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KEENAN

7
8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10

11 KATHLEEN STONEBRAKER, JAMES
KEENAN, Individuals,

12 Plaintiffs,

13 v.

14 HOLY SEE (STATE OF VATICAN
15 CITY; THE VATICAN),

16 Defendant.
17

Case No.:

18 **COMPLAINT FOR:**

- 1. PUBLIC NUISANCE
- 2. PRIVATE NUISANCE
- 3. VIOLATION OF BUSINESS AND PROFESSIONS CODE §17200
- 4. VIOLATION OF CUSTOMARY INT'L LAW OF HUMAN RIGHTS
- 5. ADDITIONAL INJUNCTIVE RELIEF

19 DEMAND FOR JURY TRIAL

20 Plaintiffs, for their causes of action against Defendant, allege that:

21 **PARTIES**

22 1. Plaintiff Kathleen Stonebraker was a minor resident of the State of
23 California and a citizen of the United States at the time of the sexual abuse alleged
24 herein. Plaintiff brings this action both in her individual capacity and on behalf of the
25 general public.

26 2. Plaintiff James Keenan is an adult male resident of the State of
27 Minnesota. Plaintiff was a minor resident of the State of Minnesota and a citizen of
28 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.

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

3 **JURISDICTION AND VENUE**

4 4. Plaintiffs bring this complaint under federal diversity jurisdiction, 28
5 U.S.C. §1332, as the parties are completely diverse in citizenship and the amount in
6 controversy exceeds \$75,000.

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

10 6. This Court has jurisdiction over Defendant Holy See because Defendant
11 Holy See engaged in commercial activity in California and throughout the United
12 States.

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

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

20 9. Plaintiff Kathleen Stonebraker previously brought a claim against the
21 Diocese of Oakland in 2010. The lawsuit was dismissed without prejudice in 2011.
22 Plaintiff Kathleen Stonebraker did not sue or assert a claim against Defendant Holy
23 See. Plaintiff Kathleen Stonebraker brings this case because Defendant Holy See has
24 not adequately addressed child sexual abuse by its priests, leaving numerous children
25 at risk.

26 10. Plaintiff James Keenan previously brought a lawsuit against the Diocese
27 of Winona and Archdiocese of St. Paul and Minneapolis in 2006. Plaintiff did not
28 sue or assert a claim against Defendant Holy See. Plaintiff James Keenan brings this

1 case because Defendant Holy See has not adequately addressed child sexual abuse by
2 its priests, leaving numerous children at risk.

3 **FACTS**

4 11. At all times material, Father Thomas Adamson was a Roman Catholic
5 priest, counselor and teacher educated by and under the direct supervision, authority,
6 employ and control of Defendant Holy See.

7 12. At all times material, Father Stephen Kiesle (hereinafter “Fr. Kiesle”)
8 was a Roman Catholic priest, counselor and teacher educated by and under the direct
9 supervision, authority, employ and control of Defendant Holy See.

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

20 14. Defendant Holy See directs, supervises, supports, promotes and engages
21 in the oversight of the sovereign nation, the organization, and its employees for the
22 purpose of the business, foreign affairs, and employees of the worldwide Roman
23 Catholic Church, and provides religious and pastoral guidance, education and
24 counseling to Roman Catholics worldwide in exchange for all or a portion of the
25 revenues collected from its members.

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

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

8 17. Defendant Holy See also actively engages in commercial and business
9 activity in the United States by recruiting and soliciting people to become members
10 and contribute to the financial operation of the Roman Catholic Church, including
11 overseeing the Society for the Propagation of the Faith in every diocese, including the
12 Diocese of Oakland.

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

19 19. Defendant Holy See enters into treaties and conventions with other
20 foreign states, including but not limited to the Universal Declaration of Human
21 Rights, the Convention on the Rights of the Child and the Convention against
22 Torture; maintains diplomatic relations with other foreign states, including the United
23 States; and has observer status in the United Nations. Defendant Holy See occupies
24 its own sovereign territory located within the city of Rome.

25 20. Defendant Holy See, engages in commercial and business activity in the
26 State of California, the United States and throughout the world.

27 21. As part of its fundraising activities, Defendant Holy See oversees a
28 pontifical mission society, the Pontifical Society for the Propagation of the Faith.

1 The Society for the Propagation of the Faith was founded in 1822 and has a central
2 office in Rome under the oversight and control of Defendant Holy See. Through
3 offerings in California, the United States, and worldwide, “the Society for the
4 Propagation of the Faith provides ongoing support for the pastoral and evangelizing
5 programs of the Catholic Church in Africa, Asia, the Pacific Islands and remote
6 regions of Latin America.” ([https://missionsla.org/programs/the-society-for-the-
7 propagation-of-the-faith/](https://missionsla.org/programs/the-society-for-the-propagation-of-the-faith/); last visited August 27, 2018).

8 22. Each diocese has a separate Society for the Propagation of the Faith
9 under the control and oversight of Defendant Holy See, including the Archdiocese of
10 Saint Paul and Minneapolis and the Diocese of Oakland. Money donated to the
11 Society for the Propagation of the Faith is sent to the Pontifical Mission Societies in
12 the United States headquartered in New York, which is also under the direction and
13 control of Defendant Holy See. The Society for the Propagation of Faith takes
14 donations and has special collections specifically for the mission.

15 23. Defendant Holy See’s business or private operation, in addition to
16 overseeing its employees not engaged in work peculiar to a sovereign, performs acts
17 that are commercial in nature, including extensive financial operations and
18 fundraising activities throughout the United States. Consistent with its corporate
19 structure, Defendant Holy See has instituted worldwide, mandatory policies that
20 perpetuate its financial strength and stability, particularly through the Society for the
21 Propagation of the Faith.

22 24. Also as part of its fundraising activities, Defendant Holy See has
23 continued the long and entrenched tradition of Peter’s Pence. Peter’s Pence
24 fundraising for Defendant Holy See has been active since 1871 when it was created
25 by the “Saepe Venerabilis” encyclical authored by Supreme Pontiff Pius IX.
26 Members are encouraged to send their donations throughout the year directly to the
27 Office of the Holy Father in Vatican City, but Defendant Holy See also directs and
28 coordinates an international campaign each and every year on June 29 or the closest

1 Sunday to the Solemnity of Saints Peter and Paul for its subdivisions, agencies,
2 and/or instrumentalities to take up a specific collection for the benefit of Defendant
3 Holy See.
4 ([http://www.vatican.va/roman_curia/secretariat_state/obolo_spietro/documents/index](http://www.vatican.va/roman_curia/secretariat_state/obolo_spietro/documents/index_en.htm)
5 [en.htm](http://www.vatican.va/roman_curia/secretariat_state/obolo_spietro/documents/index_en.htm) last visited February 13, 2018).

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

17 26. On information and belief the Peter's Pence operation has provided
18 Defendant Holy See with millions of dollars each year from the United States. The
19 Peter's Pence collection brought in almost \$80 million for Defendant Holy See in
20 2007 and over \$100 million in 2006, with the United States providing the largest
21 percentage of the funds. Defendant Holy See's business divisions in the United
22 States facilitate the largest portion of money collected for Defendant Holy See in the
23 Peter's Pence Collection.

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

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

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

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

18 31. Defendant Holy See has direct involvement with seminaries in the
19 United States including California, where it trains agents in its organization and
20 operation. On August 15, 1990, Supreme Pontiff John Paul II issued an apostolic
21 constitution on Catholic higher education entitled *Ex corde Ecclesiae*. The Apostolic
22 Constitution described, in detail, the top-down relationship between Defendant Holy
23 See and its educational institutions like seminaries. According to the Catholic
24 Church Extension Society, no matter where it's located or how it's structured, every
25 institution within the organization answers to Defendant Holy See. Defendant Holy
26 See's Congregation for Catholic Education has jurisdiction over all Catholic
27 institutions of higher learning, including seminaries. As a result, it oversees and
28 controls the admissions requirements and curricula to ensure that candidates are

1 properly prepared. In addition, since 1971, U.S. seminaries have adhered to the
2 Program of Priestly Formation (PPF) promulgated by the U.S. bishops' conference
3 and also approved by Rome. Defendant Holy See has a vast enterprise in the United
4 States which recruits and solicits members in order to support its business operations
5 in the United States and worldwide.

