

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

FILED

DEC 26 2006

USDC WP SDNY

ERIC ILIFF,

Plaintiff,

v.

ST. VLADIMIR'S ORTHODOX
THEOLOGICAL SEMINARY, INC.,
and METROPOLITAN HERMAN,
as corporate sole of the
ORTHODOX CHURCH IN AMERICA,

Defendants.

CASE NO.:

COMPLAINT

'06 CIV 15453

BRIANT

Plaintiff, Eric Iliff, by and through undersigned counsel, brings this Complaint against Defendants St. Vladimir's Orthodox Theological Seminary, Inc. and Metropolitan Herman, as corporate sole of the Orthodox Church in America, and states as follows:

Parties, Jurisdiction and Venue

1. Plaintiff, Eric Iliff, is an adult male whose domicile is in the State of Illinois.
2. Defendant St. Vladimir's Orthodox Theological Seminary, Inc. (the "Seminary") is a non-profit corporation and graduate professional school located in Crestwood, New York, whose programs are registered with the New York State Education Department, New York Department of Regents, and accredited by the Association of Theological Schools in the United States and Canada. Its domicile is in the State of New York.
3. The Orthodox Church in America, or alternatively, Metropolitan Herman, as corporate sole of the Orthodox Church in America (the "OCA"), was originally founded as a diocese

of the Orthodox Church of Russia, and in 1970 became an autocephalous church. Its domicile and headquarters are in Syosset, New York. The OCA owns and operates the Seminary.

4. This Court has jurisdiction pursuant to 28 U.S.C. §1332(a)(1) in that the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different states.

5. Venue is proper in this District pursuant to 28 U.S.C. §1391(b) and (c) because all or a substantial part of the events giving rise to the claims occurred in the State of New York, within this District.

Factual Allegations

6. Plaintiff wanted to become a priest in the Orthodox Church in America. He attended St. Vladimir's Orthodox Theological Seminary beginning in the Fall 2003, to train to become a priest.

7. In his first year at the Seminary, Plaintiff had psychological and emotional issues stemming from his father, who had suffered problems with alcoholism. Another student suggested to Plaintiff that he contact Father Timothy Blumentritt, who was available to students for counseling and therapy. Father Blumentritt was an Associate Professor of Pastoral Theology at the Seminary.

8. Father Blumentritt subsequently introduced himself to Plaintiff on the campus of the Seminary. Plaintiff and Blumentritt shortly thereafter commenced a counselor - patient relationship, to assist Plaintiff in coping with being the child of an alcoholic father.

9. Upon information and belief, the Seminary and the OCA authorized and encouraged Father Blumentritt to engage in secular counseling relationships with students. The Seminary and

the OCA at all relevant times knew or should have known that Father Blumentritt was engaged in counseling and therapy activities and services with students at the seminary, including Plaintiff.

10. Father Blumentritt through this counseling relationship began a process of grooming Plaintiff, in which he subtly manipulated Plaintiff and caused Plaintiff to put his trust and confidence in Father Blumentritt.

11. In the course of this grooming, Father Blumentritt initiated discussions regarding sexuality and Plaintiff's sexual identity.

12. Father Blumentritt began spending more and more time with Plaintiff discussing sexual matters, including Father Blumentritt's own sexual history and interests. In the Summer, 2004, Blumentritt asked Plaintiff to help him organize his home office. Shortly thereafter, Father Blumentritt initiated massage sessions, in which Father Blumentritt and Plaintiff were partially or fully unclothed. In the course of the 2004-05 school year, Father Blumentritt slowly, in a calculated manner, broke down all sexual boundaries between himself and Plaintiff, under the guise of providing Plaintiff with counseling and guidance.

13. Father Blumentritt's grooming efforts culminated with Blumentritt sexually abusing Plaintiff on multiple occasions. This abuse included fondling of genitalia and mutual masturbation. The abuse occurred, among other places, in Father Blumentritt's office on campus and in Plaintiff's dormitory room.

