

2009

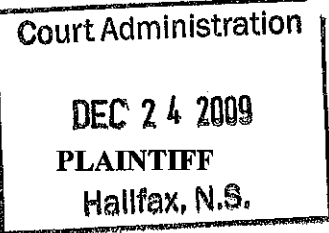
Hfx. No.: 331848

IN THE SUPREME COURT OF NOVA SCOTIA

BETWEEN:

LINDA DESCHAMP

-and-



THE ROMAN CATHOLIC EPISCOPAL CORPORATION OF YARMOUTH
otherwise known as The Roman Catholic Diocese of Yarmouth and ANTHONY
MANCINI Archbishop of the Arch Diocese of Halifax, in his capacity as Apostolic
Administrator for The Roman Catholic Diocese of Yarmouth

DEFENDANTS

NOTICE OF ACTION

To: THE ROMAN CATHOLIC EPISCOPAL CORPORATION OF YARMOUTH and
ANTHONY MANCINI

Action has been started against you
The plaintiff takes action against you.

The plaintiff started the action by filing this notice with the court on the date certified by the Prothonotary.

The plaintiff claims the relief described in the attached statement of claim. The claim is based on the grounds stated in the statement of claim.

Deadline for defending the action

To defend the action, you or your counsel must file a notice of defence with the court no more than following number of days after the day this notice of action is delivered to you:

- 15 days if delivery is made in Nova Scotia
- 30 days if delivery is made elsewhere in Canada
- 45 days if delivery is made anywhere else.

Judgment against you if you do not defend

The court may grant an order for the relief claimed without further notice, unless you file the notice of defence before the deadline.

You may demand notice of steps in the action

If you do not have a defence to the claim or you do not choose to defend it you may, if you wish to have further notice, file a demand for notice.

If you file a demand for notice, the plaintiff must notify you before obtaining an order for the relief claimed and, unless the court orders otherwise, you will be entitled to notice of each other step in the action.

Rule 57 - Action for Damages Under \$100,000

Civil Procedure Rule 57 limits pre-trial and trial procedures in a defended action so it will be more economical. The Rule applies if the plaintiff states the action is within the Rule. Otherwise, the Rule does not apply, except as a possible basis for costs against the plaintiff.

This action is not within Rule 57.

Filing and delivering documents

Any documents you file with the court must be filed at the office of the Prothonotary 1815 Upper Water Street, Halifax, Nova Scotia, (902) 424-4900.

When you file a document you must immediately deliver a copy of it to each other party entitled to notice, unless the document is part of an *ex parte* motion, the parties agree delivery is not required, or a judge orders it is not required.

Contact information

The plaintiff designates the following address:

*Arnold Pizzo McKiggan
306-5670 Spring Garden Road
Halifax, Nova Scotia B3J 1H6*

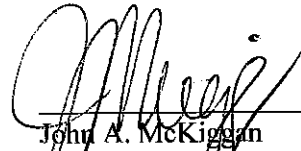
Documents delivered to this address are considered received by the plaintiff on delivery. Further contact information is available from the Prothonotary.

Proposed place of trial

The plaintiff proposes that, if you defend this action, the trial will be held in Halifax, Nova Scotia.

Signature

Signed the *22* day of December, 2009

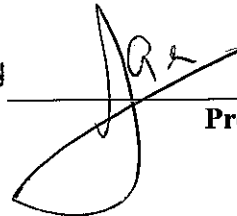


John A. McKiggan
Arnold Pizzo McKiggan
306 - 5670 Spring Garden Road
Halifax, Nova Scotia B3J 1H6
Phone: 423-2050 Fax: 423-6707
Solicitor for the Plaintiff

Prothonotary's certificate

I certify that this notice of action, including the attached statement of claim, was filed with the Court on *24* December, 2009.

GEORGE GHOSN
Deputy Prothonotary



Prothonotary

2009

Hfx. No.:

IN THE SUPREME COURT OF NOVA SCOTIA

BETWEEN:

LINDA DESCHAMP

PLAINTIFF

-and-

**THE ROMAN CATHOLIC EPISCOPAL CORPORATION OF YARMOUTH
otherwise known as The Roman Catholic Diocese of Yarmouth and ANTHONY
MANCINI Archbishop of the Arch Diocese of Halifax, in his capacity as Apostolic
Administrator for The Roman Catholic Diocese of Yarmouth**

