

In The Circuit Court of the Eighteenth Judicial Circuit
DuPage County, Illinois

Benedictine Sisters of the Sacred Heart,
Plaintiff,

No. 2020CH000020

v.

Daniel Mcloyd a/k/a IceJFFish,
Defendant.

Chris Kachiroubas
e-filed in the 18th Judicial Circuit Court
DuPage County
ENVELOPE: 8037397
2020CH000020
FILEDATE: 1/10/2020 4:00 PM
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Complaint

Plaintiff, the Benedictine Sisters of the Sacred Heart, by its attorneys and for its Complaint against Defendant Daniel Mcloyd a/k/a IceJFFish, alleges as follows.

The Parties

1. Plaintiff the Benedictine Sisters of the Sacred Heart (the “Sisters”) is a Catholic community of religious women residing in Lisle, Illinois, DuPage County.
2. Defendant Daniel Mcloyd a/k/a IceJFFish (“Mcloyd”) is an individual residing at 935 Windemere Court, Aurora, Illinois.

Jurisdiction and Venue

3. The Court has subject-matter jurisdiction over this case, because there is an actual and justiciable controversy between the Sisters, on the one hand, and Mcloyd, on the other. Ill. Const. 1970, art. VI, § 9.
4. The Court has personal jurisdiction over Defendant Mcloyd, because (a) Defendant Mcloyd resides in Illinois, and (b) the conduct Defendant Mcloyd directed against the Sisters occurred in Illinois. 735 ILCS 5/2-209(a)(2), (b)(2).
5. Venue in this Court is proper pursuant to 735 ILCS 5/2-101, because the events of which the Sisters complain occurred in DuPage County.

Factual Allegations

6. The Sisters own certain property at 1910 Maple Avenue, Lisle, Illinois 60532 known as the Sacred Heart Monastery (the “Property”).

7. On the Property is a section of land publicly known as Our Lady of Lourdes Grotto (the “Grotto”).

8. The Sisters consider the Grotto to be sacred grounds available only for their private devotion. The Grotto is surrounded by fencing with posted signage notifying the public at large that the Grotto is Private Property and that trespassing, solicitation, and loitering are prohibited. *See Exhibit A.*

9. Mcloyd and other unnamed individuals intentionally trespassed onto the Grotto without the Sisters’ authorization, knowledge, or consent and made or caused another to make and record a music video titled “I Got You” (the “Video”) and potentially other unknown recordings upon the Grotto.

10. The Video contains images of the Grotto and of Mcloyd and other unknown individuals trespassing upon the Grotto grounds and dancing on the grounds, and it features language inappropriate and offensive for the sacred grounds of the Grotto.

11. Mcloyd published the Video containing images of the Grotto and Mcloyd and other unknown individuals trespassing upon the Grotto grounds on YouTube, several Instagram accounts, and potentially other unknown websites and electronic mediums.

12. After the Video was posted online, the Sisters became aware of its publication on YouTube.

13. The unauthorized publication of the Grotto grounds, which the Sisters consider sacred, and the intentional trespass of Mcloyd and other unknown individuals onto the Sisters' property are highly irreverent and a sacrilegious display and desecration of private and sacred Property.

14. On October 4, 2019, counsel for the Sisters' transmitted a Cease and Desist letter to Defendant Mcloyd asking him to remove the video from the online repositories where it was uploaded. *See* Exhibit B.

15. While acknowledging that he did not have permission to film the Video on the Sisters' property, Mcloyd refused to take down the video, stating that doing so would "make me look bad." *See* Exhibit C.

16. To date, Mcloyd has refused to remove the Video from YouTube, Instagram, and any other website or electronic medium upon which Mcloyd or others caused the Video to be published.

Claims for Relief

Count I INTRUSION ON THE RIGHT OF SECLUSION

17. The Sisters incorporate and re-allege paragraphs 6 through 16.

18. The Sisters have a reasonable expectation of privacy in the Grotto grounds that are sacred to the Sisters.

19. Mcloyd intentionally trespassed without authorization, knowledge, or consent of the Sisters upon the Grotto grounds, intruding upon their solitude and seclusion and invading their privacy.

20. Because the Grotto grounds are sacred grounds to the Sisters, Mcloyd's publication of the Video upon public platforms continually intrudes upon the Sisters' solitude and seclusion every time a person views the Video.

21. Mcloyd's trespass onto the Grotto and recording and publication of the Video for public viewing is highly offensive to the Sisters.

Count II INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

22. The Sisters incorporate and re-allege paragraphs 6 through 16.

23. The Sisters, through counsel, notified Mcloyd that the Grotto is sacred ground and that the unauthorized publication of the Video amounts to an offensive use of sacred ground to the Sisters.

24. The Sisters requested that Mcloyd remove the Video from public viewing upon that basis.

25. Mcloyd knows that his refusal to remove the Video from YouTube, Instagram, and other possible electronic mediums has a high probability of causing the Sisters severe emotional distress.

26. Mcloyd's conduct has caused the Sisters to have suffered severe emotional distress.

Count III TRESPASS

27. The Sisters incorporate and re-allege paragraphs 6 through 16.

28. The Grotto is Private Property, which the Sisters own.

29. The Sisters have a legal right to privately use and worship upon the Grotto grounds.

30. Defendant Mcloyd and other unknown individuals have no legal right or authority to use or enter the Grotto.

31. Defendant Mcloyd and other unknown individuals intentionally entered the Grotto without invitation, authorization, knowledge, or consent of the Sisters.

32. Defendant Mcloyd and other unknown individuals' unauthorized presence upon the Grotto grounds proximately caused the Sisters damage in an amount to be determined, plus interest, costs, and attorneys' fees.

Count IV INJUNCTIVE RELIEF

33. The Sisters incorporate and re-allege paragraphs 6 through 16.
34. The Sisters are likely to be successful on the merits of their complaint.
35. The balance of equity tips in the Sisters' behalf.
36. The Sisters are likely to suffer irreparable harm without an injunction.
37. The injunction is in the public interest.

FOR THESE REASONS, either independently or in combination, the Sisters request that this Court enter an order:

- (a) awarding judgment in its favor and against Defendant Mcloyd;
- (b) awarding it compensatory damages in an amount to be determined at trial, including all attorneys' fees spent to date;
- (c) awarding it punitive damages as a result of the willful and malicious nature of Mcloyd's alleged conduct;
- (d) granting a preliminary and permanent injunction against Defendant Mcloyd, directing him to remove all versions of the Video and any other video Defendant Mcloyd made or caused another to make on the Grotto's grounds from all websites and any other electronic medium upon which they were displayed and destroy or send to the Sisters all copies;
- (e) granting any other relief that the Court deems just and proper.

Respectfully submitted,

s/Jenna J. Fagerman

One of Plaintiffs' Attorneys

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