6 32. Defendant Holy See is solely responsible for creating new divisions of
7 its business and private enterprise (called a "Diocese" or "Archdiocese") around the
8 world. Only Defendant Holy See has this power. Defendant Holy See created all of
9 the dioceses in California, including the Archdiocese of Saint Paul and Minneapolis
10 and the Diocese of Oakland. It creates, divides and re-aligns dioceses, archdioceses
11 and ecclesiastical provinces. It also gives final approval to the creation, division or
12 suppression of provinces of religious orders and it is solely responsible for
13 modification or elimination of one of the divisions of its business enterprise.

14 33. Defendant Holy See reserves the exclusive right to perform numerous
15 local activities within its business operation within the United States including, but
16 not limited to, overseeing and managing the Society for the Propagation of the Faith,
17 laicization of clerics, dispensations from its rules and regulations, and appeals of a
18 bishop's decision.

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

23 35. Defendant Holy See directly and definitively controls the standards,
24 morals, and obligations of the clergy of the Catholic Church. Defendant Holy See
25 also does this by and through its agents and instrumentalities, including the
26 Congregation for the Clergy and the Congregation for Religious, both delegated by
27 the Supreme Pontiff and acting on his behalf and under his authority. Defendant
28 Holy See interacts with its local business units including those in the United States in

1 a manner that controls their day-to-day business and provides for no discretion on
2 numerous issues, and in particular the handling of child sex abuse by clergy and the
3 determinations whether clergy remain in Defendant Holy See's employ. Defendant
4 Holy See routinely promulgates its policies through various means including
5 encyclical, canon law, and Papal pronouncements.

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

11 37. Defendant Holy See promotes the sacred liturgy, directs and coordinates
12 the spreading of its doctrine, and undertakes other actions necessary to promote its
13 doctrine. It creates, appoints, assigns and re-assigns bishops, superiors of religious
14 orders, and through the bishops and superiors of religious orders has the power to
15 directly assign. Defendant Holy See has the final and sole power to remove
16 individual clergy. All bishops, clergy, and priests, including religious order priests,
17 vow to show respect and obedience to the Supreme Pontiff and their bishop.

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

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

4 40. Defendant Holy See—even beyond its collection through Peter’s Pence
5 and other means—is supported through the contributions of its parishioners, which
6 are received as part of a regular course of commercial conduct in the form of
7 donations of money, real property and personal property.

8 41. A major source of funds for Defendant Holy See is monies received
9 from its parishioners in the form of tithing. The amount of money flowing to the
10 Defendant from the United States is directly affected by the beliefs of its parishioners
11 in the righteousness of Defendant Holy See and its conduct. As members of the
12 Church, they are obligated to revere, respect, and obey the edicts issued from
13 Defendant Holy See, and are under threat of a denial of the sacraments or
14 excommunication if they do not follow those edicts.

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

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

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

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

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

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

26 48. Defendant Holy See promulgates and enforces the laws and regulations
27 regarding the education, training and standards of conduct and discipline for those
28 who serve in the governmental, administrative, judicial, educational and pastoral

1 workings of the Roman Catholic Church worldwide.

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

6 50. Defendant Holy See is directly and absolutely responsible for removing
7 bishops, archbishops and cardinals from service in the various divisions and offices
8 of the Roman Catholic Church by issuing instructions, mandates and dictates in the
9 United States.

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

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

21 53. In 1917, Defendant Holy See codified all of its rules, regulations and
22 laws, including those applicable to its employees, agents, and instrumentalities in one
23 document. These rules and regulations specifically forbade priests and clerics from
24 having sexual relations or relationships with children under the age of sixteen,
25 demonstrating that Defendant Holy See was well aware of the centuries-old practice
26 of child sexual abuse by Roman Catholic priests and clerics. Today, in the current
27 1983 version, the sexual abuse of children by priests and clerics continues to be
28 expressly forbidden.

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

4 55. Defendant Holy See has known about the widespread problem of child
5 sexual abuse committed by its clergy for centuries, but has covered up that abuse and
6 thereby perpetuated the abuse. Secret settlement agreements with victims have been
7 used to silence the victims and their families and to protect the abuser from criminal
8 prosecution by United States and state authorities. This practice was designed to
9 shield Defendant Holy See from "scandal," and has been mandated not only in the
10 United States but throughout the world, including North and South America, Europe
11 and Australia. Defendant Holy See is responsible for the historically verified practice
12 of the hierarchy, including the bishops, moving sexually abusive priests to areas
13 where allegations of the offender's abusive conduct were not known. Defendant Holy
14 See has never taken appropriate or effective steps to remove sexually abusive priests
15 from the ministry. The absolute power of Defendant Holy See over its bishops and
16 clergy in the United States was demonstrated in 2002, when the most powerful
17 American bishop's organization, the U.S. Conference of Catholic Bishops, adopted a
18 proposed policy designed to protect children from priest sexual abuse. The bishops
19 were powerless to implement this policy without approval from Defendant Holy See.
20 Defendant Holy See denied approval of key provisions sought by the U.S. bishops
21 which would have required that its agents in the United States report all known or
22 suspected child abuse to the civil authorities. Defendant Holy See also refused to give
23 the U.S. bishops the power to remove abusive priests from the ministry.

24 56. While the "public" policy of Defendant Holy See is to forbid child
25 sexual abuse by priests and clerics within its control, the actual "private" or secret
26 policy is to harbor and protect its abusive priests, clerics, bishops, archbishops,
27 cardinals, agents, and employees from public disclosure and prosecution, in order to
28 maintain the Supreme Pontiff's rightful claim of control and thereby ensure that its

1 parishioners, followers and financial contributors will keep confidence in the
2 institution, continue to view Defendant Holy See and the Supreme Pontiff as
3 deserving of allegiance, and, therefore, continue to contribute money and property to
4 Defendant Holy See.

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

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

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

1 60. In 1990, Defendant Holy See ratified the Convention on the Rights of
2 the Child (“CRC”) and is therefore legally obligated to comply with it.

3 61. By ratifying the CRC, Defendant Holy See agreed to be legally bound by
4 the terms of the CRC.

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

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

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

16 65. The United Nations has expressed the following concerns with
17 Defendant Holy See’s compliance with the CRC:

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

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

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

28 d. That Defendant Holy See’s internal law has addressed child sexual abuse

1 through confidential proceedings which have allowed the vast majority of abusers
2 and almost all those who concealed child sexual abuse to escape judicial proceedings
3 in States where the abuses were committed;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 73. The CAT expressed concern that Defendant Holy See did not provide
28 requested data on the number of cases in which Defendant Holy See provided

1 information to civil authorities in places where the cases arose and where the priests
2 concerned are currently located, stating “the Committee is concerned by reports that
3 the [Holy See’s] officials resist the principle of mandatory reporting of such
4 allegations to civil authorities.”

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

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

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

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

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

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

28 e. Establish an independent complaints mechanism to which victims of

1 alleged violations of the Convention can confidentially report allegations of abuse
2 and which has the power to cooperate with Defendant Holy See's authorities as well
3 as civil authorities in the location where the alleged abuse occurred;

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

8 g. Take steps to ensure victims of sexual abuse committed by or with the
9 acquiescence of Defendant Holy See's officials receive redress, including fair,
10 adequate and enforceable right to compensation and as full rehabilitation as possible,
11 regardless of whether perpetrators of such acts have been brought to justice.

12 Appropriate measures should be taken to ensure the physical and psychological
13 recovery and social reintegration of the victims of abuse; and

14 h. Compile statistical data relevant to the monitoring of the implementation
15 of the Convention, including data on complaints and investigations of cases
16 amounting to violations of the Convention as well as on means of redress, including
17 compensation and rehabilitation, provided to the victims.

