

located at 55 W. Sanborn St., P.O. Box 588, Winona, MN 55987. The current Bishop of the Diocese of Winona is Bernard J. Harrington. Bishop Bernard J. Harrington is sued in his individual capacity and in his capacity as Bishop of the Diocese of Winona.

186. At all times material, the Bishop of the Diocese of Worcester controlled, operated and managed the affairs of the Diocese. The principal place of business of the Diocese of Worcester is located at 49 Elm St, Worcester, MA 01609. The current Bishop of the Diocese of Worcester is Robert J. McManus. Bishop Robert J. McManus is sued in his individual capacity and in his capacity as Bishop of the Diocese of Worcester.

187. At all times material, the Bishop of the Diocese of Yakima controlled, operated and managed the affairs of the Diocese. The principal place of business of the Diocese of Yakima is located at 5301-A Tieton Dr., Yakima, WA 98908. The current Bishop of the Diocese of Yakima is Carlos A. Sevilla. Bishop Carlos A. Sevilla is sued in his individual capacity and in his capacity as Bishop of the Diocese of Yakima.

188. At all times material, the Bishop of the Diocese of Youngstown controlled, operated and managed the affairs of the Diocese. The principal place of business of the Diocese of Youngstown is located at 144 W. Wood St., Youngstown, OH 44503. The current Bishop of the Diocese of Youngstown is Benedict C. Franzetta. Bishop Benedict C. Franzetta is sued in his individual capacity and in his capacity as Bishop of the Diocese of Youngstown.

CLASS ACTION ALLEGATIONS

189. Plaintiffs bring this action on behalf of themselves and all others similarly situated, as a class action pursuant to Wisconsin Rules of Civil Procedure. The class of people that plaintiffs seek to represent are persons who have been harmed as a result of the Defendant Bishops and Defendant USCCB's practice and policy of not reporting suspected child abuse to law enforcement

officials, those who have been molested as children by an agent of the Defendant Bishops and Defendant USCCB and on behalf of those children who have not yet been abused, but who are in imminent danger of abuse because the Defendant Bishops and Defendant USCCB have not reported the names and files of agents that have been accused of molesting children or accused of inappropriate sexual behavior with children to either the public or to law enforcement.

190. The Plaintiff class is so numerous that joinder of all members is impracticable. While the exact number of class members is unknown to Plaintiffs at this time, it is ascertainable by appropriate discovery, and Plaintiffs are informed and believe that the class includes thousands of members.

191. There are questions of fact or law common to the class, which predominate over questions affecting only individual members. The common questions of law or fact include, but are not limited to: whether each Bishop and the USCCB has failed to comply with laws requiring each Bishop and their agents to report suspected child abuse to law enforcement; whether the Bishops and the USCCB have released the names and locations of its agents or former agents who have been accused of molesting children to the public and law enforcement; whether each Bishop and the USCCB have documents that are evidence of their failure to report suspected child abuse; whether each Bishop and the USCCB have documents that are evidence of its agents harming and molesting children; and whether injunctive relief is appropriate.

192. Plaintiffs' claims are typical of the claims of the members of the class. Plaintiffs, like all members of the class, were harmed by the actions and policies of each Bishop and the USCCB, were molested by agents of the Bishops or the USCCB or are in imminent danger of being molested by agents or former agents of the Bishops or the USCCB because each Bishop and the USCCB have failed to report suspected child abuse.

193. The Plaintiffs will fairly and adequately protect the interests of the class. The interests of the plaintiffs are the same as those of all class members because they have all been harmed by the actions and policies of each Bishop and the USCCB or were molested by agents of the Bishops or the USCCB or are in imminent danger of being molested by agents or former agents of the Bishops or the USCCB because each Bishop and the USCCB have failed to report suspected child abuse. All have an interest in preventing the sexual abuse of any further children by agents and former agents of each Bishop and the USCCB. Plaintiffs have no interests which are adverse to the interests of the class members. Plaintiffs are adequate representatives of the class.

194. A class action is an appropriate method for the fair and efficient adjudication of the controversy alleged in this Complaint. The expense and burden of individual litigation would make it difficult or impossible for individual members of the class to redress the wrongs done to them. The cost to the court system of adjudication of such individualized litigation would be substantial. Individualized litigation would also present the potential for inconsistent or contradictory judgments and would magnify the delay and expense to all parties and the court system. By contrast, the conduct of this action as a class action presents far fewer management difficulties, conserves the resources of the parties and court system, and protects the rights of each class member. In addition, the prosecution of separate actions by the individual members of the class would create a risk of inconsistent or varying adjudications with respect to individual class members which would establish incompatible standards of conduct for the defendants.

195. The class defined herein is certifiable pursuant to Wisconsin Rules of Civil Procedure in that the Bishops and the USCCB have acted or have refused to act on grounds generally applicable to the class, thereby making final injunctive relief or declaratory relief appropriate.

