

NEW YORK STATE SUPREME COURT  
ALBANY COUNTY

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Index No.: \_\_\_\_\_

GORDON SMITH; R.P.; MICHAEL EDIE; E.B.M.; R.B.;  
M.D.; TIMOTHY SAWICKI; MICHAEL HARMON;  
STEVEN NARBON; and P.R.,

Date Filed: \_\_\_\_\_

**SUMMONS**

Plaintiffs,

Plaintiffs designate Albany  
County as the place of trial.

-against-

DIOCESE OF ALBANY; ST. PATRICK'S PARISH; ST.  
ADALBERT'S SCHOOL AND PARISH; ST. MARY'S  
CATHOLIC CHURCH; CAMP TEKAKWITHA; ST.  
JOSEPH'S' PARISH; ST. PAUL THE APOSTLE  
PARISH AND SCHOOL; ST. JOHN THE BAPTIST;  
ST. CATHERINE'S CENTER FOR CHILDREN; LA  
SALLE INSTITUTE HIGH SCHOOL; and ST. MARY'S  
CATHOLIC CHURCH,

The basis of venue is one  
defendant's residence.

**Child Victims Act Proceeding**  
**22 NYCRR 202.72**

Defendants.

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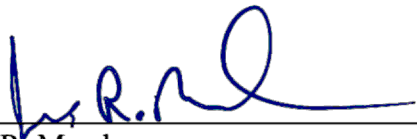
TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the plaintiffs' attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: August 14, 2019

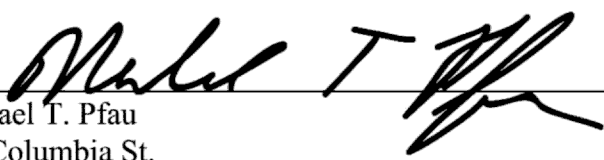
Respectfully Yours,

MARSH LAW FIRM PLLC

By   
James R. Marsh  
151 East Post Road, Suite 102  
White Plains, NY 10601-5210  
Phone: 929-232-3235  
[jamesmarsh@marsh.law](mailto:jamesmarsh@marsh.law)

Jennifer Freeman  
151 East Post Road, Suite 102  
White Plains, NY 10601-5210  
Phone: 929-232-3128  
[jenniferfreeman@marsh.law](mailto:jenniferfreeman@marsh.law)

PFAU COCHRAN VERTETIS AMALA PLLC

By   
Michael T. Pfau  
403 Columbia St.  
Suite 500  
Seattle, WA 98104  
Phone: 206-462-4335  
[michael@pcvalaw.com](mailto:michael@pcvalaw.com)  
*Pro hac vice forthcoming*

Jason P. Amala  
403 Columbia St.  
Suite 500  
Seattle, WA 98104  
Phone: 206-462-4339  
[jason@pcvalaw.com](mailto:jason@pcvalaw.com)  
*Pro hac vice forthcoming*

Anelga Doumanian  
403 Columbia St.  
Suite 500  
Seattle, WA 98104  
Phone: 206-451-8260  
[adoumanian@pcvalaw.com](mailto:adoumanian@pcvalaw.com)

Attorneys for Plaintiffs

NEW YORK STATE SUPREME COURT  
ALBANY COUNTY

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GORDON SMITH; R.P.; MICHAEL EDIE; E.B.M.; R.B.;  
M.D.; TIMOTHY SAWICKI; MICHAEL HARMON;  
STEVEN NARBON; and, P.R.,

Index No.: \_\_\_\_\_/\_\_\_

**COMPLAINT**

Plaintiffs,

-against-

**Child Victims Act Proceeding**  
**22 NYCRR 202.72**

DIOCESE OF ALBANY; ST. PATRICK’S PARISH; ST.  
ADALBERT’S SCHOOL AND PARISH; ST. MARY’S  
CATHOLIC CHURCH; CAMP TEKAKWITHA; ST.  
JOSEPH’S PARISH; ST. PAUL THE APOSTLE PARISH  
AND SCHOOL; ST. JOHN THE BAPTIST; ST.  
CATHERINE’S CENTER FOR CHILDREN; LA SALLE  
INSTITUTE HIGH SCHOOL; and, ST. MARY’S  
CATHOLIC CHURCH,

Defendants.

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Plaintiffs, by and through their attorneys, the Marsh Law Firm PLLC and Pfau Cochran  
Vertetis Amala PLLC, respectfully allege for their complaint the following:

**I. INTRODUCTION**

1. The Diocese of Albany (the “Diocese”) knew for decades that its priests, clergy, religious brothers, religious sisters, school administrators, teachers, employees, and volunteers were using their positions within the Diocese to groom and to sexually abuse children. Despite that knowledge, the Diocese failed to take reasonable steps to protect children from being sexually abused and actively concealed the abuse.

2. In November 2018, following decades of denial and cover-up, the Diocese released a list of 46 priests that it determined had been credibly accused of sexual abusing children. Based on the Diocese’s years of wrongful conduct, a reasonable person could and would conclude that it knowingly and recklessly disregarded the abuse of children and chose to protect its reputation and

wealth over those who deserved protection. The result is not surprising: hundreds, if not thousands, of children were sexually abused by Catholic clergy and others who served the Diocese. The plaintiffs in this lawsuit are some of those children who were sexually abused because of the Diocese's wrongful conduct.

## **II. PROCEEDING IN ACCORDANCE WITH CPLR 214-G AND 22 NYCRR 202.72**

3. This complaint is filed pursuant to the Child Victims Act (CVA) 2019 Sess. Law News of N.Y. Ch. 11 (S. 2440), CPLR 214-G, and 22 NYCRR 202.72. The CVA opened a historic one-year one-time window for victims and survivors of childhood sexual abuse in the State of New York to pursue lapsed claims. Prior to the passage of the CVA, each plaintiff's claims were time-barred the day they turned 22 years old. The enactment of the CVA allows plaintiffs, for the first time in their lives, to pursue restorative justice in New York State.

## **III. PARTIES**

4. Plaintiff Gordon Smith is an adult male who currently resides in Cohoes, New York.

5. Upon information and belief, the Diocese is currently a not-for-profit religious corporation organized under New York law with its principal office in Albany, New York.

6. Upon information and belief, at all relevant times the Diocese conducted business as the "Diocese of Albany" and "Albany Diocese."

7. Upon information and belief, at all relevant times the Diocese employed priests and others who served various Catholic institutions and families, including plaintiff Gordon Smith and his family.

8. Upon information and belief, Father Robert Hatela and Father Donald Starks ("Father Hatela and Father Starks") were priests employed by the Diocese to serve Catholic families, including plaintiff Gordon Smith and his family. During the time Father Hatela and

Father Starks were employed by the Diocese, they used their positions as a priests to groom and to sexually abuse plaintiff Gordon Smith.

9. To the extent that the Diocese was a different entity, corporation, or organization during the period of time during which Father Hatela and Father Starks used their positions as priests to sexually abuse plaintiff Gordon Smith, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

10. To the extent the Diocese is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Hatela and Father Starks used their positions as priests to sexually abuse plaintiff Gordon Smith, such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

11. All such Diocese-related entities, corporations, or organizations are collectively referred to herein as the "Diocese."

12. Upon information and belief, at all relevant times defendant St. Patrick's Parish ("St. Patrick's") was a not-for-profit religious corporation organized under New York law and wholly owned, operated, and controlled by the Diocese.

13. Upon information and belief, St. Patrick's is currently a not-for-profit religious corporation organized under New York law with its principal office in Albany, New York.

14. Upon information and belief, at all relevant times St. Patrick's conducted business as "St. Patrick's Parish" or "St. Patrick's."

15. St. Patrick's is a parish with a church located in Albany, New York.

16. Upon information and belief, Father Robert Hatela and Father Donald Starks were priests employed by St. Patrick's to serve Catholic families in its geographic jurisdiction, including plaintiff Gordon Smith and his family. During the time Father Robert Hatela and Father Donald

Starks were employed by St. Patrick's, they used their positions as priests to groom and to sexually abuse plaintiff Gordon Smith.

17. To the extent that St. Patrick's was a different entity, corporation, or organization during the period of time during which Father Hatela and Father Starks used their positions as priests to sexually abuse Gordon, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

18. To the extent St. Patrick's is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Hatela and Father Starks used their positions as priests to sexually abuse Gordon, such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

19. All such St. Patrick's-related entities, corporations, or organizations are collectively referred to herein as "St. Patrick's."

20. Plaintiff R.P. is an adult male who currently resides in Rotterdam, New York.

21. While he was a minor, plaintiff R.P. was a victim of one or more criminal sex acts in the State of New York. Since such criminal violation is the basis for this action, plaintiff R.P. is entitled to the protection of Civil Rights Law 50-b and will file a motion asking this Court for permission to proceed using a pseudonym.

22. In the alternative, plaintiff R.P. will seek a stipulation from the defendants agreeing to enter into a protective order which will ensure that his identity is protected from the public while allowing the defendants full access to information necessary for their defense.

23. Upon information and belief, at all relevant times the Diocese employed priests and others who served various Catholic institutions and families, including plaintiff R.P. and his family.

24. Upon information and belief, Father Ladislaus Guzielek (“Father Guzielek”) was a priest employed by the Diocese to serve Catholic families, including plaintiff R.P. and his family. During the time Father Guzielek was employed by the Diocese, he used his position as a priest to groom and to sexually abuse plaintiff R.P.

25. To the extent that the Diocese was a different entity, corporation, or organization during the period of time during which Father Guzielek used his position as a priest to sexually abuse plaintiff R.P., such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

26. To the extent the Diocese is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Guzielek used his position as a priest to sexually abuse plaintiff R.P., such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

27. All such Diocese-related entities, corporations, or organizations are collectively referred to herein as the “Diocese.”

28. Upon information and belief, at all relevant times defendant St. Adalbert’s School and Parish (“St. Adalbert’s”) was a not-for-profit religious corporation organized under New York law and wholly owned, operated, and controlled by the Diocese.

29. Upon information and belief, St. Adalbert’s is currently a not-for-profit religious corporation organized under New York law with its principal office in Schenectady, New York.

30. Upon information and belief, at all relevant times St. Adalbert’s conducted business as “St. Adalbert’s School and Parish,” “St. Adalbert’s Parish,” “St. Adalbert’s School,” or “St. Adalbert’s.”



31. St. Adalbert's is a parish with a church and school located in Schenectady, New York.

32. Upon information and belief, Father Ladislaus Guzielek was a priest employed by St. Adalbert's to serve Catholic families in its geographic jurisdiction, including plaintiff R.P. and his family. During the time Father Ladislaus Guzielek was employed by St. Adalbert's, he used his position as a priest to groom and to sexually abuse plaintiff R.P.

33. To the extent that St. Adalbert's was a different entity, corporation, or organization during the period of time during which Father Guzielek used his position as a priest to sexually abuse R.P., such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

34. To the extent St. Adalbert's is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Guzielek used his position as a priest to sexually abuse R.P., such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

35. All such St. Adalbert's-related entities, corporations, or organizations are collectively referred to herein as "St. Adalbert's."

36. Plaintiff Michael Edie is an adult male who currently resides in Pinehurst, North Carolina.

37. Upon information and belief, at all relevant times the Diocese employed priests, school administrators, teachers, religious, and others who served various Catholic institutions and families, including plaintiff Michael Edie and his family.

38. Upon information and belief, Raymond LaFarr ("Mr. LaFarr") was an organist and music director employed by the Diocese to serve Catholic families, including plaintiff Michael

Edie and his family. During the time Mr. LaFarr was employed by the Diocese, he used his position as an organist and music director to groom and to sexually abuse plaintiff Michael Edie.

39. To the extent that the Diocese was a different entity, corporation, or organization during the period of time during which Mr. LaFarr used his position as an organist and music director to sexually abuse plaintiff Michael Edie, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

40. To the extent the Diocese is a successor to a different entity, corporation, or organization which existed during the period of time during which Mr. LaFarr used his position as an organist and music director to sexually abuse plaintiff Michael Edie, such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

41. All such Diocese-related entities, corporations, or organizations are collectively referred to herein as the "Diocese."