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

26 77. At all times material hereto, Defendant Holy See breached duties owed
27 to Plaintiffs under customary international law of human rights, the federal common
28 law, the law of the fifty states, and the law of the State of California, thereby causing

1 injury to Plaintiffs.

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

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

11 80. Defendant Holy See has established exclusive policies and standards that
12 dictate how sexual abuse of children by its employees will be handled. With respect
13 to this aspect of its employment policy and business, Defendant Holy See mandates
14 certain procedures and absolute secrecy by all involved on penalty of immediate
15 removal from the organization (excommunication), retains the power at all times to
16 conduct the inquisition of the case itself, and admits no deviations from its mandate.
17 Through its mandated policies and its agents and instrumentalities, Defendant Holy
18 See is an integral part of the day-to-day handling of cases of child sex abuse by
19 clergy.

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

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

27 83. In 1962, Defendant Holy See released the confidential document,
28 Instruction on The Manner of Proceeding in Cases of Solicitation, (The Vatican

1 Press, 1962), available at [http://www.vatican.va/resources/resources_crimen-](http://www.vatican.va/resources/resources_crimen-sollicitationis-1962_en.html)
2 [sollicitationis-1962_en.html](http://www.vatican.va/resources/resources_crimen-sollicitationis-1962_en.html) (last viewed September 13, 2018) (hereinafter referred to
3 as “Crimen Sollicitationis”). The heading of the document says “From the Supreme
4 and Holy Congregation of the Holy Office To All Patriarchs, Archbishops, Bishops
5 and Other Diocesan Ordinaries ‘Even of the Oriental Rite’” and contains mandatory
6 and specific instructions regarding the handling of child sex abuse by clergy. It
7 permits no discretion in the handling of such cases. According to the document itself,
8 it is an “instruction, ordering upon those to whom it pertains to keep and observe it in
9 the minutest detail.” *Crimen Sollicitationis* at paragraph 24.

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

13 85. In Ireland, a government-generated, in-depth report that investigated and
14 analyzed the sexual abuse of minors by clergy documented that the Catholic Church
15 had a systemic problem of numerous clergy sexually abusing youth. The report
16 reached several conclusions including but not limited to: cases of sexual abuse were
17 managed within the institution with a view to minimizing the risk of public disclosure
18 and consequent damage to the institution; the offenses were not reported to the
19 police; the recidivist nature of sexual abuse was well known to authorities within the
20 institution; the Church authorities knew that the sexually abusive clergy were often
21 long-term offenders who repeatedly abused children wherever they were working;
22 when confronted with evidence of sexual abuse, a standard response of the religious
23 authorities was to transfer the offender to another location where, in many instances,
24 he was free to abuse again; sexual abuse was endemic in boys’ institutions.

25 <http://www.childabusecommission.ie/> (last viewed October 19, 2018). Defendant
26 Holy See was an active manager and mandated the policies that led to these horrific
27 occurrences in Ireland.

28 86. Defendant Holy See has been involved in the formation of secret

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

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

26 88. Defendant Holy See's policy of secrecy under penalty of immediate
27 removal from the organization (excommunication) for all involved in an accusation
28 against clergy for the crime of solicitation—which includes sexual abuse of a

1 minor—created a shroud of secrecy insulating priests from consequence. This policy
2 is explicitly laid out in the 1962 Vatican secret document, *Crimen Sollicitationis*. It
3 specifies in paragraph 4 that although the penalty for a Catholic member who violates
4 the vow of secrecy regarding child sex abuse by clergy is usually excommunication,
5 extreme cases can also result in removal from ministry or “they [the Ordinary, or
6 controlling agent] will also be able to transfer him to another [assignment], unless the
7 Ordinary of the place has forbidden it because he has already accepted the
8 denunciation and has begun the inquisition.” Through this policy and others
9 Defendant Holy See knowingly allowed, permitted and encouraged child sex abuse
10 by its priests, including Frs. Adamson and Kiesle.

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

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

1 the handling of such cases:

2 What is treated in these cases has to have a greater degree of care and
3 observance so that those same matters be pursued in a most secretive way, and,
4 after they have been defined and given over to execution, they are to be
5 restrained by a perpetual silence. (Instruction of the Holy Office, February 20,
6 1867, n. 14). Each and everyone pertaining to the tribunal in any way or
7 admitted to knowledge of the matters because of their office, is to observe the
8 strictest secret, which is commonly regarded as a secret of the Holy Office, in
9 all matters and with all persons, under the penalty of excommunication *latae*
10 *sententiae*, ipso facto and without any declaration [of such a penalty] having
11 been incurred and reserved to the sole person of the Supreme Pontiff, even to
12 the exclusion of the Sacred Penitentiary, are bound to observe [this secrecy]
13 inviolably. *Crimen Sollicitationis* at paragraph 11.

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

28 92. In *Crimen Sollicitationis*, Defendant Holy See created a specific

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

10 93. Again in 1988, Defendant Holy See issued another mandatory and
11 specific policy that reiterated that Defendant Holy See's Congregation for the
12 Doctrine of Faith had the power over crimes against morals, which includes sexual
13 abuse of children by priests. This document was Apostolic Constitution called *Pastor*
14 *Bonus* (available at [http://www.bishop-](http://www.bishop-accountability.org/AtAGlance/church_docs.htm)
15 [accountability.org/AtAGlance/church_docs.htm](http://www.bishop-accountability.org/AtAGlance/church_docs.htm)) (last visited October 19, 2018.)

16 94. In 1990, Bishop A. James Quinn, at a Midwest Canon Law Society
17 Meeting told of a policy where Bishops could send documents that "you really don't
18 want people to see" to the Vatican embassy in Washington "because they have
19 immunity." (available at [http://www.bishop-](http://www.bishop-accountability.org/AtAGlance/church_docs.htm)
20 [accountability.org/AtAGlance/church_docs.htm](http://www.bishop-accountability.org/AtAGlance/church_docs.htm)) (last visited October 19, 2018.)

21 95. Supreme Pontiff John Paul II issued an Apostolic Letter, *Sacramentorum*
22 *Sanctitatis Tutela*, dated April 30, 2001, available at [http://www.bishop-](http://www.bishop-accountability.org/resources/resource-files/churchdocs/SacramentorumAndNormaeEnglish.htm)
23 [accountability.org/resources/resource-](http://www.bishop-accountability.org/resources/resource-files/churchdocs/SacramentorumAndNormaeEnglish.htm)
24 [files/churchdocs/SacramentorumAndNormaeEnglish.htm](http://www.bishop-accountability.org/resources/resource-files/churchdocs/SacramentorumAndNormaeEnglish.htm) (last visited October 19,
25 2018), which confirms the direct relationship between Defendant Holy See and
26 employees who commit these crimes of solicitation. The mandate supplemented the
27 1962 *Crimen Solicitationis* and confirmed its position as an executive disciplinary
28 handbook:

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

15 96. The 2001 mandate expressly reserved to Defendant Holy See’s
16 Congregation of the Doctrine of the Faith the right to deal with allegations of child
17 sex abuse against priests.

18 97. Under the mandatory policy contained in the 2001 mandate, Bishops,
19 Archbishops, Cardinals and hierarchs are required to report any priest accused of
20 sexual misconduct to Defendant Holy See’s Congregation for the Doctrine of Faith.

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

24 99. Plaintiffs were harmed as a result of the Defendant Holy See’s practice
25 and policy of not reporting suspected child abuse to law enforcement officials and
26 requiring secrecy of all its agents who received reports of abuse. There are children
27 today who are in imminent danger of abuse because Defendant Holy See has failed to
28 report or release the names of agents that have been either been convicted or credibly

1 accused of molesting children, or that Defendant Holy See itself has found guilty of
2 abuse.

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

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

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

15 103. After 2001, Defendant Holy See instructed its agents that all cases of
16 sexual abuse by its agents were to be handled by Defendant Holy See. Since then
17 Defendant Holy See has learned of thousands of cases. Defendant Holy See has not
18 released the names of the sex offenders that it learned about since 2001 to the public
19 and to law enforcement.

