

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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MAUREEN NYSEWANDER,

Index No.:154582/2012

Plaintiff,

-against-

AFFIDAVIT IN
SUPPORT AND OPPOSITION

JAMES MCLUCAS, ARCHDIOCESE OF NEW
YORK and PRIESTLY FRATERNITY OF
SAINT PETER,

Defendants.

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STATE OF NEW YORK)
) ss. :
COUNTY OF WESTCHESTER)

MAUREEN NYSEWANDER, being duly sworn, deposes and says:

1. I am the Plaintiff in this action. I am fully familiar with the facts and circumstances of this case.

2. I submit this Affirmation in support of my motion for leave to amend the complaint and in opposition to Defendants' motions to dismiss Plaintiff's complaint.

4. I am 26 years old having been born on September 26, 1986. When I was 14 in the year 2000, I lived with my parents in California. My parents knew Defendant Fr. James McLucas. (hereinafter referred to as "Defendant McLucas"). I suffered from an eating disorder. My parents asked their friend, Defendant McLucas to visit and offer me counseling. He was a catholic priest. He visited us in California. After he left California, Defendant McLucas counseled me via telephone approximately once per week for hour long sessions. In return, my parents gave

Defendant McLucas donations.

5. As a practicing catholic I was always taught that priests are infallible. They have the power of absolution and also the power not to forgive a sin and therefore, can send me to eternal damnation. I looked to Defendant McLucas as an infallible authority even though he always gave me secular and not catholic counseling.

6. By 2001, Defendant McLucas was counseling me over the telephone approximately every other day. He counseled me regarding my poor relationship with my family and my eating disorder. The counseling was secular and did not involve religion.

7. In September of 2005, I was nineteen (19) years old and enrolled in Ave Maria College in Naples, Florida. Upon my arrival at Ave Maria College, I experienced heightened symptoms of my eating disorder due to the stress of moving and being in a new environment. Defendant McLucas was still counseling me via telephone on a daily basis.

8. During this time, Defendant McLucas deceived me and alienated me from my parents. He constantly told me that my mother was "crazy." He told me that he would take on the parental and paternal role in my life. He convinced me that my parents were the cause of my problems.

9. In approximately June of 2007, Defendant McLucas informed me that he had romantic feelings toward me.

10. I returned to my parent's house in California in July of 2007. Defendant McLucas visited us in California and again informed me that he had romantic feelings for me and wanted to have sexual relations with me.

When I questioned the propriety of that proposal he stated, "I am a priest and I would tell you if it was not right." He also stated, "the church rejected me so I am free to have sexual relations." He told me that he wanted to show me how beautiful I was and that would cure my eating disorder and self esteem issues.

11. I considered Defendant McLucas my counselor. In retrospect, I was naive and immature at the age of 19. I believed that Defendant McLucas would cure me of my eating disorder and was willing to do anything he suggested. The disorder had plagued me since I was 14 and I was desperate to be free of it. I also relied on Defendant McLucas' statements that sexual relations would cure my eating disorder. As my counselor, I trusted his assertions and thought that his proposal of sexual relations would help me. I engaged in sexual relations in the summer of 2007 with Defendant McLucas at my parent's home in California.

12. Later that summer, Defendant McLucas suggested to my parents that I go to New York to visit him for counseling. He told us that I would be staying at his home with his mother. Upon my arrival in New York, Defendant McLucas took me directly from the airport to the Marriot Hotel in Poughkeepsie. I stayed in the hotel for five days with Defendant McLucas. For the entire visit, I participated in sexual relations with him as he convinced me it was therapeutic.

13. In the fall of 2007, I transferred to Saint Anselm College in Manchester, New Hampshire. My mother took me to Saint Anselm College to help me move in. Immediately upon my mother's departure from New

Hampshire, Defendant McLucas came to visit me. He secured a hotel room in Manchester where we stayed for the weekend before college started. Again, he convinced me to have sexual relations with him in his hotel room and told me it was therapeutic.

14. During the time I attended Saint Anselm College, from September of 2007 to August of 2009, Defendant McLucas visited me on average of every other week. During that time, he repeatedly told me that "this will help cure your eating disorder and self esteem issues."

15. Defendant McLucas told me not to tell my parents about the sexual relations. He tried to discourage my relations with my parents. He stated he was going to be my father figure. He constantly called my mother "crazy". Defendant McLucas repeatedly told me that my family was the reason that I had an eating disorder and self esteem issues.

16. During the time that we were having sexual relations, I was afraid to confront Defendant McLucas. He manipulated me into not telling my parents about our sexual relationship. He manipulated me into accepting him as the parental figure in my life. He convinced me that alienation from my parents was therapeutic and necessary for my cure.

17. I graduated Saint Anselm in August of 2009. In September of 2009 I attended nursing school at Massachusetts College of Pharmacy and Health Sciences. Defendant McLucas continued to visit me until December of 2009. In May of 2011, Defendant McLucas arranged for me to live with a family in Brewster, New York. Defendant McLucas visited the home on a regular basis. He consistently advised me not to have any sexual intimate

relationship with anyone else. I moved out at the end of August, 2011.

18. I started therapy with Kathryn Henderson, a licensed psychologist, in June of 2012. It was not until then that I finally realized that the relationship was based on Defendant McLucas manipulating me. Ms. Henderson helped me to realize that Defendant McLucas was grooming me since the year 2000 to be unable to make any decision unless it was one that he directed. I now realize that he was brainwashing me to accept his inappropriate and damaging behavior.

19. When I told Defendant McLucas that I no longer wanted to see him, he continued his manipulative behavior by repeatedly stating that he had "done so much for me" and that I was "breaking his world." He stated "I have protected you all of your life. It is time you start protecting me."

20. I was unaware of the damage that Defendant McLucas caused. I now understand that someone in a position of power such as a counselor or a priest who proposes sexual relations as therapy or a cure is not looking out for my best interests. I now understand that Defendant McLucas was not only causing, but taking advantage of my lack of maturity and naivety to satisfy his own sexual deviance. I did not realize that until I had been in therapy for many months. Therefore, I did not commence this action until June 13, 2012 when my therapist convinced me that I must stand up to Defendant McLucas's inappropriate, manipulative and truly damaging behavior.

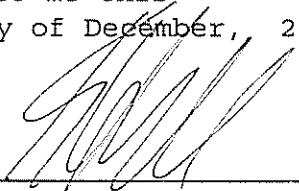
21. It is my opinion that during our sexual relationship I was vulnerable. Defendant McLucas was the empowered individual in the relationship and solicited a sexual relationship. He prevented me from protecting myself through manipulation and abuse of his power as a priest. His title as a priest was a substantial factor in making me succumb to his advances but his false assurances that he was somehow slighted by the church making him a secular influence was also a substantial contributing factor.

22. As a trained practicing counselor I was influenced by Defendant McLucas's infallible authority as a catholic priest.

Dated: December 27, 2012
White Plains, New York


Maureen Nysewander

Sworn to me this
27th day of December, 2012



Notary Public

