vatican for investigation.

133. Nearly seven months later, in April 2018, the Vatican police arrested Capella after the Vatican's Promotor of Justice conducted an investigation into the child pornography charges. A Vatican court sentenced Capella to five years in prison for the possession and distribution of child pornography in June 2018.

134. Supreme Pontiff Francis has reiterated Supreme Pontiff Benedict's pledge of "zero tolerance" when it comes to sexual abuse of minors. Despite this, Defendant Holy See continues to address allegations of child sexual abuse internally, refusing to release the names of the accused and promoting individuals who either perpetrated the abuse or helped conceal it.

135. Supreme Pontiff Benedict blamed the clergy sexual abuse crisis in the Catholic Church on the sexual revolution and liberalization of the Catholic Church's moral teachings.

136. Defendant Holy See has known that child molesters have a very high rate of recidivism, meaning that they are likely to sexually abuse more children. As such, Defendant Holy See knew that children, parents, and guardians who did not possess Defendant's knowledge about its agents and former agents and who unsuspectingly were around these agents and former agents were at a high risk to be sexually molested.

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

138. Children are at risk because the public and law enforcement do not know the identity and the locations of these agents and former agents of Defendant Holy See who have been accused of sexual misconduct.

139. Promises made by Defendant Holy See to address child sexual abuse have not been

kept.

140. In 2014, Supreme Pontiff Francis instituted a Pontifical Commission for the Protection of Minors ("PCPM"). This PCPM mandate ended in 2017 without a commitment from Supreme Pontiff Francis to renew the Commission. The PCPM was recently renewed in February 2018 after Supreme Pontiff Francis received criticism for his handling of the Bishop Barros matter in Chile. Two survivors appointed to the Commission terminated their involvement prior to its culmination because Defendant Holy See refused to implement recommendations that would protect children.

141. In 2015, Supreme Pontiff Francis announced that he was going to create a tribunal inside the Congregation for the Doctrine of Faith to investigate and prosecute bishops who concealed sexual abuse. In 2016, Supreme Pontiff Francis announced that the tribunal would not be created.

142. Supreme Pontiff Francis and Defendant Holy See have the sole authority and power to dictate policies, procedures, and protocols regarding the Catholic Church. Most recently, this includes the following:

a. In April 2016, Supreme Pontiff Francis issued an Apostolic Exhortation calling for Catholics to be more inclusive of homosexuals, divorced, and remarried Catholics;

b. In December 2017, Defendant Holy See issued a decree stating that one cannot sell the hair strands, hands, teeth, or other body parts of saints;

c. In February 2018, Supreme Pontiff Francis imposed a mandatory retirement age on clerics;

d. In 2018, Defendant Holy See gave permission to the Diocese of Winona in

Minnesota to change its name to the Diocese of Winona-Rochester;

e. In March 2018, Supreme Pontiff Francis issued an Apostolic Exhortation calling for Catholics to embrace holiness; and

f. In March 2019, Defendant Holy See prevented Archbishop Samuel J. Aquila in Denver, Colorado, from closing a parish.

143. In 2018, Defendant Holy See prevented the United States Catholic Conference of Bishops from taking action and voting on measures drafted in response to the child sexual crisis in the United States, including the creation of a commission for receiving complaints about Bishops and establishing standards of accountability for Bishops.

144. In March 2019, Supreme Pontiff Francis issued Norms requiring sexual abuse claims be reported to Vatican officials, however, the Norms only mandated reporting within Vatican City and only to Vatican officials.

145. In May 2019, Supreme Pontiff Francis issued a decree regarding reporting clergy sexual abuse and attempts to conceal clergy sexual abuse entitled "Vos estis lux mundi." Available at http://press.vatican.va/content/salastampa/it/bollettino/pubblico/2019/05/09/0390/00804.html#EN (last visited May 10, 2019). The decree fails to protect children for several reasons including, but not limited to: 1) requiring abuse to be reported to religious superiors within the Church, not the civil authorities; 2) religious superiors are not mandated to report the abuse to the civil authorities; 3) information regarding the reports is to remain confidential; 4) clear penalties are not imposed for failing to report; and 4) the decree is not retroactive. Supreme Pontiff Francis has not issued any meaningful decree or Apostolic Exhortation regarding the prevention of clergy sexual abuse despite his authority to do so.

146. At all times material, Defendant Holy See employed priests, including the

Perpetrators, to provide religious and pastoral services. The duties of the Perpetrators were limited to performing ecclesiastical and parochial services. At no time did they perform legislative work or governmental functions on behalf of Defendant Holy See and were not civil servants or diplomatic or military employees of the sovereign Holy See. The Perpetrators were employed by Defendant Holy See as priests. The duties of the Perpetrators' employment included, but was not restricted to, teaching the word of God and the law of the church; providing religious, educational, and counseling services; and obtaining financial support for the Church. Defendant Holy See controlled the Perpetrators, was responsible for punishment if there was wrongdoing, and had some stake in paying the Perpetrators for their services. Defendant Holy See controlled all aspects of the Perpetrators' conduct including their clothing, their routine, their practices, and their teachings. Defendant Holy See also supplied the Perpetrators with materials for their fundraising and solicitation of property. Defendant Holy See had the sole authority to remove the Perpetrators from their positions as priests. At all times material, the Perpetrators were Roman Catholic priests, employed by and agents of Defendant Holy See, under its direct supervision and control, particularly on the issue of child sex abuse.

147. Defendant Holy See also employed priests to recruit and solicit adults and children to become members of the financial operation so that the new members would contribute money.

148. At their Ordination, the Perpetrators and other priests agreed to be obedient to their Bishop or Provincial and Defendant Holy See (the Supreme Pontiff).

149. Defendant Holy See has complete and final control over each Bishop, Archbishop, Cardinal, Religious Order Provincial, Religious leader and priest within the Catholic Church.

150. Defendant Holy See is a traditional monarchy, which means that it holds all authority in the first instance and any authority held by others within the institution is delegated

from Defendant Holy See. Defendant Holy See has reaffirmed this on numerous occasions, including in its book of rules and regulations.

151. Defendant Holy See has complete and total control, including day-to-day control, over each aspect of the Catholic Church. To the extent that some of the entities underneath Defendant Holy See's absolute control are separate corporations, Defendant Holy See maintains complete control over these separate corporations. Defendant Holy See directs and requires each of these entities to strictly follow all of its policies and procedures, requires each of these entities to report its activities to Defendant Holy See, requires each cleric working with the separate corporation to swear absolute obedience to Defendant Holy See, and is the only entity that can create or terminate these corporations. And with respect to the particular issue of child sex abuse, Defendant Holy See demands complete and unswerving obedience regarding procedures, the scope of potential penalties, and how each case will be disposed of ultimately.

152. Any corporations, including but not limited to any Archdiocese or Diocese in Minnesota which was or is incorporated, were and are an alter ego of Defendant Holy See. Defendant Holy See retained and does still retain complete and final control over these corporations. Defendant Holy See has day-to-day control of these entities through mandatory policies and procedures, mandatory meetings, mandatory obedience, and dictation of most aspects of their agents' lives.

153. Additionally, Defendant Holy See determined long ago that it would require some of the entities under its control to incorporate in order to reduce Defendant Holy See's exposure to claims by people that it harmed, in order to keep the public from discovering Defendant Holy See's involvement in the systematic cover-up and concealment of child sex abuse by its agents, and in order to defraud those people that its agents harmed, including those that its agents sexually

abused as children.