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

22 105. The United States Catholic Conference of Bishops has indicated that
23 over 6,000 clerics have been accused of sexual abuse of minors between 1950 and
24 2016. Less than 3,000 of these names have been released to the public.

25 106. In 2014, Defendant Holy See released statistics regarding clergy accused
26 of abuse under pressure from the United Nations. Archbishop Silvio Tomasi reported
27 in 2014 that since 2004, more than 3,400 credible cases of abuse have been referred
28 to Rome. Of these, 848 priests had been laicized and 2,572 removed from ministry

1 and sentenced to a lifetime of prayer and penance. Defendant Holy See has not
2 released these names to the public.

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

7 108. Almost two-thirds of the survivors abused in religious institutions in
8 Australia were abused in Catholic institutions. The Royal Commission identified
9 1,880 perpetrators from the Catholic Church only, 572 of those perpetrators being
10 priests. The abuse occurred in 964 different Catholic institutions. The Royal
11 Commission found the following:

- 12 a. Children (who came forward) were ignored or worse, punished.
13 Allegations were not investigated;
- 14 b. Documents were not kept or they were destroyed. Secrecy prevailed as
15 did cover-ups; and
- 16 c. After offending, priests were transferred to other communities where
17 they knew nothing of their past.

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

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

25 111. In 1993, Cardinal Pell accompanied a perpetrator, Gerald Ridsdale, to a
26 court appearance and tried to “lessen [Ridsdale’s] time in jail.” Subsequently,
27 Cardinal Pell became Archbishop of Melbourne in 1996 and Archbishop of Sydney in
28 2001.

1 112. Not only has Cardinal Pell publically supported accused offenders,
2 Cardinal Pell has also been accused of concealing child sexual abuse allegations.
3 Despite this, in 2014 Pell was appointed Secreteriat for the Economy for Defendant
4 Holy See.

5 113. Cardinal Pell has now been accused of abusing minors himself and is
6 currently facing trial in Melbourne, Australia for accusations that he committed
7 “historic sexual offenses.” Supreme Pontiff Francis granted Cardinal Pell a leave of
8 absence so he could “clear his name.”

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

12 115. As early as 2010, Archbishop Wilson endured public scrutiny for his
13 handling of sexual abuse claims related to James Fletcher and Denis McAlinden in
14 the Maitland-Newcastle Archdiocese. Even in light of his role in the concealment of
15 child sexual abuse, Defendant Holy See allowed Archbishop Wilson to continue his
16 duties as Archbishop. In March 2015 when Wilson was criminally charged, he took a
17 leave of absence until January 2016 when he resumed his duties as Archbishop of
18 Adelaide. Supreme Pontiff Francis and Defendant Holy See did nothing to restrict
19 the Archbishop’s ministry or title during this period. Supreme Pontiff Francis only
20 accepted Wilson’s resignation after Wilson was found guilty in 2018.

21 116. On the island of Guam alone, approximately 160 lawsuits have been
22 filed related to clergy sexual abuse, implicating priests and at least one archbishop
23 with complaints dating back at least 4 decades.

24 117. Of the accused offenders in Guam is former Archbishop Anthony Sablan
25 Apuron. Archbishop Apuron was placed on leave in 2016 and an internal
26 investigation was made into the allegations against Archbishop Apuron by a Vatican
27 tribunal. Archbishop Apuron was removed from office in March 2018 and found
28 guilty of some of the allegations made against him, including crimes involving

1 minors. After Archbishop Apuron appealed the Vatican tribunal's decision, Supreme
2 Pontiff Francis indicated that he would review Archbishop Apuron's appeal
3 personally. However, Defendant Holy See did not release information about why
4 Archbishop Apuron was removed or what he was found guilty of. Despite the
5 allegations made against him, Apuron remains a bishop in the Catholic Church.

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

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

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

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

23 122. In the United States, Cardinal Bernard Law was accused of concealing
24 information relating to child sexual abuse in the Boston Archdiocese. Specifically,
25 Cardinal Law knew that priest John Geoghan had sexually abused boys and been
26 moved from parish to parish.

27 123. Despite this, upon his resignation as Archbishop of Boston, Cardinal
28 Law was promoted in Rome and became an archpriest of one of Rome's basilicas.

1 He received a cardinal's funeral upon his death in 2017.

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

7 125. In 2018, Fr. Boniface Ramsey released an October 2006 letter which he
8 received from a top official of the Vatican Secretariat of State. In the letter, then-
9 Archbishop Leonardo Sandri acknowledged receipt of the allegations regarding
10 McCarrick in 2000.

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

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

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

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

27 130. Bishop Hoepfner remains the bishop in the Diocese of Crookston
28 despite suppressing evidence of child sexual abuse after being ordered to produce

1 such information by a state court judge.

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

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

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

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

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

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

1 137. Promises made by Defendant Holy See to address child sexual abuse
2 have not been kept.

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

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

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

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

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

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

25 d. In 2018, Defendant Holy See gave permission to the Diocese of Winona
26 in Minnesota to change its name to the Diocese of Winona-Rochester; and

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

1 141. Supreme Pontiff Francis has not issued any decree or Apostolic
2 Exhortation regarding the prevention of clergy sexual abuse despite his authority to
3 do so.

4 142. At all times material, Defendant Holy See employed priests, including
5 Father Thomas Adamson and Father Stephen Kiesle, to provide religious and pastoral
6 services. The duties of Fr. Adamson and Fr. Kiesle were limited to performing
7 ecclesiastical and parochial services. At no time did they perform legislative work or
8 governmental functions on behalf of Defendant Holy See and were not civil servants
9 or diplomatic or military employees of the sovereign Holy See. Fr. Adamson and Fr.
10 Kiesle were employed by Defendant Holy See as priests. The duties of Fr.
11 Adamson's and Fr. Kiesle's employment included but were not restricted to teaching
12 the word of God and the law of the church; providing religious, educational, and
13 counseling services; and obtaining financial support for the Church. Defendant Holy
14 See controlled Fr. Adamson and Fr. Kiesle, were responsible for punishment if there
15 was wrongdoing, and had some stake in paying Fr. Adamson and Fr. Kiesle for their
16 services. Defendant Holy See controlled all aspects of Fr. Adamson's and Fr.
17 Kiesle's conduct including their clothing, their routine, their practices, and their
18 teachings. Defendant Holy See also supplied Fr. Adamson and Fr. Kiesle with
19 materials for their fundraising and solicitation of property. Defendant Holy See had
20 the sole authority to remove Fr. Adamson and Fr. Kiesle from their positions as
21 priests. At all times material, Fr. Adamson and Fr. Kiesle were Roman Catholic
22 priests, employed by and agents of Defendant Holy See, under its direct supervision
23 and control, particularly on the issue of child sex abuse.

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

27 144. Fr. Thomas Adamson was ordained as a Roman Catholic priest in 1958
28 and remained under Defendant Holy See's direct supervision, employ and control

1 during all times material to this Complaint.

2 145. Fr. Stephen Kiesle was ordained as a Roman Catholic priest in 1972 and
3 remained under Defendant Holy See's direct supervision, employ and control during
4 all times material to this Complaint.

5 146. At Ordination, each priest agreed to be obedient to their Bishop or
6 Provincial and Defendant Holy See (the Supreme Pontiff).

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

10 148. Defendant Holy See is a traditional monarchy, which means that it holds
11 all authority in the first instance and any authority held by others within the
12 institution is delegated from Defendant Holy See. Defendant Holy See has reaffirmed
13 this on numerous occasions, including in its book of rules and regulations.

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

26 150. Any corporations, including but not limited to any Archdiocese or
27 Diocese in California which was or is incorporated, were and are an alter ego of
28 Defendant Holy See. Defendant Holy See retained and does still retain complete and

1 final control over these corporations. Defendant Holy See has day-to-day control of
2 these entities through mandatory policies and procedures, mandatory meetings,
3 mandatory obedience, and dictation of most aspects of their agents' lives.

