

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

Jane Doe 115,

Court File No.:

Plaintiff,

v.

COMPLAINT

Zion Lutheran Church

Defendant.

Plaintiff, for her Complaint and his causes of action against Defendant, alleges as follows:

PARTIES

1. Plaintiff Jane Doe 115 is an adult female resident of the State of Minnesota whose identity has been disclosed to Defendant by separate cover letter. Plaintiff was a minor at the time of the sexual abuse alleged herein.

2. At all times material, the Defendant Zion Lutheran Church (“Zion”) was and continues to be a Minnesota unincorporated non-profit religious entity, authorized to conduct business and conducting business in the State of Minnesota with its principal place of business located at 241 5th Avenue North, Hopkins, Minnesota 55343.

FACTS

3. At all times material, John Huchthausen, now deceased, was the youth minister at Zion.

4. Youth Minister Huchthausen was employed by Zion. Zion paid Youth Minister Huchthausen a salary, provided benefits and a workplace. Zion determined how much vacation Youth Minister Huchthausen was entitled.

5. At all times material, Youth Minister Huchthausen was under the direct supervision, employ, and control of Defendant Zion. Upon information and belief, before Plaintiff Jane Doe 115 was sexually abused by Youth Minister Huchthausen, Defendant Zion had actual or constructive knowledge of material facts regarding Huchthausen's sexual misconduct, impulses, and behavior.

6. Despite clear indications of danger, Defendant Zion took no steps to discover the specific nature of Youth Minister Huchthausen's problems or to determine whether he was fit to work with children or to protect children from him, thereby increasing the likelihood that Plaintiff Jane Doe 115 would be harmed.

7. Plaintiff was raised in a devout Lutheran family, regularly attended church, and participated in church-related activities. Plaintiff, therefore, developed great admiration, trust, reverence, and respect for Zion Church and its agents.

8. Defendant Zion held Youth Minister Huchthausen out as a qualified Youth Minister, and undertook the education, religious instruction, and spiritual and emotional guidance of Plaintiff Jane Doe 115. Zion Church exercised a direct role over Plaintiff. Accordingly, Plaintiff placed trust in Defendant Zion so that Defendant and their agents gained superiority and influence over Plaintiff. Defendant Zion entered into a special relationship with the Plaintiff and his family.

9. By holding Youth Minister Huchthausen out as safe to work with children, and by undertaking the custody, supervision of, and/or care of the minor Plaintiff, Defendant Zion entered into a special relationship with the minor Plaintiff. As a result of Plaintiff being a minor, and by

Defendant Zion undertaking the care and guidance of the then vulnerable Plaintiff, Defendant Zion held a position of empowerment over Plaintiff.

10. Furthermore, Defendant Zion, by holding themselves out as being able to provide a safe environment for children, solicited and/or accepted this position of empowerment. This empowerment prevented the Plaintiff from effectively protecting herself, and Defendant Zion thus entered into a special relationship with Plaintiff. By holding itself out as a safe, moral, and trusted institution to Plaintiff's parents, Defendant Zion induced Plaintiff's parents to entrust their child to Defendant and thereby deprived Plaintiff of the protection of her family.

11. Defendant Zion had a duty to Plaintiff to protect her from harm because Defendant Zion's actions created a foreseeable risk of harm to Plaintiff.

12. Defendant Zion's breach of its duties include but are not limited to: exposing Plaintiff to a known pedophile; exposing Plaintiff to a Youth Minister Defendant Zion should have known was a pedophile; recruiting, hiring, and maintaining Youth Minister Huchthausen in a position of authority over children; exposing Youth Minister Huchthausen to children; leaving Youth Minister Huchthausen alone with children unsupervised; inducing Plaintiff and her parents to entrust Plaintiff to Youth Minister Huchthausen; failing to follow policies and procedures designed to prevent child sex abuse and/or failing to implement sufficient policies and procedures to prevent child sex abuse; failing to take reasonable measures to make sure that policies and procedures to prevent child sex abuse were working; failing to adequately inform families and children of the known risks of child sex abuse within the Lutheran Church Missouri Synod; holding out its employees and agents, including Youth Minister Huchthausen, as safe and wholesome for children to be with; failing to investigate risks of child molestation; failing to properly train the workers at Defendant Zion; failing to have any outside agency test its safety procedures; failing to

protect the children in its programs from child sex abuse; failing to adhere to the applicable standard of care for child safety; failing to investigate the amount and type of information necessary to represent the institutions, programs, and leaders and people as safe; failing to respond to and/or investigate information of improper conduct of employee or agent with children, including Youth Minister Huchthausen; and failing to properly train its employees to identify signs of child molestation by fellow employees.