154. Defendant Holy See is the only entity that can fire a priest.

155. Defendant Holy See is the only entity that can fire a Bishop, Cardinal, or Religious leader.

156. The Perpetrators were fundraisers and solicitors of members for Defendant Holy See. They raised a great deal of resources for Defendant Holy See. The Perpetrators were also able to recruit numerous children, adults and families to become paying members of Defendant Holy See's organization.

157. Defendant Holy See wanted to retain the Perpetrators' services as fundraisers and recruiters.

158. Fr. Wehmeyer was ordained a priest in the ADSPM in 2001 and promised obedience to Defendant Holy See (the Supreme Pontiff) and the Archbishop of the ADSPM. Fr. Wehmeyer remained under Defendant Holy See's direct supervision, employ and control during all times material to this Complaint.

159. Following his ordination, Fr. Wehmeyer was authorized to represent himself as a priest of Defendant Holy See, to wear the uniform or vestments of a priest, to teach and counsel the public, including minors, on behalf of Defendant Holy See and to otherwise exercise the rights, privileges and responsibilities of a Roman Catholic priest.

160. In the ADSPM, Fr. Wehmeyer was authorized to be a priest of Defendant Holy See, despite knowledge of his unfitness to be a priest and have access to children.

161. On January 9, 2004, Fr. Wehmeyer was cited for loitering in a Minnesota park that was a known location for men to meet for anonymous sexual encounters. Fr. Wehmeyer falsely identified himself to police.

162. Later in 2004, an employee of St. Joseph's Parish School in West St. Paul (where Fr. Wehmeyer was working) reported to the pastor, Fr. Lee Piché that she observed Fr. Wehmeyer leaving the students' bathroom, and a student reported to her that Fr. Wehmeyer was in the students' bathroom all the time. At a subsequent staff meeting, Fr. Piché reminded all staff that there was no reason for them to ever use the students' bathrooms.

163. Days after Fr. Piché instructed staff not to use the student bathrooms, the same employee observed Fr. Wehmeyer coming out of the boys' bathroom again. She and another employee reported their concerns about Fr. Wehmeyer to Fr. Piché again. The two employees and Fr. Piché met with Archbishop Harry Flynn. Archbishop Flynn told them that Fr. Wehmeyer would receive counseling.

164. In May 2004, Fr. Wehmeyer approached two younger-looking men at a bookstore in Roseville, Minnesota, and told them he was not at the store to look for books, but rather for contacts. Fr. Wehmeyer told one of the young men that he was "a veteran and had been doing this for a while now." Fr. Wehmeyer asked the young man if he was horny, and the young man informed Fr. Wehmeyer that he was not interested in the kind of contact Fr. Wehmeyer was looking for. Fr. Wehmeyer then approached the other young man, struck up a conversation about sexual matters and told him he was a priest in West St. Paul but he was in the bookstore "incognito."

165. After the bookstore incident, Fr. Wehmeyer was sent to St. Luke Institute, a facility for sexually offending priests. St. Luke's diagnosed Fr. Wehmeyer with Sexual Disorder, among other diagnoses. The St. Luke's report indicated that Fr. Wehmeyer had considerable struggle maintaining his celibacy, may experience difficulty with decision making, and appeared to be at risk for not appreciating the effect his conduct could have on others.

166. In February of 2006, Fr. Wehmeyer was placed on a monitoring program for

problem priests in the ADSPM.

167. On June 15, 2006 Archbishop Harry Flynn removed Fr. Wehmeyer from St. Joseph's in West St. Paul and assigned him as parochial administrator at the Church of the Blessed Sacrament in St. Paul, Minnesota (hereinafter "Blessed Sacrament").

168. From approximately 2006 to 2012, Fr. Wehmeyer worked at Blessed Sacrament. Fr. Wehmeyer was appointed to teach, counsel, instruct and guide child parishioners at Blessed Sacrament.

169. Blessed Sacrament was controlled, operated and run under Defendant Holy See's policies and protocols. Defendant Holy See controlled and mandated all aspects of the parish. The children relied upon Defendant and its agents to provide them with teaching and shelter at the facilities.

170. On July 28, 2006, a Ramsey County, Minnesota Sheriff's Deputy reported to Archdiocesan official, Fr. Kevin McDonough that Fr. Wehmeyer was stopped in a St. Paul park known as a place where men seek anonymous sexual encounters. Fr. Wehmeyer gave odd and inconsistent explanations for being in the park, and after the deputy told Fr. Wehmeyer the park was known to be a place for sexual solicitation, Fr. Wehmeyer drove away. Fr. Wehmeyer was seen in the park two more times that night, and again the following day. The Deputy stated that he believed Fr. Wehmeyer was exhibiting signs of sex addiction and wanted to alert the Archdiocese.

171. On May 2, 2008, Archbishop John Clayton Nienstedt replaced Harry Flynn as the Archbishop of the ADSPM. Shortly thereafter, the Chancellor for Canonical Affairs provided Archbishop Nienstedt with Fr. Wehmeyer's history and information about his problems.

172. On June 1, 2009, Archbishop Nienstedt promoted Fr. Wehmeyer to pastor of

Blessed Sacrament, and also made him pastor of St. Thomas the Apostle Church in St. Paul, Minnesota, despite his history of sexual misconduct. Archdiocese official Fr. Peter Laird warned the Archbishop against making Fr. Wehmeyer pastor and indicated that Fr. Wehmeyer was not stable. Fr. Wehmeyer himself asked Archbishop Nienstedt if Archbishop Nienstedt was aware of his past and record.

173. On September 29, 2009, an employee at a gas station in rural Minnesota reported to police that Fr. Wehmeyer was intoxicated and talking inappropriately to teenagers at the gas station. Fr. Wehmeyer asked the teenagers if they wanted to come back to his campsite to party with him. Fr. Wehmeyer was arrested for driving under the influence. Fr. Wehmeyer called another priest of the Archdiocese who he had been camping with to bail him out, but the priest refused.

174. After Fr. Wehmeyer's arrest at the gas station, the same priest contacted the office of the Vicar General for the ADSPM and told them he thought the Archdiocese had a predator on their hands in Fr. Wehmeyer. The priest also reported that Fr. Wehmeyer had taken Plaintiffs camping with him during the summer of 2009.

175. On October 13, 2009, Wehmeyer apologized to Archbishop Nienstedt for the embarrassment he caused with his arrest. Archbishop Nienstedt noted in a memo that the episode was a good lesson for Fr. Wehmeyer and that Fr. Wehmeyer is repentant.

176. In 2010, Fr. Wehmeyer took Plaintiffs Stephen and Luke Hoffman camping yet again. A priest camping with Fr. Wehmeyer reported to Archdiocesan officials that he observed Fr. Wehmeyer in bed with one of the boys.

177. In at least the summer of 2011, Fr. Wehmeyer took Plaintiff Benedict Hoffman camping in Wisconsin, sexually abusing him on the camping trip.

178. From approximately 2006 to 2011, Fr. Wehmeyer groomed and sexually abused Plaintiff Stephen Hoffman.

179. From approximately 2006 to 2012, Fr. Wehmeyer groomed and sexually abused Plaintiff Luke Hoffman.

180. From approximately 2010 to 2011, Fr. Wehmeyer groomed and sexually abused Plaintiff Benedict Hoffman.

181. On June 18, 2012, Plaintiffs' mother disclosed to law enforcement that Fr. Wehmeyer sexually abused at least two of the boys.

182. On June 21, 2012, Archdiocese officials contacted the police. The same day, Archdiocese official Fr. Kevin McDonough and another Archdiocesan official warned Fr. Wehmeyer that the police were contacted, and confiscated Fr. Wehmeyer's gun and computer. Fr. Wehmeyer was allowed to move his camper to storage and leave Blessed Sacrament.

