

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

Megan Peterson,

Case No.: _____

Plaintiff,

v.

COMPLAINT

Diocese of Ootacamund,

Defendant.

Plaintiff, for her cause of action against Defendant, alleges that:

PARTIES

1. Plaintiff Megan Peterson is an adult female resident of the State of Minnesota. Plaintiff was a minor resident of the State of Minnesota at the time of all sexual abuse alleged herein.

2. At all times material, Defendant Diocese of Ootacamund (hereinafter "Diocese") was and continues to be an organization or entity, which includes but is not limited to civil corporations, decision making entities, officials, and employees, authorized to conduct business and conducting business in India with its principal place of business at Bishop's House, Udthagamandalam, The Nilgiris Dt., Tamil Nadu 643 001, India. The Diocese also conducted business and acted in Minnesota by sending one of its agents to Minnesota, making business arrangements with the Diocese of Crookston, and having its agent work in Minnesota. The Diocese operates its affairs as both a corporate entity and as an organization named the Diocese of Ootacamund, with the Bishop as the top official. Both of these entities and all other corporations and entities controlled by the Bishop are included in this Complaint as being the Diocese. The Bishop is the top official of the Diocese and is given authority over all matters within the Diocese

as a result of his position. The Diocese functions as a business by engaging in numerous revenue producing activities and soliciting money from its members in exchange for its services. The Diocese has several programs which seek out the participation of children in the Diocese's activities. The Diocese, through its officials, has control over those activities involving children. The Diocese has the power to appoint, supervise, monitor, and fire each person working with children within the Diocese.

JURISDICTION

3. Plaintiff brings her complaint under federal diversity jurisdiction, 28 U.S.C. §1332, as the parties are completely diverse in citizenship and the amount in controversy exceeds \$75,000.00.

FACTS

4. At all times material, Father Joseph Palanivel Jeyapaul (hereinafter "Fr. Jeyapaul") was a Roman Catholic priest employed by the Diocese of Ootacamund. Fr. Jeyapaul remained under the direct supervision, employ and control of Defendant Diocese. Defendant placed Fr. Jeyapaul in positions, including in Minnesota, where he had access to and worked with children as an integral part of his work.

5. Plaintiff Megan Peterson was raised in a devout Roman Catholic family and attended Blessed Sacrament in Greenbush, Minnesota, and St. Joseph's in Middle River, Minnesota, both in the Diocese of Crookston where Fr. Jeyapaul was working. Plaintiff and her family came in contact with Fr. Jeyapaul as an agent and representative of Defendant.

6. Plaintiff participated in youth activities and church activities at Blessed Sacrament and St. Joseph's. Plaintiff, therefore, developed great admiration, trust, reverence and respect for the Roman Catholic Church, including Defendant and its agents, including Fr. Jeyapaul.

7. During and through these activities, Plaintiff, as a minor and vulnerable child, was dependent on Defendant and Fr. Jeyapaul. Defendant had custody of Plaintiff and accepted the entrustment of Plaintiff. Defendant had responsibility for Plaintiff and authority over her.

8. Beginning in approximately 2004, when Plaintiff was approximately 14 to 15 years old, Fr. Jeyapaul engaged in unpermitted sexual contact with Plaintiff on multiple occasions.

9. Plaintiff's relationship to Defendant and Fr. Jeyapaul, as a vulnerable child, parishioner, and participant in Church activities, was one in which Plaintiff was subject to the ongoing influence of Defendant and Fr. Jeyapaul, her abuser. The culture of the Catholic Church over Plaintiff created pressure on Plaintiff not to report Fr. Jeyapaul's abuse of her.

10. Prior to the sexual abuse of Plaintiff, Defendant learned or should have learned that Fr. Jeyapaul was not fit to work with children.

11. Defendant knew or should have known that Fr. Jeyapaul was a danger to children before Fr. Jeyapaul sexually molested Plaintiff.

12. Defendant negligently or recklessly believed that Fr. Jeyapaul was fit to work with children and/or that any previous problems he had were fixed and cured; that Fr. Jeyapaul would not sexually molest children and that Fr. Jeyapaul would not injure children; and/or that Fr. Jeyapaul would not hurt children.

13. By holding Fr. Jeyapaul out as safe to work with children, and by undertaking the custody, supervision of, and/or care of the minor Plaintiff, Defendant entered into a fiduciary relationship with the minor Plaintiff. As a result of Plaintiff being a minor, and by Defendant undertaking the care and guidance of the then vulnerable minor Plaintiff, Defendant held a position of empowerment over Plaintiff.

