

HHD CV 14 5038159

RETURN DATE: OCTOBER 28, 2014 : SUPERIOR COURT
 :
 JOHN DOE : JUDICIAL DISTRICT OF HARTFORD
 :
 V. : AT HARTFORD
 :
 REV. EDWARD TISSERA AND HARTFORD :
 ROMAN CATHOLIC DIOCESAN CORPORATION : SEPTEMBER 12, 2014

COMPLAINT

FIRST COUNT: (Sexual Assault and Battery, as to Defendant Edward Tissera, a/k/a W. Edward Julian Tissera, a/k/a Edward J. Tissera, a/k/a Edward Warnakulasooriya, a/k/a Rev. Edward Warnakulasuriya, a/k/a Reverend Edward J. Tissera (Warnakulasuriya), a/k/a Father Ed)

1. At all times relevant to plaintiff's claims in this complaint, plaintiff, John Doe, was a minor resident of the State of Connecticut and a parishioner of the St. John the Evangelist located in Watertown, Connecticut ("St. John's").

2. At all times relevant to plaintiff's claims in this complaint, defendant, Edward Tissera a/k/a W. Edward Julian Tissera, a/k/a Edward J. Tissera, a/k/a Edward Warnakulasooriya, a/k/a Rev. Edward Warnakulasuriya, a/k/a Reverend Edward J. Tissera (Warnakulasuriya), a/k/a Father Ed ("Tissera") was a resident of the State of Connecticut and was a Roman Catholic Priest who served as a priest and Associate Pastor at St. John's.

3. At all times relevant to plaintiff's claims in this complaint, defendant Tissera was an employee or agent of defendant Hartford Roman Catholic Diocesan Corporation a/k/a Roman Catholic Diocese (the "Diocese"), which was a corporation organized and existing under the laws of the State of Connecticut.

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4. At all times relevant to plaintiff's claims in this complaint, the Diocese supervised and/or controlled the operations of St. John's.

5. At all times relevant to plaintiff's claims in this complaint, the Diocese through its employees or agents made determinations about who would serve as priests at St. John's. Accordingly, the Diocese determined that defendant Tissera would serve as a priest at St. John's. Pursuant to the Diocese's request and direction, Tissera began serving as an Associate Pastor at St. Johns sometime prior to the year 2000 and remained a priest at St. John's during all time relevant to plaintiff's claims in this complaint.

6. At all times relevant to plaintiff's claims in this complaint, defendant Tissera resided in the rectory of St. Johns in Wallingford, Connecticut, which was owned or controlled by the Diocese.

7. By allowing defendant Tissera to serve as an Associate Pastor at St. John's, the Diocese intended to represent to Roman Catholic parishioners, including plaintiff, that defendant Tissera was fit, qualified and competent in all respects to serve as a priest within the Diocese and to provide spiritual instruction and guidance to Roman Catholic parishioners, including plaintiff.

8. At all times relevant to plaintiff's claims in this complaint, the Diocese authorized and encouraged defendant Tissera to meet with minor parishioners of St. John's, including plaintiff, for the purposes of providing those parishioners with spiritual instruction and guidance.

9. As a part of his job duties and responsibilities at St. John's, defendant Tissera would make home visits for spiritual counseling, guidance, and instruction of parishioners of St. John's, including children.

10. At all times relevant to plaintiff's claims in this complaint, the Diocese was aware or should have been aware of defendant Tissera's role in providing spiritual counseling, guidance, and instruction at home visits to parishioners of St. John's, including children, and authorized and encouraged defendant Tissera to perform these duties.

11. Plaintiff was a parishioner at St. John's under the supervision, instruction and guidance of defendant Tissera.

12. In addition, plaintiff's mother sought spiritual counseling, guidance, and instruction from defendant Tissera for her and her son ("the Plaintiff") during the time defendant Tissera served as an Associate Pastor at St. John's.

13. During the Fall and Winter of 2000 and the Winter and Spring of 2001, defendant Tissera would make home visits to the plaintiff's family home in order to provide counseling, guidance, and instruction.

14. On information and belief, the Diocese sanctioned these home visits at all times relevant to plaintiff's claims in this complaint.

15. During the Fall and Winter of 2000 and the Winter and Spring of 2001, defendant Tissera repeatedly requested and instructed plaintiff to meet with him in the plaintiff's bedroom for the purposes of spiritual guidance and counseling.

16. On numerous occasions during the Fall and Winter of 2000 and the Winter and Spring of 2001, defendant Tissera sexually assaulted and battered plaintiff while the plaintiff was lying in his bed.

17. Further, on numerous occasions during the Fall and Winter of 2000 and the Winter and Spring of 2001, defendant Tissera suddenly and unexpectedly initiated offensive, harmful and unwanted contact with plaintiff.

