

STATE OF MINNESOTA
COUNTY OF OLMSTED

DISTRICT COURT
THIRD JUDICIAL DISTRICT
PERSONAL INJURY

Doe 17,

Court File No.:

Plaintiff,

vs.

The National Boy Scouts of America
Foundation d/b/a The Boy Scouts of America,
Gamehaven Council, Inc., Boy Scouts of
America; St. Pius X Catholic Church of
Rochester, Minnesota; and Richard Hokanson,

SUMMONS

Defendants.

THIS SUMMONS IS DIRECTED TO DEFENDANTS ABOVE NAMED.

1. YOU ARE BEING SUED. The Plaintiff has started a lawsuit against you. The Plaintiff's Complaint against you is attached to this Summons. Do not throw these papers away. They are official papers that affect your rights. You must respond to this lawsuit even though it may not yet be filed with the Court and there may be no court file number on this Summons.

2. YOU MUST REPLY WITHIN 20 DAYS TO PROTECT YOUR RIGHTS. You must give or mail to the person who signed this Summons a **written response** called an Answer within 20 days of the date on which you received this Summons. You must send a copy of your Answer to the person who signed this Summons located at Jeff Anderson & Associates, P.A., 366 Jackson Street, Suite 100, St. Paul, MN 55101.

3. YOU MUST RESPOND TO EACH CLAIM. The Answer is your written response to the Plaintiff's Complaint. In your Answer you must state whether you agree or disagree with each paragraph of the Complaint. If you believe the Plaintiff should not be given everything asked for in the Complaint, you must say so in your Answer.

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COURT ADMINISTRATOR
Olmsted County, MN

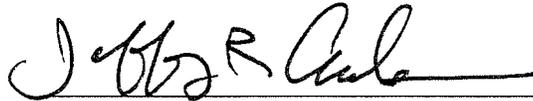
4. **YOU WILL LOSE YOUR CASE IF YOU DO NOT SEND A WRITTEN RESPONSE TO THE COMPLAINT TO THE PERSON WHO SIGNED THIS SUMMONS.** If you do not Answer within 20 days, you will lose this case. You will not get to tell your side of the story, and the Court may decide against you and award the Plaintiff everything asked for in the Complaint. If you do not want to contest the claims stated in the Complaint, you do not need to respond. A default judgment can then be entered against you for the relief requested in the Complaint.

5. **LEGAL ASSISTANCE.** You may wish to get legal help from a lawyer. If you do not have a lawyer, the Court Administrator may have information about places where you can get legal assistance. **Even if you cannot get legal help, you must still provide a written Answer to protect your rights or you may lose the case.**

6. **ALTERNATIVE DISPUTE RESOLUTION.** The parties may agree to or be ordered to participate in an alternative dispute resolution process under Rule 114 of the Minnesota General Rules of Practice. You must still send your written response to the Complaint even if you expect to use alternative means of resolving this dispute.

Dated: 9/10/13

JEFF ANDERSON & ASSOCIATES, P.A.



By: Jeffrey R. Anderson, #2057
Sarah G. Odegaard, #390760
Attorneys for Plaintiff
366 Jackson Street, Suite 100
St. Paul, Minnesota 55101
(651) 227-9990

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America; St. Pius X Catholic Church of
Rochester, Minnesota; and Richard Hokanson,

COMPLAINT

Defendants.

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

PARTIES

1. Plaintiff is a resident of the State of Minnesota and at all times material for this Complaint has resided in the State of Minnesota. The identity of Plaintiff Doe 17 has been disclosed under separate cover to Defendants in the interests of protecting Plaintiff's privacy.

2. At all times material, Defendant National Boy Scouts of America Foundation d/b/a The Boy Scouts of America ("BSA") was and continues to be a congressionally chartered corporation, authorized to conduct business and conducting business in Minnesota, with its headquarters in Irving, Texas and a principal place of business, and agent for service, located at 2218 County Highway 10, Mounds View, Minnesota 55112.

3. At all times material, Defendant Gamehaven Council, Inc., Boy Scouts of America ("Gamehaven") was and continues to be a non-profit corporation authorized to conduct business and conducting business in the State of Minnesota and with its principal place of

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business located at 1124 - 11 ½ Street SE, Rochester, Minnesota 55904. Gamehaven is a wholly owned subsidiary of Defendant BSA.

4. At all times material, Defendant St. Pius X Catholic Church of Rochester, Minnesota ("St. Pius") was and continues to be a non-profit corporation authorized to conduct business and conducting business in the State of Minnesota with its principal place of business at 1315 12th Avenue NW, Rochester, Minnesota 55904.

