

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

JOHN DOE XX	§	C.A. NO. 3:11-cv-00651
	§	
VS.	§	
	§	
HOLY SEE (State of the Vatican City),	§	
THE REDEMPTORISTS/NEW ORLEANS	§	
VICE PROVINCE, VERY REVEREND HARRY	§	
GRILE, C.S.R., HIS PREDECESSORS AND	§	
SUCCESSORS, AS PROVINCIAL SUPERIOR	§	
OF THE REDEMPTORISTS/DENVER	§	
PROVINCE, ROMAN CATHOLIC CHURCH	§	
OF THE DIOCESE OF BATON ROUGE,	§	
MOST REVEREND ROBERT W.	§	
MUENCH, HIS PREDECESSORS AND	§	
SUCCESSORS, AS BISHOP OF THE	§	
ROMAN CATHOLIC CHURCH OF THE	§	
DIOCESE OF BATON ROUGE,	§	
CHRISTOPHER JOSEPH SPRINGER, AND	§	
FIREMAN’S FUND INSURANCE COMPANY	§	

**ANSWER ON BEHALF OF ROMAN CATHOLIC CHURCH OF THE
DIOCESE OF BATON ROUGE, MOST REVEREND ROBERT W. MUENCH,
HIS PREDECESSORS AND SUCCESSORS, AS BISHOP OF THE ROMAN
CATHOLIC CHURCH OF THE DIOCESE OF BATON ROUGE, AND
FIREMAN’S FUND INSURANCE COMPANY**

NOW INTO COURT, through undersigned counsel, come Defendants, Roman Catholic Church of the Diocese of Baton Rouge, Most Reverend Robert W. Muench, his Predecessors and Successors, as Bishop of the Roman Catholic Church of the Diocese of Baton Rouge, and Fireman’s Fund Insurance Company, who submit this Answer and Defenses in response to Plaintiff’s Original Complaint (“Complaint”), as follows:

FIRST DEFENSE

The claims made herein by the Plaintiff do not state a cause of action or a right of action against the Defendants, Roman Catholic Church of the Diocese of Baton Rouge, Most Reverend

Robert W. Muench, his Predecessors and Successors, as Bishop of the Roman Catholic Church of the Diocese of Baton Rouge, and Fireman's Fund Insurance Company, and should be dismissed.

SECOND DEFENSE

Defendants, Roman Catholic Church of the Diocese of Baton Rouge, Most Reverend Robert W. Muench, his Predecessors and Successors, as Bishop of the Roman Catholic Church of the Diocese of Baton Rouge, and Fireman's Fund Insurance Company, affirmatively plead that all of the claims herein are barred by the affirmative defense of prescription.

THIRD DEFENSE

This Court, acting under the laws of the United States of America, does not have the jurisdiction to adjudicate matters of the Canon Law of the Roman Catholic Church when administrative actions of the Church are challenged under canonical law of the Roman Catholic Church. Pursuant to the First Amendment of the United States Constitution and the separation of Church and State thereunder, this Court cannot delve into the administrative decisions made pursuant to the Canon Law of the Roman Catholic Church and any and all such claims must be dismissed.

FOURTH DEFENSE

Based upon the allegations made herein, Louisiana law does not recognize a cause of action for negligent misrepresentation, breach of fiduciary duty, or civil conspiracy. In addition, based upon the allegations of the Complaint, the applicable Louisiana law does not provide for the recovery of punitive damages.

AND NOW FURTHER ANSWERING the allegations of the Complaint, Defendants, Roman Catholic Church of the Diocese of Baton Rouge, Most Reverend Robert W. Muench, his Predecessors and Successors, as Bishop of the Roman Catholic Church of the Diocese of Baton Rouge, and Fireman's Fund Insurance Company, aver as follows:

1.

Regarding Paragraphs 1-4, Defendants concede, upon information and belief, that diversity jurisdiction exists between the Plaintiff and Defendants and that venue is proper in the Middle District of Louisiana. However, as set forth above, this Court lacks jurisdiction over certain matters as they relate to Cannon Law and the Roman Catholic Church.

2.

Regarding paragraphs 5-12, Defendants, Roman Catholic Church of the Diocese of Baton Rouge, Most Reverend Robert W. Muench, his Predecessors and Successors, as Bishop of the Roman Catholic Church of the Diocese of Baton Rouge, and Fireman's Fund Insurance Company, admit their status. In all other respects, the allegations of paragraph 5-12 are denied.

3.

Defendants deny the allegations contained in paragraphs 13-114.

WHEREFORE, Defendants, Roman Catholic Church of the Diocese of Baton Rouge, Most Reverend Robert W. Muench, his Predecessors and Successors, as Bishop of the Roman Catholic Church of the Diocese of Baton Rouge, and Fireman's Fund Insurance Company, pray that the foregoing Answer be filed as prayed for herein and, after due proceedings, the suit of Plaintiff be dismissed with prejudice at her/his cost.

Respectfully submitted,

DUPLASS, ZWAIN, BOURGEOIS,
PFISTER & WEINSTOCK

/s/ C. Michael Pfister

C. MICHAEL PFISTER (#14317)
Three Lakeway Center, Suite 2900
3838 N. Causeway Boulevard
Metairie, LA 70002
Telephone: (504) 832-3700
Facsimile: (504) 837-3119
Email: mpfister@duplass.com

V. Charlie Cusimano (#4686)
HEBERT, SPENCER, CUSIMANO & FRY
Old Warden's House
701 Laurel Street
Baton Rouge, LA 70802-5692
Telephone: (225) 344-2601
Facsimile: (225) 387-1714
Email: Vccus1555@gmail.com

**ATTORNEYS FOR DEFENDANTS, ROMAN
CATHOLIC CHURCH OF THE DIOCESE OF
BATON ROUGE, MOST REVEREND
ROBERT W. MUENCH, HIS PREDECESSORS
AND SUCCESSORS, AS BISHOP OF THE
ROMAN CATHOLIC CHURCH OF THE
DIOCESE OF BATON ROUGE, AND
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CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of January, 2012, the foregoing was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to counsel of record by operation of the court's electronic filing system.

/s/ C. Michael Pfister

C. MICHAEL PFISTER (#14317)
mpfister@duplass.com