14. By accepting custody of the minor Plaintiff, Defendant established an *in loco parentis* relationship with Plaintiff and in so doing, owed Plaintiff a duty to protect her from injury.

15. Further, Defendant solicited and/or accepted this position of empowerment. This empowerment prevented the then minor Plaintiff from effectively protecting herself and Defendant thus entered into a fiduciary relationship with Plaintiff.

16. Defendant had a special relationship with Plaintiff.

17. Defendant owed Plaintiff a duty of reasonable care because it had superior knowledge about the risk that Fr. Jeyapaul posed to Plaintiff and/or the risk of abuse in general in its programs.

18. Defendant owed Plaintiff a duty of reasonable care because it undertook custody of minor children, including Plaintiff; held its agents, including Fr. Jeyapaul, out as safe to work with children; encouraged parents and children to spend time with its agents; and/or encouraged its agents, including Fr. Jeyapaul, to spend time with, interact with, and recruit children.

19. Defendant owed a duty to Plaintiff to protect her from harm because Defendant's actions created a foreseeable risk of harm to Plaintiff. As a vulnerable child participating in church programs and activities with Fr. Jeyapaul, Plaintiff was a foreseeable victim. As a vulnerable child who Fr. Jeyapaul had access to, Plaintiff was a foreseeable victim.

20. Defendant's breach of its duties 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 take reasonable measures to make sure that the policies and procedures to prevent child sex abuse were working, failure to adequately inform families and children of the risks of child sex abuse, failure to investigate risks of child molestation, failure to properly train the workers, 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, leaders and people as safe, failure to train its employees properly to identify signs of child molestation by fellow employees, failure by relying upon mental health professionals, and/or failure by relying on people who claimed that they could treat child molesters.

21. Defendant also breached its duty to Plaintiff by failing to warn her and her family of the risk that Fr. Jeyapaul posed and the risks of child sexual abuse by clerics. Defendant also failed to warn them about any of the knowledge that Defendant had about child sex abuse.

22. Defendant also violated a legal duty by failing to report known and/or suspected abuse of children by Fr. Jeyapaul and/or its other agents to the police and law enforcement.

23. Defendant also breached its duty to Plaintiff by actively maintaining and employing Fr. Jeyapaul in a position of power and authority through which Fr. Jeyapaul had access to children, including Plaintiff, and power and control over children, including Plaintiff.

24. Defendant knew or should have known that some of the leaders and people working within Catholic institutions were not safe.

25. Defendant knew or should have known that it did not have sufficient information about whether or not its leaders and people working at Catholic institutions were safe.

26. Defendant knew or should have known that there was a risk of child sex abuse for children participating in Catholic programs and activities within the Catholic Church.

27. Defendant 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 Catholic programs and activities within the Catholic Church.

28. Defendant knew or should have known that the Catholic Church had numerous agents who had sexually molested children. Defendant knew or should have known that child molesters have a high rate of recidivism. Defendant knew or should have known that there was a specific danger of child sex abuse for children participating in its youth programs.

29. Defendant 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, marketing to youth and families, recruiting youth and families, and holding out the people that worked in the programs as safe.

30. In approximately 2010, Fr. Jeyapaul was suspended from ministry by Defendant Diocese. As a result, the Christian Rights Movement in India assembled a letter and petition with hundreds of signatures asserting Fr. Jeyapaul's innocence and seeking to have him reinstated in ministry.

31. In approximately 2012, Fr. Jeyapaul was extradited from India to Minnesota as a result of being criminally charged for sexually abusing Megan Peterson and another minor female. In approximately 2015, Fr. Jeyapaul pled guilty to fourth degree criminal sexual conduct in Roseau County District Court. Fr. Jeyapaul was subsequently deported to his home country of India. In 2016, Bishop Amalraj of Defendant Diocese lifted the suspension on Fr. Jeyapaul's ministry after consulting with the Holy See. Defendant Diocese continues to put children at risk of being sexually molested by allowing Fr. Jeyapaul and priests similarly accused of child sexual abuse to work with and access children.

32. As a direct result of Defendant's 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 her normal daily activities and obtaining the full enjoyment of life; has incurred and will continue to incur expenses for psychological treatment, therapy, and counseling.