183. On June 22, 2012, Wehmeyer was arrested by St. Paul Police. During the course of the criminal investigation, child pornography was found on Fr. Wehmeyer's computer.

184. On November 18, 2012, Fr. Curtis Wehmeyer pleaded guilty to all 20 criminal counts against him stemming from the sexual abuse and possession of child pornography. He was sentenced to five years in prison.

185. After Fr. Wehmeyer's arrest and conviction, Fr. Peter Laird drafted a memorandum to Archbishop Nienstedt requesting that Archbishop Nienstedt publicly acknowledge that Fr. Laird counseled him against assigning Fr. Wehmeyer.

186. In the fall of 2013, Archbishop John Nienstedt, was accused of sexual misconduct, during his time as Archbishop of ADSPM and before. The allegations included sexual harassment of priests; unwelcome sexual propositioning of priests of the ADSPM and Diocese of Detroit;

retaliation against a 19-year-old seminarian for refusing to go with Archbishop Nienstedt on a trip by having the seminarian removed from the seminary; that Nienstedt was known to frequent establishments catering to gay clientele in Canada and Detroit; and that Archbishop Nienstedt inappropriately touched a boy during a confirmation photograph.

187. Another of the allegations was that Archbishop Nienstedt had an unusual social relationship with Fr. Curtis Wehmeyer prior to his arrest.

188. In January 2014, Archbishop Nienstedt agreed to an investigation into the allegations against him. Fr. Dan Griffith, the Archdiocesan Delegate for Safe Environment, was chosen to be the liaison between the investigating law firm, Greene Espel, and the Archdiocese.

189. In a February 2014 meeting, Fr. Griffith presented Greene Espel with a memorandum describing the allegations against Archbishop Nienstedt. Fr. Griffith noted that the social relationship between Archbishop Nienstedt and Fr. Curtis Wehmeyer was one of the most serious issues of the investigation because it may have affected Archbishop Nienstedt's judgment with regard to decisions made about Fr. Wehmeyer.

190. Between February and April 2014, Greene Espel obtained 10 affidavits describing sexual misconduct by Archbishop Nienstedt, and appeared to discover a personal relationship between Archbishop Nienstedt and Fr. Wehmeyer prior to Fr. Wehmeyer's arrest. Witnesses reported seeing Archbishop Nienstedt leaving Fr. Wehmeyer's rectory early in the morning and visiting in the evenings. One witness reported hearing Fr. Wehmeyer remark on multiple occasions that he had dinner with Archbishop Nienstedt the previous evening. Other priests described Archbishop Nienstedt interfering with their careers after they refused Archbishop Nienstedt's sexual advances.

191. On April 10, 2014, attorneys from Greene Espel met with officials from the

Archdiocese to report their initial findings. It was decided that Archbishop Nienstedt should resign.

192. On April 12, 2014, Auxiliary Bishop Andrew Cozzens, Bishop Lee Piché, and Archbishop Nienstedt met with the papal nuncio, Archbishop Carlo Maria Viganò in Washington D.C.

193. The papal nuncio, referred to officially as the Apostolic Nuncio, is Defendant Holy See's agent and representative in the United States and facilitates communications between Defendant Holy See and the United States' bishops and dioceses. Communications between the various bishops in the United States and the Holy See are made through the papal nuncio.

194. The papal nuncio at the time, Archbishop Carlo Maria Viganò, worked with Archbishop Nienstedt in Rome early in their careers.

195. Bishop Cozzens and Bishop Piché met with Archbishop Viganò about Greene Espel's findings regarding Archbishop Nienstedt. In response, Archbishop Viganò instructed Bishop Cozzens and Bishop Piché that Green Espel was not to pursue any more leads, quickly interview Archbishop Nienstedt, and wrap up the investigation.

196. Bishop Cozzens and Bishop Piché wrote to the papal nuncio expressing disagreement with the directive to shut down the investigation and noted that doing so would rightly be seen as a cover-up. The papal nuncio returned the letter to Bishop Cozzens and Bishop Piché, and instructed them to destroy it.

197. When Green Espel was directed to narrow the investigation as instructed by the papal nuncio, it refused and withdrew as counsel for the Archdiocese in July 2014. Greene Espel's complete findings have never been made public. As a result, children are at risk.

198. On June 5, 2015, the ADSPM was criminally charged for endangering the safety of

Plaintiff Luke, Stephen and Benedict Hoffman for their abuse by Fr. Wehmeyer.

199. On June 10, 2015, Archbishop John Nienstedt resigned from his position as Archbishop for the ADSPM. Archbishop Nienstedt remains a priest in good standing and a bishop emeritus.

200. In July of 2016, the ADSPM reached a settlement with the Ramsey County Attorney's Office, in which the Archdiocese admitted wrongdoing for its failure to protect Plaintiffs Luke, Stephen and Benedict Hoffman from Fr. Wehmeyer in return for the criminal charges against them being dropped. In their admission, the Archdiocese made no mention of the relationship between Fr. Wehmeyer and Archbishop Nienstedt being a reason for the decisions made by Archbishop Nienstedt that led to Fr. Wehmeyer's access to and sexual abuse of minor boys.

201. In 2016, Archbishop Nienstedt was assigned for approximately two weeks at a parish in Michigan until protests forced him to leave.

202. From 2016 to August 2018, Archbishop Nienstedt served at the Napa Institute, a Catholic Public Policy think tank and retreat center in the Diocese of Santa Rosa, California. During that time, Archbishop Nienstedt had the ability to say mass at any parish in the Diocese of Santa Rosa.

203. In December 2018, Archbishop Bernard Hebda of the ADSPM prohibited Archbishop Nienstedt from celebrating mass in the ADSPM until the investigation into Archbishop Nienstedt was complete and the allegations resolved.

204. As of March 2019, Archbishop Nienstedt was living in the Detroit, Michigan area and parishioners in the Archdiocese of Detroit had not been made aware of his exact whereabouts. Archbishop Nienstedt was asked to refrain from ministering while living in the Archdiocese of

Detroit.

205. Upon information and belief, Defendant Holy See allowed Fr. Wehmeyer to have unsupervised and unlimited access to children at Blessed Sacrament.

206. Fr. Wehmeyer's duties and responsibilities at Blessed Sacrament included recruiting and soliciting children in the neighborhood and their families to become members of Defendant Holy See's organization so that they would pay money to the organization.

207. By placing Fr. Wehmeyer and allowing him to work with children at Blessed Sacrament in approximately 2006 and continuing until approximately 2012, and by allowing Fr. Wehmeyer to recruit and solicit children to become members, Defendant Holy See affirmatively represented to minor children and their families, including Plaintiffs Luke, Stephen and Benedict Hoffman, that Fr. Wehmeyer did not have a history of molesting children and was not a danger to children, that Defendant Holy See did not know or suspect that Fr. Wehmeyer had a history of molesting children and that Defendant Holy See did not know that Fr. Wehmeyer was a danger to children.

208. Defendant Holy See was in a specialized position where it had knowledge that Plaintiffs Luke, Stephen and Benedict Hoffman did not. Defendant was in a position to have this knowledge because it was Fr. Wehmeyer's employer, because Defendant was responsible for Fr. Wehmeyer and because its policies mandated and continue to mandate secrecy with respect to the sort of knowledge learned about Fr. Wehmeyer.

209. Plaintiffs Luke, Stephen and Benedict Hoffman on the other hand, were children. As children, they were not in a position to have information about Fr. Wehmeyer's molestation of other children or Defendant Holy See's knowledge of the danger Fr. Wehmeyer posed to children. Nor were they in a position to know that Defendant Holy See mandated that its employees keep

such knowledge from others, including children like them.