42. Upon information and belief, at all relevant times defendant St. Mary's Catholic Church and School ("St. Mary's") was a not-for-profit religious corporation organized under New York law and wholly owned, operated, and controlled by the Diocese.

43. Upon information and belief, St. Mary's is currently a not-for-profit religious corporation organized under New York law with its principal office in Hudson Falls, New York.

44. Upon information and belief, at all relevant times St. Mary's conducted business as "St. Mary's Catholic Church and School," "St. Mary's Catholic Church," "St. Mary's School," or "St. Mary's."

45. St. Mary's is a parish with a church and school located in Hudson Falls, New York.

46. Upon information and belief, Raymond LaFarr was an organist and music director employed by St. Mary's to serve Catholic families in its geographic jurisdiction, including plaintiff

Michael Edie and his family. During the time Raymond LaFarr was employed by St. Mary's, he used his position as an organist and music director to groom and to sexually abuse plaintiff Michael Edie.

47. To the extent that St. Mary's was a different entity, corporation, or organization during the period of time during which Mr. LaFarr used his position as an organist and music director to sexually abuse Michael, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

48. To the extent St. Mary's is a successor to a different entity, corporation, or organization which existed during the period of time during which Mr. LaFarr used his position as an organist and music director to sexually abuse Michael, such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

49. All such St. Mary's-related entities, corporations, or organizations are collectively referred to herein as "St. Mary's."

50. Plaintiff E.B.M. is an adult male who currently resides in San Rafael, California.

51. While he was a minor, plaintiff E.B.M. was a victim of one or more criminal sex acts in the State of New York. Since such criminal violation is the basis for this action, plaintiff E.B.M. is entitled to the protection of Civil Rights Law 50-b and will file a motion asking this Court for permission to proceed using a pseudonym.

52. In the alternative, plaintiff E.B.M. will seek a stipulation from the defendants agreeing to enter into a protective order which will ensure that his identity is protected from the public while allowing the defendants full access to information necessary for their defense.

53. Upon information and belief, at all relevant times the Diocese employed priests, school administrators, teachers, religious, and others who served various Catholic institutions and families, including plaintiff E.B.M. and his family.

54. Upon information and belief, Father Francis DeLuca (“Father DeLuca”) was a priest employed by the Diocese to serve Catholic families, including plaintiff E.B.M. and his family. During the time Father DeLuca was employed by the Diocese, he used his position as a priest to groom and to sexually abuse plaintiff E.B.M.

55. To the extent that the Diocese was a different entity, corporation, or organization during the period of time during which Father DeLuca used his position as a priest to sexually abuse plaintiff E.B.M., such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

56. To the extent the Diocese is a successor to a different entity, corporation, or organization which existed during the period of time during which Father DeLuca used his position as a priest to sexually abuse plaintiff E.B.M., such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

57. All such Diocese-related entities, corporations, or organizations are collectively referred to herein as the “Diocese.”

58. Upon information and belief, at all relevant times defendant Camp Tekakwitha was a camp that was wholly owned, operated, and controlled by the Diocese, with its principal office in Lake Luzerne, New York.

59. Upon information and belief, at all relevant times Camp Tekakwitha conducted business as “Camp Tekakwitha.”

60. Camp Tekakwitha was a Catholic camp located in Lake Luzerne, New York.

61. Upon information and belief, Father Francis DeLuca was a priest employed by Camp Tekakwitha to serve Catholic families in its geographic jurisdiction, including plaintiff E.B.M. and his family. During the time Father Francis DeLuca was employed by Camp Tekakwitha, he used his position as a priest to groom and to sexually abuse plaintiff E.B.M.

62. To the extent that Camp Tekakwitha was a different entity, corporation, or organization during the period of time during which Father DeLuca used his position as a priest to sexually abuse E.B.M., such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

63. To the extent Camp Tekakwitha is a successor to a different entity, corporation, or organization which existed during the period of time during which Father DeLuca used his position as a priest to sexually abuse E.B.M., such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

64. All such Camp Tekakwitha-related entities, corporations, or organizations are collectively referred to herein as "Camp Tekakwitha."

65. Plaintiff R.B. is an adult male who currently resides in Saratoga Springs, New York.

66. While he was a minor, plaintiff R.B. was a victim of one or more criminal sex acts in the State of New York. Since such criminal violation is the basis for this action, plaintiff R.B. is entitled to the protection of Civil Rights Law 50-b and will file a motion asking this Court for permission to proceed using a pseudonym.

67. In the alternative, plaintiff R.B. will seek a stipulation from the defendants agreeing to enter into a protective order which will ensure that his identity is protected from the public while allowing the defendants full access to information necessary for their defense.

68. Upon information and belief, at all relevant times the Diocese employed priests, school administrators, teachers, religious, and others who served various Catholic institutions and families.

69. Upon information and belief, Father John Klebauskas (“Father Klebauskas”) was a priest employed by the Diocese to serve Catholic families. During the time Father Klebauskas was employed by the Diocese, he used his position as a priest to groom and to sexually abuse plaintiff R.B.

70. To the extent that the Diocese was a different entity, corporation, or organization during the period of time during which Father Klebauskas used his position as a priest to sexually abuse plaintiff R.B., such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

71. To the extent the Diocese is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Klebauskas used his position as a priest to sexually abuse plaintiff R.B., such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

72. All such Diocese-related entities, corporations, or organizations are collectively referred to herein as the “Diocese.”

73. Upon information and belief, at all relevant times defendant St. Joseph’s Parish (“St. Joseph’s”) was a not-for-profit religious corporation organized under New York law and wholly owned, operated, and controlled by the Diocese.

74. Upon information and belief, St. Joseph’s is currently a not-for-profit religious corporation organized under New York law with its principal office in Troy, New York.

75. Upon information and belief, at all relevant times St. Joseph's conducted business as "St. Joseph's Parish" or "St. Joseph's."

76. St. Joseph's is a parish with a church located in Troy, New York.

77. Upon information and belief, Father John Klebauskas was a priest employed by St. Joseph's to serve Catholic families in its geographic jurisdiction. During the time Father John Klebauskas was employed by St. Joseph's, he used his position as a priest to groom and to sexually abuse plaintiff R.B.

78. To the extent that St. Joseph's was a different entity, corporation, or organization during the period of time during which Father Klebauskas used his position as a priest to sexually abuse R.B., such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

79. To the extent St. Joseph's is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Klebauskas used his position as a priest to sexually abuse R.B., such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

80. All such St. Joseph's-related entities, corporations, or organizations are collectively referred to herein as "St. Joseph's."

81. Plaintiff M.D. is an adult female who currently resides in Schenectady, New York.

82. While she was a minor, plaintiff M.D. was a victim of one or more criminal sex acts in the State of New York. Since such criminal violation is the basis for this action, plaintiff M.D. is entitled to the protection of Civil Rights Law 50-b and will file a motion asking this Court for permission to proceed using a pseudonym.

83. In the alternative, plaintiff M.D. will seek a stipulation from the defendants agreeing to enter into a protective order which will ensure that her identity is protected from the public while allowing the defendants full access to information necessary for their defense.

84. Upon information and belief, at all relevant times the Diocese employed priests and other who served various Catholic institutions and families, including plaintiff M.D. and her family.

85. Upon information and belief, Brother Clement Murphy (“Brother Murphy”) was a religious brother, school administrator, and/or teacher employed by the Diocese to serve Catholic families, including plaintiff M.D. and her family. During the time Brother Murphy was employed by the Diocese, he used his position as a religious brother, school administrator, and/or teacher to groom and to sexually abuse plaintiff M.D.

86. To the extent that the Diocese was a different entity, corporation, or organization during the period of time during which Brother Murphy used his position as a religious brother, school administrator, and/or teacher to sexually abuse plaintiff M.D., such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

87. To the extent the Diocese is a successor to a different entity, corporation, or organization which existed during the period of time during which Brother Murphy used his position as a religious brother, school administrator, and/or teacher to sexually abuse plaintiff M.D., such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

88. All such Diocese-related entities, corporations, or organizations are collectively referred to herein as the “Diocese.”



89. Upon information and belief, at all relevant times defendant St. Paul the Apostle Parish and School (“St. Paul’s”) was a not-for-profit religious corporation organized under New York law and wholly owned, operated, and controlled by the Diocese.

90. Upon information and belief, St. Paul’s is currently a not-for-profit religious corporation organized under New York law with its principal office in Schenectady, New York.

91. Upon information and belief, at all relevant times St. Paul’s conducted business as “St. Paul the Apostle Parish and School” or “St. Paul’s.”

92. St. Paul’s is a parish with a church and school located in Schenectady, New York.

93. Upon information and belief, Brother Clement Murphy was a religious brother, school administrator, and/or teacher employed by St. Paul’s to serve Catholic families in its geographic jurisdiction, including plaintiff M.D. and her family. During the time Brother Clement Murphy was employed by St. Paul’s, he used his position as a religious brother, school administrator, and/or teacher to groom and to sexually abuse plaintiff M.D.

94. To the extent that St. Paul’s was a different entity, corporation, or organization during the period of time during which Brother Murphy used his position as a religious brother, school administrator, and/or teacher to sexually abuse M.D., such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

95. To the extent St. Paul’s is a successor to a different entity, corporation, or organization which existed during the period of time during which Brother Murphy used his position as a religious brother, school administrator, and/or teacher to sexually abuse M.D., such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

96. All such St. Paul's-related entities, corporations, or organizations are collectively referred to herein as "St. Paul's."

97. Plaintiff Timothy Sawicki is an adult male who currently resides in Schenectady, New York.

98. Upon information and belief, at all relevant times the Diocese employed priests and others who served various Catholic institutions and families, including plaintiff Timothy Sawicki and his family.

99. Upon information and belief, Father Alan Jupin ("Father Jupin") was a priest employed by the Diocese to serve Catholic families, including plaintiff Timothy Sawicki and his family. During the time Father Jupin was employed by the Diocese, he used his position as a priest to groom and to sexually abuse plaintiff Timothy Sawicki.

100. To the extent that the Diocese was a different entity, corporation, or organization during the period of time during which Father Jupin used his position as a priest to sexually abuse plaintiff Timothy Sawicki, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

101. To the extent the Diocese is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Jupin used his position as a priest to sexually abuse plaintiff Timothy Sawicki, such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

102. All such Diocese-related entities, corporations, or organizations are collectively referred to herein as the "Diocese."

103. Upon information and belief, at all relevant times defendant St. John the Baptist (“St. John’s”) was a not-for-profit religious corporation organized under New York law and wholly owned, operated, and controlled by the Diocese.

104. Upon information and belief, St. John’s is currently a not-for-profit religious corporation organized under New York law with its principal office in Schenectady, New York.

105. Upon information and belief, at all relevant times St. John’s conducted business as “St. John the Baptist” or “St. John’s.”

106. St. John’s is a parish with a church and school located in Schenectady, New York.

107. Upon information and belief, Father Alan Jupin was a priest employed by St. John’s to serve Catholic families in its geographic jurisdiction, including plaintiff Timothy Sawicki and his family. During the time Father Alan Jupin was employed by St. John’s, he used his position as a priest to groom and to sexually abuse plaintiff Timothy Sawicki.

108. To the extent that St. John’s was a different entity, corporation, or organization during the period of time during which Father Jupin used his position as a priest to sexually abuse Timothy, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

109. To the extent St. John’s is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Jupin used his position as a priest to sexually abuse Timothy, such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

110. All such St. John’s-related entities, corporations, or organizations are collectively referred to herein as “St. John’s.”

111. Plaintiff Michael Harmon is an adult male who currently resides in Morrisonville, New York.

112. Upon information and belief, at all relevant times the Diocese employed priests and others who served various Catholic institutions and families, including plaintiff Michael Harmon and his family.