COUNT I: NUISANCE (COMMON LAW AND MINN. STAT. § 561.01)

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

33. Defendant Diocese continues to conspire and engage and/or has conspired and engaged in efforts to: 1) allow known child molesters to live freely in the community without informing the public; 2) allow known child molesters to work with and access children; and 3) conceal from the general public the sexual assaults committed by, the identities of, and the pedophilic/ephebophilic tendencies of, Fr. Jeyapaul and Defendant's other accused priests.

34. The negligence and/or disregard for the safety of others and/or deception by Defendant Diocese was and is injurious to the health and/or indecent or offensive to the senses and/or an obstruction to the free use of property by the general public, including, but not limited to, other members of the general public who live in communities where Defendant's accused molesters live and work. It was and is indecent and offensive to the senses, so as to interfere with the general public's comfortable enjoyment of life in that many in the general public cannot trust Defendant to warn parents of the presence of the current and/or former accused molesters, nor to prohibit current and/or former accused molesters from working with children, nor to identify its

current and/or former accused molesters, nor to disclose said credibly accused molesters' and other accused molesters' assignment histories, nor to disclose their patterns of conduct in grooming and sexually assaulting children, all of which create an impairment of the safety of children in the neighborhoods in India and other areas where Defendant conducted, and continues to conduct, its business.

35. The negligence and/or disregard for the safety of others and/or deception by Defendant Diocese was specially injurious to Plaintiff's health as she was sexually assaulted by Defendant's agent, Fr. Jeyapaul.

36. The negligence and/or disregard for the safety of others and/or deception by Defendant Diocese also was specially injurious to Plaintiff's health in that when Plaintiff discovered the negligence and/or disregard for the safety of others and/or deception of Defendant, Plaintiff experienced mental, emotional, and/or physical distress that she had been the victim of the Defendant's negligence and/or disregard for the safety of others and/or deception.

37. Plaintiff also suffered special, particular and peculiar harm after she learned that Defendant Diocese lifted the suspension on Fr. Jeyapaul's ministry, putting kids at risk of being sexually molested which continues as long as actions are taken to allow Fr. Jeyapaul and others accused of abuse to access children. As a result of the negligence and/or disregard for the safety of others and/or deception, Plaintiff has suffered and continues to suffer lessened enjoyment of her life, impaired health, emotional distress, and/or physical symptoms of emotional distress. She has also experienced depression, anxiety, and/or anger.

38. Plaintiff has also suffered and continues to suffer special and peculiar pecuniary harm as a result of the dangerous condition maintained or permitted by Defendant Diocese, which continues as long as actions are taken to allow Fr. Jeyapaul and others accused of abuse to access

children. As a result of the negligence and/or disregard for the safety of others and/or deception, Plaintiff has suffered and continues to suffer pecuniary loss including psychological treatment and therapy expenses.

39. Plaintiff's injuries are also particular to her and different from certain members of the public who have not been harmed by the nuisance. People who have not been harmed by the nuisance include those who have not suffered any injury at all, those who are unaware of the nuisance, those who do not believe that Defendant Diocese would allow known child abusers access to kids, and those who do not believe the practice of allowing abusers access to kids continues to occur today.

40. The continuing nuisance created by Defendant Diocese was, and continues to be, the proximate cause of Plaintiff's special injuries and damages as alleged.

41. In doing the aforementioned acts, Defendant acted negligently and/or intentionally, maliciously and with conscious disregard for Plaintiff's rights.

42. As a result of the above-described conduct, Plaintiff has suffered the injuries and damages described herein.

COUNT II: NUISANCE (MINN. STAT. § 609.74)

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

43. Defendant Diocese continues to conspire and engage and/or has conspired and engaged in efforts to: 1) allow known child molesters to live freely in the community without informing the public; 2) allow known child molesters to work with and access children; and 3) conceal from the general public the sexual assaults committed by, the identities of, and the pedophilic/ephebophilic tendencies of, Fr. Jeyapaul and Defendant's other accused priests.

44. The negligence and/or disregard for the safety of others and/or deception by Defendant Diocese has maintained or permitted a condition which unreasonably endangers the safety and health of a considerable number of members of the public, including, but not limited to, members of the general public who live in communities where Defendant's agents who molested children live. By permitting known child abusers to work with children, Defendant Diocese has thereby endangered the safety and health of a considerable number of the members of the public by allowing child molesters' to remain living freely in unsuspecting communities and working with and around children. These child molesters, known to the Diocese, pose a threat of additional abuse to a considerable number of members of the public.

45. The disregard for the safety of others and/or deception by Defendant was specially injurious to Plaintiff's health as she was sexually assaulted by Defendant's agent, Fr. Jeyapaul.