210. In addition to the representations regarding safety being made directly to Plaintiffs Luke, Stephen and Benedict Hoffman, Defendant Holy See made these representations with knowledge and intent that they would be communicated to the minor Plaintiffs through their parents/caregivers words and actions. Defendant Holy See also had reason to believe that the representations made to Plaintiffs' parents/caregivers would influence Plaintiffs and particularly that the representations would influence the amount and type of time spent alone with Fr. Wehmeyer, Fr. Wehmeyer's access to Plaintiffs, and Fr. Wehmeyer's ability to molest Plaintiffs.

211. Particularly, Defendant Holy See knew or should have known that Fr. Wehmeyer was a child molester and knew or should have known that Fr. Wehmeyer was a danger to children before Fr. Wehmeyer molested Plaintiffs Luke, Stephen and Benedict Hoffman.

212. Because of the superiority and influence that Defendant Holy See had over them, Plaintiffs Luke, Stephen and Benedict Hoffman believed and relied upon these misrepresentations.

213. Fr. Wehmeyer sexually molested Plaintiffs Luke, Stephen and Benedict Hoffman. This abuse occurred while Plaintiffs were minors and parishioners at Blessed Sacrament.

214. Had Plaintiffs Luke, Stephen and Benedict Hoffman or their family known what Defendant Holy See knew or should have known--that Fr. Wehmeyer was a suspected child molester and a danger to children before Plaintiffs were first molested by Fr. Wehmeyer--Plaintiffs would not have been sexually molested.

215. Fr. Silva-Flores was ordained as a religious order priest in the Missionaries of the Holy Spirit order in 1978 and promised obedience to Defendant Holy See (the Supreme Pontiff), the Archbishop of the Archdiocese of Los Angeles, and his Provincial. Fr. Silva-Flores remained under Defendant Holy See's direct supervision, employ and control during all times material to

this Complaint.

216. Following his ordination, Fr. Silva-Flores was authorized to represent himself as a priest of Defendant Holy See, to wear the uniform or vestments of a priest, to teach and counsel the public, including minors, on behalf of Defendant Holy See and to otherwise exercise the rights, privileges and responsibilities of a Roman Catholic priest.

217. Fr. Silva-Flores was authorized to be a priest of Defendant Holy See, despite knowledge of his unfitness to be a priest and have access to children.

218. From approximately 1978 to 1984, Fr. Silva-Flores worked at Our Lady of Guadalupe in Oxnard, California, in the Archdiocese of Los Angeles (hereinafter "Our Lady of Guadalupe"). Fr. Silva-Flores was appointed to teach, counsel, instruct and guide child parishioners at Our Lady of Guadalupe.

219. From approximately 1979 to 1984, Fr. Silva-Flores sexually abused Plaintiff Manuel Vega in the Archdiocese of Los Angeles, California.

220. In approximately 1986, Fr. Silva-Flores left the United States and returned to Mexico. He worked in Mexico until 1990 when he returned to the Archdiocese of Los Angeles and was assigned in Long Beach, California.

221. In approximately 1995, a postulant for the Missionaries of the Holy Spirit complained of Fr. Silva-Flores' conduct towards him as an adult. The Vicar for Clergy for the Archdiocese of Los Angeles met with Fr. Silva-Flores and the Missionaries of the Holy Spirit provincial Supervisor. Rev. Silva-Flores was removed from his assignment, received counseling, and was subsequently assigned to a retreat in San Luis Potosi, Mexico.

222. As of 2002, Fr. Silva-Flores was working at a church in Mexico.

223. In approximately 2003, Fr. Silva-Flores was criminally charged with 25 counts of

child molestation by the Ventura County District Attorney's Office.

224. Despite numerous requests for information made to the Missionaries of the Holy Spirit and other agents and instrumentalities of Defendant Holy See concerning Fr. Silva-Flores' current whereabouts, Plaintiff Manuel Vega has received no information about the current location of his perpetrator.

225. Upon information and belief, Defendant Holy See allowed Fr. Silva-Flores to have unsupervised and unlimited access to children at Our Lady of Guadalupe.

226. Fr. Silva-Flores' duties and responsibilities at Our Lady of Guadalupe included recruiting and soliciting children in the neighborhood and their families to become members of Defendant's organization so that they would pay money to the organization.

227. By placing Fr. Silva-Flores and allowing him to work with children at Our Lady of Guadalupe in approximately 1978 and continuing until approximately 1984, and by allowing Fr. Silva-Flores to recruit and solicit children to become members, Defendant Holy See affirmatively represented to minor children and their families, including Plaintiff Manuel Vega, that Fr. Silva-Flores did not have a history of molesting children and was not a danger to children, that Defendant Holy See did not know or suspect that Fr. Silva-Flores had a history of molesting children and that Defendant Holy See did not know that Fr. Silva-Flores was a danger to children.

228. Defendant Holy See was in a specialized position where it had knowledge that Plaintiff Manuel Vega did not. Defendant Holy See was in a position to have this knowledge because it was Fr. Silva-Flores' employer, because Defendant Holy See was responsible for Fr. Silva-Flores and because its policies mandated secrecy with respect to the sort of knowledge learned about Fr. Silva-Flores.

229. Plaintiff Manuel Vega on the other hand was a child. As a child he was not in a

position to have information about Fr. Silva-Flores's molestation of other children or Defendant Holy See's knowledge of the danger Fr. Silva-Flores posed to children. Nor was he in a position to know that Defendant Holy See mandated that its employees keep such knowledge from others, including children like him.

230. In addition to the representations regarding safety being made directly to Plaintiff Manuel Vega, Defendant Holy See made these representations with knowledge and intent that they would be communicated to the minor Plaintiff Manuel Vega through his parents/caregivers' words and actions. Defendant Holy See also had reason to believe that the representations made to Plaintiff Manuel Vega's parents/caregivers would influence Plaintiff Manuel Vega and particularly that the representations would influence the amount and type of time spent alone with Fr. Silva-Flores, Fr. Silva-Flores's access to Plaintiff Manuel Vega, and Fr. Silva-Flores' ability to molest Plaintiff Manuel Vega.

231. Particularly, Defendant Holy See knew or should have known that Fr. Silva-Flores was a child molester and knew or should have known that Fr. Silva-Flores was a danger to children before Fr. Silva-Flores molested Plaintiff Manuel Vega.

232. Because of the superiority and influence that Defendant Holy See had over him, Plaintiff Manuel Vega believed and relied upon these misrepresentations.

233. Fr. Silva-Flores sexually molested the Plaintiff Manuel Vega. This abuse occurred while Plaintiff Manuel Vega was a minor and parishioner at Our Lady of Guadalupe.

234. Had Plaintiff Manuel Vega or his family known what Defendant Holy See knew or should have known--that Fr. Silva-Flores was a suspected child molester and a danger to children before Plaintiff was first molested by Fr. Silva-Flores--Plaintiff Manuel Vega would not have been sexually molested.

235. Fr. Adamson was ordained a priest in the Diocese of Winona, Minnesota, in 1958 and promised obedience to Defendant Holy See (the Supreme Pontiff) and the Bishop of the Diocese of Winona. Fr. Adamson remained under Defendant Holy See's direct supervision, employ and control during all times material to this Complaint.

236. Following his ordination, Fr. Adamson was authorized to represent himself as a priest of Defendant Holy See, to wear the uniform or vestments of a priest, to teach and counsel the public, including minors, on behalf of Defendant Holy See and to otherwise exercise the rights, privileges and responsibilities of a Roman Catholic priest.

237. Fr. Adamson was authorized to be a priest of Defendant Holy See, despite knowledge of his unfitness to be a priest and have access to children.