113. Upon information and belief, Father Edward Pratt ("Father Pratt") was a priest employed by the Diocese to serve Catholic families, including plaintiff Michael Harmon and his family. During the time Father Pratt was employed by the Diocese, he used his position as a priest to groom and to sexually abuse plaintiff Michael Harmon.

114. To the extent that the Diocese was a different entity, corporation, or organization during the period of time during which Father Pratt used his position as a priest to sexually abuse plaintiff Michael Harmon, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

115. To the extent the Diocese is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Pratt used his position as a priest to sexually abuse plaintiff Michael Harmon, such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

116. All such Diocese-related entities, corporations, or organizations are collectively referred to herein as the "Diocese."

117. Upon information and belief, at all relevant times defendant St. Catherine's Center for Children ("St. Catherine's") was a not-for-profit religious corporation organized under New York law and wholly owned, operated, and controlled by the Diocese.

118. Upon information and belief, St. Catherine's is currently a not-for-profit religious corporation organized under New York law with its principal office in Albany, New York.

119. Upon information and belief, at all relevant times St. Catherine's conducted business as "St. Catherine's Group Home," "St. Catherine's Center for Children," "St. Catherine's Center," or "St. Catherine's."

120. St. Catherine's is a group home for children located in Albany, New York.

121. Upon information and belief, Father Edward Pratt was a priest employed by St. Catherine's to serve Catholic families in its geographic jurisdiction, including plaintiff Michael Harmon and his family. During the time Father Edward Pratt was employed by St. Catherine's, he used his position as a priest to groom and to sexually abuse plaintiff Michael Harmon.

122. To the extent that St. Catherine's was a different entity, corporation, or organization during the period of time during which Father Pratt used his position as a priest to sexually abuse Michael, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

123. To the extent St. Catherine's is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Pratt used his position as a priest to sexually abuse Michael, such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

124. All such St. Catherine's-related entities, corporations, or organizations are collectively referred to herein as "St. Catherine's."

125. Plaintiff Steven Narbon is an adult male who currently resides in Casa Grande, Arizona.

126. Upon information and belief, at all relevant times the Diocese employed priests, school administrators, teachers, religious, and others who served various Catholic institutions and families, including plaintiff Steven Narbon and his family.

127. Upon information and belief, Father Joseph Romano (“Father Romano”) was a priest employed by the Diocese to serve Catholic families, including plaintiff Steven Narbon and his family. During the time Father Romano was employed by the Diocese, he used his position as a priest to groom and to sexually abuse plaintiff Steven Narbon.

128. To the extent that the Diocese was a different entity, corporation, or organization during the period of time during which Father Romano used his position as a priest to sexually abuse plaintiff Steven Narbon, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

129. To the extent the Diocese is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Romano used his position as a priest to sexually abuse plaintiff Steven Narbon, such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

130. All such Diocese-related entities, corporations, or organizations are collectively referred to herein as the “Diocese.”

131. Upon information and belief, at all relevant times defendant La Salle Institute High School (“La Salle”) was a not-for-profit religious corporation organized under New York law and wholly owned, operated, and controlled by the Diocese.

132. Upon information and belief, La Salle is currently a not-for-profit religious corporation organized under New York law with its principal office in Troy, New York.

133. Upon information and belief, at all relevant times La Salle conducted business as “La Salle Institute High School,” “La Salle High,” “La Salle” or “La Salle Institute.”

134. La Salle is a Catholic high school located in Troy, New York.

135. Upon information and belief, Father Joseph Romano was a priest employed by La Salle to serve Catholic families in its geographic jurisdiction, including plaintiff Steven Narbon and his family. During the time Father Joseph Romano was employed by La Salle, he used his position as a priest to groom and to sexually abuse plaintiff Steven Narbon.

136. To the extent that La Salle was a different entity, corporation, or organization during the period of time during which Father Romano used his position as a priest to sexually abuse Steven, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

137. To the extent La Salle is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Romano used his position as a priest to sexually abuse Steven, such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

138. All such La Salle-related entities, corporations, or organizations are collectively referred to herein as “La Salle.”

139. Plaintiff P.R. is an adult male who currently resides in Clifton Park, New York.

140. While he was a minor, plaintiff P.R. was a victim of one or more criminal sex acts in the State of New York. Since such criminal violation is the basis for this action, plaintiff P.R. is entitled to the protection of Civil Rights Law 50-b and will file a motion asking this Court for permission to proceed using a pseudonym.

141. In the alternative, plaintiff P.R. will seek a stipulation from the defendants agreeing to enter into a protective order which will ensure that his identity is protected from the public while allowing the defendants full access to information necessary for their defense.

142. Upon information and belief, at all relevant times the Diocese employed priests and others who served various Catholic institutions and families, including plaintiff P.R. and his family.

143. Upon information and belief, Father Paul Bondi and Bishop Howard Hubbard (“Father Bondi and Bishop Hubbard”) were priests employed by the Diocese to serve Catholic families, including plaintiff P.R. and his family. During the time Father Bondi and Bishop Hubbard were employed by the Diocese, they used their positions as priests to groom and to sexually abuse plaintiff P.R.

144. Upon information and belief, Bishop Howard Hubbard was the Bishop of the Albany Diocese who oversaw all Catholics in the geographic jurisdiction of the Diocese. During the time Bishop Howard Hubbard served as the Bishop of the Diocese, he used his position as a priest to groom and to sexually abuse plaintiff P.R.

145. To the extent that the Diocese was a different entity, corporation, or organization during the period of time during which Father Bondi and Bishop Hubbard used their positions as priests to sexually abuse plaintiff P.R., such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

146. To the extent the Diocese is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Bondi and Bishop Hubbard used their positions as priests to sexually abuse plaintiff P.R., such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.



147. All such Diocese-related entities, corporations, or organizations are collectively referred to herein as the “Diocese.”

148. Upon information and belief, at all relevant times defendant St. Mary’s Catholic Church (“St. Mary’s”) was a not-for-profit religious corporation organized under New York law and wholly owned, operated, and controlled by the Diocese.

149. Upon information and belief, St. Mary’s is currently a not-for-profit religious corporation organized under New York law with its principal office in Ballston Spa, New York.

150. Upon information and belief, at all relevant times St. Mary’s conducted business as “St. Mary’s Catholic Church,” “St. Mary’s Church,” or “St. Mary’s.”

151. St. Mary’s is a parish with a church located in Ballston Spa, New York.

152. Upon information and belief, Father Paul Bondi was a priest employed by St. Mary’s to serve Catholic families in its geographic jurisdiction, including plaintiff P.R. and his family. During the time Father Paul Bondi was employed by St. Mary’s, he used his position as a priest to groom and to sexually abuse plaintiff P.R.

153. To the extent that St. Mary’s was a different entity, corporation, or organization during the period of time during which Father Bondi and Bishop Hubbard used their positions as priests to sexually abuse P.R., such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

154. To the extent St. Mary’s is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Bondi and Bishop Hubbard used their positions as priests to sexually abuse P.R., such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

155. All such St. Mary's-related entities, corporations, or organizations are collectively referred to herein as "St. Mary's."

#### **IV. VENUE**

156. Venue is proper because the Diocese is a domestic corporation authorized to transact business in New York with its principal office located in Albany County.

157. Venue is proper because St. Patrick's is a domestic corporation authorized to transact business in New York with its principal office located in Albany County.

158. Venue is proper because Albany is the county in which a substantial part of the events or omissions giving rise to each plaintiff's claim occurred.

159. Venue is proper because plaintiff Gordon Smith currently resides in Albany County.

160. Venue is proper because St. Catherine's is a domestic corporation authorized to transact business in New York with its principal office located in Albany County.

#### **V. STATEMENT OF FACTS AS TO PLAINTIFF R.P.**

161. Upon information and belief, at all relevant times the Diocese was the owner of St. Adalbert's and held itself out to the public as the owner of St. Adalbert's.

162. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled St. Adalbert's.

163. Upon information and belief, at all relevant times the Diocese employed priests, school administrators, teachers, religious, and others who served Catholic families at St. Adalbert's, including plaintiff R.P. and his family.

164. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled St. Adalbert's, and held out to the

public its agents, servants, and employees as those who managed, maintained, operated, and controlled St. Adalbert's.

165. Upon information and belief, at all relevant times the Diocese was responsible for the hiring and staffing, and did the hiring and staffing, at St. Adalbert's.

166. Upon information and belief, at all relevant times the Diocese was responsible for and did the recruitment and staffing of volunteers at St. Adalbert's.

167. Upon information and belief, at all relevant times the Diocese materially benefited from the operation of St. Adalbert's, including the services of Father Guzielek and the services of those who managed and supervised Father Guzielek.

168. Upon information and belief, at all relevant times St. Adalbert's owned a parish, church, and school.

169. Upon information and belief, at all relevant times St. Adalbert's held itself out to the public as the owner of St. Adalbert's.

170. Upon information and belief, at all relevant times St. Adalbert's employed priests, school administrators, teachers, religious, and others who served Catholic families, including plaintiff R.P. and his family.

171. Upon information and belief, at all relevant times St. Adalbert's, its agents, servants, and employees managed, maintained, operated, and controlled St. Adalbert's, and held out to the public its agents, servants and employees as those who managed, maintained, operated, and controlled St. Adalbert's.

172. Upon information and belief, at all relevant times St. Adalbert's was responsible for and did the staffing and hiring at St. Adalbert's.

173. Upon information and belief, at all relevant times St. Adalbert's was responsible for and did the recruitment and staffing of volunteers at St. Adalbert's.

174. Upon information and belief, at all relevant times St. Adalbert's materially benefitted from the operation of St. Adalbert's, including the services of Father Guzielek and the services of those who managed and supervised Father Guzielek.

175. Upon information and belief, at all relevant times Father Guzielek was a priest of the Diocese.

176. Upon information and belief, at all relevant times Father Guzielek was on the staff of, acted as an agent of, and served as an employee of the Diocese.

177. Upon information and belief, at all relevant times Father Guzielek was acting in the course and scope of his employment with the Diocese.

178. Upon information and belief, at all relevant times Father Guzielek was employed by the Diocese and assigned to St. Adalbert's.

179. Upon information and belief, at all relevant times Father Guzielek was a priest of St. Adalbert's.

180. Upon information and belief, at all relevant times Father Guzielek was on the staff of, was an agent of, and served as an employee of St. Adalbert's.

181. Upon information and belief, at all relevant times Father Guzielek was acting in the course and scope of his employment with St. Adalbert's.

182. Upon information and belief, at all relevant times Father Guzielek had an office on the premises of St. Adalbert's.

183. When plaintiff R.P. was a minor, he and his parents were members of the Diocese and St. Adalbert's.

184. At all relevant times, the Diocese and St. Adalbert's, their agents, servants, and employees, held Father Guzielek out to the public, to R.P., and to his parents, as their agent and employee.

185. At all relevant times, the Diocese and St. Adalbert's, their agents, servants, and employees, held Father Guzielek out to the public, to R.P., and to his parents, as having been vetted, screened, and approved by those defendants.

186. At all relevant times, R.P. and his parents reasonably relied upon the acts and representations of the Diocese and St. Adalbert's, their agents, servants, and employees, and reasonably believed that Father Guzielek was an agent or employee of those defendants who was vetted, screened, and approved by those defendants.

187. At all relevant times, R.P. and his parents trusted Father Guzielek because the Diocese and St. Adalbert's held him out as someone who was safe and could be trusted with the supervision, care, custody, and control of R.P.

188. At all relevant times, R.P. and his parents believed that the Diocese and St. Adalbert's would exercise such care as would a parent of ordinary prudence in comparable circumstances when those defendants assumed supervision, care, custody, and control of R.P.

189. When R.P. was a minor, Father Guzielek sexually abused him.

190. R.P. was sexually abused by Father Guzielek when R.P. was approximately 11 to 16 years old.

191. Based on the representations of the Diocese and St. Adalbert's that Father Guzielek was safe and trustworthy, R.P. and his parents allowed R.P. to be under the supervision of, and in the care, custody, and control of, the Diocese and St. Adalbert's, including during the times when R.P. was sexually abused by Father Guzielek.