5. At all times material, Defendant Richard Hokanson served as a scoutmaster of Boy Scout Troop 210. At all times material, Hokanson was an agent of Defendants BSA, Gamehaven, and St. Pius and under the direct supervision, employ and control of Defendants.

FACTS

6. Upon information and belief, from approximately 1960 to 1982, Richard Hokanson was an adult leader and scoutmaster of Boy Scout Troop 210. Hokanson also participated in the YMCA Big Brother Program and youth football program.

7. Defendant St. Pius was the chartered organization for Boy Scout Troop 210. Defendant St. Pius, as the sponsor, worked in partnership with Defendants Boy Scouts of America and Gamehaven Council to select and supervise scout leaders, implement Boy Scouts of America and Gamehaven Council's mandated policies and procedures, and facilitate the activities of the troop.

8. Plaintiff Doe 17 was a member of Boy Scout Troop 210. Through his participation, Plaintiff developed great admiration and respect for scouting and came to know and trust Defendant Richard Hokanson, as his scoutmaster, mentor and an authority figure.

9. By holding Hokanson out as a competent and trustworthy supervisor, scout leader, mentor and authority figure, and placing him in positions where he had access to children,

Defendants represented that Hokanson was safe to work with children, and by undertaking the custody, supervision of, and/or care of Plaintiff, Defendants entered into a fiduciary relationship with Plaintiff. As a result of Plaintiff being a minor, and by Defendants undertaking the care and guidance of the then vulnerable minor Plaintiff, Defendants held a position of empowerment over Plaintiff.

10. Defendants, by establishing, staffing, and/or operating a Boy Scout troop and holding themselves out as providing a safe environment for children, solicited the and/or accepted this position of empowerment. This empowerment prevented the then minor Plaintiff from effectively protecting himself. Defendants placed Hokanson in positions where he had access to and worked with children.

11. Defendants had a right to control and a duty to supervise Hokanson in his role as scoutmaster of Troop 210.

12. Defendant St. Pius, as the chartered organization, had the right to control and a duty to supervise Hokanson's access to and the manner in which he used the facilities.

13. By holding Hokanson out as a qualified Scoutmaster employed by or working with Defendants, and by undertaking the instruction and guidance of the minor Plaintiff, Defendants entered into a special relationship with Plaintiff.

14. By soliciting Plaintiff's involvement in the troop, Defendants voluntarily took custody of the minor Plaintiff under circumstances in which the Plaintiff was deprived of the normal opportunity for self-protection that was otherwise afforded by his parents.

15. Defendants owed Plaintiff a duty of reasonable care because each had superior knowledge about the risk that Hokanson posed to Plaintiff, the risk of abuse in general in its programs and/or the risks that its facilities posed to minor children.

16. Defendants owed Plaintiff a duty of reasonable care because each solicited youth and parents for participation in its youth programs; encouraged youth and parents to have the youth participate in its programs; undertook custody of the minor children, including Plaintiff; promoted its facilities and programs as being safe for children; held its agents including Hokanson out as safe to work with children; encouraged parents and children to spend time with its agents; and/or encouraged its agents, including Hokanson to spend time with, interact with and recruit children.

17. Defendants' conduct placed Hokanson in a position of actual or apparent authority to act on behalf of each respective Defendant.

18. Defendants had a duty to Plaintiff to protect him from harm because each Defendant's actions created a foreseeable risk of harm to Plaintiff.

19. Upon information and belief, in approximately 1975, Defendants learned or should have learned that Defendant Hokanson was a child molester. Upon discovery of this information, Defendants failed to take action to investigate the abuse, report Hokanson to law enforcement or prohibit his contact with children.

20. From approximately 1975 to 1981, when Plaintiff was 11 to 16 years old, Defendant Hokanson engaged in harmful, offensive and unpermitted sexual contact with Plaintiff. Over the course of approximately six years, Defendant Hokanson sexually exploited and abused Plaintiff two hundred to three hundred times in the storage room and in a classroom at St. Pius and on scouting activities and camping trips. The abuse consisted of oral sex and sexual touching and fondling.

21. Upon information and belief, prior to the sexual abuse of Plaintiff, Defendants knew or should have known that Hokanson was preying upon young boys in the troop, including

Plaintiff, but took no steps to investigate the abuse, report Hokanson to law enforcement or prohibit his contact with children.

22. On multiple occasions, Hokanson used the storage room at St. Pius, which was designated as the scout room, to isolate and sexually abuse scouts, including Plaintiff.