238. From approximately 1981 to 1985, Fr. Adamson worked at Risen Savior in Apple Valley, Minnesota, in the ADSPM (hereinafter "Risen Savior"). Fr. Adamson was appointed to teach, counsel, instruct and guide child parishioners at Risen Savior.

239. In approximately 1981, Fr. Adamson sexually abused Plaintiff in the ADSPM.

240. Prior to sexually abusing Plaintiff James Keenan, the Diocese of Winona knew or should have known that Fr. Adamson had sexually abused minor boys as early as 1963. Despite this information, Fr. Adamson was transferred to different parishes in the Diocese of Winona before being sent to work in the ADSPM in 1975.

241. Prior to and while working in the ADSPM, Fr. Adamson received treatment and counseling for his problem of sexually abusing minors yet was still able to minister to children.

242. In approximately 1977, Fr. Adamson was arrested for sexually assaulting a 16-year old boy. However, he remained in ministry and was transferred to another parish in the ADSPM.

243. In approximately 1980, a priest reported to Archdiocesan officials that Fr. Adamson

had sexually abused a minor male. Fr. Adamson was sent for treatment and psychiatric evaluation prior to being transferred to Risen Savior, where he sexually abused Plaintiff James Keenan. Prior to his assignment at Risen Savior, Fr. Adamson was instructed to have no contact with youth.

244. Upon information and belief, Defendant Holy See allowed Fr. Adamson to have unsupervised and unlimited access to children at Risen Savior.

245. Fr. Adamson's duties and responsibilities at Risen Savior included recruiting and soliciting children in the neighborhood and their families to become members of Defendant Holy See's organization so that they would pay money to the organization.

246. By placing Fr. Adamson and allowing him to work with children at Risen Savior in approximately 1981 and continuing until approximately 1985, and by allowing Fr. Adamson to recruit and solicit children to become members, Defendant Holy See affirmatively represented to minor children and their families, including Plaintiff James Keenan, that Fr. Adamson did not have a history of molesting children and was not a danger to children, that Defendant Holy See did not know or suspect that Fr. Adamson had a history of molesting children and that Defendant Holy See did not know that Fr. Adamson was a danger to children.

247. Defendant Holy See was in a specialized position where it had knowledge that Plaintiff James Keenan did not. Defendant was in a position to have this knowledge because it was Fr. Adamson's employer, because Defendant was responsible for Fr. Adamson and because its policies mandated secrecy with respect to the sort of knowledge learned about Fr. Adamson.

248. Plaintiff on the other hand was a child. As a child he was not in a position to have information about Fr. Adamson's molestation of other children or Defendant Holy See's knowledge of the danger Fr. Adamson posed to children. Nor was he in a position to know that Defendant Holy See mandated that its employees keep such knowledge from others, including

children like him.

249. In addition to the representations regarding safety being made directly to Plaintiff James Keenan, Defendant Holy See made these representations with knowledge and intent that they would be communicated to the minor Plaintiff through his parents/caregivers' words and actions. Defendant Holy See also had reason to believe that the representations made to Plaintiff's parents/caregivers would influence Plaintiff and particularly that the representations would influence the amount and type of time spent alone with Fr. Adamson, Fr. Adamson's access to Plaintiff James Keenan, and Fr. Adamson's ability to molest Plaintiff.

250. Particularly, Defendant Holy See knew or should have known that Fr. Adamson was a child molester and knew or should have known that Fr. Adamson was a danger to children before Fr. Adamson molested Plaintiff James Keenan.

251. Because of the superiority and influence that Defendant Holy See had over him, Plaintiff James Keenan believed and relied upon these misrepresentations.

252. Fr. Adamson sexually molested Plaintiff James Keenan. This abuse occurred while Plaintiff was a minor and parishioner at Risen Savior.

253. Had Plaintiff James Keenan or his family known what Defendant Holy See knew or should have known —that Fr. Adamson was a suspected child molester and a danger to children before Plaintiff was first molested by Fr. Adamson—Plaintiff would not have been sexually molested.

254. Had Plaintiffs and their families known that Defendant Holy See knew that there was a widespread problem of its agents sexually molesting children using the confessional, Plaintiffs would not have been abused.

255. As a direct and proximate result of Defendant Holy See's conduct described herein,

Plaintiffs have suffered a monetary loss, a loss of Plaintiffs' time, a loss of Plaintiffs' labor and a loss of Plaintiffs' services.

256. If Defendant Holy See had not engaged in its vast enterprise of soliciting funds, recruiting members, and other commercial activities, and had not deceived Plaintiffs while undertaking this commercial activity, Plaintiffs would not have been abused.

257. Peter's Pence, Defendant Holy See's seminary activities, its solicitation of funds, and the other commercial and business activities described herein all had a direct role in causing Plaintiffs' harms.

258. Defendant Holy See has concealed and continues to conceal important information about its priests accused of sexual abuse of children.

259. Upon information and belief, prior to and since 2004, Defendant Holy See failed to report multiple allegations of sexual abuse of children by its agents to proper civil authorities. As a result, children are at risk of being sexually molested.

260. As a direct result of Defendant's conduct described herein, Plaintiff Luke Hoffman 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 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 counseling, and, on information and belief has and/or will incur loss of income and/or loss of earning capacity. The amount of Plaintiff's damages will be fully ascertained at trial.

261. As a direct result of Defendant's conduct described herein, Plaintiff Stephen

Hoffman 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 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 counseling, and, on information and belief has and/or will incur loss of income and/or loss of earning capacity. The amount of Plaintiff's damages will be fully ascertained at trial.

262. As a direct result of Defendant's conduct described herein, Plaintiff Benedict Hoffman 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 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 counseling, and, on information and belief has and/or will incur loss of income and/or loss of earning capacity. The amount of Plaintiff's damages will be fully ascertained at trial.

263. As a direct result of Defendant's conduct described herein, Plaintiff James Keenan 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 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 counseling, and, on information and belief has and/or will incur loss of income and/or loss of earning capacity. The amount of Plaintiff's damages will be fully ascertained at trial.

264. As a direct result of Defendant's conduct described herein, Plaintiff Manuel Vega 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 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 counseling, and, on information and belief has and/or will incur loss of income and/or loss of earning capacity. The amount of Plaintiff's damages will be fully ascertained at trial.

FIRST CAUSE OF ACTION
NUISANCE (COMMON LAW AND MINN. STAT. § 609.74)

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

265. Defendant Holy See's actions and omissions, as described above, have interrupted or interfered with the health, safety, and welfare of the general public.

266. Defendant Holy See has created and exposed the public to these unsafe conditions continuously and on an ongoing basis before and since the time that Plaintiffs were sexually abused and has continued to expose the public to that unabated threat until the present day.

267. Defendant Holy See 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 the Perpetrators and its other accused

priests; and/or 2) conceal from proper civil authorities sexual assaults and abuse committed by the Perpetrators and its other agents against minor children; and/or 3) attack the credibility of victims of Defendant Holy See's agents; and/or 4) protect Defendant Holy See'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) violate the terms of relevant international laws at the expense and safety of children; and/or 7) after receiving reports or notice of misconduct by clerics such as the Perpetrators, transfer them to new parishes without any warning to parishioners of the threat posed by such clerics, in violation of law; and/or 8) make affirmative representations regarding the Perpetrators' and Defendant Holy See's other pedophilic and/or ephebophilic agents' fitness for employment, in positions that include working with children, while failing to disclose negative information regarding sexual misconduct by such clerics.

