

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF LOUISIANA

JOHN DOE XX

§

VS.

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CIVIL ACTION NO. 11-651-JJB-CN

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HOLY SEE (State of the Vatican City), et al

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JOINT STATUS REPORT AMENDING STATUS REPORT

A. JURISDICTION:

What is the basis for the jurisdiction of the Court?

1. Diversity jurisdiction under 28 U.S.C. § 1332.
2. Subject matter jurisdiction under the Foreign Sovereign Immunity Act, 28 U.S.C. §§ 1330 (a) and 1604 - 1607.

B. BRIEF EXPLANATION OF THE CASE:

1. Plaintiff's claims: Plaintiff was raped and molested (sexually abused and exploited) as a child by Christopher Springer during the 12 year period that Springer was a priest with Defendant Roman Catholic Diocese of Baton Rouge. Prior to his employment with the Diocese, Springer had been educated, trained and ordained into the priesthood by Defendant The Redemptorists/New Orleans Vice Province. The Redemptorists employed Springer for 22 years. Given the 22 years of employment with The Redemptorists, Plaintiff alleges that The Redemptorists either knew or should have known that Springer was a pedophile priest and a dangerous sexual predator to minor boys and therefore, The Redemptorists should have removed Springer as a priest. Instead, The Redemptorists released Springer as a Redemptorists priest in "good standing" and authorized Springer's employment and assignment as a priest in the Diocese of Baton Rouge without warning or disclosing to the Diocese of Baton Rouge and Plaintiff what The Redemptorists either knew or should have known about Springer's dangerous sexual propensities and nature affecting male children. In connection with the sexual abuse committed by Defendant Springer, Plaintiff alleges repressed and suppressed memory along with fraud and concealment, breach

of fiduciary duty, and various torts, including negligence and intentional infliction of emotional distress against The Redemptorists and the Diocese of Baton Rouge, which are both controlled and under the authority and jurisdiction of the State of the Vatican City.

Plaintiff's identity will be disclosed to the Defendant parties on January 16, 2012.

2. Defendants, Redemptorist/New Orleans Vice Province and Fr. Harry Grile on behalf of the Denver Province of the Redemptorist, 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, claims:

Based upon the allegations of the Complaint, although the specific dates of the alleged tort are unclear, all of the claims alleged have prescribed under Louisiana law. Louisiana law recognizes no basis for a claim of punitive damages under the allegations of the Complaint. Defendants submit that there is no viable claim under the theory of vicarious liability, negligent hiring, failure to supervise, or breach of fiduciary duty. The Defendants further submit that the allegations of fraud and fraudulent concealment are insufficient and have not been pled with the required particularity. Defendants further dispute the nature and extent of the Plaintiff's injuries.

C. PENDING MOTIONS:

List any pending motion(s), the date filed and the basis of the motion(s): NONE.

There are no pending motions and responsive pleadings on behalf of the Defendants are due on January 18, 2012. Defendants anticipate filing Motions to Dismiss all claims that are not viable under Louisiana law. Defendants will also file a Motion for Protective Order regarding discovery.

D. ISSUES:

List the principal legal issues involved and indicate whether or not any of those issues are in dispute:

1. Whether The Redemptorists negligently misrepresented what The Redemptorists knew or should have known about Springer as a dangerous pedophile priest when The Redemptorists authorized Springer's release as a Redemptorists priest in "good standing" and employment with the Diocese of Baton Rouge. **DISPUTED**

2. Whether The Redemptorists fraudulently concealed what The Redemptorists knew or should have known about Springer as a dangerous pedophile priest when The Redemptorists authorized Springer's release as a Redemptorists priest in "good standing" and employment with the Diocese of Baton Rouge. **DISPUTED**
3. Whether The Redemptorists conspired to misrepresent and conceal what The Redemptorists knew or should have known about Springer as a dangerous pedophile priest when The Redemptorists authorized Springer's release as a Redemptorists priest in "good standing" and employment with the Diocese of Baton Rouge. **DISPUTED**
4. Whether the Diocese negligently misrepresented what the Diocese knew or should have known about Springer as a dangerous pedophile priest. **DISPUTED**
5. Whether the Diocese fraudulently concealed what the Diocese knew or should have known about Springer as a dangerous pedophile priest. **DISPUTED**
6. Whether The Redemptorists and the Diocese conspired to misrepresent and conceal what The Redemptorists and the Diocese knew or should have known about Springer as a dangerous pedophile priest. **DISPUTED**
7. Whether the Defendants are legally responsible for the alleged abuse of the Plaintiff by Defendant Springer. **DISPUTED**
8. Whether or not Defendant Springer was in the course and scope of his employment at the time of the alleged abuse. **DISPUTED**
9. Whether the claims made herein by the Plaintiff against the Defendants are prescribed. **DISPUTED**
10. Whether Louisiana law provides a cause of action against the Defendants for negligent misrepresentation, fraudulent concealment, vicarious liability, breach of fiduciary duty, civil conspiracy, claims of fraud and concealment, negligence for failure to supervise, claims for exemplary damages. **DISPUTED**

E. DAMAGES:

Separately, for each party who claims damages or an offset, set forth the computation of damages or the offset:

1. Plaintiff's calculation of damages: Continuous psychological injuries due to past and future emotional trauma, anguish, loss of respect for authority, loss of earning and earning capacity.

2. Defendants' calculation of offset and/or Plaintiffs' damages: To the extent the Plaintiff may have a viable tort claim against the Defendants, punitive damages are not allowed under Louisiana law.
3. Counter claimant/cross claimant/third party's calculation of damages: Not Applicable.