23. In October 1982, law enforcement began investigating allegations of sexual abuse against Hokanson.

24. The investigation revealed that in January 1980, the mother of a scout troop member told an Assistant Scout Leader that five troop members told to her that "Hokanson was gay and he plays with the boys while showing them First Aid." The Assistant Scout Leader told the mother that "she would have to talk to Dick Hokanson herself." The Assistant Scout Leader took no steps to investigate or report the information he learned about Hokanson. The mother confronted Hokanson, who started crying and denied the allegations, saying they were rumors.

25. Had the Assistant Scout Leader, an agent of Defendants appropriately investigated or reported the information he received, Hokanson would have been confronted more than two years earlier, and prior to the continued abuse of Plaintiff.

26. The Assistant Scout Leader's failure to investigate or report in 1980, after being warned about Hokanson's abuse of Plaintiff and other boys, reflected the practice of Defendants in ignoring and/or minimizing reports of sexual misconduct by scout leaders, and placing the organization's reputation before the protection of scouts.

27. When Hokanson was interviewed by law enforcement in October 1982, he admitted to having sexual contact with approximately 21 troop members.

28. In an interview with police, Fr. Taylor of St. Pius, having been in his position at St. Pius less than a month, acknowledged that he had heard of "homosexual activities" of

Hokanson. Neither Fr. Taylor, nor anyone else at St. Pius made any report of the allegations against Hokanson to law enforcement or took steps to ensure that Hokanson was removed from his position working with children.

29. Fr. Taylor consented to a search of the storage room at St. Pius where the sexual abuse of Plaintiff and others occurred. Law enforcement recovered evidence consistent with the sexual abuse allegations made by the minor scouts.

30. Following the investigation, Hokanson was criminally charged with three counts of criminal sexual conduct and pled guilty to one count of criminal sexual conduct. In exchange for his plea, the remaining charges were dropped.

31. Hokanson was sentenced to 42 months in state prison, stayed on the condition that Hokanson undergo treatment in the intensive sexual abuse program at St. Peter Hospital.

32. In June 1983, the BSA placed Hokanson in its Ineligible Volunteer Files, in the category labeled the "Perversion Files."

33. Upon information and belief, minimal routine inspection and proper oversight of the storage room at St. Pius would have uncovered evidence of Hokanson's sexual abuse of Plaintiff and other minor boys in the troop.

34. Upon information and belief, from approximately 1969 to 1982, Hokanson sexually abused more than 21 young scouts in Troop 210.

35. Using the power, authority and trust of his positions within BSA, Gamehaven, and St. Pius, and availing himself of Defendants' representations to parents that the Boy Scouts were moral and safe places for boys, Hokanson enticed, induced, directed and coerced Plaintiff into sexual contact with Hokanson, while Plaintiff was a minor.

36. Defendants have known for decades that sexual predators had infiltrated scouting, desiring positions around children, due in part to their sexual interest in children. Defendants knew or should have known the danger that pedophiles presented to Boy Scouts before Plaintiff was abused, and either knew, or should have known, the danger that Defendant Hokanson presented to the Boy Scouts before Plaintiff was abused.

37. Defendants knew or should have known that there was a risk of child sex abuse for children participating in scouting activities and that children and families should be warned about that risk.

38. BSA's own internal "Ineligible Volunteer Files," including a subcategory referred to as the "Perversion Files" collected and maintained in secrecy for at least seventy years, reveal that pedophiles are drawn to volunteer for scouting and that the BSA is a sanctuary for child molesters.

39. BSA's "Perversion Files" demonstrate that (a) BSA is aware that pedophiles are attracted to Scouting, (b) that the distinctive characteristics of Scouting render scouts particularly susceptible to pedophiles who are given authority, and (c) that the actual and apparent authority of persons who serve in Scoutmaster roles are used by pedophiles to sexually abuse young scouts in and out of scouting who engage in scouting.

40. Defendants each knew or should have known that scouting attracts pedophiles because a) by requiring overnight trips in order to participate, scouting provides a pedophile with access to boys who are alone and away from their parents in secluded settings; b) scouting provides opportunities for a pedophile to sexually abuse a boy by getting him in situations where the boy has to change clothing or spend the night with him; c) that a pedophile given scout authority can volunteer for and be sure to have access to, boys of only a certain age or age range;

d) Defendant's cloak Scoutmasters with authority that give the Scoutmaster the ability to exploit trust and groom parents and scouts to sexually abuse scouts in and out of scouting; e) Defendants condition boys in scouting to the concept of strict obedience to the scout authority and a bonding mechanism that pedophiles crave and are known to exploit; f) Defendants promote the idea of secret ceremonies, rituals and loyalty oaths, all of which help facilitate a pedophile's efforts to keep the victims silent and compliant; g) Defendants provided insufficient oversight and supervision to Hokanson, enabling him to isolate himself with scouts; h) at the time of the Plaintiff's abuse, Defendants conducted no criminal background checks on its volunteers.