192. Based on the representations of the Diocese and St. Adalbert's that Father Guzielek was safe and trustworthy, R.P. and his parents allowed R.P. to be under the supervision of, and in the care, custody, and control of, Father Guzielek, including during the times when R.P. was sexually abused by Father Guzielek.

193. Neither R.P. nor his parents would have allowed him to be under the supervision of, or in the care, custody, or control of, the Diocese, St. Adalbert's, or Father Guzielek if the Diocese or St. Adalbert's had disclosed to R.P. or his parents that Father Guzielek was not safe and was not trustworthy, and that he in fact posed a danger to R.P. in that Father Guzielek was likely to sexually abuse R.P.

194. No parent of ordinary prudence in comparable circumstances would have allowed R.P. to be under the supervision of, or in the care, custody, or control of, the Diocese, St. Adalbert's, or Father Guzielek if the Diocese or St. Adalbert's had disclosed to R.P. or his parents that Father Guzielek was not safe and was not trustworthy, and that he in fact posed a danger to R.P. in that Father Guzielek was likely to sexually abuse him.

195. From approximately 1954 through 1959, Father Guzielek exploited the trust and authority vested in him by defendants by grooming R.P. to gain his trust and to obtain control over him as part of Father Guzielek's plan to sexually molest and abuse R.P. and other children.

196. Father Guzielek used his position of trust and authority as a priest of the Diocese and of St. Adalbert's to groom R.P. and to sexually abuse him multiple times, including when R.P. was under the supervision of, and in the care, custody, or control of, the Diocese, St. Adalbert's, and Father Guzielek.

197. The sexual abuse of R.P. by Father Guzielek occurred at St. Adalbert's, including at different rooms in the parish.

198. At certain times, Father Guzielek's sexual abuse of R.P. occurred during activities that were sponsored by, or were a direct result of activities sponsored by, the Diocese and St. Adalbert's, including when R.P. was serving as an altar boy and when R.P. worked at the parish — ringing the morning bells.

199. Upon information and belief, prior to the times mentioned herein, Father Guzielek was a known sexual abuser of children.

200. Upon information and belief, at all relevant times, defendants, their agents, servants, and employees, knew or should have known that Father Guzielek was a known sexual abuser of children.

201. Upon information and belief, at all relevant times it was reasonably foreseeable to defendants, their agents, servants, and employees that Father Guzielek's sexual abuse of children would likely result in injury to others, including the sexual abuse of R.P. and other children by Father Guzielek.

202. Upon information and belief, at certain times between 1954 and 1959, defendants, their agents, servants, and employees knew or should have known that Father Guzielek was sexually abusing R.P. and other children at St. Adalbert's and elsewhere.

203. Upon information and belief, defendants, their agents, servants, and employees knew or should have known that the sexual abuse by Father Guzielek of R.P. was ongoing.

204. Upon information and belief, the Diocese and St. Adalbert's, their agents, servants, and employees, knew or should have known before and during Father Guzielek's sexual abuse of R.P. that priests and other persons serving the Diocese and St. Adalbert's had used their positions with those defendants to groom and to sexually abuse children.

205. Upon information and belief, the Diocese and St. Adalbert's, their agents, servants, and employees, knew or should have known before and during Father Guzielek's sexual abuse of R.P. that such priests and other persons could not be "cured" through treatment or counseling.

206. Upon information and belief, the Diocese and St. Adalbert's, their agents, servants, and employees, concealed the sexual abuse of children by Father Guzielek in order to conceal their own bad acts in failing to protect children from him, to protect their reputation, and to prevent victims of such sexual abuse by him from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that Father Guzielek would continue to molest children.

207. Upon information and belief, the Diocese and St. Adalbert's, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Father Guzielek would use his position with the defendants to sexually abuse children, including R.P.

208. Upon information and belief, the Diocese and St. Adalbert's, their agents, servants, and employees, disregarded their knowledge that Father Guzielek would use his position with them to sexually abuse children, including R.P.

209. Upon information and belief, the Diocese and St. Adalbert's, their agents, servants, and employees, acted in concert with each other or with Father Guzielek to conceal the danger that Father Guzielek posed to children, including R.P., so that Father Guzielek could continue serving them despite their knowledge of that danger.

210. Upon information and belief, the Diocese and St. Adalbert's, their agents, servants, and employees, knew that their negligent, reckless, and outrageous conduct would inflict severe emotional and psychological distress, as well as personal physical injury, on others, including R.P.,



and he did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

211. Upon information and belief, the Diocese and St. Adalbert's, their agents, servants, and employees, concealed the sexual abuse of children by priests, school administrators, teachers, religious, and others in order to conceal their own bad acts in failing to protect children from being abused, to protect their reputation, and to prevent victims of such sexual abuse from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that those priests and other persons would continue to molest children.

212. By reason of the wrongful acts of the Diocese and St. Adalbert's as detailed herein, R.P. sustained physical and psychological injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and R.P. has and/or will become obligated to expend sums of money for treatment.

#### **VI. STATEMENT OF FACTS AS TO PLAINTIFF MICHAEL EDIE**

213. Upon information and belief, at all relevant times the Diocese was the owner of St. Mary's and held itself out to the public as the owner of St. Mary's.

214. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled St. Mary's.

215. Upon information and belief, at all relevant times the Diocese employed priests, school administrators, teachers, religious, and others who served Catholic families at St. Mary's, including plaintiff Michael Edie and his family.

216. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled St. Mary's, and held out to the public its agents, servants, and employees as those who managed, maintained, operated, and controlled St. Mary's.

217. Upon information and belief, at all relevant times the Diocese was responsible for the hiring and staffing, and did the hiring and staffing, at St. Mary's.

218. Upon information and belief, at all relevant times the Diocese was responsible for and did the recruitment and staffing of volunteers at St. Mary's.

219. Upon information and belief, at all relevant times the Diocese materially benefited from the operation of St. Mary's, including the services of Mr. LaFarr and the services of those who managed and supervised Mr. LaFarr.

220. Upon information and belief, at all relevant times St. Mary's owned a parish, church, and school.

221. Upon information and belief, at all relevant times St. Mary's held itself out to the public as the owner of St. Mary's.

222. Upon information and belief, at all relevant times St. Mary's employed priests, school administrators, teachers, religious, and others who served Catholic families, including plaintiff Michael Edie and his family.

223. Upon information and belief, at all relevant times St. Mary's, its agents, servants, and employees managed, maintained, operated, and controlled St. Mary's, and held out to the public its agents, servants and employees as those who managed, maintained, operated, and controlled St. Mary's.

224. Upon information and belief, at all relevant times St. Mary's was responsible for and did the staffing and hiring at St. Mary's.

225. Upon information and belief, at all relevant times St. Mary's was responsible for and did the recruitment and staffing of volunteers at St. Mary's.

226. Upon information and belief, at all relevant times St. Mary's materially benefitted from the operation of St. Mary's, including the services of Mr. LaFarr and the services of those who managed and supervised Mr. LaFarr.

227. Upon information and belief, at all relevant times Mr. LaFarr was an organist and music director of the Diocese.

228. Upon information and belief, at all relevant times Mr. LaFarr was on the staff of, acted as an agent of, and served as an employee of the Diocese.

229. Upon information and belief, at all relevant times Mr. LaFarr was acting in the course and scope of his employment with the Diocese.

230. Upon information and belief, at all relevant times Mr. LaFarr was employed by the Diocese and assigned to St. Mary's.

231. Upon information and belief, at all relevant times Mr. LaFarr was an organist and music director of St. Mary's.

232. Upon information and belief, at all relevant times Mr. LaFarr was on the staff of, was an agent of, and served as an employee of St. Mary's.

233. Upon information and belief, at all relevant times Mr. LaFarr was acting in the course and scope of his employment with St. Mary's.

234. Upon information and belief, at all relevant times Mr. LaFarr had an office on the premises of St. Mary's.

235. When plaintiff Michael Edie was a minor, he and his parents were members of the Diocese and St. Mary's.

236. At all relevant times, the Diocese and St. Mary's, their agents, servants, and employees, held Mr. LaFarr out to the public, to Michael, and to his parents, as their agent and employee.

237. At all relevant times, the Diocese and St. Mary's, their agents, servants, and employees, held Mr. LaFarr out to the public, to Michael, and to his parents, as having been vetted, screened, and approved by those defendants.

238. At all relevant times, Michael and his parents reasonably relied upon the acts and representations of the Diocese and St. Mary's, their agents, servants, and employees, and reasonably believed that Mr. LaFarr was an agent or employee of those defendants who was vetted, screened, and approved by those defendants.

239. At all relevant times, Michael and his parents trusted Mr. LaFarr because the Diocese and St. Mary's held him out as someone who was safe and could be trusted with the supervision, care, custody, and control of Michael.

240. At all relevant times, Michael and his parents believed that the Diocese and St. Mary's would exercise such care as would a parent of ordinary prudence in comparable circumstances when those defendants assumed supervision, care, custody, and control of Michael.

241. When Michael was a minor, Mr. LaFarr sexually abused him.

242. Michael was sexually abused by Mr. LaFarr when he was approximately 6 to 7 years old.

243. Based on the representations of the Diocese and St. Mary's that Mr. LaFarr was safe and trustworthy, Michael and his parents allowed Michael to be under the supervision of, and

in the care, custody, and control of, the Diocese and St. Mary's, including during the times when Michael was sexually abused by Mr. LaFarr.

244. Based on the representations of the Diocese and St. Mary's that Mr. LaFarr was safe and trustworthy, Michael and his parents allowed Michael to be under the supervision of, and in the care, custody, and control of, Mr. LaFarr, including during the times when Michael was sexually abused by Mr. LaFarr.

245. Neither Michael nor his parents would have allowed him to be under the supervision of, or in the care, custody, or control of, the Diocese, St. Mary's, or Mr. LaFarr if the Diocese or St. Mary's had disclosed to Michael or his parents that Mr. LaFarr was not safe and was not trustworthy, and that he in fact posed a danger to Michael in that Mr. LaFarr was likely to sexually abuse Michael.

246. No parent of ordinary prudence in comparable circumstances would have allowed Michael to be under the supervision of, or in the care, custody, or control of, the Diocese, St. Mary's, or Mr. LaFarr if the Diocese or St. Mary's had disclosed to Michael or his parents that Mr. LaFarr was not safe and was not trustworthy, and that he in fact posed a danger to Michael in that Mr. LaFarr was likely to sexually abuse him.

247. From approximately 1955 through 1956, Mr. LaFarr exploited the trust and authority vested in him by defendants by grooming Michael to gain his trust and to obtain control over him as part of Mr. LaFarr's plan to sexually molest and abuse Michael and other children.

248. Mr. LaFarr used his position of trust and authority as an organist and music director of the Diocese and of St. Mary's to groom Michael and to sexually abuse him multiple times, including when Michael was under the supervision of, and in the care, custody, or control of, the Diocese, St. Mary's, and Mr. LaFarr.

249. The sexual abuse of Michael by Mr. LaFarr occurred at St. Mary's, including in the school auditorium.

250. At certain times, Mr. LaFarr's sexual abuse of Michael occurred during activities that were sponsored by, or were a direct result of activities sponsored by, the Diocese and St. Mary's, including during music lessons taught during school hours.

251. Upon information and belief, prior to the times mentioned herein, Mr. LaFarr was a known sexual abuser of children.

252. Upon information and belief, at all relevant times, defendants, their agents, servants, and employees, knew or should have known that Mr. LaFarr was a known sexual abuser of children.

253. Upon information and belief, at all relevant times it was reasonably foreseeable to defendants, their agents, servants, and employees that Mr. LaFarr's sexual abuse of children would likely result in injury to others, including the sexual abuse of Michael and other children by Mr. LaFarr.