46. The disregard for the safety of others and/or deception by Defendant was also specially injurious to Plaintiff in that she experienced mental and emotional distress because she had been the victim of the Defendant's disregard for the safety of others and/or deception.

47. Plaintiff also suffered special, particular and peculiar harm after she learned that the Diocese lifted the suspension on Fr. Jeyapaul's ministry putting kids at risk of being sexually molested and which continues as long as actions are taken to allow Fr. Jeyapaul and others accused of abuse to access kids. As a result of the negligence and/or disregard for the safety of others and/or deception, Plaintiff has suffered and continues to suffer lessened enjoyment of her life, impaired health, emotional distress, and/or physical symptoms of emotional distress. She has also experienced depression, anxiety, and/or anger.

48. Plaintiff has also suffered and continues to suffer special and peculiar pecuniary harm as a result of the dangerous condition maintained or permitted by Defendant Diocese, which continues as long as actions are taken to allow Fr. Jeyapaul and others accused of abuse to access kids. As a result of the negligence and/or disregard for the safety of others and/or deception, Plaintiff has suffered and continues to suffer pecuniary loss including psychological treatment and therapy expenses.

49. Plaintiff's injuries are also particular to her and different from certain members of the public who have not been harmed by the nuisance. People who have not been harmed by the nuisance include those who have not suffered any injury at all, those who are unaware of the nuisance, those who do not believe that Defendant Diocese would allow known child abusers access to kids, and those who do not believe the practice of allowing abusers access to kids continues to occur today.

50. The continuing public nuisance created by Defendant Diocese was, and continues to be, the proximate cause of the Plaintiff's special injuries and damages as alleged.

51. In doing the aforementioned acts, Defendant acted negligently and/or intentionally, maliciously and with conscious disregard for Plaintiff's rights.

52. As a result of the above-described conduct, Plaintiff has suffered the injuries and damages described herein.

COUNT III: NEGLIGENCE

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

53. Defendant owed Plaintiff a duty of reasonable care.

54. Defendant owed Plaintiff a duty of care because Defendant had a special relationship with Plaintiff.

55. Defendant owed Plaintiff a duty to protect her from harm because Defendant had a special relationship with Fr. Jeyapaul.

56. Defendant owed Plaintiff a duty to protect her from harm because Defendant's active misfeasance created a foreseeable risk of harm.

57. By staffing Blessed Sacrament and St. Joseph's, accepting minor Plaintiff as a participant in in programs with Fr. Jeyapaul, accepting custody of the minor Plaintiff *in loco parentis*, and by establishing a fiduciary relationship with Plaintiff, Defendant entered into an express and/or implied duty to properly supervise Plaintiff and provide a reasonably safe environment for children, who participated in its programs. Defendant owed Plaintiff a duty to properly supervise Plaintiff to prevent harm from foreseeable dangers.

58. Defendant breached its duties to Plaintiff. Defendant's failures include but are not limited to failing to properly supervise Fr. Jeyapaul, failing to properly supervise Plaintiff and failing to protect Plaintiff from a known danger.

59. Defendant's breach of its duties was the proximate cause of Plaintiff's injuries.

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

COUNT IV: NEGLIGENT SUPERVISION

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

61. At all times material, Fr. Jeyapaul was employed by Defendant Diocese and was under Defendant's direct supervision, employ and control when he committed the wrongful acts alleged herein. Fr. Jeyapaul engaged in the wrongful conduct while acting in the course and scope of his employment with Defendant and/or accomplished the sexual abuse by virtue of his job-created authority. Defendant failed to exercise ordinary care in supervising Fr. Jeyapaul in his assignments and failed to prevent the foreseeable misconduct of Fr. Jeyapaul from causing harm to others, including the Plaintiff herein.

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

COUNT V: NEGLIGENT RETENTION

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

63. Defendant Diocese, by and through its agents, servants and/or employees, became aware, or should have become aware, of problems indicating that Fr. Jeyapaul was an unfit agent with dangerous and exploitive propensities, yet Defendant failed to take any further action to remedy the problem and failed to investigate or remove Fr. Jeyapaul from working with children.

64. 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 Defendant in an amount in excess of \$75,000.00, plus costs, disbursements, reasonable attorney's fees, interest, and such other and further monetary and declaratory relief as the court deems just and equitable.

DEMAND IS HEREBY MADE FOR A TRIAL BY JURY.

Dated: 4/19/16

JEFF ANDERSON & ASSOCIATES, P.A.



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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.