41. Defendants were aware for decades prior to 1975 that it had removed hundreds of pedophiles from its ranks of leadership in local Scout Troops but failed to inform its Scouts and their parents of that fact. Defendants concealed a known history of scout leaders grooming scouts and their families, to access scouts and sexually abuse them in and out of scouting, which should have been disclosed to parents as one of the known dangers of participating in scouting.

42. Defendants knew, or should have known, that the "Ineligible Volunteer" system of keeping track of pedophiles infiltrating its ranks did not function to protect children who participated in scouting from sexual abuse. The "Ineligible Volunteer" system operated only to keep a record of abuse that had already occurred.

43. Defendants knew or should have known that there was a risk of child sexual abuse for children participating in Scouting programs and activities.

44. Prior to the sexual abuse of Plaintiff, Defendants knew or should have known that Hokanson had a sexual interest in young boys, and knew or should have known, that Hokanson was a danger to children.

45. During Hokanson's tenure as a scoutmaster, Defendants became aware, or should have become aware, that he was unfit to serve as a scoutmaster and negligently retained Hokanson, permitting Hokanson to sexually abuse the minor Plaintiff.

46. Defendants' failure to respond to information received about Hokanson's sexual abuse of young boys left Plaintiff without a means to protect himself from Hokanson.

47. Hokanson's conduct occurred under the direct supervision, employ, and control of Defendants BSA, Gamehaven, and St. Pius.

48. Defendants failed to use ordinary care in: determining whether its facilities were safe; determining whether it had sufficient information to represent its facilities as safe; having sufficient policies and procedures to prevent abuse at its facilities; investigating risks at its facilities; properly training its leaders, agents, and/or servants including, but not limited to, adult leaders, scoutmasters, assistant scoutmaster, in youth protection, and preventing child sexual abuse, based on its own information in its perversion files; investigating the amount and type of information necessary to represent its facilities as safe; training its agents and volunteers properly to identify signs of child molestation by fellow agents or servants; and determining whether it had sufficient information regarding potential adult leaders to hire them and represent them as safe.

49. Defendants breached their duties to Plaintiff by failing to warn him and his family of the risk that Hokanson posed and the risks of child sexual abuse by scout leaders in general. Defendants failed to warn Plaintiff or his family about any of the knowledge that Defendant had about child sexual abuse and the creation and maintenance of the "Perversion Files".

50. Defendants breached their duties to Plaintiff by failing to report the information known about Hokanson's abuse of children to the police and law enforcement.

51. Despite knowledge of the risk of child sex abuse in scouting, Defendants held its leaders and agents out as people of high morals, as possessing superior power and faculties, taught families and children to obey these leaders and agents, taught families and children to respect and revere these leaders and agents, solicited youth and families to its programs as beneficial for the children who participated, marketed to youth and families, recruited youth and families, and held out as safe for children the people that worked in the programs, including Hokanson.

52. Defendants' breach of their duties to Plaintiff include but are not limited to: failure to have sufficient policies and procedures to prevent child sex abuse, failure to properly implement the policies and procedures to prevent child sex abuse, failure to properly supervise Hokanson, failure to take reasonable measures to make sure that the policies and procedures to prevent child sex abuse were working, failure to protect children in their programs from child sex abuse, failure to adequately inform leaders, volunteers, families and children of the risks of child sex abuse, failure to investigate risks of child molestation, failure to properly train volunteers, employees and institutions and programs within Defendants' geographical confines, failure to have any outside agency test its safety procedures, failure to adhere to the applicable standard of care for child safety, failure to investigate the amount and type of information necessary to represent the institutions, programs and leaders and people as safe, failure to properly investigate adult leaders prior to hiring, and failure to train its agents properly to identify signs of child molestation by fellow agents.

53. Defendants negligently permitted Hokanson to isolate himself with Plaintiff while on scouting activities and trips, causing Plaintiff to be sexually abused by Hokanson.

54. Defendants negligently or recklessly believed that Hokanson was fit to work with children and/or that Hokanson would not sexually molest, injure or hurt children.

55. Defendants were negligent and/or made representations to Plaintiff and his family during each and every year of his minority.

56. Defendants negligently retained and supervised Hokanson when Defendants knew or should have known that Hokanson posed a threat of sexual abuse to children.