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

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

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

14 154. Risen Savior in Apple Valley, Minnesota, was controlled, operated and
15 run under Defendant Holy See's policies and protocols. Defendant Holy See
16 controlled and mandated all aspects of the parish. The children relied upon
17 Defendant and its agents to provide them with teaching and shelter at the facilities.

18 155. St. Joseph Parish in Pinole, California, was controlled, operated and run
19 under Defendant Holy See's policies and protocols. Defendant Holy See controlled
20 and mandated all aspects of the parish. The children relied upon Defendant and its
21 agents to provide them with teaching and shelter at the facilities.

22 156. Fr. Adamson and Fr. Kiesle were fundraisers and solicitors of members
23 for Defendant Holy See. They raised a great deal of resources for Defendant Holy
24 See. Fr. Adamson and Fr. Kiesle were also able to recruit numerous children, adults
25 and families to become paying members of Defendant Holy See's organization.

26 157. Defendant Holy See wanted to retain Fr. Adamson's and Fr. Kiesle's
27 services as fundraisers and recruiters.

28 158. Fr. Adamson was ordained a priest in the Diocese of Winona,

1 Minnesota, and promised obedience to Defendant Holy See (the Supreme Pontiff)
2 and the Bishop of the Diocese of Winona.

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

8 160. From approximately 1981 to 1985, Fr. Adamson worked at Risen Savior
9 in Apple Valley, Minnesota, in the Archdiocese of St. Paul and Minneapolis. Fr.
10 Adamson was appointed to teach, counsel, instruct and guide child parishioners at
11 Risen Savior.

12 161. In approximately 1981, Fr. Adamson sexually abused Plaintiff in the
13 Archdiocese of St. Paul and Minneapolis.

14 162. Prior to sexually abusing Plaintiff James Keenan, the Diocese of Winona
15 knew or should have known that Fr. Adamson had sexually abused minor boys as
16 early as 1963. Despite this information, Fr. Adamson was transferred to different
17 parishes in the Diocese of Winona before being sent to work in the Archdiocese of St.
18 Paul and Minneapolis in 1975.

19 163. Prior to and while working in the Archdiocese of St. Paul and
20 Minneapolis, Fr. Adamson received treatment and counseling for his problem of
21 sexually abusing minors yet was still able to minister to children.

22 164. In approximately 1977, Fr. Adamson was arrested for sexually assaulting
23 a 16-year old boy. However, he remained in ministry and was transferred to another
24 parish in the Archdiocese of St. Paul and Minneapolis.

25 165. In approximately 1980, a priest reported to Archdiocesan officials that
26 Fr. Adamson had sexually abused a minor male. Fr. Adamson was sent for treatment
27 and psychiatric evaluation prior to being transferred to Risen Savior parish in Apple
28 Valley, Minnesota, where he sexually abused James Keenan. Prior to his assignment

1 at Risen Savior, Fr. Adamson was instructed to have no contact with youth.

2 166. Upon information and belief, Defendant Holy See allowed Fr. Adamson
3 to have unsupervised and unlimited access to children at Risen Savior in Apple
4 Valley, Minnesota.

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

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

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

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

27 171. In addition to the representations regarding safety being made directly to
28 Plaintiff James Keenan, Defendant Holy See made these representations with

1 knowledge and intent that they would be communicated to the minor Plaintiff through
2 his parents/caregivers words and actions. Defendant Holy See also had reason to
3 believe that the representations made to Plaintiff's parents/caregivers would influence
4 Plaintiff and particularly that the representations would influence the amount and
5 type of time spent alone with Fr. Adamson, Fr. Adamson's access to Plaintiff James
6 Keenan, and Fr. Adamson's ability to molest Plaintiff.

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

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

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

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

18 176. Had Plaintiff James Keenan and his family known that Defendant Holy
19 See knew that there was a widespread problem of its agents sexually molesting
20 children using the confessional, Plaintiff would not have been abused.

21 177. In the Archdiocese of Saint Paul and Minneapolis, Father Curtis
22 Wehmeyer was authorized to be a priest of Defendant Holy See, despite knowledge
23 of his unfitness to be a priest and have access to children.

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

27 179. Later in 2004, an employee of St. Joseph's Parish School in West St.
28 Paul reported to the pastor, Fr. Lee Piche that she observed Fr. Wehmeyer leaving the

1 students' bathroom, and a student reported to her that Fr. Wehmeyer was in the
2 students' bathroom all the time. At a subsequent staff meeting, Fr. Piche reminded all
3 staff that there was no reason for them to ever use the students' bathrooms.

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

9 181. In May, 2004, Fr. Wehmeyer approached two younger-looking men at a
10 bookstore in Roseville, Minnesota and told them he was not at the store to look for
11 books, but rather for contacts. Fr. Wehmeyer told one of the young men that he was
12 "a veteran and had been doing this for a while now." Fr. Wehmeyer asked the young
13 man, "Are you fucking horny right now?" The young man informed Fr. Wehmeyer
14 that he was not interested in the kind of contact Fr. Wehmeyer was looking for. Fr.
15 Wehmeyer then approached the other young man, struck up a conversation about
16 sexual matters and told him he was a priest in West St. Paul but he was in the
17 bookstore "incognito."

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

24 183. In February of 2006, Fr. Wehmeyer was placed on a monitoring program
25 for problem priests.

26 184. On June 15, 2006 Archbishop Harry Flynn removed Wehmeyer from St.
27 Joseph's in West St. Paul and assigned him as parochial administrator at the Church
28 of the Blessed Sacrament in St. Paul, Minnesota.

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

10 186. On May 2, 2008 Archbishop John Clayton Nienstedt replaced Harry
11 Flynn as the Archbishop of St. Paul and Minneapolis. Shortly after that, the
12 Archdiocesan Chancellor for Canonical Affairs provided Archbishop Nienstedt with
13 Fr. Wehmeyer's history and information about his problems.

14 187. On June 1, 2009, Archbishop Nienstedt promoted Wehmeyer to pastor
15 of Blessed Sacrament, and also made him pastor of St. Thomas the Apostle Church in
16 St. Paul despite his history of sexual misconduct. Official Fr. Peter Laird warned the
17 Archbishop against making Fr. Wehmeyer pastor and indicated that Fr. Wehmeyer
18 was not stable. Fr. Wehmeyer himself asked Archbishop Nienstedt if Archbishop
19 Nienstedt was aware of his past and record.

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

26 189. After Fr. Wehmeyer's arrest at the gas station, the same priest contacted
27 the office of the Vicar General for the Archdiocese of St. Paul and Minneapolis and
28 told them he thought the Archdiocese had a predator on their hands in Fr. Wehmeyer.

1 The priest also reported that Fr. Wehmeyer had taken two minor boys who were
2 parishioners at Blessed Sacrament camping with him during the summer of 2009.

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

7 191. In 2010, Fr. Wehmeyer took the same two minor boys camping. A priest
8 camping with Fr. Wehmeyer reported to Archdiocesan officials that he observed Fr.
9 Wehmeyer in bed with one of the boys.

10 192. On June 18, 2012, the mother of the two boys Fr. Wehmeyer took
11 camping disclosed that Fr. Wehmeyer sexually abused the boys. Between 2009 and
12 2012, Fr. Wehmeyer invited the boys into his camper parked on Blessed Sacrament
13 property, gave the boys alcohol, marijuana and cigarettes, watched pornography with
14 them, touched the boys' penises, masturbated in front of the boys, and made the boys
15 dance naked together in front of him.

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

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

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

27 196. After Fr. Wehmeyer's arrest and conviction, Fr. Peter Laird drafted a
28 memorandum to Archbishop Nienstedt requesting that Archbishop Nienstedt publicly

1 acknowledge that Fr. Laird counseled him against assigning Fr. Wehmeyer.