268. The negligence and/or deception and concealment by Defendant Holy See was and is injurious to the health of and/or indecent or offensive to the senses of and/or an obstruction to the free use of property by entire communities, neighborhoods, and/or a considerable number of persons including, but not limited to, children and residents in Minnesota and other members of the general public who live in communities where Defendant Holy See's agents who molested children live, so as to substantially and unreasonably interfere with the comfortable enjoyment of life. Defendant Holy See'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 substantially and unreasonably interfered with the comfortable enjoyment of life by a considerable number of persons 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 the Defendant Holy See but not to the public, pose a threat of additional abuse to a considerable number of members of the public.

269. The negligence and/or deception and concealment by Defendant Holy See was and is injurious to the health of and/or indecent or offenses to the senses of and/or an obstruction to the free use of property by entire communities, neighborhoods, and/or the general public including, but not limited to, residents who live in communities where Defendant Holy See's accused molesters live in that many in the general public cannot trust Defendant Holy See 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 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 United States and worldwide where Defendant Holy See conducted, and continues to conduct, its business.

270. The Defendant's negligence and/or recklessness and/or deception and concealment is of a constant and continuing nature.

271. The negligence and/or deception and concealment by Defendant Holy See was specially injurious to Plaintiffs' health and/or Plaintiffs' personal enjoyment of life as Plaintiffs were sexually assaulted by Defendant's agents, Fr. Wehmeyer, Fr. Adamson, and Fr. Silva-Flores.

272. The negligence and/or deception and concealment by Defendant Holy See also was specially injurious to Plaintiffs' health and/or Plaintiffs' personal enjoyment of life in that when Plaintiffs finally discovered the negligence and/or deception and concealment of Defendant Holy See that led to Plaintiffs' sexual assault, Plaintiffs experienced mental, emotional and/or physical

distress that they had been the victim of Defendant Holy See's negligence and/or deception and concealment.

273. 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 Holy See's concealment of names and information about priests accused of sexually molesting minors and as a result of the dangerous condition maintained and/or permitted by Defendant Holy See, 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.

274. Plaintiffs' injuries are also particular to them and different 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 the Defendant Holy See ever concealed anything about child sex abuse, and those who think that any concealment only occurred decades ago.

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

276. The harm suffered by Plaintiffs is the exact type of harm that one would expect from Defendant Holy See's acts and omissions.

277. In committing the aforementioned acts and omissions, Defendant Holy See acted negligently and recklessly and/or intentionally, maliciously and with conscious disregard for

Plaintiffs' rights.

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

SECOND CAUSE OF ACTION: NUISANCE (MINN. STAT. § 561.01)

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

279. Defendant Holy See 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 the Perpetrators and other accused priests; and/or 2) conceal from proper civil authorities sexual assaults and abuse committed by the Perpetrators and Defendant Holy See's other agents against minor children; and/or 3) attack the credibility of victims of Defendant Holy See's agents; and/or 4) protect Defendant Holy See'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) violate the terms of relevant international laws at the expense and safety of children; and/or 7) after receiving reports or notice of misconduct by clerics such as the Perpetrators, transfer them to new parishes without any warning to parishioners of the threat posed by such clerics, in violation of law; and/or 8) make affirmative representations regarding the Perpetrators', and Defendant Holy See's other pedophilic and/or ephebophilic agents' fitness for employment, in positions that include working with children, while failing to disclose negative information regarding sexual misconduct by such clerics.

280. The negligence and/or deception and concealment by Defendant Holy See was and is injurious to the health and/or indecent or offensive to the senses of and/or an obstruction to the

free use of property of residents and other members of the general public who live in communities where Defendant's 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 many in the general public cannot trust Defendant Holy See 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 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 United States and worldwide where Defendant Holy See conducted, and continues to conduct, its business.

281. The negligence and/or deception and concealment by Defendant Holy See was injurious to Plaintiffs' health and/or Plaintiffs' personal enjoyment of life as Plaintiffs were sexually assaulted by Defendant's agents, the Perpetrators.

282. The negligence and/or deception and concealment by Defendant Holy See 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 Holy See that led to Plaintiffs' sexual assault, Plaintiffs experienced mental, emotional, and/or physical distress that Plaintiffs had been the victim of the Defendant's negligence and/or deception and concealment.

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

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

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

damages described herein.

THIRD CAUSE OF ACTION: BREACH OF CONTRACT

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

286. A contract was formed between Plaintiffs and their families, on the one hand, and Defendant on the other, when Plaintiffs' families agreed to place their children in the Perpetrators' care and allowed them to be on the Parish premises. Plaintiffs were parties to and intended beneficiaries of this contract.

287. This contract was continually renewed as Plaintiffs and their families year after year continued their support of Defendant.

288. Additional contracts were formed when Perpetrators developed a special relationship with Plaintiffs.

289. One of the implied terms of these contracts was to keep Plaintiffs safe from child sexual assault.

290. Another implied term of the contracts was that Defendant would not employ priests who are child sexual abusers.

291. Another implied term of the contracts was that the Defendant would not conceal knowledge of sexual abuse by agents from children and their families.

292. Another implied term of the contracts was that the Defendant would provide a reasonably safe environment.

293. Another implied term of the contracts was that the Defendant would not allow parishioners and children to be sexually molested and abused.

294. Another of the implied terms of the contracts was that if priests or other employees

of Defendant observed, or became aware of, the Plaintiffs being sexually abused by a priest, they would immediately take the necessary steps to cause the illegal and outrageous conduct to cease.

295. Another of the implied terms of the contracts was that neither priests nor other employees at the Parishes would sexually abuse minor children.

296. Defendant breached these duties under each of the contracts formed with Plaintiffs' families, in part for the benefit of Plaintiffs.

297. As a direct result of Defendant's breach of its contractual duties, Plaintiffs have suffered the injuries and damages described herein.

298. As a direct result of Defendant's breach of its contractual duties, Plaintiffs and their family suffered a loss of money and a loss of Plaintiffs' services.

FOURTH CAUSE OF ACTION
BREACH OF IMPLIED COVENANT OF GOOD FAITH AND FAIR DEALING

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

299. The contract formed between Plaintiffs and their families, on the one hand, and Defendant on the other, included an implied covenant of good faith and fair dealing.

300. Defendant breached the implied covenant of good faith and fair dealing and thereby deprived Plaintiffs of the right to receive the benefits under the contract.

301. As a result of Defendant's breach of the implied covenant of good faith and fair dealing, Plaintiffs have suffered the injuries and damages described herein.

302. As a direct result of Defendant's breach of its contractual duties, Plaintiffs and their family suffered a loss of money and a loss of Plaintiffs' services.

FIFTH CAUSE OF ACTION: DECEPTIVE TRADE PRACTICES (M.S.A. § 325D.44)

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

this count.

303. At all times material, Defendant Holy See engaged in the business of recruiting and soliciting people to become members and contribute to the financial operation of the Roman Catholic Church.

304. At all times material, Defendant Holy See continues to hold the Roman Catholic Church out as being able to provide a safe environment for children and its leaders and people working at Catholic institutions, including the Perpetrators, as safe to work with children, despite knowledge of the widespread problem of child sexual abuse committed by its clergy.

305. Defendant Holy See has engaged in unlawful, unfair, fraudulent or deceptive business practices including but not limited to concealing and covering up the widespread problem of child sexual abuse committed by its clergy.

