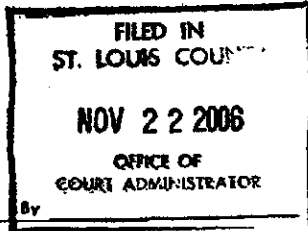


STATE OF MINNESOTA
COUNTY OF ST. LOUIS



DISTRICT COURT
SIXTH JUDICIAL DISTRICT

Personal Injury

John Doe 113,

Court File No.:

Plaintiff,

vs.

SUMMONS

Bishop Raphael Fliss, Diocese of
Superior and Edward Beutner,

Defendants.

THE STATE OF MINNESOTA TO THE ABOVE-NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED and required to serve upon Plaintiff's attorneys an Answer to the Complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint.

This case may be subject to Alternative Dispute Resolution (ADR) process under Rule 114 of the General Rules of Practice for the District Courts. The court administrator or your attorney can provide you with information about ADR options and a list of neutrals available in your area. ADR does not affect your obligation to respond to the Summons and Complaint within twenty (20) days.

Dated: 11/21/06

JEFF ANDERSON & ASSOCIATES, P.A.

By: Jeffrey R. Anderson, #2057
Michael G. Finnegan, #033649X
Attorneys for Plaintiff
E-1000 First National Bank Bldg.
332 Minnesota Street
St. Paul, Minnesota 55101
(651) 227-9990

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF ST. LOUIS

SIXTH JUDICIAL DISTRICT

Personal Injury

John Doe 113,

Court File No.:

Plaintiff,

vs.

COMPLAINT

Bishop Raphael Fliss, Diocese of Superior and Edward Beutner,

Defendants.

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

PARTIES

1. Plaintiff John Doe 113 is an adult male resident of the State of Wisconsin whose identity is made known to Defendant by separate cover letter. Plaintiff was a minor at the time of all sexual abuse and all sexual exploitation alleged herein.

2. The current Bishop of the Diocese of Superior is Raphael M. Fliss. Bishop Raphael M. Fliss is the Bishop of the Diocese of Superior. As such he controlled, operated and managed the affairs of the Diocese. On information and belief, Bishop Fliss has done business and continues to do business in Minnesota. Bishop Fliss also has knowledge that his agents have worked in Minnesota and that his agents have sexually molested children in Minnesota.

3. At all times material, the Diocese of Superior (hereinafter "Diocese") was and continues to be an organization authorized to conduct business and conducting business in this State. The Diocese's main office is located at 1201 Hughitt Ave., Superior, WI 54880. On information and belief, Defendant Diocese regularly conducts business in Minnesota, has had agents work in

Minnesota, and has knowledge that its agents, including Beutner, would and did conduct business in Minnesota.

4. At all times material, Father Edward Beutner (hereinafter "Beutner"), was an ordained Roman Catholic priest employed by Defendant Diocese. At all times material, Beutner remained under the direct supervision, employ and control of Defendant.

FACTS

5. Plaintiff John Doe 113 was raised in a devout Roman Catholic family, served as an altar boy, regularly celebrated mass, received the sacraments and participated in church-related activities at Cathedral of Christ the King. Plaintiff John Doe 113, therefore, developed great admiration, trust, reverence and respect for the Roman Catholic Church and its agents.

6. At all times material, Defendant Beutner was a Catholic priest, educated, trained, ordained, and employed by Defendant Diocese. At all times material, Defendant Beutner was under the direct supervision, employ, agency and control of Defendant Diocese.

7. Generally, Defendant Beutner's employment duties with Defendant Diocese included providing pastoral care, counseling, and spiritual guidance and leadership to Catholics. In addition, Defendant Beutner was a teacher and provided religious instruction for the spiritual and emotional needs of children, including Plaintiff, entrusted to his care.