DEFENDANTS

STATEMENT OF CLAIM

1. The Plaintiff, Linda Deschamp, ("Linda") resides in the Halifax Regional Municipality in the Province of Nova Scotia and at all material times hereto was a minor and a member of the parish of St. Thomas in Shelburne, Nova Scotia.
2. Raoul Deveau ("Deveau") was a Roman Catholic Priest who, at all material times hereto was appointed and employed as the parish priest for St. Thomas parish. Deveau is now deceased.
3. The Defendant, Anthony Mancini, is the current Archbishop of the Roman Catholic Arch Diocese of Halifax. The Pope appoints Bishops, from time to time, to each Diocese. Pursuant to The Code of Canon Law the office of Bishop ("the Bishop") constitutes a juridical person. In all juridical transactions of the Diocese, the Bishop acts in the person of the Diocese and is liable for all decisions of the Diocese.
4. The Archbishop of the Arch Diocese of Halifax currently functions as the apostolic administrator for the Roman Catholic Diocese of Yarmouth. Apostolic administrators are equivalent in Canon law with Diocesan Bishops, having the same authority and responsibility as a Diocesan Bishop.
5. The Defendant Roman Catholic Episcopal Corporation of Yarmouth is constituted as a juridical person pursuant to statute and the Code of Canon Law and is more commonly known as the Roman Catholic Diocese of Yarmouth ("the Diocese").
6. The Diocese is the secular arm of the Bishop and the Diocese for all purposes. The Bishop and the enterprise of the Diocese are legally synonymous.

7. The Diocese and then Bishop Albert Lemanger, ordained, trained, employed, assigned, supervised and had the power to discipline Deveau.
8. The Diocese and the Bishop exercised total power and authority over Deveau including, but not limited to, the power to assign Deveau to various parishes, the power to supervise Deveau, the power to remove Deveau from his parish and the power to discipline Deveau for misconduct.
9. As parish priest, Deveau exercised power and authority over the Plaintiff and owed a fiduciary duty to the Plaintiff. The Plaintiff states that Deveau's power, authority and fiduciary duty were accepted and encouraged by the Diocese and the Bishop.
10. Deveau was transferred by Bishop Austin Burke from the parishes of Plympton and Weymouth as a result of complaints of Deveau's sexual misconduct with a female child, Joanne Muron.
11. Bishop Burke assigned Deveau to the Parish of St. Thomas. Burke and the Diocese did not warn the members of St. Thomas parish of Deveau's sexual misconduct.
12. The Diocese and the Bishop knew or ought to have known, that Deveau posed a real risk of sexually assaulting the Plaintiff and other children in the parish St. Thomas.
13. Linda's family was devoutly Catholic. As the parish priest, Deveau was an important and powerful person in Linda's eyes.
14. Linda's family was desperately poor. Deveau used to send food from the Church to her family. Deveau created in Linda's family an aura of trust and dependence upon Deveau.
15. When Linda was about 11 or 12 years old Deveau approached her parents to offer Linda a job cleaning the rectory.
16. During her visits to the rectory Deveau repeatedly sexually assaulted Linda.
17. Deveau began to take Linda with him on vacations during which he would sexually assault Linda.
18. When Linda was about 12 or 13 years old Deveau asked Linda's parents to allow Linda live with him. Because of the families poverty, and trust Linda's parents had in their priest, they allowed Linda to live with Deveau.
19. Bishop Austin Burke transferred Deveau to St. Bernard's parish in Digby county. Linda moved with Deveau and lived with Deveau until she was 21 years old. Deveau told Linda to call him "uncle" and to tell everyone that they were related.
20. Bishop Burke had many conversations with Linda during the time she was living with Deveau. Burke and the Diocese were aware that Deveau was living with Linda, a female child, for many years. Bishop Burke was aware that Linda was not related to Deveau. Bishop Burke and the Diocese failed to take any steps to investigate or stop this improper relationship.