14. The sexual abuse sent Plaintiff into an emotional and psychological tailspin. He became severely depressed and suicidal. Plaintiff subsequently reported Father Blumentritt's abuse to officials at the Seminary in June, 2005.

COUNT I
NEGLIGENT HIRING, RETENTION AND SUPERVISION

15. Plaintiff repeats and realleges the allegations in paragraphs 1 through 14 above.

16. Defendants, the Seminary and OCA, employed and supervised Father Blumentritt.

17. Father Blumentritt's duties and functions included, among other things, offering secular counseling and therapy to students.

18. Upon information and belief, the Seminary and OCA knew or should have known before hiring Blumentritt that he was unfit and dangerous to the health, safety, and psychological and emotional well-being of students at the Seminary.

19. The Seminary and OCA knew or should have known of Father Blumentritt's propensity to engage in sexual conduct with students, particularly with those in which he had undertaken a counseling relationship.

20. The Seminary and the OCA placed Blumentritt in a position of unfettered access to students, which they knew or should have known would cause foreseeable harm to students absent reasonable care in his retention and supervision.

21. The Seminary and the OCA breached their duty of reasonable care to Plaintiff by failing to protect him from sexual abuse and the lewd and lascivious acts of Father Blumentritt.

22. At all relevant times, the policies, practices and procedures of the Seminary and OCA failed to reasonably protect students who would come in contact with Father Blumentritt seeking counseling and guidance.

23. As a direct and proximate result of the Seminary and OCA's failure to exercise reasonable care, Plaintiff was sexually abused.

24. The sexual abuse has caused Plaintiff to suffer severe and permanent emotional and psychological injuries and the inability to lead a normal life. He has incurred pain and suffering and economic losses. Plaintiff's injuries are persistent, permanent and debilitating in nature.

COUNT II
BREACH OF FIDUCIARY DUTY

25. Plaintiff repeats and realleges, paragraphs 1 through 14 above.

26. At all relevant times, the Seminary and the OCA, on the one hand, and the Plaintiff, on the other, were in a fiduciary relationship, arising from the Plaintiff's attendance and residence at the Seminary and the authorized acts of Father Blumentritt in counseling, advising and providing therapy to Plaintiff.

27. The Seminary and the OCA breached their fiduciary duties to Plaintiff by allowing Father Blumentritt to serve as the Plaintiff's counselor despite the fact that they knew or should have known of his dangerous sexual propensities.

28. As a direct and proximate result of the breach of fiduciary duties by the Seminary and OCA, Plaintiff was sexually abused. The sexual abuse has caused Plaintiff to suffer severe and permanent emotional and psychological and the inability to lead a normal life. He has incurred pain and suffering and economic losses. Plaintiff's injuries are persistent, permanent, and debilitating in nature.

29. The fiduciary relationship between Plaintiff and Defendant continued until Plaintiff graduated and left the Seminary in or about June, 2006.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial of his claims by jury.

DEMAND FOR RELIEF

WHEREFORE, Plaintiff demands judgment against Defendants as follows:

1. On the first cause of action, for money damages exceeding \$10 million.
2. On the second cause of action, for money damages exceeding \$10 million.
3. Court costs, prejudgment interest and such further relief as the Court deems just and

proper.

Dated: December 22, 2006

Respectfully submitted,

HERMAN & MERMELSTEIN, P.A.

Jeffrey M. Herman, Esq.

Stuart S. Mermelstein, Esq.

18205 Biscayne Boulevard

Suite 2218

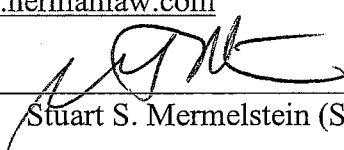
Miami, Florida 33160

Telephone: (305) 931-2200

Facsimile: (305) 931-0877

www.hermanlaw.com

By: _____


Stuart S. Mermelstein (SM1461)