

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF LOUISIANA**

**IN RE:
THE ROMAN CATHOLIC CHURCH
OF THE ARCHDIOCESE OF NEW
ORLEANS**

CASE NO. 20-10846

CHAPTER 11

FR. JOHN ASARE-DANKWAH

VERSUS

ADV. PROC. NO. _____

A. A. DOE

COMPLAINT

NOW INTO COURT, through undersigned counsel, comes Plaintiff, Father John Asare-Dankwah (“Fr. Asare”), who files this Complaint against A. A. Doe (“Defendant”). In support of his Complaint, Fr. Asare respectfully avers as follows:

JURISDICTION AND VENUE

1.

Fr. Asare brings this adversary proceeding against Defendant pursuant to 28 U.S.C. §§ 1334, 157, and Federal Rule of Bankruptcy Procedure 3007(b), seeking disallowance of Defendant’s Claim and recovery of damages Defendant has caused Fr. Asare.

2.

This Court has subject matter jurisdiction over this adversary proceeding pursuant to 11 U.S.C. § 157 and 28 U.S.C. § 1334.

3.

This adversary proceeding is a core proceeding pursuant to sections 157(b)(2)(A) and (B) of Title 28, United States Code, and the Court may enter a final judgment as to the merits of this case.

4.

As set forth in detail below, the Roman Catholic Church of the Archdiocese of New Orleans (“Debtor” or the “Archdiocese”) currently has claims pending against it that arise from claims Defendant asserts and are evidenced by a proof of claim Defendant filed.

5.

Fr. Asare is a party-in-interest with standing to seek disallowance of Defendant’s claim.

6.

As such, this action involves both the disallowance of claims and administration of the Debtor’s estate and is a proceeding affecting the adjustment of the debtor-creditor relationship; it is, therefore, a core proceeding under 28 U.S.C. § 157(b)(2)(A) and (B). The claims and causes of action asserted herein have a clear and direct impact on the interests and property of the Debtor’s estate under 11 U.S.C. § 541.

7.

Fr. Asare consents to entry of a final judgment by this Court. *See* Fed. R. Bankr. R. 7008.

8.

This Court has jurisdiction over Defendant because Defendant has filed a proof of claim and is thereby subjected to the bankruptcy court’s equitable power. Moreover, this Court has personal jurisdiction over Defendant under Rule 7004 of the Federal Rules of Bankruptcy Procedure.

9.

Venue of this adversary proceeding is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409.

10.

The claims Fr. Asare asserts against Defendant arise out of the same transaction and occurrence as the underlying claims asserted against the Debtor; thus, this Court has ancillary jurisdiction to adjudicate Fr. Asare's claims.

PARTIES

11.

Defendant is a person of the full age of majority, domiciled in New Orleans, Louisiana.

12.

Fr. Asare is a person of the full age of majority, domiciled in New Orleans, Louisiana.

FACTUAL BACKGROUND

13.

Fr. Asare is a renowned priest in New Orleans, Louisiana. Fr. Asare relocated to New Orleans from his native country of Ghana in 1989 to attend a Master's program at Xavier University.

14.

While studying at Xavier, Fr. Asare was called to the priesthood, and entered Notre Dame Seminary beginning in August of 1990.

15.

Fr. Asare has served as a priest in this community since his ordination in the Priesthood of Jesus Christ on June 4, 1994.

16.

After he was ordained, Fr. Asare was hired by the Archdiocese as the Parochial Vicar of St. Maria Goretti Parish from July 2, 1994 to July 1996. Fr. Asare faithfully served St. Maria Goretti Parish.

17.

The Archdiocese subsequently assigned Fr. Asare to serve as the Parochial Vicar at Resurrection of Our Lord Parish. Fr. Asare served Resurrection of Our Lord Parish until he was assigned to St. Monica Parish on September 11, 1999.

18.

In 1997, recognizing the rampant killing of young African-American males in New Orleans, Father Asare founded the Osagyefo Institute of Personal Development (“OIPD”). OIPD was formed in an attempt to transform the New Orleans youth culture of death into a civilization of love. Fr. Asare has been celebrated for his work with youth throughout New Orleans for years.

19.

In October 2003, Fr. Asare was selected for a part-time chaplain appointment with the Archdiocese of Military Affairs, USA. After receiving his Ecclesiastical Endorsement from the Archdiocese of Military Affairs, USA, Fr. Asare served as a Chaplain at the Veterans Administration Hospital in New Orleans, on a part-time basis.

20.

Fr. Asare faithfully led St. Monica Parish until March 2006.

21.