13. Defendant Zion knew or should have known that there was a risk of child sex abuse for children participating in parish programs and activities.

14. Defendant Zion knew or should have known that it did not have sufficient information about whether or not there was a risk of child sex abuse for children participating in parish programs and activities.

15. Defendant Zion held its leaders and agents out as people of high morals, as possessing immense power, teaching families and children to obey these leaders and agents, teaching families and children to respect and revere these leaders and agents, soliciting youth and families to its programs, schools, marketing to youth and families, recruiting youth and families, and holding out the people that worked in the programs as safe for children/youth.

16. From approximately 1974 through 1977, when Plaintiff was approximately 11 through 14 years old, Plaintiff attended Defendant Zion. During this same period, Youth Minister Huchthausen sexually abused Plaintiff.

17. Youth Minister Huchthausen engaged in unpermitted, harmful, and offensive sexual contact with the Plaintiff on the physical premises of and around Defendant Zion and on Defendant Zion-sponsored youth retreats and various other locations without Plaintiff's consent.

18. Upon information and belief, before Plaintiff was sexually abused by Youth Minister Huchthausen, Defendant Zion had actual or constructive knowledge of material facts regarding Youth Minister Huchthausen's sexual misconduct, impulses, and behavior, but failed to act on that knowledge and exposed Plaintiff as a child to Youth Minister Huchthausen, thereby increasing the likelihood that Plaintiff would be harmed.

19. As a direct result of Defendant Zion's breached duties, the sexual abuse, sexual exploitation, and Defendant's conduct, 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 and psychological injuries, was prevented and will continue to be prevented from performing her 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.

COUNT I: NEGLIGENCE

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

21. Defendant Zion owed Plaintiff a duty to protect Plaintiff based upon a special relationship between the Defendant Zion and Plaintiff.

22. Defendant Zion breached the duty to protect Plaintiff.

23. Defendant Zion's breach of its duty was the proximate cause of Plaintiff's injuries.

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

COUNT II: NEGLIGENT SUPERVISION

25. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count.

26. At all times material hereto, Youth Minister Huchthausen was employed by Defendant Zion. As such, Youth Minister Huchthausen was under Defendant Zion's direct supervision, employ, and control when he committed the wrongful acts alleged herein. Youth Minister Huchthausen engaged in the wrongful conduct while acting in the course and scope of his employment with Defendant Zion and/or accomplished the sexual abuse by virtue of his job-created authority. Most of the sexually abusive acts committed by Youth Minister Huchthausen against Plaintiff were committed on the premises of the Defendant Zion or on Defendant Zion-sponsored events and activities, and were committed within the working hours of a youth minister.

27. Defendant Zion failed to exercise ordinary care in supervising Youth Minister Huchthausen in his parish assignments, and Defendant Zion further failed to prevent the foreseeable misconduct of Youth Minister Huchthausen from causing harm to others, including the Plaintiff herein.

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

COUNT III: NEGLIGENT RETENTION

29. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth under this count.

30. Defendant Zion, by and through its agents, servants and employees, became aware, or should have become aware, of problems indicating that Youth Minister Huchthausen was an unfit agent with dangerous and exploitive propensities, yet Defendant Zion failed to take any

further action to remedy the problem and failed to investigate or remove Youth Minister Huchthausen from working with children.

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

JURY TRIAL REQUEST

32. Plaintiff Jane Doe 115 requests a jury trial on all counts of this Complaint.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Jane Doe 115 demands judgment against Defendant Zion in an amount in excess of \$50,000 plus costs, disbursements, reasonable attorney's fees, interest, and whatever other relief the Court deems just and equitable.

Dated: December 8, 2015

NOAKER LAW FIRM LLC



By: Patrick Noaker MN Bar # 274951
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ATTORNEY FOR PLAINTIFF

ACKNOWLEDGMENT

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



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