196. There are a number of priests, brothers, and agents who each Bishop and the USCCB

continued in ministry after each Bishop and the USCCB knew or suspected that those agents had molested children.

197. The Bishops and the USCCB considered this a risk that had a solid basis for taking.

198. On information and belief, each Bishop and the USCCB did not report all allegations of childhood sexual abuse by its agents and former agents to law enforcement and the public.

199. On information and belief, each Bishop and the USCCB maintain some sort of files related to allegations of sexual misconduct by its agents and former agents. Additionally it maintains personnel files for all the Bishops and USCCB agents and former agents. These personnel files and sexual abuse files also contain evidence of the Bishops' and USCCB's failure to report suspected child abuse.

200. On information and belief, in 2002 each Bishop and the USCCB conducted an internal audit regarding the problem of agents who were or are sexual offenders.

201. On information and belief, as part of that audit the Bishops and the USCCB documented each allegation of sexual misconduct involving its agents and former agents.

202. On information and belief, the audit found that hundreds, possibly thousands, of agents of the Bishops and the USCCB harmed people and molested children.

203. On information and belief, the Bishops and the USCCB did not report all of these allegations of sexual misconduct to law enforcement.

204. On information and belief, the Bishops and the USCCB have never given law enforcement all of the documents of the Bishops and the USCCB agents and former agents accused of sexual misconduct.

205. On information and belief, the Bishops and the USCCB knew that child molesters had a very high rate of recidivism, meaning that they were likely to abuse more children. As such,

the Bishops and the USCCB knew that children who did not know what the Bishops and the USCCB knew about its agents and former agents and who unsuspectingly were around these agents and former agents were at a high risk to be sexually molested.

206. On information and belief, because of the high rate of recidivism, the Bishops' and USCCB's agents and former agents had probably already molested numerous children. As such, the Bishops and the USCCB knew that there were many victims out there that were hurt because of the Bishops' and the USCCB's policies of secrecy, deception, and self protection.

207. Children are at risk because the public and law enforcement does not know the identity and the locations of these agents and former agents of the Bishops and the USCCB who have been accused of sexual misconduct.

208. On information and belief, in 1992 Ryan Erickson sexually assaulted a minor child. Bishop Rafael Fliss and the Diocese of Superior knew about this sexual assault. Bishop Fliss and the Diocese of Superior never disclosed this information to the public, parishioners, or children at any of the parishes where they placed Erickson.

209. On information and belief, while Erickson was in the seminary he was requested to control the rabbit population because he was known as a good shot with a gun.

210. On information and belief, in 1996, Bishop Fliss and the Diocese of Superior had an evaluation for sexual abuse done on Erickson. Bishop Fliss and the Diocese of Superior never tell any of the parishioners or children that Erickson was evaluated for molesting children.

211. On information and belief, Erickson routinely had boys over to the Hudson (St. Patrick's) rectory, getting them drunk and keeping them there overnight.

212. On information and belief, the church secretary at St. Patrick's in Hudson, WI, saw Erickson, on several occasions, stand at her window (which overlooked the St. Patrick's parking lot),

making a gun with his thumb and forefinger, pretending to shoot at parishioners and school parents. Erickson told police investigators that he would sometimes shoot at animals with his BB gun from the same windows, wondering aloud if anyone was around that might get hit.

213. On information and belief, Erickson would often burn his dog with cigars or beat it. He was also reported to target practice with farm cats, tossing them into the air and shooting them. The deacon in the Hurley parish also saw him be "pretty brutal" to his dog.

214. On information and belief, Erickson had been previously treated for alcoholism at Hazelden during seminary. In addition, he was known to be a heavy drinker while working at the Hudson parish, getting drunk with friends or at parish festivals.

215. On information and belief, Erickson told police investigators that Fr. Peter Szleszinski (Pastor at St. Patrick's in Hudson parish) had approached Erickson about rumors that Erickson was having affairs with several women (plural) that Erickson was counseling in the Hudson parish.

216. On information and belief, a parish housekeeper at St. Patrick's in Hudson, WI saw Erickson with a gun in his car while he was preparing to go meet with his bishop in early 2002. Erickson said he needed it for protection.

217. On information and belief, Erickson told a parish deacon, at Sacred Heart parish in Hurley, that, instead of replacing a remote control that his dog chewed up, he would rather "invest in a 13 cent slug and put it right between the dog's eyes."

218. On information and belief, Bishop Rafael Fliss had information regarding Ryan Erickson's sexual misconduct and dangerous behavior before and during Ryan Erickson's time as a priest at St. Patrick's in Hudson, WI.

219. On information and belief, on February 1, 2002, Daniel O'Connell and Ryan Erickson had an argument because Daniel O'Connell told Erickson that he has learned that Erickson has been

accused of abusing children.