8. Defendants Diocese and Fliss transferred Beutner to many different jobs in different towns and states including:

Superior, WI: Cathedral of Christ the King

Superior, WI (different assignment)

Absent on Leave - St. Louis University

River Falls, WI

Superior, WI: Assumption Church

Special Assignment: Office Religious Education

Cameron, WI

Concord, CA: Christian Brothers Residence

Napa, CA: Mont La Salle

Moquah, WI: SS. Peter and Paul Church

Santa Clara, CA: Santa Clara University Ministry Office

Awaiting Assignment

Somerset, WI: St. Anne's Church

Concord, CA: Christian Brothers Residence

Absent on Leave

Lake Toma Howk, WI: St. John Vianney

Woodruff, WI: Our Lady Queen of the Universe

River Falls, WI: St. Thomas More Newman Center

9. At all times material, Plaintiff was a parishioner at Cathedral of Christ the King in Superior, Wisconsin, where he came to know, admire, trust, revere and respect Beutner as a priest, teacher, counselor, spiritual advisor and religious instructor.

10. By holding Beutner out as a qualified Roman Catholic priest, and by undertaking the religious instruction and spiritual and emotional guidance of the minor Plaintiff, Defendants entered into a fiduciary relationship with the minor Plaintiff. As a result of Plaintiff being a minor, and by Defendants undertaking the care and guidance of the then vulnerable minor Plaintiff, Defendants

held a position of empowerment over Plaintiff.

11. Further, Defendants, by holding themselves out as shepherds and leaders of the Roman Catholic Church, solicited and/or accepted this position of empowerment. This empowerment prevented the then minor Plaintiff from effectively protecting himself and Defendants thus entered into a fiduciary relationship with Plaintiff.

12. In approximately 1965 or 1966, when the Plaintiff was approximately 15 years of age, Beutner engaged in unpermitted, harmful and offensive sexual contact with the Plaintiff while in Minnesota.

13. Plaintiff suffered a traumatic amnesia, or memory repression, of the sexual abuse that occurred in Minnesota when he was a child. He had no memory of the sexual abuse that occurred in Minnesota from the time that he was a child until approximately 2005 or 2006.

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

15. Defendants continue to attempt to cover up Beutner's abuse of children. Approximately one year ago Plaintiff and three others reported to Bishop Rafael Fliss that they were each molested as children by Beutner. Fliss and other Diocesan officials told Plaintiff and the other victims that they would not be able to hold the Diocese legally accountable because they were too late in coming forward and their claims would be time barred by the statute of limitations. This representation delayed Plaintiff from acting upon his rights.

16. As a direct result of the sexual abuse and sexual exploitation, Plaintiff has now

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

COUNT I: NEGLIGENCE -
DEFENDANT DIOCESE

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

18. By establishing, staffing, and/or operating a church and school, encouraging the membership and instruction of the Plaintiff in this church, accepting the membership of the Plaintiff in this church, and holding the church to be a safe environment for learning, worship and spiritual growth, Defendant entered into an express and/or implied duty to provide a reasonably safe learning and spiritual environment. Defendant further assumed this duty by holding Beutner out to the public, including Plaintiff, as a competent and trustworthy employee, teacher and counselor of high morals. Defendant breached this duty by exposing Plaintiff to Beutner, an unfit agent with dangerous and exploitive propensities.

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

**COUNT II: NEGLIGENT SUPERVISION -
DEFENDANT DIOCESE**

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

21. At all times material, Beutner was employed by Defendant and was under Defendant's direct supervision, employ and control when he committed the wrongful acts alleged herein. Beutner 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 Beutner in his work and failed to prevent the foreseeable misconduct of Beutner from causing harm to others.

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

**COUNT III: NEGLIGENT RETENTION -
DEFENDANT DIOCESE**

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

24. Defendant, by and through its agents, servants and employees, became aware, or should have become aware, of problems indicating that Beutner 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 discharge Beutner.

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

COUNT IV: VICARIOUS LIABILITY -
DEFENDANT DIOCESE

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

27. At all times material, Defendant employed Beutner. Beutner was under Defendant's direct supervision, employ, and control when he committed the wrongful and negligent acts described herein. Beutner engaged in this 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.