On March 13, 2006, Fr. Asare was assigned to pastor St. Matthias Parish, to merge Our Lady of Lourdes and St. Monica, as a result of New Orleans’ decreased population after Hurricane Katrina. The merger of the three parishes gave birth to what is now known as Blessed Trinity Parish on South Broad Street in New Orleans.

22.

The Archdiocese appointed Fr. Asare as the pastor of Blessed Trinity Parish on November 26, 2008, where he served until September 16, 2013, and thereafter became the pastor at St. Peter Claver Church.

23.

Fr. Asare has served on the Presbyteral Council of the Archdiocese of New Orleans and as a member of the Provincial Council of Louisiana.

24.

Throughout Fr. Asare's career, Fr. Asare has built a reputation as a great pastor, teacher, leader and compassionate servant of God, while actively serving in various faith and community organizations.

- a. Archbishop Aymond appointed Fr. Asare to serve on the New Orleans Interfaith Peace Initiative, a working group to promote peace, love, justice, and respect for human life by ending violent crimes.
- b. Fr. Asare is a member of the New Orleans Ecumenical and Interfaith Working Group, where he plans activities to bring peace across all faith.
- c. Fr. Asare served as a mentor of the Crescent City Keepers.
- d. Fr. Asare is a member of the Micah Project, an organization for clergy who wanted to see real change in their communities by creating a more equitable and just world.
- e. Fr. Asare served on the Leadership Team of Isaiah Institute, an initiative aiming to raise awareness about the need to face the problem of crime and violence in New Orleans and develop mentoring programs that will guide young people along the right path for life.

- f. Fr. Asare serves as a mentor in Isaiah 43 Mentoring Program, an Archdiocesan mentoring program for parents and their children.
- g. Fr. Asare was a vital member of ACT (All Congregations Together), an initiative addresses the violence in New Orleans.
- h. Fr. Asare served as Chaplain for the New Orleans Police Department from 2002 to 2010.

25.

For the past twenty-six years, Fr. Asare has been a servant-leader, mentor, motivator, advocate and educator, playing a critical role in educating youth through his administrative leadership in the following schools: Resurrection of Our Lord, St. Monica and St. Peter Claver Catholic School.

26.

Fr. Asare has been a priest in good standing for his nearly twenty-seven years of service to the Archdiocese and this community. Fr. Asare has been celebrated for his service to St. Monica's, Blessed Trinity, Peter Claver Catholic Church and the City of New Orleans.

27.

Fr. Asare served as the pastor at St. Peter Claver Church until January 27, 2021, when he was removed from his position by the Archdiocese, as a result of Defendant's statements and allegations.

28.

On or about November 9, 2020, Defendant contacted the New Orleans Police Department, alleging Fr. Asare raped him. The New Orleans Police Department has classified its investigation as "simple rape unfounded."

29.

As a result of Defendant's false statements, Fr. Asare was removed from his position as the pastor at St. Peter Claver Church by the Debtor.

30.

Defendant filed suit on January 27, 2021 naming Fr. Asare and the Archdiocese as Defendants, alleging sexual abuse in 2008. *See A.A. Doe v. The Roman Catholic Church of the Archdiocese of New Orleans, et al.*, Civil Action No. 21-803, Civil District Court for the Parish of Orleans (the "CDC Lawsuit").

31.

The CDC Lawsuit was filed post-petition and the Archdiocese removed the suit to the United States District Court for the Eastern District of Louisiana and is currently stayed. *See A.A. Doe v. The Roman Catholic Church of the Archdiocese of New Orleans, et al.*, Civil Action No. 21-215, United States District Court for the Eastern District of Louisiana, Section E, R. Doc. 7, March 1, 2021 Order.

32.

Upon removal, the Archdiocese filed with this court a *Motion for Relief for Willful Violation of Automatic Stay* [ECF No. 740], alleging that Defendant's counsel willfully violated the automatic stay by filing a lawsuit during the pendency of the automatic stay with full knowledge of the Debtor's bankruptcy.

33.

On February 22, 2021, this Court entered the *Agreed Order Resolving Motion for Relief for Willful Violation of Automatic Stay* [ECF No. 756] (the "Order"). Pursuant to the Order, Defendant agreed to voluntarily dismiss the Archdiocese and the Archdiocese was dismissed on February 21, 2021.

34.

Upon information and belief, Defendant filed a proof of claim attaching and/or referencing the Complaint as documentation of the claim. In accordance with the procedures for reviewing claims filed by Sexual Abuse Claimants, Fr. Asare, as a party in interest, submitted a Confidentiality Agreement. Debtor has yet to produce the proof of claim.

35.