18. All of defendant Tissera's physical contact with the plaintiff as outlined above was harmful to the plaintiff and was unwanted and resisted by the plaintiff.

19. In the Fall and Winter of 2000, plaintiff was a minor who was thirteen years old. In Winter and Spring of 2001, plaintiff turned fourteen years old.

20. As a result of defendant Tissera's sexual assault and battery of plaintiff as described above, plaintiff has suffered serious and permanent injuries and damages, including but not limited to the following:

- a. Severe emotional distress, resulting in feelings of extreme anxiety, and frequent panic attacks;
- b. Depression;
- c. Frequent nightmares;
- d. Nervousness;
- e. Loss of religious and spiritual faith;
- f. Difficulties in his relationships with his family;

- g. Difficulties in his relationships with his friends;
- h. Difficulties with issues of emotional and physical intimacy; and
- i. Adverse impact on his interest and performance in school.

21. As a result of the injuries and damage sustained at a result of defendant Tissera's wrongful conduct, plaintiff has had to undergo a continuing course of psychiatric and therapeutic treatment.

22. As a further result of the injuries and damages sustained as a result of defendant Tissera's wrongful conduct, plaintiff has required and will continue to require treatment in the form of counseling and therapy, as a result of which plaintiff has in the past incurred and will in the future incur costs and expenses.

23. As a further result of the injuries and damages sustained as a result of Tissera's wrongful conduct, plaintiff has suffered emotional loss, causing him a loss of the enjoyment of life's activities.

SECOND COUNT: (Intentional Infliction of Emotional Distress, as to Defendant Edward Tissera, a/k/a W. Edward Julian Tissera, a/k/a Edward J. Tissera, a/k/a Edward Warnakulasooriya, a/k/a Rev. Edward Warnakulasuriya, a/k/a Reverend Edward J. Tissera (Warnakulasuriya), a/k/a Father Ed)

1 - 23. Plaintiff incorporates paragraphs 1 - 23 of Count One of this complaint as paragraphs 1 - 23 of this Count Two.

24. When defendant Tissera sexually assaulted and battered plaintiff, he intended to inflict emotional distress on plaintiff. Alternatively, defendant Tissera knew or should have known that plaintiff was likely to suffer emotional distress as a result of defendant Tissera's wrongful conduct.

25. Defendant Tissera's conduct as outlined above was extreme and outrageous.

26. Defendant Tissera's conduct as outlined above was the cause of plaintiff's emotional distress.

27. Plaintiff's emotional distress suffered as a result of defendant Tissera's wrongful conduct was severe.

THIRD COUNT: (Breach of Fiduciary Duty, as to Defendant Edward Tissera, a/k/a W. Edward Julian Tissera, a/k/a Edward J. Tissera, a/k/a Edward Warnakulasooriya, a/k/a Rev. Edward Warnakulasuriya, a/k/a Reverend Edward J. Tissera (Warnakulasuriya), a/k/a Father Ed)

1 - 23. Plaintiff incorporates paragraphs 1 - 23 of Count One of this complaint as paragraphs 1 - 23 of this Count Three.

24. As a priest and Associate Pastor at St. John's who provided spiritual guidance, counseling, and instruction and guidance to parishioners, including plaintiff, defendant Tissera assumed the duties of a fiduciary in his relationship with plaintiff.

25. As a fiduciary of plaintiff, defendant Tissera had a duty to represent and further plaintiff's best interests in providing plaintiff with spiritual guidance, counseling, and instruction.

26. When defendant Tissera sexually assaulted and battered plaintiff as outlined above, defendant Tissera breached his obligations to plaintiff as plaintiff's fiduciary.

27. Defendant Tissera's breaches of fiduciary caused injuries and damages to plaintiff as outlined in paragraph 20 above.

FOURTH COUNT: (Negligent Hiring and Retention, as to Defendant Hartford Roman Catholic Diocesan Corporation a/k/a Roman Catholic Diocese)

1 - 23. Plaintiff incorporates paragraphs 1 - 23 of Count One of this complaint as paragraphs 1 - 23 of this Count Four.

24. When hiring and retaining defendant Tissera, the Diocese had a duty to evaluate whether defendant Tissera was fit and competent to provide services of employment, including the services related to the positions of priest and Associate Pastor.

25. The Diocese knew or should have known that defendant Tissera was not fit and competent to serve as a priest and an Associate Pastor at St. John's or to provide spiritual instruction and guidance to minor parishioners, including plaintiff, and knew or should have known that he posed a threat of sexually assaulting and battering minor parishioners, including plaintiff.