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

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

30. By using his position as a priest and the trust, power and authority of the position conferred on him, Beutner purported to act and/or speak on behalf of Defendant when he committed the tortuous acts alleged herein. Plaintiff further relied upon Beutner's apparent authority to act on

behalf of Defendant.

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

32. As a direct result of the sexual abuse, Plaintiff has suffered the injuries and damages as described herein.

**COUNT V: VIOLATION OF MINN. STAT. § 626.556 - FAILURE TO REPORT
DEFENDANT FLISS**

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

34. Within the last year Defendant Fliss received at least four separate reports that Beutner molested children, some in Minnesota.

35. Defendant Fliss had a duty to report suspected child abuse.

36. On information and belief, Defendant Fliss failed to report Edward Beutner to law enforcement.

37. On information and belief, Fliss also failed to make the fact that Beutner is a known child molester public, thereby subjecting countless children to Beutner's dangerous propensities.

38. Fliss knew that child molesters have a high rate of recidivism - meaning that they often re-offend.

39. On information and belief, Fliss did not report the abuse to law enforcement or warn the public in order to prevent scandal.

40. As a result of Fliss' failure to report, Plaintiff has suffered damages, including but not limited to physical manifestations of anxiety and depression, and increased symptoms of any already existing conditions.

COUNT VI: BATTERY/CHILD SEXUAL ABUSE
DEFENDANT BEUTNER

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

42. From approximately 1965-1966, when Plaintiff was a minor child, Defendant Beutner engaged in un-permitted, harmful and offensive sexual contact upon the person of the Plaintiff.

43. As already alleged and described herein, the sexual abuse of Plaintiff was undertaken while Defendant Beutner was a managing agent of Defendant Diocese, while in the course and scope of Defendant Beutner's employment with Defendant Diocese, and/or was ratified by Defendant Diocese and others.


44. As a direct result of this sexual abuse, Plaintiff has suffered the injuries and damages described herein.

WHEREFORE, Plaintiff demands judgement against Defendants individually, jointly and severally in an amount in excess of \$50,000 plus costs, disbursements, reasonable attorneys fees, interest, and whatever other relief the Court deems just and equitable.

Dated: 11/21/06

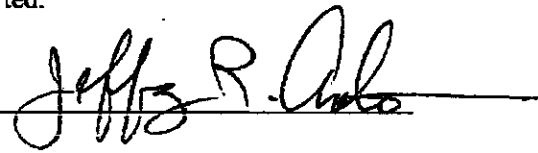
Respectfully submitted,

JEFF ANDERSON AND ASSOCIATES, P.A.


By: Jeffrey R. Anderson, #2057
Michael G. Finnegan, #033649X
Attorneys for Plaintiff
E-1000 First National Bank Bldg.
332 Minnesota Street
St. Paul, Minnesota 55101
(651) 227-9990

ACKNOWLEDGMENT

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



COPY

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

AFFIDAVIT OF PERSONAL SERVICE

Bob Schwiderski, being first duly sworn on oath, states that on November 22, 2006, I caused to be served the attached Summons and Complaint upon Defendant Diocese of Superior at 1201 Hughitt Avenue, Superior, WI 54880 by handing or leaving with PAT WILDERBERG true and correct copy thereof.

[Handwritten Signature]
BOB SCHWIDERSKI

Subscribed and sworn to before me
this 22nd day of November, 2006.

[Handwritten Signature]
Notary Public



COPY

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

AFFIDAVIT OF PERSONAL SERVICE

Bob Schwiderski, being first duly sworn on oath, states that on November 22, 2006, I caused to be served the attached Summons and Complaint upon Bishop Raphael Fliss therein named personally at 1201 Hughitt Avenue, Superior, WI 54880 by handing or leaving with _____

PAT WILDERBEAG a true and correct copy thereof.

[Handwritten Signature]

BOB SCHWIDERSKI

Subscribed and sworn to before me
this 22nd day of November, 2006.

[Handwritten Signature]
Notary Public

