

SUPREME COURT OF NEVADA

Catholic Diocese of Green Bay, Inc. v. John Doe 119

2015 NV 29 (2015) · No. No. 62840 · Decided May 28, 2015

SUMMARY

The Nevada Supreme Court considered whether Nevada courts had personal jurisdiction over the Catholic Diocese of Green Bay in a negligence action arising from alleged sexual abuse committed by a priest in Nevada. The court held that the Diocese lacked sufficient contacts with Nevada and that the Catholic doctrine of incardination did not establish an employment or agency relationship subjecting the Diocese to jurisdiction. The court reversed the judgment against the Diocese.

CASE DETAILS

COURT	Supreme Court of Nevada
WRITING FOR THE COURT	Cherry, J.; Hardesty, C.J.; Parraguirre, J.; Douglas, J.; Gibbons, J.
JURISDICTION	Nevada
DECIDED	May 28, 2015
DOCKET	No. 62840
DISPOSITION	reversed
PROCEDURAL POSTURE	The Catholic Diocese of Green Bay appealed from a final judgment entered after a jury verdict for John Doe 119 in negligence claims arising from alleged sexual abuse by a priest. The Diocese argued that the district court lacked personal jurisdiction over it.
STANDARD OF REVIEW	Legal issues concerning personal jurisdiction are reviewed de novo, while the district court's factual findings are reviewed for substantial evidence.
PRECEDENTIAL VALUE	published precedential opinion; decided en banc
PARTIES	Catholic Diocese of Green Bay, Inc. v. John Doe 119

TOPICS

- personal jurisdiction
- civil procedure
- negligence
- torts
- due process

PRACTICE AREAS

- civil procedure
- personal jurisdiction
- negligence
- torts
- constitutional law

QUESTIONS PRESENTED

1. Whether Nevada courts had personal jurisdiction over the Wisconsin-based Diocese of Green Bay under Nevada's long-arm statute and the Due Process Clause.
2. Whether the Diocese's contacts with Nevada, including a recommendation letter, communications with the Diocese of Reno-Las Vegas, correspondence with Feeney, and the doctrine of incardination, established purposeful availment.
3. Whether incardination established an employment or agency relationship between Feeney and the Diocese of Green Bay sufficient to support personal jurisdiction.

HOLDINGS

1. Nevada courts lacked personal jurisdiction over the Diocese because it did not have sufficient contacts with Nevada and did not purposefully avail itself of Nevada's laws and protections.
2. Feeney's unilateral decision to seek employment in Nevada did not establish purposeful availment by the Diocese of Green Bay, and the Diocese's recommendation letter, phone call, and correspondence did not constitute purposeful contacts with Nevada.
3. The Catholic doctrine of incardination, including a priest's promise of obedience to the diocese in which he was ordained, did not conclusively establish an employment or agency relationship between Feeney and the Diocese of Green Bay.

KEY QUOTATIONS

“The doctrine of incardination may have some significance for courts. Certainly courts must sometimes consider a religious organization's ecclesiastical structure when making decisions regarding the organization.” (10)

“Feeney was not the Diocese's agent during his ministry in Las Vegas. His promise of obedience to the Diocese of Green Bay, through the ecclesiastical doctrine of incardination, is not sufficient to establish an agency or employment relationship.” (11)

FACTUAL BACKGROUND

Father John Feeney was ordained and incardinated in the Catholic Diocese of Green Bay, Wisconsin, later served as a priest in California, and eventually ministered in Nevada under the Diocese of Reno-Las Vegas. John Doe 119 alleged that Feeney sexually assaulted him in Las Vegas in 1984 and that the Diocese of Green Bay negligently hired and retained Feeney despite knowledge of prior abuse in Wisconsin. The district court relied on the Diocese's alleged monitoring of Feeney, its ability to restrict or recall him, its maintenance of his pension, and its communications concerning his placement to find jurisdiction.

PROCEDURAL HISTORY

Doe sued the Diocese of Green Bay in the Eighth Judicial District Court of Nevada for negligent hiring, retention, supervision, and failure to warn. After an evidentiary hearing during trial, the district court found personal jurisdiction and determined that the Diocese had employment or agency contacts with Nevada. A jury returned a verdict for Doe, and the Diocese appealed. The Nevada Supreme Court, sitting en banc, reversed.

DISPOSITION

reversed

CASES CITED

- Baker v. Eighth Judicial Dist. Court, 116 Nev. 527, 531, 999 P.2d 1020, 1023 (2000)
- Arbella Mut. Ins. Co. v. Eighth Judicial Dist. Court, 122 Nev. 509, 512-13, 134 P.3d 710, 712-13 (2006)
- Trump v. Eighth Judicial Dist. Court, 109 Nev. 687, 693, 857 P.2d 740, 744 (1993)
- Daimler AG v. Bauman, 571 U.S. 117, 134 S. Ct. 746, 754, 760-61 (2014)
- Dogra v. Liles, 129 Nev., Adv. Op. 100, 314 P.3d 952, 955 (2013)
- World-Wide Volkswagen Corp. v. Woodson, 444 U.S. 286, 295, 297 (1980)
- Doe v. Roman Catholic Diocese of Boise, Inc., 918 P.2d 17, 23 (N.M. Ct. App. 1996)
- Does 1-9 v. Compcare, Inc., 763 P.2d 1237, 1243 (Wash. Ct. App. 1988)
- Tell v. Roman Catholic Bishops of Diocese of Allentown, 2010 WL 1691199, at *1546 (Del. Super. Ct. Apr. 26, 2010)
- Boucher v. Shaw, 124 Nev. 1164, 1167, 196 P.3d 959, 961 (2008)
- Hamm v. Arrowcreek Homeowners' Ass'n, 124 Nev. 290, 299, 183 P.3d 895, 902 (2008)
- State Dep't of Emp't, Training & Rehab., Emp't Sec. Div. v. Reliable Health Care Servs. of S. Nev., Inc., 115 Nev. 253, 258, 983 P.2d 414, 417 (1999)
- Serbian E. Orthodox Diocese for U.S. of Am. & Canada v. Milivojevich, 426 U.S. 696, 709 (1976)
- Hosanna-Tabor Evangelical Lutheran Church & Sch. v. E.E.O.C., 565 U.S. 171, 132 S. Ct. 694, 706 (2012)