220. James Ellison was an intern for the O'Connell Funeral Home and working with Dan O'Connell in 2002.

221. On information and belief, on February 2, 2002, Ryan Erickson shoots and kills Dan O'Connell and James Ellison at the O'Connell Funeral Home in Hudson Wisconsin.

222. On information and belief, in October of 2002, Bishop Fliss and the Diocese of Superior require Erickson to undergo another psychological evaluation.

223. The murders of Dan O'Connell and James Ellison go unsolved by the law enforcement for over two years.

224. In November and December of 2004 Erickson is twice interviewed by the police. Erickson knew details about the murder crime scenes that had not been released to the public.

225. On December 13, 2004 the police ask Erickson for a third interview which he refuses to give.

226. On December 16, 2004 Erickson's rectory and church office are searched by police. They find child porn on Erickson's computer under the title of "holy Mass Prayers."

227. On December 19, 2004 Erickson commits suicide by hanging himself in his parish in Hurley, WI.

228. On October 3, 2005 Judge Eric Lundell rules that there is probable cause to believe that Erickson killed Dan O'Connell and James Ellison and that the murders were definitely premeditated.

229. On information and belief, Judge Lundell says that on a scale of 1 to 10 regarding the strength of the evidence against Ryan Erickson for the murders of Dan O'Connell and James Ellison, Judge Lundell would put the evidence at a 10.

230. Dan O'Connell and James Ellison would not have been murdered had Bishop Fliss and the Diocese of Superior made all of their knowledge regarding Erickson known to the public and law enforcement.

231. The named Plaintiffs in this lawsuit were harmed as a result of Bishop Fliss' and the Diocese of Superior's failure to report and make public the information that they had regarding Erickson's abuse of children and dangerous propensities.

232. The class of plaintiffs was also harmed as result of the Bishops' and the USCCB's failure to report suspected child abuse.

233. On information and belief, the USCCB and each of the Bishops came to a meeting of minds whereby they agreed to and did create a policy of secrecy and suppression of information in a conspiracy to cover up child sexual abuse and to ultimately avoid scandal in order to retain their power and financial influence in the nation. This conspiracy required the Bishops and the USCCB to not report suspected child abuse to law enforcement and the public.

234. The Bishops and the USCCB committed acts in furtherance of this conspiracy.

235. On information and belief, the Bishops' and the USCCB's conspiracy to not report suspected child abuse by its agents and employees was enforced, required and practiced in every state including Wisconsin.

COUNT I

(Injunction - Reporting of Suspected Abuse to Law Enforcement And Documents)

236. Plaintiffs repeat and reallege every paragraph of this complaint as if set forth in Count I.

237. Plaintiffs bring Count I on their own behalf and on behalf of the class of similarly situated persons described in this Complaint.

238. The practices of the Bishops and the USCCB have endangered numerous children in the past and these practices will continue to put children at risk in the future.

239. Plaintiffs and the class have the right to not be harmed or sexually molested by agents and former agents of the Bishops and the USCCB.

240. The Bishops and the USCCB owe a duty to warn all children and their parents that come into contact with the Bishops' and the USCCB's agents or former agents of allegations of sexual misconduct by the agents and former agents because these children and their parents hold many of these agents and former agents in esteemed positions, which gives them virtually unlimited access to children.

241. The Bishops and the USCCB also owe a duty to children and their parents to release all of the names of agents and former agents against whom the Bishops and the USCCB have deemed to have credible allegations of sexual misconduct with children to law enforcement and to the public at large.

242. The Bishops and the USCCB also owe a duty to children and their parents to release all of the names of its agents and former agents that have been accused of sexual misconduct to the law enforcement and to the public at large.

243. Unless injunctive relief is granted, numerous children across the United States are at risk of being sexually molested by these agents and former agents of the Bishops and the USCCB. In order to ensure that children are protected and free from sexual molestation by the Bishops' and USCCB's agents and former agents, the Plaintiffs and the members of the class are entitled to an injunction ordering that the Bishops and the USCCB do the following:

a) Release the names and current location of all of the Bishops' and USCCB's agents and former agents that it uncovered in its 2002 audit as committing sexual misconduct to law

enforcement and to the public.

b) Release the names and current location of all of its agents and former agents that have been accused of sexual misconduct that the Bishops' and USCCB have learned about through any source to law enforcement and to the public.

c) Turn over any documents which are evidence of a failure by the Bishops and the USCCB to report suspected child abuse by its agents and former agents to law enforcement and the court, including any documents which are evidence of child molestation by the Bishops' and USCCB's agents and former agents.

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JEFF ANDERSON AND ASSOCIATES, P.A.



By: Jeffrey R. Anderson, #1019358
E-1000 First National Bank Building
332 Minnesota Street
St. Paul, Minnesota 55101
(651) 227-9990

ATTORNEY FOR PLAINTIFFS