2 197. In the fall of 2013, Archbishop John Nienstedt, was accused of sexual
3 misconduct, during his time as Archbishop of Minneapolis and St. Paul and before.
4 The allegations included sexual harassment of priests; unwelcome sexual
5 propositioning of priests of the Archdiocese and Diocese of Detroit; that Archbishop
6 Nienstedt retaliated against a 19-year-old seminarian for refusing to go with
7 Archbishop Nienstedt on a trip by having the seminarian removed from the seminary;
8 that Nienstedt was known to frequent establishments catering to gay clientele in
9 Canada and Detroit; and that Archbishop Nienstedt inappropriately touched a boy
10 during a confirmation photograph.

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

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

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

23 201. Between February, 2014, and April, 2014 Greene Espel obtained 10
24 affidavits describing sexual misconduct by Archbishop Nienstedt, and appeared to
25 discover a personal relationship between Archbishop Nienstedt and Fr. Wehmeyer
26 prior to Fr. Wehmeyer's arrest. Witnesses reported seeing Archbishop Nienstedt
27 leaving Wehmeyer's rectory early in the morning and visiting in the evenings. One
28 witness reported hearing Wehmeyer remark on multiple occasions that he had dinner

1 with Archbishop Nienstedt the previous evening. Other priests described Archbishop
2 Nienstedt interfering with their careers after they refused Archbishop Nienstedt's
3 sexual advances.

4 202. On April 10, 2014 attorneys from Greene Espel met with officials from
5 the Archdiocese to report their initial findings. It was decided that Archbishop
6 Nienstedt should resign.

7 203. On April 12, 2014, Auxillary Bishop Andrew Cozzens, Bishop Lee
8 Piche, and Archbishop Nienstedt met with the papal nuncio, Archbishop Carlo Maria
9 Vigano in Washington D.C.

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

15 205. The papal nuncio at the time, Archbishop Carlo Maria Vigano, worked
16 with Archbishop Nienstedt in Rome early in their careers.

17 206. Bishop Cozzens and Bishop Piche met with Archbishop Vigano about
18 Greene Espel's findings about Archbishop Nienstedt. In response, Archbishop
19 Vigano instructed Bishop Cozzens and Bishop Piche that Green Espel was not to
20 pursue any more leads, quickly interview Archbishop Nienstedt, and wrap up the
21 investigation.

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

26 208. When Green Espel was directed to narrow the investigation as instructed
27 by the papal nuncio, it refused and withdrew as counsel for the Archdiocese in July,
28 2014. Greene Espel's complete findings have never been made public. As a result,

1 children are at risk.

2 209. On June 5, 2015, the Archdiocese of St. Paul and Minneapolis was
3 criminally charged for endangering the safety of the children Fr. Curtis Wehmeyer
4 sexually abused.

5 210. On June 10, 2015, Archbishop John Nienstedt resigned from his position
6 as Archbishop for the Archdiocese of Saint Paul and Minneapolis. Archbishop
7 Nienstedt remains a priest in good standing.

8 211. In July of 2016, the Archdiocese reached a settlement with the Ramsey
9 County Attorney's Office, in which the Archdiocese admitted wrongdoing for its
10 failure to protect children from Fr. Curtis Wehmeyer in return for the criminal
11 charges against them being dropped. In their admission, the Archdiocese made no
12 mention of the relationship between Fr. Wehmeyer and Archbishop Nienstedt being a
13 reason for the decisions made by Archbishop Nienstedt that led to Fr. Wehmeyer's
14 access to and sexual abuse of minor boys.

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

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

21 214. As a direct and proximate result of Defendant Holy See's conduct
22 described herein, Plaintiff James Keenan has suffered a monetary loss, a loss of
23 Plaintiff's time, a loss of Plaintiff's labor and a loss of Plaintiff's services.

24 215. Fr. Stephen Kiesle was ordained a priest in the Diocese of Oakland,
25 California, and promised obedience to Defendant Holy See (the Supreme Pontiff) and
26 the Bishop of the Diocese of Oakland.

27 216. Following his ordination, Fr. Kiesle was authorized to represent himself
28 as a priest of Defendant Holy See, to wear uniform or vestments of a priest, to teach

1 and counsel the public, including minors, on behalf of Defendant Holy See and to
2 otherwise exercise the rights, privileges and responsibilities of a Roman Catholic
3 priest.

4 217. From approximately 1972 to 1975, Fr. Kiesle worked at St. Joseph's in
5 Pinole, California, in the Diocese of Oakland. Fr. Kiesle was appointed to teach,
6 counsel, instruct and guide child parishioners at St. Joseph's.

7 218. From approximately 1972 to 1974, Fr. Kiesle sexually abused Plaintiff
8 Kathleen Stonebraker in the Diocese of Oakland.

9 219. In approximately 1978, Fr. Kiesle pleaded no contest to lewd conduct for
10 tying up and sexually abusing two boys, and was sentenced to three years of
11 probation.

12 220. In approximately 1981, Fr. Kiesle petitioned Defendant Holy See's
13 Congregation for the Doctrine of Faith seeking relief of his priestly obligations.

14 221. From approximately 1981 to 1987, when Fr. Kiesle's laicization petition
15 was accepted, the Diocese of Oakland communicated with Defendant Holy See
16 regarding whether to release Fr. Kiesle from the priesthood. During some of this time,
17 Fr. Kiesle continued to work as a youth coordinator at St. Joseph's in Pinole,
18 California.

19 222. In approximately 2004, Fr. Kiesle was convicted of sexually abusing a
20 child in 1995 and sentenced to six years in prison.

21 223. Fr. Kiesle is currently registered as a sex offender and living in Walnut
22 Creek, California.

23 224. Upon information and belief, Defendant Holy See allowed Fr. Kiesle to
24 have unsupervised and unlimited access to children at St. Joseph's in Pinole,
25 California.

26 225. Fr. Kiesle's duties and responsibilities at St. Joseph's included recruiting
27 and soliciting children in the neighborhood and their families to become members of
28 Defendant Holy See's organization so that they would pay money to the organization.

1 226. By placing Fr. Kiesle and allowing him to work with children at St.
2 Joseph's in approximately 1972 and continuing until approximately 1975, and by
3 allowing Fr. Kiesle to recruit and solicit children to become members, Defendant
4 Holy See affirmatively represented to minor children and their families, including
5 Plaintiff Kathleen Stonebraker, that Fr. Kiesle did not have a history of molesting
6 children and was not a danger to children, that Defendant Holy See did not know or
7 suspect that Fr. Kiesle had a history of molesting children and that Defendant Holy
8 See did not know that Fr. Kiesle was a danger to children.

9 227. Defendant Holy See was in a specialized position where it had
10 knowledge that Plaintiff Kathleen Stonebraker did not. Defendant was in a position
11 to have this knowledge because it was Fr. Kiesle's employer, because Defendant was
12 responsible for Fr. Kiesle and because its policies mandated secrecy with respect to
13 the sort of knowledge learned about Fr. Kiesle.

14 228. Plaintiff Kathleen Stonebraker, on the other hand, was a child. As a
15 child, she was not in a position to have information about Fr. Kiesle's molestation of
16 other children or Defendant Holy See's knowledge of the danger Fr. Kiesle posed to
17 children. Nor was she in a position to know that Defendant Holy See mandated that
18 its employees keep such knowledge from others, including children like her.

19 229. In addition to the representations regarding safety being made directly to
20 Plaintiff Kathleen Stonebraker, Defendant Holy See made these representations with
21 knowledge and intent that they would be communicated to the minor Plaintiff through
22 her parents'/caregivers' words and actions. Defendant Holy See also had reason to
23 believe that the representations made to Plaintiff's parents/caregivers would influence
24 Plaintiff and particularly that the representations would influence the amount and
25 type of time spent alone with Fr. Kiesle, Fr. Kiesle's access to Plaintiff, and Fr.
26 Kiesle's ability to molest Plaintiff.

27 230. Particularly, Defendant Holy See knew or should have known that Fr.
28 Kiesle was a child molester and knew or should have known that Fr. Kiesle was a

1 danger to children before Fr. Kiesle molested Plaintiff Kathleen Stonebraker.