In December 2020 and January 2021, Defendant falsely stated to parishioners at St. Peter Claver Catholic Church and Blessed Trinity Catholic Church that in January 2008, Fr. Asare raped Defendant, while Defendant was a minor child attending a church retreat in Montgomery, Alabama.

36.

In December 2020 and January 2021, Defendant falsely stated to parishioners at St. Peter Claver Catholic Church and Blessed Trinity Catholic Church that in January 2008, Fr. Asare sexually assaulted Defendant, while Defendant was a minor child attending a church retreat in Ponchatoula, Louisiana.

37.

Defendant's statements are false and wholly without merit.

38.

In January 2008, Fr. Asare was in the Republic of Ghana, and did not return to the United States until February of 2008. Defendant's horrible statements concerning Fr. Asare are simply false.

39.

Moreover, Fr. Asare has never traveled to Montgomery, Alabama, either for a retreat or otherwise. Defendant's statements are false.

40.

Fr. Asare has never raped, sexually assaulted, or engaged in any sexual activity with Defendant.

41.

Fr. Asare has been approached by numerous people who learned of Defendant's false statements, which has been distressing. Fr. Asare has suffered mental anguish and financial injury as a result of Defendant's false statements.

COUNT I: DEFAMATION

42.

Fr. Asare specifically realleges and incorporates by reference each and every allegation contained in this Complaint as though fully set forth herein.

43.

By definition, under Louisiana law, a statement is defamatory if it tends to harm a person's reputation, lowers the person in the estimation of the community, deters others from associating with the person, or otherwise exposes the person to contempt or ridicule.

44.

Words which expressly or implicitly accuse another of criminal conduct, which by their very nature tend to injure one's personal or professional reputation, without considering extrinsic evidence or facts, are considered defamatory *per se* under Louisiana law.

45.

Defendant communicated to parishioners his false criminal accusation that Fr. Asare raped and sexually assaulted him.

46.

Defendant's statements were made in bad faith with malicious intent.

47.

As a result of Defendant's non-privileged communication of defamatory *per se* statements, Fr. Asare has been injured in numerous respects, including mentally, financially, and professionally.

COUNT II: FALSE LIGHT INVASION OF PRIVACY

48.

Fr. Asare specifically realleges and incorporates by reference each and every allegation contained in this Complaint as though fully set forth herein.

49.

Defendant intentionally made false statements to parishioners accusing Fr. Asare of sexual assault and rape.

50.

Defendant's conduct has resulted in a serious interference with Fr. Asare's privacy.

51.

Defendant's conduct was unreasonable.

52.

As a result of Defendant's publication of false statements to parishioners concerning Fr. Asare, Fr. Asare has unreasonably been placed in a false light before the public and suffered mentally, financially and professionally.

COUNT III: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

53.

Fr. Asare specifically realleges and incorporates by reference each and every allegation contained in this Complaint as though fully set forth herein.

54.

Defendant's conduct and false statements, outlined above, were extreme and outrageous.

55.

As a result of Defendant's conduct, Fr. Asare has suffered severe emotional distress.

56.

Defendant desired to inflict severe emotional distress on Fr. Asare, or knew that severe emotional distress would be substantially certain as a result of Defendant's conduct.

COUNT IV: OBJECTION TO PROOF OF CLAIM

57.

Fr. Asare specifically realleges and incorporates by reference each and every allegation contained in this Complaint as though fully set forth herein.

58.

Upon information and belief, Defendant filed a proof of claim. Fr. Asare has executed the required Confidentiality Agreement as a party in interest. However, Debtor has not produced the proof of claim.

59.

Fr. Asare objects to Defendant's claim and disputes that Defendant is owed any sum by Fr. Asare or Debtor.

60.

Fr. Asare requests that this Court disallow Defendant's proof of claim in its entirety.

61.

Fr. Asare objects to Defendant's proof of claim on the merits.

RESERVATION OF RIGHTS

62.

Fr. Asare specifically reserves all rights to seek amendment of this Complaint pursuant to Rule 15 of the Federal Rules of Civil Procedure, made applicable to these proceedings pursuant to Rule 7015 of the Federal Rules of Bankruptcy Procedure.

PRAYER FOR RELIEF

WHEREFORE, Fr. Asare prays that this Complaint be filed and served on Defendant, that Defendant be duly cited to appear and answer same, that after due proceedings be had, that there be a judgment in Fr. Asare's favor and against Defendant, dismissing Defendant's Claim, and awarding Fr. Asare damages, including interest from the date of judicial demand, all costs of these proceedings, and any and all other just and equitable relief.

Respectfully submitted,

PHELPS DUNBAR LLP

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading was served electronically on May 3, 2021 via the court's electronic filing system and by First Class Mail, postage prepaid upon:

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