F. SERVICE:

Identify any unresolved issues as to waiver or service of process, personal jurisdiction, or venue:

Service will not be attempted for:

1. Defendant Holy See (State of the Vatican City).
2. Defendant Christopher Joseph Springer.

G. DISCOVERY:

1. Have the initial disclosures required under FRCP 26(a)(1) been completed? NO.

A. Do any parties object to initial disclosures? NO.

For any party who answered yes, please explain your reasons for objecting.

B. Please provide any stipulations reached by the parties with regard to FRCP 26(a)(1) initial disclosures.

2. Briefly describe any discovery that has been completed or is in progress:

By Plaintiffs: Written discovery served on the Diocese and The Redemptorists to obtain:

- a) Springer's personnel file and;
- b) other investigation/personnel files involving reports/allegations of sexual abuse.

By Defendants:

None. Defendants' responsive pleadings are due January 18, 2012.

3. Please describe any protective orders or other limitations on discovery that may be required/sought during the course of discovery. (For example: are there any

confidential business records or medical records that will be sought? Will information that is otherwise privileged be at issue?)

Defendants anticipate Plaintiff will serve upon the Defendants overbroad discovery seeking documents and information irrelevant to this matter and subject to a variety of privileges, including attorney-client, attorney work product, the clergyman privilege, and information subject to the privacy privilege of others. Defendants further anticipate requesting this Court to enter a Protective Order for the information that is exchanged pursuant to discovery limiting its use and disclosure to the legitimate purposes of this litigation protecting the rights and privacy of both the parties and non-parties to this lawsuit.

Plaintiff anticipates filing a motion seeking to compel the following business records/files in possession of the Defendant Diocese of Baton Rouge:

- a) Springer's complete personnel file and;
- b) other investigation/personnel files that involve reports/allegations of sexual abuse.

4. Discovery from experts:

Identify the subject matter(s) as to which expert testimony will be offered:

By Plaintiffs: psychological incapacity due to repressed and suppressed memory.

By Defendants: Defendants anticipate retaining experts to respond to the Plaintiff's allegations regarding psychological incapacity as well as damages.

H. PROPOSED SCHEDULING ORDER:

1. Recommended deadlines for amending the complaint, or adding new parties, claims, counterclaims or cross claims:

Amending the complaint May 31, 2012.

Adding new parties April 30, 2012.

Adding new claims, counterclaims, cross claims May 31, 2012.

2. Recommended deadlines for completion of fact discovery:

A. Exchanging initial disclosures required by FRCP 26(a)(1):

February 1, 2012.

B. Filing all discovery motions and completing all discovery except experts:
October 1, 2012

3. Disclosure of identities and resumes of expert witnesses (if appropriate, you may suggest different dates for disclosure of experts in different subject matters):

Plaintiffs: December 1, 2012.

Defendants: January 1, 2013.

4. Exchange of expert reports:

Plaintiffs: December 1, 2012.

Defendants: January 1, 2013.

5. Completion of discovery from experts: March 30, 2013.

6. Filing dispositive motions: May 15, 2013.

7. If the general outline of proposed deadlines set forth in numbers 1-6 does not fit the circumstances of your particular case, please provide a proposed joint schedule of deadlines which is more appropriate for your case.

Above deadlines are appropriate.

I. TRIAL:

1. Has a demand for trial by jury been made? YES

2. Estimate the number of days that trial will require: 8

J. OTHER MATTERS:

1. Are there any specific problems the parties wish to address at the scheduling conference?

NO.

2. If the answer is *no*, do the parties want the court to cancel the scheduling conference and to enter a scheduling order based on the deadlines set out in this report? YES

K. ALTERNATIVE DISPUTE RESOLUTION (“ADR”):

1. Do the parties wish to engage in alternative dispute resolution proceedings?

Not until initial discovery has taken place.

If so, identify the ADR procedure to be used:—Settlement conference and/or mediation.

2. If the parties have been unable to agree on an ADR procedure, but one or more parties believes that the case is appropriate for such a procedure, identify the party or parties that recommend ADR and the specific ADR process recommended:

L. SETTLEMENT:

1. Please set forth what efforts, if any, the parties have made to settle this case.

Settlement conditions have been presented to The Redemptorists’ counsel.

2. Do the parties wish to have a settlement conference? Yes, not at this time until discovery has been complete.

If your answer is yes, at what stage of litigation would a settlement conference be most beneficial? When discovery is complete.

M. CONSENT TO JURISDICTION BY A MAGISTRATE JUDGE:

You have the right to waive your right to proceed before a United States District Judge and you may instead consent to proceed before a United States Magistrate Judge. Indicate whether, at this time, all parties will agree, pursuant to 28 U.S.C. §636(c), to have a Magistrate Judge handle all the remaining pretrial aspects of this case and preside over a jury or court trial, with appeal lying to the United States Court of Appeals for the Fifth Circuit.

All parties agree to jurisdiction by a Magistrate Judge of this Court: NO.

If your response is “yes,” all attorneys and unrepresented parties please sign the attached Consent to Proceed Before A United States Magistrate Judge to indicate your consent.

Report dated: 1/18/2012

/s/ Andre LaPlace

/s/ Felecia Y. Peavy

Attorneys for Plaintiff

/s/ Don Richard

Attorney for Defendants The Redemptorists/New Orleans
Vice Province and Very Reverend Harry Grile, C.Ss.R.

/s/ C. Michael Pfister

s/ V. Charles Cusimano

Attorneys for Defendants The Roman Catholic Church of
the Diocese of Baton Rouge and Most Reverend Robert W.
Muench