2 231. Because of the superiority and influence that Defendant Holy See had
3 over her, Plaintiff Kathleen Stonebraker believed and relied upon these
4 misrepresentations.

5 232. Fr. Kiesle sexually molested Plaintiff Kathleen Stonebraker. This abuse
6 occurred while Plaintiff was a minor and parishioner at St. Joseph's.

7 233. Had Plaintiff Kathleen Stonebraker or her family known what Defendant
8 Holy See knew or should have known —that Fr. Kiesle was a suspected child
9 molester and a danger to children before Plaintiff was first molested by Fr. Kiesle —
10 Plaintiff would not have been sexually molested.

11 234. Had Plaintiff Kathleen Stonebraker and her family known that
12 Defendant Holy See knew that there was a widespread problem of its agents sexually
13 molesting children using the confessional, Plaintiff would not have been abused.

14 235. As a direct and proximate result of Defendant Holy See's conduct
15 described herein, Plaintiff Kathleen Stonebraker has suffered a monetary loss, a loss
16 of Plaintiff's time, a loss of Plaintiff's labor and a loss of Plaintiff's services.

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

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

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

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

1 240. As a direct result of Defendant’s conduct described herein, Plaintiff
 2 James Keenan has suffered, and will continue to suffer, great pain of mind and body,
 3 severe and permanent emotional distress, physical manifestations of emotional
 4 distress, embarrassment, loss of self-esteem, humiliation, physical, personal and
 5 psychological injuries. Plaintiff was prevented, and will continue to be prevented,
 6 from performing normal daily activities and obtaining the full enjoyment of life;
 7 and/or has incurred and will continue to incur expenses for psychological treatment,
 8 therapy, and counseling, and, on information and belief has and/or will incur loss of
 9 income and/or loss of earning capacity. The amount of Plaintiff’s damages will be
 10 fully ascertained at trial.

11 241. As a direct result of Defendant’s conduct described herein, Plaintiff
 12 Kathleen Stonebraker has suffered, and will continue to suffer, great pain of mind and
 13 body, severe and permanent emotional distress, physical manifestations of emotional
 14 distress, embarrassment, loss of self-esteem, humiliation, physical, personal and
 15 psychological injuries. Plaintiff was prevented, and will continue to be prevented,
 16 from performing normal daily activities and obtaining the full enjoyment of life;
 17 and/or has incurred and will continue to incur expenses for psychological treatment,
 18 therapy, and counseling, and, on information and belief has and/or will incur loss of
 19 income and/or loss of earning capacity. The amount of Plaintiff’s damages will be
 20 fully ascertained at trial.

21 **FIRST CAUSE OF ACTION**

22 **PUBLIC NUISANCE**

23 **(COMMON LAW, CAL. PENAL CODE § 370, AND**

24 **CAL. CIV. CODE §§ 3479 and 3480)**

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

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

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

5 244. Defendant Holy See continues to conspire and engage and/or has
6 conspired and engaged in efforts to: 1) conceal from the general public the sexual
7 assaults committed by, the identities of, and the pedophilic/ephebophilic tendencies
8 of Fr. Adamson and Fr. Kiesle and its other accused priests; and/or 2) conceal from
9 proper civil authorities sexual assaults and abuse committed by Fr. Adamson and Fr.
10 Kiesle and its other agents against minor children; and/or 3) attack the credibility of
11 victims of Defendant Holy See's agents; and/or 4) protect Defendant Holy See's
12 agents from criminal prosecution for their sexual assaults and abuse against children;
13 and/or 5) allow known child molesters to live freely in the community without
14 informing the public; and/or 6) violate the terms of relevant international laws at the
15 expense and safety of children; and/or 7) after receiving reports or notice of
16 misconduct by clerics such as Fr. Adamson and Fr. Kiesle, transfer them to new
17 parishes without any warning to parishioners of the threat posed by such clerics, in
18 violation of law; and/or 8) make affirmative representations regarding Fr. Adamson's,
19 Fr. Kiesle's and Defendant Holy See's other pedophilic and/or ephebophilic agents'
20 fitness for employment, in positions that include working with children, while failing
21 to disclose negative information regarding sexual misconduct by such clerics.

22 245. The negligence and/or deception and concealment by Defendant Holy
23 See was and is injurious to the health of and/or indecent or offensive to the senses of
24 and/or an obstruction to the free use of property by entire communities,
25 neighborhoods, and/or a considerable number of persons including, but not limited to,
26 children and residents in California and other members of the general public who live
27 in communities where Defendant Holy See's agents who molested children live, so as
28 to substantially and unreasonably interfere with the comfortable enjoyment of life.

1 Defendant Holy See's failure to report multiple allegations of sexual assault and
2 abuse of children to proper authorities, as well as its failure to inform the public about
3 sexual abuse, or priests accused of sexual abuse of minors has prevented the public
4 from knowing of a real danger, and has thereby substantially and unreasonably
5 interfered with the comfortable enjoyment of life by a considerable number of
6 persons by allowing child molesters to avoid prosecution and remain living freely in
7 unsuspecting communities and working with and around children. These child
8 molesters, known to the Defendant Holy See but not to the public, pose a threat of
9 additional abuse to a considerable number of members of the public.

10 246. The negligence and/or deception and concealment by Defendant Holy
11 See was and is injurious to the health of and/or indecent or offenses to the senses of
12 and/or an obstruction to the free use of property by entire communities,
13 neighborhoods, and/or the general public including but not limited to residents who
14 live in communities where Defendant Holy See's accused molesters live in that many
15 in the general public cannot trust Defendant Holy See to warn parents of the presence
16 of the current and/or former accused molesters, nor to identify their current and/or
17 former accused molesters, nor to disclose said credibly accused molesters' and other
18 accused molesters' assignment histories, nor to disclose their patterns of conduct in
19 grooming and sexually assaulting children, all of which create an impairment of the
20 safety of children in the neighborhoods in California and throughout the United States
21 and worldwide where Defendant Holy See conducted, and continues to conduct, its
22 business.

23 247. The negligence and/or deception and concealment by Defendant Holy
24 See was specially injurious to Plaintiffs' health and/or Plaintiffs' personal enjoyment
25 of life as Plaintiffs were sexually assaulted by Defendant's agents, Fr. Adamson and
26 Fr. Kiesle.

27 248. The negligence and/or deception and concealment by Defendant Holy
28 See also was specially injurious to Plaintiffs' health and/or Plaintiffs' personal

1 enjoyment of life in that when Plaintiffs finally discovered the negligence and/or
2 deception and concealment of Defendant Holy See that led to Plaintiffs' sexual
3 assault, Plaintiffs experienced mental, emotional and/or physical distress that they
4 had been the victim of Defendant Holy See's negligence and/or deception and
5 concealment.

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

17 250. Plaintiffs' injuries are also particular to them and different from certain
18 members of the public who have not been harmed by the nuisance. People who have
19 not been harmed by the nuisance include those who have not suffered any injury at
20 all, those who are unaware of the nuisance, those who do not believe that the
21 Defendant Holy See ever concealed anything about child sex abuse, and those who
22 think that any concealment only occurred decades ago.

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

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

28 253. In committing the aforementioned acts and omissions, Defendant Holy

1 See acted negligently and recklessly and/or intentionally, maliciously and with
2 conscious disregard for Plaintiffs' rights.