254. Upon information and belief, at certain times between 1955 and 1956, defendants, their agents, servants, and employees knew or should have known that Mr. LaFarr was sexually abusing Michael and other children at St. Mary's and elsewhere.

255. Upon information and belief, defendants, their agents, servants, and employees knew or should have known that the sexual abuse by Mr. LaFarr of Michael was ongoing.

256. Upon information and belief, the Diocese and St. Mary's, their agents, servants, and employees, knew or should have known that Mr. LaFarr was likely to abuse children, including Michael, because Michael would leave the classroom for music lessons with Raymond LaFarr and,

on most days, Michael was late in returning to the classroom. Michael was late because he was being sexually abused by Mr. LaFarr.

257. Upon further information and belief, the Diocese and St. Mary's, their agents, servants, and employees, knew or should have known that Mr. LaFarr was likely to abuse children, including Michael, because Michael's third grade teacher witnessed Michael being taken into the music storage room by Mr. LaFarr. Michael's third grade teacher reported the abuse to both the Mother Superior and Monsignor Kiffen, the pastor at St. Mary's and managing agents of the defendants. Despite that knowledge, neither the Diocese nor St. Mary's did anything to prevent Michael from being sexually abused.

258. Upon information and belief, the Diocese and St. Mary's, their agents, servants, and employees, knew or should have known before and during Mr. LaFarr's sexual abuse of Michael that priests and other persons serving the Diocese and St. Mary's had used their positions with those defendants to groom and to sexually abuse children.

259. Upon information and belief, the Diocese and St. Mary's, their agents, servants, and employees, knew or should have known before and during Mr. LaFarr's sexual abuse of Michael that such priests and other persons could not be "cured" through treatment or counseling.

260. Upon information and belief, the Diocese and St. Mary's, their agents, servants, and employees, concealed the sexual abuse of children by Mr. LaFarr in order to conceal their own bad acts in failing to protect children from him, to protect their reputation, and to prevent victims of such sexual abuse by him from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that Mr. LaFarr would continue to molest children.

261. Upon information and belief, the Diocese and St. Mary's, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Mr. LaFarr would use his position with the defendants to sexually abuse children, including Michael.

262. Upon information and belief, the Diocese and St. Mary's, their agents, servants, and employees, disregarded their knowledge that Mr. LaFarr would use his position with them to sexually abuse children, including Michael.

263. Upon information and belief, the Diocese and St. Mary's, their agents, servants, and employees, acted in concert with each other or with Mr. LaFarr to conceal the danger that Mr. LaFarr posed to children, including Michael, so that Mr. LaFarr could continue serving them despite their knowledge of that danger.

264. Upon information and belief, the Diocese and St. Mary's, their agents, servants, and employees, knew that their negligent, reckless, and outrageous conduct would inflict severe emotional and psychological distress, as well as personal physical injury, on others, including Michael, and he did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

265. Upon information and belief, the Diocese and St. Mary's, their agents, servants, and employees, concealed the sexual abuse of children by priests, school administrators, teachers, religious, and others in order to conceal their own bad acts in failing to protect children from being abused, to protect their reputation, and to prevent victims of such sexual abuse from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that those priests and other persons would continue to molest children.

266. By reason of the wrongful acts of the Diocese and St. Mary's as detailed herein, Michael sustained physical and psychological injuries, including but not limited to, severe



emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and Michael has and/or will become obligated to expend sums of money for treatment.

#### VII. STATEMENT OF FACTS AS TO PLAINTIFF E.B.M.

267. Upon information and belief, at all relevant times the Diocese was the owner of Camp Tekakwitha and held itself out to the public as the owner of Camp Tekakwitha.

268. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled Camp Tekakwitha.

269. Upon information and belief, at all relevant times the Diocese employed priests and others who served Catholic families at Camp Tekakwitha, including plaintiff E.B.M. and his family.

270. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled Camp Tekakwitha, and held out to the public its agents, servants, and employees as those who managed, maintained, operated, and controlled Camp Tekakwitha.

271. Upon information and belief, at all relevant times the Diocese was responsible for the hiring and staffing, and did the hiring and staffing, at Camp Tekakwitha.

272. Upon information and belief, at all relevant times the Diocese was responsible for and did the recruitment and staffing of volunteers at Camp Tekakwitha.

273. Upon information and belief, at all relevant times the Diocese materially benefited from the operation of Camp Tekakwitha, including the services of Father DeLuca and the services of those who managed and supervised Father DeLuca.

274. Upon information and belief, at all relevant times Camp Tekakwitha owned a camp.

275. Upon information and belief, at all relevant times Camp Tekakwitha held itself out to the public as the owner of Camp Tekakwitha.

276. Upon information and belief, at all relevant times Camp Tekakwitha employed priests and others who served Catholic families, including plaintiff E.B.M. and his family.

277. Upon information and belief, at all relevant times Camp Tekakwitha, its agents, servants, and employees managed, maintained, operated, and controlled Camp Tekakwitha, and held out to the public its agents, servants and employees as those who managed, maintained, operated, and controlled Camp Tekakwitha.

278. Upon information and belief, at all relevant times Camp Tekakwitha was responsible for and did the staffing and hiring at Camp Tekakwitha.

279. Upon information and belief, at all relevant times Camp Tekakwitha was responsible for and did the recruitment and staffing of volunteers at Camp Tekakwitha.

280. Upon information and belief, at all relevant times Camp Tekakwitha materially benefitted from the operation of Camp Tekakwitha, including the services of Father DeLuca and the services of those who managed and supervised Father DeLuca.

281. Upon information and belief, at all relevant times Father DeLuca was a priest of the Diocese.

282. Upon information and belief, at all relevant times Father DeLuca was on the staff of, acted as an agent of, and served as an employee of the Diocese.

283. Upon information and belief, at all relevant times Father DeLuca was acting in the course and scope of his employment with the Diocese.

284. Upon information and belief, at all relevant times Father DeLuca was employed by the Diocese and assigned to Camp Tekakwitha.

285. Upon information and belief, at all relevant times Father DeLuca was a priest of Camp Tekakwitha.

286. Upon information and belief, at all relevant times Father DeLuca was on the staff of, was an agent of, and served as an employee of Camp Tekakwitha.

287. Upon information and belief, at all relevant times Father DeLuca was acting in the course and scope of his employment with Camp Tekakwitha.

288. Upon information and belief, at all relevant times Father DeLuca had an office on the premises of Camp Tekakwitha.

289. When plaintiff E.B.M. was a minor, he and his parents were members of the Diocese and utilized the services of Camp Tekakwitha.

290. At all relevant times, the Diocese and Camp Tekakwitha, their agents, servants, and employees, held Father DeLuca out to the public, to E.B.M., and to his parents, as their agent and employee.

291. At all relevant times, the Diocese and Camp Tekakwitha, their agents, servants, and employees, held Father DeLuca out to the public, to E.B.M., and to his parents, as having been vetted, screened, and approved by those defendants.

292. At all relevant times, E.B.M. and his parents reasonably relied upon the acts and representations of the Diocese and Camp Tekakwitha, their agents, servants, and employees, and reasonably believed that Father DeLuca was an agent or employee of those defendants who was vetted, screened, and approved by those defendants.

293. At all relevant times, E.B.M. and his parents trusted Father DeLuca because the Diocese and Camp Tekakwitha held him out as someone who was safe and could be trusted with the supervision, care, custody, and control of E.B.M.

294. At all relevant times, E.B.M. and his parents believed that the Diocese and Camp Tekakwitha would exercise such care as would a parent of ordinary prudence in comparable circumstances when those defendants assumed supervision, care, custody, and control of E.B.M.

295. When E.B.M. was a minor, Father DeLuca sexually abused him.

296. E.B.M. was sexually abused by Father DeLuca when he was approximately 10 or 11 years old.

297. Based on the representations of the Diocese and Camp Tekakwitha that Father DeLuca was safe and trustworthy, E.B.M. and his parents allowed E.B.M. to be under the supervision of, and in the care, custody, and control of, the Diocese and Camp Tekakwitha, including during the times when E.B.M. was sexually abused by Father DeLuca.

298. Based on the representations of the Diocese and Camp Tekakwitha that Father DeLuca was safe and trustworthy, E.B.M. and his parents allowed E.B.M. to be under the supervision of, and in the care, custody, and control of, Father DeLuca, including during the times when E.B.M. was sexually abused by Father DeLuca.

299. Neither E.B.M. nor his parents would have allowed him to be under the supervision of, or in the care, custody, or control of, the Diocese, Camp Tekakwitha, or Father DeLuca if the Diocese or Camp Tekakwitha had disclosed to E.B.M. or his parents that Father DeLuca was not safe and was not trustworthy, and that he in fact posed a danger to E.B.M. in that Father DeLuca was likely to sexually abuse E.B.M.

300. No parent of ordinary prudence in comparable circumstances would have allowed E.B.M. to be under the supervision of, or in the care, custody, or control of, the Diocese, Camp Tekakwitha, or Father DeLuca if the Diocese or Camp Tekakwitha had disclosed to E.B.M. or his parents that Father DeLuca was not safe and was not trustworthy, and that he in fact posed a danger to E.B.M. in that Father DeLuca was likely to sexually abuse him.

301. In approximately 1955, Father DeLuca exploited the trust and authority vested in him by defendants by grooming E.B.M. to gain his trust and to obtain control over him as part of Father DeLuca's plan to sexually molest and abuse E.B.M. and other children.

302. Father DeLuca used his position of trust and authority as a priest of the Diocese and of Camp Tekakwitha to groom E.B.M. and to sexually abuse him multiple times, including when E.B.M. was under the supervision of, and in the care, custody, or control of, the Diocese, Camp Tekakwitha, and Father DeLuca.

303. The sexual abuse of E.B.M. by Father DeLuca occurred at Camp Tekakwitha, including in a cabin and in the chapel.

304. At certain times, Father DeLuca's sexual abuse of E.B.M. occurred during activities that were sponsored by, or were a direct result of activities sponsored by, the Diocese and Camp Tekakwitha, including scheduled camp activities of the Diocese and Camp Tekakwitha. On several occasions, Father DeLuca pulled E.B.M. out of these activities to sexually abuse him.

305. Upon information and belief, prior to the times mentioned herein, Father DeLuca was a known sexual abuser of children.

306. Upon information and belief, at all relevant times, defendants, their agents, servants, and employees, knew or should have known that Father DeLuca was a known sexual abuser of children.

307. Upon information and belief, at all relevant times it was reasonably foreseeable to defendants, their agents, servants, and employees that Father DeLuca's sexual abuse of children would likely result in injury to others, including the sexual abuse of E.B.M. and other children by Father DeLuca.

308. Upon information and belief, the defendants, their agents, servants, and employees, knew or should have known that Father DeLuca was sexually abusing E.B.M. and other children at Camp Tekakwitha and elsewhere.

309. Upon information and belief, defendants, their agents, servants, and employees knew or should have known that the sexual abuse by Father DeLuca of E.B.M. was ongoing.

310. Upon information and belief, the Diocese and Camp Tekakwitha, their agents, servants, and employees, knew or should have known that Father DeLuca was likely to abuse children, including E.B.M., because other counselors at Camp Tekakwitha knew that Father DeLuca had forced E.B.M. to stay overnight with Father DeLuca in a cabin. Indeed, counselors from Camp Tekakwitha came to the cabin door when E.B.M. was being sexually abused by Father DeLuca, but they did nothing to protect E.B.M.

311. Upon information and belief, the Diocese and Camp Tekakwitha, their agents, servants, and employees, knew or should have known before and during Father DeLuca's sexual abuse of E.B.M. that priests and other persons serving the Diocese and Camp Tekakwitha had used their positions with those defendants to groom and to sexually abuse children.

312. Upon information and belief, the Diocese and Camp Tekakwitha, their agents, servants, and employees, knew or should have known before and during Father DeLuca's sexual abuse of E.B.M. that such priests and other persons could not be "cured" through treatment or counseling.