306. Defendant Holy See's unlawful, unfair, fraudulent or deceptive business practice includes, but is not limited to: 1) concealing the sexual assaults of, the identities and the pedophilic/ephebophilic tendencies of the Perpetrators and its other agents; and/or 2) concealing from proper civil authorities sexual assaults and abuse committed the Perpetrators and its other agents against minor children; and/or 3) attacking the credibility of victims of Defendant Holy See's agents; and/or 4) protecting Defendant Holy See's agents from criminal prosecution for their sexual assaults and abuse against children; and/or 5) allowing known child molesters to live freely in the community without informing the public; and/or 6) violating the terms of relevant international laws at the expense and safety of children; and/or 7) after receiving reports or notice of misconduct by clerics such as the Perpetrators, transferring them to new parishes without any warning to parishioners or the general public of the threat posed by such clerics and/or 8) making affirmative representations regarding the Perpetrators' and Defendant Holy See's other pedophilic

and/or ephebophilic agents' fitness for employment in positions that include working with children, while failing to disclose negative information regarding sexual misconduct by clerics.

307. Defendant Holy See's concealment, misrepresentations, and inadequate disclosures about child sexual assaults committed by the Perpetrators and its other agents constitute unlawful, unfair or fraudulent business practices because it creates a false impression about the standard and quality of the business of Defendant Holy See, specifically the safety of children participating in its programs and living in unsuspecting communities and working with and around children.

308. Defendant Holy See has engaged in unlawful, unfair, fraudulent or deceptive business practices by promulgating policies which harbor and protect abusive priests and prevent disclosure of reports of child sex abuse.

309. Defendant Holy See has engaged in unlawful, unfair or fraudulent business practices by directing its agents in Minnesota, the United States and worldwide to conceal from its parishioners and the general public the sexual assaults of children committed by its priests, bishops, clerics, agents and employees in order to avoid public scandal and to ensure continued receipt of funds from its parishioners and continued membership from its parishioners.

310. Defendant Holy See's unlawful, unfair or fraudulent business practices have continued to perpetuate sexual assaults and impunity of its agents who have committed child sex abuse.

311. Defendant Holy See's practices were and are likely to mislead the general public as to the safety and quality of the business of Defendant Holy See and/or the efforts made by Defendant Holy See to address the problem of child sex abuse by its priests, bishops, clerics, agents and employees.

312. These unlawful, unfair or fraudulent business practices are likely to continue and

therefore will continue to mislead the public as to the real risk of sexual assaults by its priests, bishops, clerics, agents and employees.

313. As a result of Defendant Holy See's unlawful, unfair or fraudulent business practices, Plaintiffs were sexually abused by the Perpetrators and have suffered the injuries and damages described herein, including pecuniary loss in the form of medical expenses and/or wage loss.

314. As a direct and proximate result of Defendant Holy See's conduct, Defendant Holy See has received and continues to receive financial contributions and continued support from members of the general public.

315. Plaintiffs request a permanent injunction pursuant to restraining and enjoining Defendant from continuing the acts of unlawful, unfair and/or fraudulent business practices set forth above by discontinuing its current practice and policy of dealing with allegations of child sexual abuse by its agents, and that it work with civil authorities to create, implement and follow a policy for dealing with such molesters that will better protect children and the general public from further harm.

316. During the pendency of this action, a preliminary injunction issued to enjoy and restrain Defendant Holy See from the acts of unlawful, unfair and/or fraudulent business practices set forth above by an order requiring that Defendant Holy See publicly release the names of all agents, including priests, accused of child molestation, each 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 Holy See's documents on the agents.

SIXTH CAUSE OF ACTION
FALSE STATEMENT IN ADVERTISEMENT (M.S.A. § 325F.67 & M.S.A. § 8.31)

Plaintiffs incorporate all consistent paragraphs of this complaint as if fully set forth under

this count.

317. Defendant, 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.

318. Defendant has disseminated false statements to the public, including Plaintiffs and their families, about its handling and knowledge of sexual abuse at its facilities and its efforts to protect children, and has failed to disclose material information to the public, including Plaintiffs and their families, 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.

319. As a result of Defendant Archdiocese's conduct, Plaintiffs have suffered the injuries and damages described herein.

SEVENTH CAUSE OF ACTION
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

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

320. Defendant's conduct was extreme and outrageous.

321. Defendant's conduct was done with the intention of causing, or reckless disregard of the probability of causing, severe emotional distress to Plaintiffs.

322. As a proximate result of Defendant's conduct, Plaintiffs have suffered and continues to suffer severe or extreme emotional distress.

EIGHTH CAUSE OF ACTION
VIOLATION OF CUSTOMARY INTERNATIONAL LAW OF HUMAN RIGHTS

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

this count.

323. The instructions, mandates and dictates of Defendant Holy See in the United States prohibiting the disclosure of the identity and existence of pedophiles and sexual predators under its control, thereby placing children in a position of peril, is a gross violation of established, universally recognized norms of international law of human rights. The customary international law of human rights has been codified in various international agreements, including but not limited to:

a. the *Universal Declaration of Human Rights,* in that Defendant Holy See as a matter of policy, at all times practiced, ignored, tolerated, disregarded, permitted, allowed, condoned or failed to report child sexual abuse which the international community and the civilized world views as cruel, inhumane and degrading; and

b. the *Convention on the Rights of the Child,* in that Defendant Holy See among other things, did not make the interests of minor children in its control their primary responsibility; did not conform to international standards for the safety and health of those children in considering the suitability of their priests, clerics, bishops, archbishops, cardinals, agents and servants; did not take all appropriate legislative, administrative, social and educational measures to protect those children from sexual abuse; did not prevent, identify, report, investigate, treat or follow-up on instances of child sexual abuse of which it had knowledge; did not take all appropriate measures to ensure that school discipline was administered in a manner consistent with human dignity; and did not undertake to protect those children from sexual exploitation and abuse.

324. Defendant Holy See signed the *Universal Declaration of Human Rights* in 1948; Defendant Holy See signed the *Convention on the Rights of the Child* in 1990.

325. The worldwide acceptance of various international agreements, including the *Convention on the Rights of the Child,* demonstrates that some of their provisions have attained the status of customary international law. The *Convention on the Rights of the Child* provides that "in all actions concerning children . . . the best interests of the child shall be a primary consideration," Art. 3, that the signatories "shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, . . . , including sexual abuse," Art. 19, and that they "undertake to protect the child from all forms of sexual exploitation and sexual abuse," Art. 34. These provisions codify longstanding legal human rights norms that reflect actual practices of states in prohibiting child sexual abuse, are not so novel as to be considered outside the bounds of what is customary, and are of universal concern.

326. The practices, instructions, mandates, and dictates of Defendant Holy See in the United States prohibiting the disclosure of the identity and existence of pedophiles and sexual predators under its control and thereby placing children in positions of harm, whether undertaken under the color of law or only in its capacity as a private actor, are violations of customary international law, and are crimes to which the law of nations attributes individual responsibility.

NINTH CAUSE OF ACTION
INJUNCTION FOR RELEASE OF NAMES OF SEX OFFENDERS

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

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

328. Plaintiffs, when they were children, and other children today have the right to not be harmed or sexually molested by agents and former agents of Defendant Holy See.

329. Defendant Holy See owes a duty to warn all children and their parents that come into contact with its agents or former agents of allegations of sexual misconduct by the agents and former agents because these children and their parents hold many of these agents and former agents in esteemed positions, believe in the infallibility of the Supreme Pontiff, and the trustworthiness of Defendant Holy See, all of which gives them virtually unlimited access to children.

330. Defendant Holy See also owes a duty to children and their parents to release all of the names of and documents regarding its agents and former agents against whom Defendant Holy See has deemed to have credible allegations of sexual misconduct with children to law enforcement and to the public at large.