26. Nonetheless, the Diocese negligently determined that defendant Tissera was fit and competent to serve as priest and Associate Pastor at St. John's, and after making this determination, the Diocese participated in the ordination of defendant Tissera as a priest in the

Roman Catholic Church and in placing him in the position of an Associate Pastor of St. John's.

27. The Diocese also negligently retained defendant in the position of priest and an Associate Pastor at St. John's at all times relevant to plaintiff's claims in this complaint.

28. In determining that defendant Tissera was fit and competent to serve as priest and an Associate Pastor at St. John's, the Diocese was negligent in one or more of the following ways:

- a. failing to perform an appropriate background investigation of defendant Tissera;
- b. failing to perform an appropriate psychiatric evaluation of defendant Tissera o;
- c. failing to properly test and evaluate defendant Tissera during and following completion of his training to become a priest; and/or
- d. Failing to properly evaluate and review defendant Tissera's conduct while serving as a priest and Associate Pastor at St. John's.
- e. Failing to properly evaluate and review defendant Tissera's conduct while he was serving as a priest or as a priest- in- training.

29. Defendant Tissera was not fit and qualified to provide services as a priest and an Associate Pastor of St. John's to parishioners of St. John's, including plaintiff.

30. As a result of the Diocese's negligence in hiring and retaining defendant Tissera, plaintiff was injured as outlined in paragraphs 20- 23, above, when he was sexually assaulted and battered by defendant Tissera.

FIFTH COUNT: (Negligent Supervision, as to Defendant Hartford Roman Catholic Diocesan Corporation a/k/a Roman Catholic Diocese)

1 - 23. Plaintiff incorporates paragraphs 1 - 23 of Count One of this complaint as paragraphs 1 - 23 of this Count Five.

24. After defendant Tissera began serving as priest and an Associate Pastor at St. John's, the Diocese had a duty to supervise the performance of defendant Tissera's job duties at St. John's, including his role in providing spiritual guidance to minor parishioners, including plaintiff.

25. In breach of this duty, the Diocese failed to take appropriate measures to prevent injury to parishioners of St. John's, including plaintiff, that the Diocese knew or should have known would result from defendant Tissera's conduct.

26. The Diocese allowed and encouraged defendant Tissera to provide spiritual guidance to minor parishioners, including plaintiff, at St. John's during the times that defendant Tissera sexually assaulted and battered plaintiff.

27. The Diocese was negligent in its supervision of defendant Tissera in one or more of the following ways:

- a. failing to properly monitor defendant Tissera's conduct during his home visits of plaintiff's family home;
- b. allowing defendant Tissera to perform unsupervised home visits for spiritual counseling, guidance, and instruction of minor parishioners, including plaintiff;

- c. allowing defendant Tissera to be alone with minor parishioners of St. John's, including plaintiff, when it knew or should have known that doing so posed a risk that defendant would assault and batter them.

28. Defendant Tissera was not fit and qualified to provide services as a priest and Associate Pastor of St. John's to parishioners of St. John's, including plaintiff.

29. As a result of the Diocese's negligent supervision of defendant Tissera, plaintiff was injured as outlined in paragraph 20 above when he was sexually assaulted and battered by defendant Tissera.

SIXTH COUNT: (Breach of Fiduciary Duty, as to Defendant Hartford Roman Catholic Diocesan Corporation a/k/a Roman Catholic Diocese)

1 - 23. Plaintiff incorporates paragraphs 1 - 23 of Count One of this complaint as paragraphs 1 - 23 of this Count Six.

24. As an institution providing religious and spiritual counseling, guidance, and instruction to Roman Catholic parishioners, including plaintiff, the Diocese assumed the duties of a fiduciary in its relationship with plaintiff.

25. As a fiduciary of plaintiff, the Diocese had a duty to represent and further plaintiff's best interests in providing plaintiff with spiritual counseling, guidance and instruction, and in providing priests who were fit, qualified and competent to assist in plaintiff's spiritual guidance and instruction.

26. Defendant Tissera was not fit, qualified or competent to provide plaintiff spiritual counseling, guidance and instruction. Instead, defendant Tissera presented plaintiff with a danger that he would be victim to acts of sexual assault and battery at the hands of defendant Tissera.

27. By providing plaintiff with defendant Tissera as a representative of the Diocese for the purpose of providing religious and spiritual guidance, counseling, and instruction, which led to plaintiff being sexually assaulted and battered by defendant Tissera, the Diocese breached his obligations to plaintiff as plaintiff's fiduciary.