313. Upon information and belief, the Diocese and Camp Tekakwitha, their agents, servants, and employees, concealed the sexual abuse of children by Father DeLuca in order to conceal their own bad acts in failing to protect children from him, to protect their reputation, and to prevent victims of such sexual abuse by him from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that Father DeLuca would continue to molest children.

314. Upon information and belief, the Diocese and Camp Tekakwitha, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Father DeLuca would use his position with the defendants to sexually abuse children, including E.B.M.

315. Upon information and belief, the Diocese and Camp Tekakwitha, their agents, servants, and employees, disregarded their knowledge that Father DeLuca would use his position with them to sexually abuse children, including E.B.M.

316. Upon information and belief, the Diocese and Camp Tekakwitha, their agents, servants, and employees, acted in concert with each other or with Father DeLuca to conceal the danger that Father DeLuca posed to children, including E.B.M., so that Father DeLuca could continue serving them despite their knowledge of that danger.

317. Upon information and belief, the Diocese and Camp Tekakwitha, their agents, servants, and employees, knew that their negligent, reckless, and outrageous conduct would inflict severe emotional and psychological distress, as well as personal physical injury, on others, including E.B.M., and he did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

318. Upon information and belief, the Diocese and Camp Tekakwitha, their agents, servants, and employees, concealed the sexual abuse of children by priests and others in order to

conceal their own bad acts in failing to protect children from being abused, to protect their reputation, and to prevent victims of such sexual abuse from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that those priests and other persons would continue to molest children.

319. By reason of the wrongful acts of the Diocese and Camp Tekakwitha as detailed herein, E.B.M. sustained physical and psychological injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and E.B.M. has and/or will become obligated to expend sums of money for treatment.

#### **VIII. STATEMENT OF FACTS AS TO PLAINTIFF R.B.**

320. Upon information and belief, at all relevant times the Diocese was the owner of St. Joseph's and held itself out to the public as the owner of St. Joseph's.

321. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled St. Joseph's.

322. Upon information and belief, at all relevant times the Diocese employed priests, school administrators, teachers, religious, and others who served Catholic families at St. Joseph's, including plaintiff R.B. and his family.

323. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled St. Joseph's, and held out to the public its agents, servants, and employees as those who managed, maintained, operated, and controlled St. Joseph's.



324. Upon information and belief, at all relevant times the Diocese was responsible for the hiring and staffing, and did the hiring and staffing, at St. Joseph's.

325. Upon information and belief, at all relevant times the Diocese was responsible for and did the recruitment and staffing of volunteers at St. Joseph's.

326. Upon information and belief, at all relevant times the Diocese materially benefited from the operation of St. Joseph's, including the services of Father Klebauskas and the services of those who managed and supervised Father Klebauskas.

327. Upon information and belief, at all relevant times St. Joseph's owned a parish and church.

328. Upon information and belief, at all relevant times St. Joseph's held itself out to the public as the owner of St. Joseph's.

329. Upon information and belief, at all relevant times St. Joseph's employed priests and others who served Catholic families.

330. Upon information and belief, at all relevant times St. Joseph's, its agents, servants, and employees managed, maintained, operated, and controlled St. Joseph's, and held out to the public its agents, servants and employees as those who managed, maintained, operated, and controlled St. Joseph's.

331. Upon information and belief, at all relevant times St. Joseph's was responsible for and did the staffing and hiring at St. Joseph's.

332. Upon information and belief, at all relevant times St. Joseph's was responsible for and did the recruitment and staffing of volunteers at St. Joseph's.

333. Upon information and belief, at all relevant times St. Joseph's materially benefitted from the operation of St. Joseph's, including the services of Father Klebauskas and the services of those who managed and supervised Father Klebauskas.

334. Upon information and belief, at all relevant times Father Klebauskas was a priest of the Diocese.

335. Upon information and belief, at all relevant times Father Klebauskas was on the staff of, acted as an agent of, and served as an employee of the Diocese.

336. Upon information and belief, at all relevant times Father Klebauskas was acting in the course and scope of his employment with the Diocese.

337. Upon information and belief, at all relevant times Father Klebauskas was employed by the Diocese and assigned to St. Joseph's.

338. Upon information and belief, at all relevant times Father Klebauskas was a priest of St. Joseph's.

339. Upon information and belief, at all relevant times Father Klebauskas was on the staff of, was an agent of, and served as an employee of St. Joseph's.

340. Upon information and belief, at all relevant times Father Klebauskas was acting in the course and scope of his employment with St. Joseph's.

341. Upon information and belief, at all relevant times Father Klebauskas had an office on the premises of St. Joseph's.

342. At all relevant times, the Diocese and St. Joseph's, their agents, servants, and employees, held Father Klebauskas out to the public, to R.B., and to his parents, as their agent and employee.

343. At all relevant times, the Diocese and St. Joseph's, their agents, servants, and employees, held Father Klebauskas out to the public, to R.B., and to his parents, as having been vetted, screened, and approved by those defendants.

344. At all relevant times, R.B. and his parents reasonably relied upon the acts and representations of the Diocese and St. Joseph's, their agents, servants, and employees, and reasonably believed that Father Klebauskas was an agent or employee of those defendants who was vetted, screened, and approved by those defendants.

345. At all relevant times, R.B. and his parents trusted Father Klebauskas because the Diocese and St. Joseph's held him out as someone who was safe and could be trusted with the supervision, care, custody, and control of R.B..

346. At all relevant times, R.B. and his parents believed that the Diocese and St. Joseph's would exercise such care as would a parent of ordinary prudence in comparable circumstances when those defendants assumed supervision, care, custody, and control of R.B..

347. When R.B. was a minor, Father Klebauskas sexually abused him.

348. R.B. was sexually abused by Father Klebauskas when R.B. was approximately 12 to 15 years old.

349. Based on the representations of the Diocese and St. Joseph's that Father Klebauskas was safe and trustworthy, R.B. and his parents allowed R.B. to be under the supervision of, and in the care, custody, and control of, the Diocese and St. Joseph's, including during the times when R.B. was sexually abused by Father Klebauskas.

350. Based on the representations of the Diocese and St. Joseph's that Father Klebauskas was safe and trustworthy, R.B. and his parents allowed R.B. to be under the supervision of, and in

the care, custody, and control of, Father Klebauskas, including during the times when R.B. was sexually abused by Father Klebauskas.

351. Neither R.B. nor his parents would have allowed him to be under the supervision of, or in the care, custody, or control of, the Diocese, St. Joseph's, or Father Klebauskas if the Diocese or St. Joseph's had disclosed to R.B. or his parents that Father Klebauskas was not safe and was not trustworthy, and that he in fact posed a danger to R.B. in that Father Klebauskas was likely to sexually abuse R.B.

352. No parent of ordinary prudence in comparable circumstances would have allowed R.B. to be under the supervision of, or in the care, custody, or control of, the Diocese, St. Joseph's, or Father Klebauskas if the Diocese or St. Joseph's had disclosed to R.B. or his parents that Father Klebauskas was not safe and was not trustworthy, and that he in fact posed a danger to R.B. in that Father Klebauskas was likely to sexually abuse him.

353. From approximately 1961 through 1964, Father Klebauskas exploited the trust and authority vested in him by defendants by grooming R.B. to gain his trust and to obtain control over him as part of Father Klebauskas's plan to sexually molest and abuse R.B. and other children.

354. Father Klebauskas used his position of trust and authority as a priest of the Diocese and of St. Joseph's to groom R.B. and to sexually abuse him multiple times, including when R.B. was under the supervision of, and in the care, custody, or control of, the Diocese, St. Joseph's, and Father Klebauskas.

355. At certain times, the sexual abuse of R.B. by Father Klebauskas occurred at St. Joseph's, including at the rectory.

356. At certain times, Father Klebauskas's sexual abuse of R.B. occurred during activities that were sponsored by, or were a direct result of activities sponsored by, the Diocese

and St. Joseph's, including during overnight stays at the rectory where R.B. would help count collection money.

357. Upon information and belief, prior to the times mentioned herein, Father Klebauskas was a known sexual abuser of children.

358. Upon information and belief, at all relevant times, defendants, their agents, servants, and employees, knew or should have known that Father Klebauskas was a known sexual abuser of children.

359. Upon information and belief, at all relevant times it was reasonably foreseeable to defendants, their agents, servants, and employees that Father Klebauskas's sexual abuse of children would likely result in injury to others, including the sexual abuse of R.B. and other children by Father Klebauskas.

360. Upon information and belief, at certain times between 1961 and 1964, defendants, their agents, servants, and employees knew or should have known that Father Klebauskas was sexually abusing R.B. and other children at St. Joseph's and elsewhere.

361. Upon information and belief, defendants, their agents, servants, and employees knew or should have known that the sexual abuse by Father Klebauskas of R.B. was ongoing.

362. Upon information and belief, the Diocese and St. Joseph's, their agents, servants, and employees, knew or should have known that Father Klebauskas was likely to abuse children, including R.B., because Father Klebauskas had been sexually abusing other children in the Albany Diocese before R.B. was abused.

363. Upon further information and belief, the Diocese and St. Joseph's, their agents, servants, and employees, knew or should have known that Father Klebauskas was likely to abuse

children, including R.B., because Father Klebauskas would frequently have R.B. stay overnight in the rectory.

364. Upon information and belief, the Diocese and St. Joseph's, their agents, servants, and employees, knew or should have known before and during Father Klebauskas's sexual abuse of R.B. that priests and other persons serving the Diocese and St. Joseph's had used their positions with those defendants to groom and to sexually abuse children.

365. Upon information and belief, the Diocese and St. Joseph's, their agents, servants, and employees, knew or should have known before and during Father Klebauskas's sexual abuse of R.B. that such priests and other persons could not be "cured" through treatment or counseling.

366. Upon information and belief, the Diocese and St. Joseph's, their agents, servants, and employees, concealed the sexual abuse of children by Father Klebauskas in order to conceal their own bad acts in failing to protect children from him, to protect their reputation, and to prevent victims of such sexual abuse by him from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that Father Klebauskas would continue to molest children.

367. Upon information and belief, the Diocese and St. Joseph's, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Father Klebauskas would use his position with the defendants to sexually abuse children, including R.B..

368. Upon information and belief, the Diocese and St. Joseph's, their agents, servants, and employees, disregarded their knowledge that Father Klebauskas would use his position with them to sexually abuse children, including R.B..

369. Upon information and belief, the Diocese and St. Joseph's, their agents, servants, and employees, acted in concert with each other or with Father Klebauskas to conceal the danger

that Father Klebauskas posed to children, including R.B., so that Father Klebauskas could continue serving them despite their knowledge of that danger.

370. Upon information and belief, the Diocese and St. Joseph's, their agents, servants, and employees, knew that their negligent, reckless, and outrageous conduct would inflict severe emotional and psychological distress, as well as personal physical injury, on others, including R.B., and he did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

371. Upon information and belief, the Diocese and St. Joseph's, their agents, servants, and employees, concealed the sexual abuse of children by priests, school administrators, teachers, religious, and others in order to conceal their own bad acts in failing to protect children from being abused, to protect their reputation, and to prevent victims of such sexual abuse from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that those priests and other persons would continue to molest children.

372. By reason of the wrongful acts of the Diocese and St. Joseph's as detailed herein, R.B. sustained physical and psychological injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and R.B. has and/or will become obligated to expend sums of money for treatment.

#### **IX. STATEMENT OF FACTS AS TO PLAINTIFF GORDON SMITH**

373. Upon information and belief, at all relevant times the Diocese was the owner of St. Patrick's and held itself out to the public as the owner of St. Patrick's.

374. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled St. Patrick's.

375. Upon information and belief, at all relevant times the Diocese employed priests and others who served Catholic families at St. Patrick's, including plaintiff Gordon Smith and his family.

376. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled St. Patrick's, and held out to the public its agents, servants, and employees as those who managed, maintained, operated, and controlled St. Patrick's.

