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Catholic Diocese of Green Bay, Inc. v. John Doe 119, 131 Nev. Adv. Op. 29 (May 28, 2015)¹

CIVIL PROCEDURE: PERSONAL JURISDICTION, FOREIGN CATHOLIC DIOCESE

Summary

The Court held a plaintiff must prove sufficient contacts with the jurisdiction in order to establish personal jurisdiction over a defendant. Without proof of sufficient contacts, Nevada courts do not have personal jurisdiction over a foreign Catholic diocese. The Court reversed the district court's decision.

Background

The respondent, John Doe 119 (Doe), filed a negligence suit against the appellant, Catholic Diocese of Green Bay, Inc., (Diocese). Doe alleged that Father John Feeney (Feeney) sexually assaulted him while Feeney worked for the Diocese. Doe claimed that Feeney had a history of molesting children in Wisconsin and that the Diocese negligently retained Feeney and failed to warn others of the potential danger.

Based on an employment relationship, the Eighth Judicial District Court found that Feeney served both the Dioceses in Nevada and Wisconsin. Because of this, the court concluded it had proper jurisdiction over the Wisconsin Diocese. The Diocese appealed the personal jurisdiction ruling.

Discussion

In order to have personal jurisdiction over a nonresident defendant, a plaintiff must prove that (1) Nevada's long-arm statute² is satisfied and (2) due process is not offended. The Court follows a three-part test to determine whether a court has specific jurisdiction over a defendant. The elements the Court looks to are (1) purposeful availment; (2) contact with the forum; and (3) the reasonableness of a Court requiring a defendant to appear in the jurisdiction. The Court focused on the first element of the test.

Purposeful availment

The Court looked to whether or not the Diocese established minimum contacts with Nevada. The purposeful availment inquiry must focus on the acts of the Diocese; the acts of Feeney are irrelevant.

The Diocese's contacts with Nevada

The district court established that (1) the Diocese gave Feeney a letter of recommendation, (2) spoke to a Nevada Bishop about Feeney, (3) periodically had contact with Feeney, and (4) maintained an employment relationship with Feeney. The Court dismissed the first and second contacts as not being evidence of purposeful availment and concentrated on the third and fourth contacts.

¹ By Adam Wynott.

² NEV. REV. STAT. § 14.065.

Agency, control, and the doctrine of incardination

An employment relationship is defined by agency principles. Nevada courts must look to (1) whether an employer directs the daily work of an employee; (2) whether the employee must follow putative instructions; and (3) whether the employee can refuse instructions without consequence. The Court dismissed the district court's findings that supported an agency relationship between Feeney and the Diocese.

Specifically the Court ruled found that (1) a third party managed Feeney's pension; (2) no evidence existed showing the Diocese assigned Feeney daily tasks that he could not refuse; and (3) the ecclesiastical system of incardination³ does not conclusively prove an employment relationship. These factors did not give the Diocese sufficient control or authority over Feeney's daily work in Nevada.

The Court stated that courts must sometimes consider a religious organization's structure when making decisions. In this case the Court used legal standards of employment and agency and not the ecclesiastical doctrine of incardination.

Conclusion

Thus, the Diocese did not have sufficient contacts with Nevada to prove purposeful availment of Nevada law. The evidence did not support the claim that the Diocese had substantial control over Feeney. The district court erred in ruling that it had personal jurisdiction over the Diocese.

³ “[A] kind of bond tying the priest to the diocese that ordains him.”