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

5 **SECOND CAUSE OF ACTION**

6 **PRIVATE NUISANCE**

7 **(CAL. CIV. CODE §§ 3479 AND 3481)**

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

10 255. Defendant Holy See continues to conspire and engage and/or has
11 conspired and engaged in efforts to: 1) conceal from the general public the sexual
12 assaults committed by, the identities of, and the pedophilic/ephebophilic tendencies
13 of Fr. Adamson and Fr. Kiesle and other accused priests; and/or 2) conceal from
14 proper civil authorities sexual assaults and abuse committed by Fr. Adamson and Fr.
15 Kiesle and Defendant Holy See's other agents against minor children; and/or 3)
16 attack the credibility of victims of Defendant Holy See's agents; and/or 4) protect
17 Defendant Holy See's agents from criminal prosecution for their sexual assaults and
18 abuse against children; and/or 5) allow known child molesters to live freely in the
19 community without informing the public; and/or 6) violate the terms of relevant
20 international laws at the expense and safety of children; and/or 7) after receiving
21 reports or notice of misconduct by clerics such as Fr. Adamson and Fr. Kiesle,
22 transfer them to new parishes without any warning to parishioners of the threat posed
23 by such clerics, in violation of law; and/or 8) make affirmative representations
24 regarding Fr. Adamson's, Fr. Kiesle's, and Defendant Holy See's other pedophilic
25 and/or ephebophilic agents' fitness for employment, in positions that include working
26 with children, while failing to disclose negative information regarding sexual
27 misconduct by such clerics.

28 ///

1 256. The negligence and/or deception and concealment by Defendant Holy
2 See was and is injurious to the health and/or indecent or offensive to the senses of
3 and/or an obstruction to the free use of property of residents and other members of
4 the general public who live in communities where Defendant's accused molesters
5 live. It was and is indecent and offensive to the senses, so as to interfere with the
6 general public's comfortable enjoyment of life in that many in the general public
7 cannot trust Defendant Holy See to warn parents of the presence of the current and/or
8 former accused molesters, nor to identify their current and/or former accused
9 molesters, nor to disclose said credibly accused molesters' and other accused
10 molesters' assignment histories, nor to disclose their patterns of conduct in grooming
11 and sexually assaulting children, all of which create an impairment of the safety of
12 children in the neighborhoods in California and throughout the United States and
13 worldwide where Defendant Holy See conducted, and continues to conduct, its
14 business.

15 257. The negligence and/or deception and concealment by Defendant Holy
16 See was injurious to Plaintiffs' health and/or Plaintiffs' personal enjoyment of life as
17 Plaintiffs were sexually assaulted by Defendant's agents, Fr. Adamson and Fr. Kiesle.

18 258. The negligence and/or deception and concealment by Defendant Holy
19 See also was injurious to Plaintiffs' health and/or personal enjoyment of life in that
20 when Plaintiffs discovered the negligence and/or deception and concealment of
21 Defendant Holy See that led to Plaintiffs' sexual assault, Plaintiffs experienced
22 mental, emotional, and/or physical distress that Plaintiffs had been the victim of the
23 Defendant's negligence and/or deception and concealment.

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

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

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

3 **THIRD CAUSE OF ACTION**

4 **VIOLATION OF BUSINESS & PROFESSIONS CODE §17200**

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

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

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

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

18 265. Defendant Holy See's unlawful, unfair or fraudulent business practice
19 includes but is not limited to 1) concealing the sexual assaults of, the identities and
20 the pedophilic/ephebophilic tendencies of Fr. Adamson, Fr. Kiesle and its other
21 agents; and/or 2) concealing from proper civil authorities sexual assaults and abuse
22 committed by Fr. Adamson, Fr. Kiesle and its other agents against minor children,
23 including, upon information and belief, failure to comply with California Penal Code
24 §11166; and/or 3) attacking the credibility of victims of Defendant Holy See's agents;
25 and/or 4) protecting Defendant Holy See's agents from criminal prosecution for their
26 sexual assaults and abuse against children; and/or 5) allowing known child molesters
27 to live freely in the community without informing the public; and/or 6) violating the
28 terms of relevant international laws at the expense and safety of children; and/or 7)

1 after receiving reports or notice of misconduct by clerics such as Fr. Adamson and Fr.
2 Kiesle, transferring them to new parishes without any warning to parishioners or the
3 general public of the threat posed by such clerics and/or 8) making affirmative
4 representations regarding Fr. Adamson's, Fr. Kiesle's, and Defendant Holy See's
5 other pedophilic and/or ephebophilic agents' fitness for employment in positions that
6 include working with children, while failing to disclose negative information
7 regarding sexual misconduct by clerics.

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

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

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

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

26 270. Defendant Holy See's practices were and are likely to mislead the
27 general public as to the safety and quality of the business of Defendant Holy See
28 and/or the efforts made by Defendant Holy See to address the problem of child sex

1 abuse by its priests, bishops, clerics, agents and employees.

2 271. These unlawful, unfair or fraudulent business practices are likely to
3 continue and therefore will continue to mislead the public as to the real risk of sexual
4 assaults by its priests, bishops, clerics, agents and employees.

5 272. As a result of Defendant Holy See's unlawful, unfair or fraudulent
6 business practices, Plaintiffs were sexually abused by Fr. Adamson and Fr. Kiesle
7 and have suffered the injuries and damages described herein, including pecuniary loss
8 in the form of medical expenses and/or wage loss.

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

12 WHEREFORE, Plaintiffs request a permanent injunction pursuant to Business
13 and Professions Code section 17203 restraining and enjoining Defendant from
14 continuing the acts of unlawful, unfair and/or fraudulent business practices set forth
15 above by discontinuing its current practice and policy of dealing with allegations of
16 child sexual abuse by its agents, and that it work with civil authorities to create,
17 implement and follow a policy for dealing with such molesters that will better protect
18 children and the general public from further harm.

19 During the pendency of this action, a preliminary injunction issue pursuant to
20 Business and Professions Code section 17203 to enjoin and restrain Defendant Holy
21 See from the acts of unlawful, unfair and/or fraudulent business practices set forth
22 above by an order requiring that Defendant Holy See publicly release the names of all
23 agents, including priests, accused of child molestation, each agent's history of abuse,
24 each such agent's pattern of grooming and sexual behavior, and his or her last known
25 address. This includes the release of Defendant Holy See's documents on the agents.

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1 **FOURTH CAUSE OF ACTION**

2 **VIOLATION OF CUSTOMARY INTERNATIONAL**

3 **LAW OF HUMAN RIGHTS**

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

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

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

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

27 275. Defendant Holy See signed the *Universal Declaration of Human Rights*
28 in 1948; Defendant Holy See signed the *Convention on the Rights of the Child* in

1 1990.

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

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

20 **FIFTH CAUSE OF ACTION**

21 **INJUNCTION FOR RELEASE OF NAMES OF SEX OFFENDERS**

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

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

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

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

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

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

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

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

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

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

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

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

3 **SIXTH CAUSE OF ACTION**
4 **INJUNCTION FOR RELEASE OF DOCUMENTS**
5 **REGARDING SEX OFFENDERS**

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

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

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

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

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

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

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

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

1 and to law enforcement;

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

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

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

10 **SEVENTH CAUSE OF ACTION**

11 **ADDITIONAL INJUNCTIVE RELIEF**

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

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

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

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

22 c. requiring that Defendant Holy See conform its conduct to the mandates
23 of the common law of the states, the federal common law, the laws of the fifty states,
24 and customary international law of human rights;

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

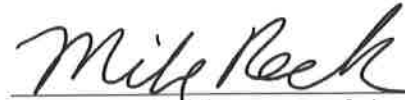
27 e. retaining jurisdiction in this Court for a period of no less than ten (10)
28 years to ensure that the interests of children are not further compromised by the

1 conduct of Defendant Holy See.

2 WHEREFORE, Plaintiffs demand judgment against Defendant Holy See in an
3 amount to be determined at trial, plus costs, disbursements, reasonable attorneys'
4 fees, interest, and such other relief that the Court deems just and equitable.

5 DATED: October 23, 2018.

JEFF ANDERSON & ASSOCIATES

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MICHAEL G. FINNEGAN
MICHAEL J. RECK
Attorneys for Plaintiffs
KATHLEEN
STONEBRAKER, JAMES
KEENAN

12 **DEMAND FOR TRIAL**

13 Plaintiffs hereby demand a trial by jury in this matter.

14 DATED: October 23, 2018.

JEFF ANDERSON & ASSOCIATES

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17 

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