377. Upon information and belief, at all relevant times the Diocese was responsible for the hiring and staffing, and did the hiring and staffing, at St. Patrick's.

378. Upon information and belief, at all relevant times the Diocese was responsible for and did the recruitment and staffing of volunteers at St. Patrick's.

379. Upon information and belief, at all relevant times the Diocese materially benefited from the operation of St. Patrick's, including the services of Father Hatela and Father Starks and the services of those who managed and supervised Father Hatela and Father Starks.

380. Upon information and belief, at all relevant times St. Patrick's owned a parish and church.

381. Upon information and belief, at all relevant times St. Patrick's held itself out to the public as the owner of St. Patrick's.

382. Upon information and belief, at all relevant times St. Patrick's employed priests and others who served Catholic families, including plaintiff Gordon Smith and his family.



383. Upon information and belief, at all relevant times St. Patrick's, its agents, servants, and employees managed, maintained, operated, and controlled St. Patrick's, and held out to the public its agents, servants and employees as those who managed, maintained, operated, and controlled St. Patrick's.

384. Upon information and belief, at all relevant times St. Patrick's was responsible for and did the staffing and hiring at St. Patrick's.

385. Upon information and belief, at all relevant times St. Patrick's was responsible for and did the recruitment and staffing of volunteers at St. Patrick's.

386. Upon information and belief, at all relevant times St. Patrick's materially benefitted from the operation of St. Patrick's, including the services of Father Hatela and Father Starks and the services of those who managed and supervised Father Hatela and Father Starks.

387. Upon information and belief, at all relevant times Father Hatela and Father Starks were priests of the Diocese.

388. Upon information and belief, at all relevant times Father Hatela and Father Starks were on the staff of, acted as agents of, and served as employees of the Diocese.

389. Upon information and belief, at all relevant times Father Hatela and Father Starks were acting in the course and scope of their employment with the Diocese.

390. Upon information and belief, at all relevant times Father Hatela and Father Starks were employed by the Diocese and assigned to St. Patrick's.

391. Upon information and belief, at all relevant times Father Hatela and Father Starks were priests of St. Patrick's.

392. Upon information and belief, at all relevant times Father Hatela and Father Starks were on the staff of, were agents of, and served as employees of St. Patrick's.

393. Upon information and belief, at all relevant times Father Hatela and Father Starks were acting in the course and scope of their employment with St. Patrick's.

394. Upon information and belief, at all relevant times Father Hatela and Father Starks had offices on the premises of St. Patrick's.

395. When plaintiff Gordon Smith was a minor, he and his parents were members of the Diocese and St. Patrick's.

396. At all relevant times, the Diocese and St. Patrick's, their agents, servants, and employees, held Father Hatela and Father Starks out to the public, to Gordon, and to his parents, as their agents and employees.

397. At all relevant times, the Diocese and St. Patrick's, their agents, servants, and employees, held Father Hatela and Father Starks out to the public, to Gordon, and to his parents, as having been vetted, screened, and approved by those defendants.

398. At all relevant times, Gordon and his parents reasonably relied upon the acts and representations of the Diocese and St. Patrick's, their agents, servants, and employees, and reasonably believed that Father Hatela and Father Starks were agents or employees of those defendants who were vetted, screened, and approved by those defendants.

399. At all relevant times, Gordon and his parents trusted Father Hatela and Father Starks because the Diocese and St. Patrick's held them out as individuals who were safe and could be trusted with the supervision, care, custody, and control of Gordon.

400. At all relevant times, Gordon and his parents believed that the Diocese and St. Patrick's would exercise such care as would a parent of ordinary prudence in comparable circumstances when those defendants assumed supervision, care, custody, and control of Gordon.

401. When Gordon was a minor, Father Hatela and Father Starks sexually abused him.

402. Gordon was sexually abused by Father Hatela and Father Starks when he was approximately 14 to 17 years old.

403. Based on the representations of the Diocese and St. Patrick's that Father Hatela and Father Starks were safe and trustworthy, Gordon and his parents allowed Gordon to be under the supervision of, and in the care, custody, and control of, the Diocese and St. Patrick's, including during the times when Gordon was sexually abused by Father Hatela and Father Starks.

404. Based on the representations of the Diocese and St. Patrick's that Father Hatela and Father Starks were safe and trustworthy, Gordon and his parents allowed Gordon to be under the supervision of, and in the care, custody, and control of, Father Hatela and Father Starks, including during the times when Gordon was sexually abused by Father Hatela and Father Starks.

405. Neither Gordon nor his parents would have allowed him to be under the supervision of, or in the care, custody, or control of, the Diocese, St. Patrick's, or Father Hatela and Father Starks if the Diocese or St. Patrick's had disclosed to Gordon or his parents that Father Hatela and Father Starks were not safe and were not trustworthy, and that they in fact posed a danger to Gordon in that Father Hatela and Father Starks were likely to sexually abuse Gordon.

406. No parent of ordinary prudence in comparable circumstances would have allowed Gordon to be under the supervision of, or in the care, custody, or control of, the Diocese, St. Patrick's, or Father Hatela and Father Starks if the Diocese or St. Patrick's had disclosed to Gordon or his parents that Father Hatela and Father Starks were not safe and were not trustworthy, and that they in fact posed a danger to Gordon in that Father Hatela and Father Starks were likely to sexually abuse him.

407. From approximately 1964 through 1968, Father Hatela and Father Starks exploited the trust and authority vested in them by defendants by grooming Gordon to gain his trust and to

obtain control over him as part of Father Hatela and Father Starks's plan to sexually molest and abuse Gordon and other children.

408. Father Hatela and Father Starks used their position of trust and authority as priests of the Diocese and of St. Patrick's to groom Gordon and to sexually abuse him multiple times, including when Gordon was under the supervision of, and in the care, custody, or control of, the Diocese, St. Patrick's, and Father Hatela and Father Starks.

409. At certain times, the sexual abuse of Gordon by Father Hatela and Father Starks occurred at St. Patrick's, including in the sacristy and rectory.

410. At certain times, Father Hatela and Father Starks's sexual abuse of Gordon occurred during activities that were sponsored by, or were a direct result of activities sponsored by, the Diocese and St. Patrick's, including during altar boy training and during the time Gordon served as an altar boy.

411. Upon information and belief, prior to the times mentioned herein, Father Hatela and Father Starks were known sexual abusers of children.

412. Upon information and belief, at all relevant times, defendants, their agents, servants, and employees, knew or should have known that Father Hatela and Father Starks were known sexual abusers of children.

413. Upon information and belief, at all relevant times it was reasonably foreseeable to defendants, their agents, servants, and employees that Father Hatela and Father Starks's sexual abuse of children would likely result in injury to others, including the sexual abuse of Gordon and other children by Father Hatela and Father Starks.

414. Upon information and belief, at certain times between 1964 and 1968, defendants, their agents, servants, and employees knew or should have known that Father Hatela and Father Starks were sexually abusing Gordon and other children at St. Patrick's and elsewhere.

415. Upon information and belief, defendants, their agents, servants, and employees knew or should have known that the sexual abuse by Father Hatela and Father Starks of Gordon was ongoing.

416. Upon information and belief, the Diocese and St. Patrick's, their agents, servants, and employees, knew or should have known that Father Hatela and Father Starks was likely to abuse children, including Gordon. Plaintiff believes the Diocese and St. Patrick's knew or should have known that Gordon was in danger of being sexually abused by Father Starks sexually abused other children in the Diocese before Gordon was abused.

417. Upon information and belief, the Diocese and St. Patrick's, their agents, servants, and employees, knew or should have known before and during Father Hatela and Father Starks's sexual abuse of Gordon that priests and other persons serving the Diocese and St. Patrick's had used their positions with those defendants to groom and to sexually abuse children.

418. Upon information and belief, the Diocese and St. Patrick's, their agents, servants, and employees, knew or should have known before and during Father Hatela and Father Starks's sexual abuse of Gordon that such priests and other persons could not be "cured" through treatment or counseling.

419. Upon information and belief, the Diocese and St. Patrick's, their agents, servants, and employees, concealed the sexual abuse of children by Father Hatela and Father Starks in order to conceal their own bad acts in failing to protect children from them, to protect their reputation, and to prevent victims of such sexual abuse by them from coming forward during the extremely

limited statute of limitations prior to the enactment of the CVA, despite knowing that Father Hatela and Father Starks would continue to molest children.

420. Upon information and belief, the Diocese and St. Patrick's, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Father Hatela and Father Starks would use their positions with the defendants to sexually abuse children, including Gordon.

421. Upon information and belief, the Diocese and St. Patrick's, their agents, servants, and employees, disregarded their knowledge that Father Hatela and Father Starks would use their positions with them to sexually abuse children, including Gordon.

422. Upon information and belief, the Diocese and St. Patrick's, their agents, servants, and employees, acted in concert with each other or with Father Hatela and Father Starks to conceal the danger that Father Hatela and Father Starks posed to children, including Gordon, so that Father Hatela and Father Starks could continue serving them despite their knowledge of that danger.

423. Upon information and belief, the Diocese and St. Patrick's, their agents, servants, and employees, knew that their negligent, reckless, and outrageous conduct would inflict severe emotional and psychological distress, as well as personal physical injury, on others, including Gordon, and he did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

424. Upon information and belief, the Diocese and St. Patrick's, their agents, servants, and employees, concealed the sexual abuse of children by priests and others in order to conceal their own bad acts in failing to protect children from being abused, to protect their reputation, and to prevent victims of such sexual abuse from coming forward during the extremely limited statute

of limitations prior to the enactment of the CVA, despite knowing that those priests and other persons would continue to molest children.

425. By reason of the wrongful acts of the Diocese and St. Patrick's as detailed herein, Gordon sustained physical and psychological injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and Gordon has and/or will become obligated to expend sums of money for treatment.

**X. STATEMENT OF FACTS AS TO PLAINTIFF M.D.**

426. Upon information and belief, at all relevant times the Diocese was the owner of St. Paul's and held itself out to the public as the owner of St. Paul's.

427. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled St. Paul's.

428. Upon information and belief, at all relevant times the Diocese employed priests and other who served Catholic families at St. Paul's, including plaintiff M.D. and her family.

429. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled St. Paul's, and held out to the public its agents, servants, and employees as those who managed, maintained, operated, and controlled St. Paul's.

430. Upon information and belief, at all relevant times the Diocese was responsible for the hiring and staffing, and did the hiring and staffing, at St. Paul's.

431. Upon information and belief, at all relevant times the Diocese was responsible for and did the recruitment and staffing of volunteers at St. Paul's.

432. Upon information and belief, at all relevant times the Diocese materially benefited from the operation of St. Paul's, including the services of Brother Murphy and the services of those who managed and supervised Brother Murphy.

433. Upon information and belief, at all relevant times St. Paul's owned a parish, church, and school.

434. Upon information and belief, at all relevant times St. Paul's held itself out to the public as the owner of St. Paul's.

435. Upon information and belief, at all relevant times St. Paul's employed priests and other who served Catholic families, including plaintiff M.D. and her family.

436. Upon information and belief, at all relevant times St. Paul's, its agents, servants, and employees managed, maintained, operated, and controlled St. Paul's, and held out to the public its agents, servants and employees as those who managed, maintained, operated, and controlled St. Paul's.

437. Upon information and belief, at all relevant times St. Paul's was responsible for and did the staffing and hiring at St. Paul's.

438. Upon information and belief, at all relevant times St. Paul's was responsible for and did the recruitment and staffing of volunteers at St. Paul's.

439. Upon information and belief, at all relevant times St. Paul's materially benefitted from the operation of St. Paul's, including the services of Brother Murphy and the services of those who managed and supervised Brother Murphy.

440. Upon information and belief, at all relevant times Brother Murphy was a religious brother, school administrator, and/or teacher of the Diocese.



441. Upon information and belief, at all relevant times Brother Murphy was on the staff of, acted as an agent of, and served as an employee of the Diocese.