28. The Diocese's breach of fiduciary caused injuries and damages to plaintiff as outlined in paragraphs 20-23 above.

SEVENTH COUNT: (Negligence, as to Defendant Hartford Roman Catholic Diocesan Corporation a/k/a Roman Catholic Diocese)

1 - 23. Plaintiff incorporates paragraphs 1 - 23 of Count One of this complaint as paragraphs 1 - 23 of this Count Seven.

24. At all times relevant to plaintiff's claims in this complaint, the Diocese owed plaintiff a duty not to cause plaintiff to be injured by one of its ordained priests, including defendant Tissera.

25. In breach of this duty, the Diocese was negligent in one or more of the following ways:

- a. in that it knew or should have known that its employee and/or agent, defendant Tissera, was likely to sexually assault and batter plaintiff, yet failed to take steps to prevent defendant Tissera's assault and battery of plaintiff;
- b. in that it failed to promulgate policies and rules prohibiting priests from entering the bedrooms of minor parishioners, including plaintiff, when it knew or should have known that allowing the use of such bedroom visits could result in sexual assault and battery of minors in such places;
- c. in that it failed to properly and adequately supervise defendant Tissera in order to prevent sexual assault and battery of minor parishioners, including plaintiff;
- d. in that it induced plaintiff to entrust his moral and spiritual well-being and safety to its priests, then presented defendant Tissera to plaintiff for the purpose of providing plaintiff moral and spiritual direction;
- e. in that it failed to protect plaintiff from the sexual abuse and exploitation perpetrated by defendant Tissera;
- f. in that it allowed defendant Tissera to freely interact and have unsupervised one-on-one contact with minor parishioners, including plaintiff;
- g. in that it failed to warn the plaintiff and his parents of the defendant Tissera's propensity to commit sexual assault and battery upon children, including plaintiff;
- h. in that it knew that priests in the Roman Catholic Church had abused minor parishioners, but failed to take adequate preventative measures to make the

relationship between all priests and minor parishioners, including plaintiff, safe and free from sexual harm;

- i. in that it failed to establish, maintain and enforce a policy of reporting, investigating and removing members of its clergy engaged in sexual misconduct, and adhered to policies discouraging the dissemination of information regarding sexual misconduct of priests of with minors;
- j. in that it failed to take adequate steps to advise persons in association with priests or in a supervisory position over priests of the dangers those priests could create when dealing with minor parishioners;
- l. in that it did not have adequate policies and procedures in place for reporting sexual misconduct to the Bishop of the Diocese or other officials of the Diocese by other priests or parishioners who might be aware of sexual misconduct by a priest towards a minor parishioner;
- m. in that it failed to adequately seek out victims of such sexual abuse, including plaintiff, in order to render assistance and prevent or reduce further damage to untreated victims;
- n. in that it failed to police activities of its priests upon premises it owned and controlled by the Diocese; and/or
- o. in that it failed to enact or enforce rules prohibiting clergy from interacting with children in the bedrooms of those children.

26. The negligence of the Diocese as outlined above caused injuries and damages to plaintiff, as outlined in paragraphs 20-23 above.

EIGHTH COUNT: (Negligent Infliction of Emotional Distress, as to Defendant Hartford Roman Catholic Diocesan Corporation a/k/a Roman Catholic Diocese)

1 - 23. Plaintiff incorporates paragraphs 1 - 23 of Count One of this complaint as paragraphs 1 - 23 of this Count Eight.

24. The negligence of the Diocese as outlined in Counts Four, Five and Seven of this complaint caused plaintiff severe emotional distress, resulting in illness and bodily harm, as outlined in paragraphs 20-23 above.

25. When the Diocese was negligent as outlined in Counts Four, Five and Seven of this complaint, the Diocese should have realized that its conduct posed an unreasonable risk of causing plaintiff severe emotional distress, and that such distress might result in illness and/or bodily injury.

26. The Diocese's negligence as outlined in Counts Four, Five and Seven of this complaint was extreme and outrageous.

WHEREFORE, plaintiff claims the following damages from defendants:

1. Monetary damages within the jurisdiction of this Court for the costs of treatment, pain and suffering, loss of religious belief, physical and emotional injuries, and humiliation;
2. Punitive damages; and
3. Exemplary damages.

THE PLAINTIFF,

BY 

ERNEST F. TEITELL
SILVER GOLUB & TEITELL, LLP
184 ATLANTIC ST; P.O. BOX 389
STAMFORD, CT 06904
(203) 325-4491; JURIS NO. 058005

CLAIMS FOR RELIEF

The plaintiff claims monetary damages against each defendant in excess of FIFTEEN THOUSAND (\$15,000.00) DOLLARS.

THE PLAINTIFF,

BY 

ERNEST F. TEITELL
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**TO THE CLERK:
PLEASE ENTER THE FOLLOWING APPEARANCE FOR THE PLAINTIFF:**

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