331. Unless injunctive relief is granted, numerous children worldwide, across the United States and in Minnesota are at risk of being sexually molested by Defendant Holy See's agents and former agents. In order to ensure that children are protected and free from sexual molestation by Defendant Holy See's agents and former agents, Plaintiffs are entitled to and request an injunction ordering that Defendant Holy See:

a. Release the names of the perpetrators involved in the more than 3,400 credible cases in Defendant Holy See's possession to the public and to law enforcement;

b. Release the names of Defendant Holy See's agents and former agents that it found guilty of sexual misconduct with children to the public and to law enforcement;

c. Require the Bishops of each diocese to release the names of all agents and former agents who have been credibly accused of sexual misconduct with children;

d. Release the names of Defendant Holy See's agents or former agents that have admitted abusing children to the public and to law enforcement; and

e. Release the names of Defendant Holy See's agents and former agents that

have been convicted of sexually abusing a child to law enforcement and to the public.

TENTH CAUSE OF ACTION
INJUNCTION FOR RELEASE OF DOCUMENTS REGARDING SEX OFFENDERS

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

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

333. Plaintiffs, when they were children, and other children today have the right to not be harmed or sexually molested by agents and former agents of Defendant Holy See.

334. Defendant Holy See's practices of retaining, hiding, and concealing evidence of crimes of its agents and former agents has endangered numerous children and continues to put children in peril.

335. Defendant Holy See owes a duty to all children and their parents to release all documents relating to agents and former agents accused of sexually molesting children and also to release.

336. Unless injunctive relief is granted, numerous children across the United States, including in Minnesota, and across the world are at risk of being sexually molested by Defendant Holy See's agents and former agents. In order to ensure that children are protected and free from sexual molestation by Defendant Holy See's agents and former agents, Plaintiffs are entitled to and request an injunction ordering that Defendant Holy See:

a. Release all documents on the 3,400 credible cases in Defendant Holy See's possession to the public and to law enforcement

b. Release all documents related to Defendant Holy See's agents and former agents that it found guilty of sexual misconduct with children to the public and to law

enforcement;

c. Release all documents related to Defendant Holy See's agents or former agents that have admitted abusing children to the public and to law enforcement;

d. Require the Bishops of each diocese to release the documents related to agents and former agents who have been credibly accused of sexual misconduct with children; and

e. Release all documents related to Defendant Holy See's agents and former agents that have been convicted of sexually abusing a child to law enforcement and to the public.

ELEVENTH CAUSE OF ACTION: ADDITIONAL INJUNCTIVE RELIEF

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

337. As a result of the violations under the common law of the states, the federal common law, the laws of the 50 states and customary international law of human rights set forth herein, and in addition to monetary damages for those violations, the Plaintiffs seek orders:

a. Requiring that Defendant Holy See cease its violations of the internationally recognized human rights of children;

b. Requiring Defendant Holy See to report all allegations of child sexual abuse in each and every one of the United States;

c. Requiring that Defendant Holy See conform its conduct to the mandates of the common law of the states, the federal common law, the laws of the 50 states, and customary international law of human rights;

d. Requiring that Defendant Holy See act in ways that are in the best interests of children; and

e. Retaining jurisdiction in this Court for a period of no less than ten (10) years to ensure that the interests of children are not further compromised by the conduct of Defendant Holy See.

TWELFTH CAUSE OF ACTION
NEGLIGENCE AS TO PLAINTIFFS LUKE, STEPHEN AND BENEDICT HOFFMAN

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

338. Defendant Holy See, by and through its agents, servants and employees, breached duties owed to the Plaintiffs Luke, Stephen and Benedict Hoffman under the common law of the states, the federal common law, the laws of the 50 states, the law of the State of Minnesota and customary international law of human rights, including but not limited to:

a. The duty to provide safe care, custody and control of the minor children entrusted by their parents to the Roman Catholic churches under the absolute control of Defendant Holy See.

b. The duty to warn parents who entrusted their children's care, custody and control to the churches of the Roman Catholic Church that priests and other clerics were known pedophiles, sexual predators and perpetrators of child sexual abuse.

c. The duty to warn parents and children of a dangerous condition on Defendant's premises.

d. The duty to provide reasonable supervision of its employees to prevent sexual abuse.

e. The duty to not retain employees that presented an unreasonable risk of harming others.

f. The duty to report known or suspected perpetrators of child sexual abuse to

authorities as required by statutory law, common law, and customary international law.

339. The Defendant knew that its priests, clerics and agents in the United States, including Minnesota, were committing acts of child sexual abuse and engaging in dangerous and exploitive conduct as pedophiles, sexual predators and perpetrators of child sexual abuse, and that these priests, clerics, bishops, archbishops, cardinals, agents, and employees created an unsafe condition on the premises of the aforesaid churches and schools, institutions to whom the custody and control of said minor children was placed.

340. The acts and omissions of Defendant Holy See, alleged herein, including the concealment of its policy of harboring and protecting its abusive priests, agents and employees from public disclosure and prosecution and directives prohibiting the reporting of child sexual abuse to authorities, as part of a regular course of commercial conduct and particular commercial transactions and acts, was a substantial factor in bringing about the damages suffered by the Plaintiffs as a result of child sexual abuse.

THIRTEENTH CAUSE OF ACTION: NEGLIGENT SUPERVISION AS TO PLAINTIFFS LUKE, STEPHEN, AND BENEDICT HOFFMAN

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

341. At all times material, Fr. Wehmeyer was employed by Defendant and was under Defendant's direct supervision, employ and control when he committed the wrongful acts alleged herein. Fr. Wehmeyer engaged in the wrongful conduct while acting in the course and scope of his employment with Defendant and/or accomplished the sexual abuse by virtue of his job-created authority. Defendant failed to exercise ordinary care in supervising Fr. Wehmeyer in his assignments and failed to prevent the foreseeable misconduct of Fr. Wehmeyer from causing harm to others, including the Plaintiffs Luke, Stephen and Benedict Hoffman herein.

342. As a direct result of Defendant's negligent conduct, Plaintiffs have suffered the injuries and damages described herein.

FOURTEENTH CAUSE OF ACTION: NEGLIGENT RETENTION AS TO PLAINTIFFS LUKE, STEPHEN AND BENEDICT HOFFMAN

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

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

344. As a direct result of Defendant's negligent conduct, Plaintiffs have suffered the injuries and damages described herein.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs demand judgment against Defendant Holy See in an amount in excess of $75,000.00, plus costs, disbursements, reasonable attorneys' fees, interest, and such other relief that the Court deems just and equitable.

WHEREFORE, to abate the continuing nuisance, Plaintiffs request an order requiring that Defendant: 1) publicly disclose the names of all agents, including priests, accused of child molestation, each agent's history of abuse, each such agent's pattern of grooming and sexual behavior, and his last known address; 2) publicly disclose documents on the agents, including priests, accused of child molestation; and 3) discontinue their current practices and policies of dealing with allegations of child sexual abuse by their agents secretly, and that they work with civil authorities to create, implement and follow a policy for dealing with such molesters that will better protect children and the general public from further harm.

DEMAND IS HEREBY MADE FOR A TRIAL BY JURY.

Dated: May 14, 2019

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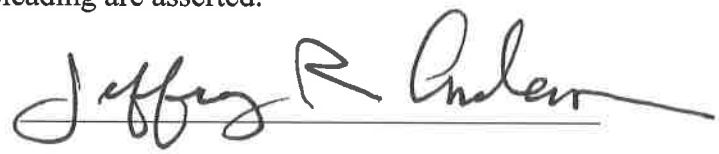
ACKNOWLEDGMENT

The undersigned hereby acknowledges that sanctions, including costs, disbursements, and reasonable attorney fees, may be awarded pursuant to Minnesota Statute Section 549.211 to the party against whom the allegations in this pleading are asserted.