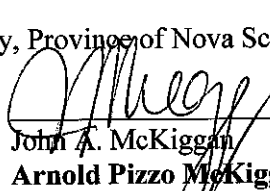
21. Bishop Burke received complaints from some of the parishioners of St. Bernard's parish regarding their concern about Deveau living with Linda. Bishop Burke transferred Deveau to Notre Dame de Lourdes parish in Melbourne, Yarmouth County.
22. Linda lived with Deveau for almost 10 years and during the entire time Linda lived with Deveau he engaged in repeated acts of sexual assault and intercourse with Linda.
23. The Plaintiff states that the Bishop and the Diocese are vicariously liable to Linda for Deveau's actions.
24. The Plaintiff states that the Bishop and the Diocese were under a non-delegable duty imposed by the Code of Canon Law.
25. The Plaintiff further states that the sexual assaults and batteries and Linda's resulting injuries were caused by the negligence, infliction of mental distress, breach of trust, breach of a non-delegable duty and breach of fiduciary duty of the Defendants the Diocese and the Bishop, and of the servants, agents, and employees of the Diocese, the particulars of which are as follows:
 - i) The Bishop and the Diocese ordained, trained, supervised and employed the Defendant Deveau who interacted inappropriately with children in the Diocese;
 - ii) The Bishop and the Diocese did not have any policy or guideline with respect to the employment of persons engaging in appropriate behavior leading to sexual assault;
 - iii) The Bishop and the Diocese employed and supervised the Defendant Deveau and permitted him to work in close proximity with children;
 - iv) The Bishop and the Diocese failed to take reasonable or any steps to implement programs or procedures for the supervision of the Defendant Deveau when the Bishop and the Diocese knew or ought to have known that not to do so would present a danger to Linda and other children in Deveau's parishes;
 - v) The Bishop and the Diocese failed to take reasonable or any steps to supervise, counsel, or prevent Deveau from sexually assaulting and battering Linda when the Defendants knew or ought to have known that failure to do so would present a danger to Linda and other children in Deveau's parishes;
 - vi) The Bishop and the Diocese failed to use reasonable care in the ordination, training, supervision and employment of Deveau and failed to take reasonable steps in assuring the safety and protection of children in Deveau's parishes;
 - vii) The Bishop and the Diocese placed Linda under Deveau's supervision and control, as a member of Deveau's congregation, and knew or ought to have known that the power and authority Deveau might exercise over Linda. By failing to take proper care to select an individual who could reasonably exercise that power and authority the Bishop and the Diocese breached the fiduciary duty owed to Linda;
 - viii) The Bishop and the Diocese failed to take adequate steps to investigate, detain, or discharge Deveau for sexually assaulting children when the Bishop and the Diocese

knew or ought to have known that failure to do so would present a danger to Linda and other children of the parish;

- ix) The Bishop and the Diocese failed to protect Linda from harm;
 - x) The Bishop and the Diocese willfully failed to observe the conduct of Deveau which would have alerted them to Deveau's sexual assaults;
 - xi) Such further and other causes of negligence, breach of trust and breach of fiduciary duty as the Plaintiff may advise prior to trial of this matter.
26. The Plaintiff states that the Bishop and the Diocese are directly liable in their position as principal to Deveau who at all material times hereto was acting as the Bishop and the Diocese's agent or employee.
27. As a result of the sexual assaults and batteries by Deveau, Linda suffered serious, lasting and permanent injuries including, but not limited to:
- a) Nervous shock;
 - b) Anxiety;
 - c) Sexual dysfunction;
 - d) Post-traumatic stress disorder;
 - e) Depression;
 - f) Substance addiction;
 - g) Decreased social ability;
 - h) Low self-esteem;
 - i) Impaired interpersonal relationships;
 - j) And such further and other injuries as the Plaintiff may advise prior to trial of this matter.
28. The Plaintiff has sustained and will continue to sustain pain and suffering, loss of enjoyment of life, and loss of amenities.
29. The Plaintiff further states that, as a result of the injuries caused by the sexual assaults she was not reasonably capable of commencing legal proceedings because of her physical, mental and/or psychological condition resulting from the sexual assaults.
30. The Plaintiff states that the Defendant's conduct was disgraceful, repugnant and reprehensible and the Bishop and the Diocese have behaved with arrogance and high-handedness and have shown a callous disregard and complete lack of care for Linda.

31. The Plaintiff states that the Bishop and Diocese was or should have been conscious of the probable consequences of their actions and the damages such actions would cause to Linda.
32. Therefore, the Plaintiff claims against the Defendants, and each of them, jointly and severally;
- a) A declaration of the legal responsibility of the Diocese and the Bishop for the injuries suffered by Linda;
 - b) General Damages;
 - c) Special Damages;
 - d) Aggravated Damages;
 - e) Exemplary Damages;
 - f) Punitive Damages;
 - g) Costs;
 - h) Pre-judgment Interest;
 - i) Such further and other relief as this Honourable Court may see fit.

DATED at Halifax, in the Halifax Regional Municipality, Province of Nova Scotia, this ²² day of December, 2009.



John A. McKiggan
Arnold Pizzo McKiggan
306 - 5670 Spring Garden Road
Halifax, Nova Scotia B3J 1H6
Phone: 423-2050 Fax: 423-6707
Solicitor for the Plaintiff

TO: The Prothonotary
AND TO: The Defendants, their solicitor or agent