57. As a direct result of the Defendants' conduct described herein, Plaintiff has suffered, and will continue to suffer, great pain of mind and body, severe and permanent emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, humiliation, physical, personal and psychological injuries. Plaintiff was prevented, and will continue to be prevented, from performing his normal daily activities and obtaining the full enjoyment of life; has incurred, and will continue to incur, expenses for medical and psychological treatment, therapy, and counseling; and, on information and belief, and will incur loss of income and/or loss of earning capacity.

COUNT I: SEXUAL BATTERY – DEFENDANT RICHARD HOKANSON

58. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count and further alleges that:

59. Between approximately 1975 and 1981, Defendant Hokanson repeatedly inflicted unpermitted, harmful and offensive sexual contact upon the person of Plaintiff.

60. As a direct result of Defendant Hokanson's wrongful conduct, Plaintiff has suffered the injuries alleged herein.

COUNT II: NEGLIGENCE – DEFENDANTS BSA, GAMEHAVEN AND ST. PIUS

61. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count and further alleges that:

62. Defendants each owed Plaintiff a duty of reasonable care.

63. Defendants breached the duty of reasonable care owed to Plaintiff.

64. Each Defendant's breach of its duty were a proximate cause of Plaintiff's injuries.

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

COUNT III: NEGLIGENT SUPERVISION - DEFENDANTS BSA, GAMEHAVEN AND ST. PIUS

66. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count and further alleges that:

67. At all times material, Defendant Hokanson was acting as an agent of Defendants and was under Defendants' direct supervision, employ and control when he committed the wrongful acts alleged herein. Defendant Hokanson engaged in the wrongful conduct while acting in the course and scope of his duties as scoutmaster of Troop 210 with Defendants and/or accomplished the sexual abuse by virtue of his job-created authority. Defendants failed to exercise ordinary care in supervising Defendant Hokanson in his role as scoutmaster and failed to prevent the foreseeable misconduct of Hokanson from causing harm to others, including Plaintiff.

68. As a direct result of Defendants' negligent conduct, Plaintiff has suffered he injuries and damages described herein.

COUNT IV: NEGLIGENT RETENTION – DEFENDANTS BSA, GAMEHAVEN AND ST. PIUS

69. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count and further alleges that:

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

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

COUNT V: NEGLIGENT HIRING – DEFENDANTS BSA, GAMEHAVEN AND ST. PIUS

72. Plaintiff incorporates all consistent paragraphs of this complaint as if fully set forth under this count and further alleges that:

73. Defendants owed Plaintiff a duty to exercise reasonable care in hiring its agents, servants, and employees.

74. Defendants further assumed this duty by holding Hokanson out to the public, including the Plaintiff, as a competent and trustworthy scout leader, supervisor, servant, teacher, and counselor.

75. Defendants, by and through its agents, servants, and employees, knew or should have known of Hokanson's dangerous and exploitive propensities, which could have been discovered by reasonable investigation by Defendants prior to hiring him as a Scoutmaster and agent of Defendants.

76. Defendants have been aware for decades that it has removed thousands of pedophiles from its ranks of leadership in local Boy Scout Troops and it knew of a history of scout leaders grooming scouts and their families, to access scouts and sexually abuse them in and

out of scouting, which should have been disclosed to parents as one of the known dangers of participating in scouting.

77. Defendants knew or should have known that troop adult leaders and/or Scoutmasters would sexually abuse young boys participating in scouting activities.

78. Defendants breached their duty by failing to exercise reasonable care in hiring its agents, servants, and employees, including Hokanson.

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

PRAYER FOR RELIEF

Plaintiff demands judgment against Defendants individually, jointly and severally in an amount in excess of \$50,000.00, plus costs, disbursements, reasonable attorney's fees, interest and such other relief as the court deems just and equitable.

JURY DEMAND

Plaintiff demands a jury trial on all issues so triable.

Dated: 9/10/13

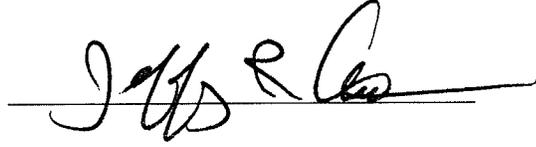
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By: Jeffrey R. Anderson, #2057
Sarah G. Odegaard, #390760
Attorneys for Plaintiff
366 Jackson Street, Suite 100
St. Paul, Minnesota 55101
(651) 227-9990

ACKNOWLEDGMENT

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

A handwritten signature in black ink, appearing to read "Jeff R. Co", is written over a horizontal line. The signature is cursive and somewhat stylized.