442. Upon information and belief, at all relevant times Brother Murphy was acting in the course and scope of his employment with the Diocese.

443. Upon information and belief, at all relevant times Brother Murphy was employed by the Diocese and assigned to St. Paul's.

444. Upon information and belief, at all relevant times Brother Murphy was a religious brother, school administrator, and/or teacher of St. Paul's.

445. Upon information and belief, at all relevant times Brother Murphy was on the staff of, was an agent of, and served as an employee of St. Paul's.

446. Upon information and belief, at all relevant times Brother Murphy was acting in the course and scope of his employment with St. Paul's.

447. Upon information and belief, at all relevant times Brother Murphy had an office on the premises of St. Paul's.

448. When plaintiff M.D. was a minor, she and her parents were members of the Diocese and M.D. attended St. Paul's.

449. At all relevant times, the Diocese and St. Paul's, their agents, servants, and employees, held Brother Murphy out to the public, to M.D., and to her parents, as their agent and employee.

450. At all relevant times, the Diocese and St. Paul's, their agents, servants, and employees, held Brother Murphy out to the public, to M.D., and to her parents, as having been vetted, screened, and approved by those defendants.

451. At all relevant times, M.D. and her parents reasonably relied upon the acts and representations of the Diocese and St. Paul's, their agents, servants, and employees, and reasonably believed that Brother Murphy was an agent or employee of those defendants who was vetted, screened, and approved by those defendants.

452. At all relevant times, M.D. and her parents trusted Brother Murphy because the Diocese and St. Paul's held him out as someone who was safe and could be trusted with the supervision, care, custody, and control of M.D.

453. At all relevant times, M.D. and her parents believed that the Diocese and St. Paul's would exercise such care as would a parent of ordinary prudence in comparable circumstances when those defendants assumed supervision, care, custody, and control of M.D.

454. When M.D. was a minor, Brother Murphy sexually abused her.

455. M.D. was sexually abused by Brother Murphy when M.D. was approximately 7 to 10 years old.

456. Based on the representations of the Diocese and St. Paul's that Brother Murphy was safe and trustworthy, M.D. and her parents allowed M.D. to be under the supervision of, and in the care, custody, and control of, the Diocese and St. Paul's, including during the times when M.D. was sexually abused by Brother Murphy.

457. Based on the representations of the Diocese and St. Paul's that Brother Murphy was safe and trustworthy, M.D. and her parents allowed M.D. to be under the supervision of, and in the care, custody, and control of, Brother Murphy, including during the times when M.D. was sexually abused by Brother Murphy.

458. Neither M.D. nor her parents would have allowed her to be under the supervision of, or in the care, custody, or control of, the Diocese, St. Paul's, or Brother Murphy if the Diocese

or St. Paul's had disclosed to M.D. or her parents that Brother Murphy was not safe and was not trustworthy, and that he in fact posed a danger to M.D. in that Brother Murphy was likely to sexually abuse M.D.

459. No parent of ordinary prudence in comparable circumstances would have allowed M.D. to be under the supervision of, or in the care, custody, or control of, the Diocese, St. Paul's, or Brother Murphy if the Diocese or St. Paul's had disclosed to M.D. or her parents that Brother Murphy was not safe and was not trustworthy, and that he in fact posed a danger to M.D. in that Brother Murphy was likely to sexually abuse her.

460. From approximately 1964 through 1967, Brother Murphy exploited the trust and authority vested in him by defendants by grooming M.D. to gain her trust and to obtain control over her as part of Brother Murphy's plan to sexually molest and abuse M.D. and other children.

461. Brother Murphy used his position of trust and authority as a religious brother, school administrator, and/or teacher of the Diocese and of St. Paul's to groom M.D. and to sexually abuse her multiple times, including when M.D. was under the supervision of, and in the care, custody, or control of, the Diocese, St. Paul's, and Brother Murphy.

462. At certain times, the sexual abuse of M.D. by Brother Murphy occurred at St. Paul's, including at St. Paul's and Bishop Gibbons High School.

463. At certain times, Brother Murphy's sexual abuse of M.D. occurred during activities that were sponsored by, or were a direct result of activities sponsored by, the Diocese and St. Paul's, including during school hours.

464. Upon information and belief, prior to the times mentioned herein, Brother Murphy was a known sexual abuser of children.

465. Upon information and belief, at all relevant times, defendants, their agents, servants, and employees, knew or should have known that Brother Murphy was a known sexual abuser of children.

466. Upon information and belief, at all relevant times it was reasonably foreseeable to defendants, their agents, servants, and employees that Brother Murphy's sexual abuse of children would likely result in injury to other, including the sexual abuse of M.D. and other children by Brother Murphy.

467. Upon information and belief, at certain times between 1964 and 1967, defendants, their agents, servants, and employees knew or should have known that Brother Murphy was sexually abusing M.D. and other children at St. Paul's and elsewhere.

468. Upon information and belief, defendants, their agents, servants, and employees knew or should have known that the sexual abuse by Brother Murphy of M.D. was ongoing.

469. Upon information and belief, the Diocese and St. Paul's, their agents, servants, and employees, knew or should have known that Brother Murphy was likely to abuse children, including M.D., because M.D. reported her sexual abuse -- while the sexual abuse was ongoing -- to a priest at St. Paul's but nothing was done to protect her or prevent her from being further abused.

470. Upon information and belief, the Diocese and St. Paul's, their agents, servants, and employees, knew or should have known that Brother Murphy was likely to abuse children, including M.D., because M.D. reported the abuse -- while the abuse was ongoing -- to St. Paul's teacher Sister Mary Peter but nothing was done to protect her or prevent her from being further abused. Despite that report, not only did Sister Mary Peter fail to do anything to prevent M.D.

from continuing to be sexually abused by Brother Murphy, but Sister Mary Peter continued to send M.D. to Brother Murphy.

471. Upon information and belief, the Diocese and St. Paul's, their agents, servants, and employees, knew or should have known that Brother Murphy was likely to abuse children, including M.D., because numerous parishioners and students talked openly about the fact that Brother Murphy had sexually abused others before M.D. was abused.

472. Upon information and belief, the Diocese and St. Paul's, their agents, servants, and employees, knew or should have known before and during Brother Murphy's sexual abuse of M.D. that priests, religious brothers, and other persons serving the Diocese and St. Paul's had used their positions with those defendants to groom and to sexually abuse children.

473. Upon information and belief, the Diocese and St. Paul's, their agents, servants, and employees, knew or should have known before and during Brother Murphy's sexual abuse of M.D. that such priests, religious brothers, and other persons could not be "cured" through treatment or counseling.

474. Upon information and belief, the Diocese and St. Paul's, their agents, servants, and employees, concealed the sexual abuse of children by Brother Murphy in order to conceal their own bad acts in failing to protect children from him, to protect their reputation, and to prevent victims of such sexual abuse by him from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that Brother Murphy would continue to molest children.

475. Upon information and belief, the Diocese and St. Paul's, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Brother Murphy would use his position with the defendants to sexually abuse children, including M.D.

476. Upon information and belief, the Diocese and St. Paul's, their agents, servants, and employees, disregarded their knowledge that Brother Murphy would use his position with them to sexually abuse children, including M.D.

477. Upon information and belief, the Diocese and St. Paul's, their agents, servants, and employees, acted in concert with each other or with Brother Murphy to conceal the danger that Brother Murphy posed to children, including M.D., so that Brother Murphy could continue serving them despite their knowledge of that danger.

478. Upon information and belief, the Diocese and St. Paul's, their agents, servants, and employees, knew that their negligent, reckless, and outrageous conduct would inflict severe emotional and psychological distress, as well as personal physical injury, on others, including M.D., and she did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

479. Upon information and belief, the Diocese and St. Paul's, their agents, servants, and employees, concealed the sexual abuse of children by priests, religious brothers, and other in order to conceal their own bad acts in failing to protect children from being abused, to protect their reputation, and to prevent victims of such sexual abuse from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that those priests, religious brothers, and other persons would continue to molest children.

480. By reason of the wrongful acts of the Diocese and St. Paul's as detailed herein, M.D. sustained physical and psychological injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to her nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these

injuries are of a permanent and lasting nature, and M.D. has and/or will become obligated to expend sums of money for treatment.

**XI. STATEMENT OF FACTS AS TO PLAINTIFF TIMOTHY SAWICKI**

481. Upon information and belief, at all relevant times the Diocese was the owner of St. John's and held itself out to the public as the owner of St. John's.

482. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled St. John's.

483. Upon information and belief, at all relevant times the Diocese employed priests and others who served Catholic families at St. John's, including plaintiff Timothy Sawicki and his family.

484. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled St. John's, and held out to the public its agents, servants, and employees as those who managed, maintained, operated, and controlled St. John's.

485. Upon information and belief, at all relevant times the Diocese was responsible for the hiring and staffing, and did the hiring and staffing, at St. John's.

486. Upon information and belief, at all relevant times the Diocese was responsible for and did the recruitment and staffing of volunteers at St. John's.

487. Upon information and belief, at all relevant times the Diocese materially benefited from the operation of St. John's, including the services of Father Jupin and the services of those who managed and supervised Father Jupin.

488. Upon information and belief, at all relevant times St. John's owned a parish and church.

489. Upon information and belief, at all relevant times St. John's held itself out to the public as the owner of St. John's.

490. Upon information and belief, at all relevant times St. John's employed priests and others who served Catholic families, including plaintiff Timothy Sawicki and his family.

491. Upon information and belief, at all relevant times St. John's, its agents, servants, and employees managed, maintained, operated, and controlled St. John's, and held out to the public its agents, servants and employees as those who managed, maintained, operated, and controlled St. John's.

492. Upon information and belief, at all relevant times St. John's was responsible for and did the staffing and hiring at St. John's.

493. Upon information and belief, at all relevant times St. John's was responsible for and did the recruitment and staffing of volunteers at St. John's.

494. Upon information and belief, at all relevant times St. John's materially benefitted from the operation of St. John's, including the services of Father Jupin and the services of those who managed and supervised Father Jupin.

495. Upon information and belief, at all relevant times Father Jupin was a priest of the Diocese.

496. Upon information and belief, at all relevant times Father Jupin was on the staff of, acted as an agent of, and served as an employee of the Diocese.

497. Upon information and belief, at all relevant times Father Jupin was acting in the course and scope of his employment with the Diocese.

498. Upon information and belief, at all relevant times Father Jupin was employed by the Diocese and assigned to St. John's.



499. Upon information and belief, at all relevant times Father Jupin was a priest of St. John's.

500. Upon information and belief, at all relevant times Father Jupin was on the staff of, was an agent of, and served as an employee of St. John's.

501. Upon information and belief, at all relevant times Father Jupin was acting in the course and scope of his employment with St. John's.

502. Upon information and belief, at all relevant times Father Jupin had an office on the premises of St. John's.

503. When plaintiff Timothy Sawicki was a minor, he and his parents were members of the Diocese and St. John's.

504. At all relevant times, the Diocese and St. John's, their agents, servants, and employees, held Father Jupin out to the public, to Timothy, and to his parents, as their agent and employee.

505. At all relevant times, the Diocese and St. John's, their agents, servants, and employees, held Father Jupin out to the public, to Timothy, and to his parents, as having been vetted, screened, and approved by those defendants.

506. At all relevant times, Timothy and his parents reasonably relied upon the acts and representations of the Diocese and St. John's, their agents, servants, and employees, and reasonably believed that Father Jupin was an agent or employee of those defendants who was vetted, screened, and approved by those defendants.

507. At all relevant times, Timothy and his parents trusted Father Jupin because the Diocese and St. John's held him out as someone who was safe and could be trusted with the supervision, care, custody, and control of Timothy.

508. At all relevant times, Timothy and his parents believed that the Diocese and St. John's would exercise such care as would a parent of ordinary prudence in comparable circumstances when those defendants assumed supervision, care, custody, and control of Timothy.

509. When Timothy was a minor, Father Jupin and other priests sexually abused him.

510. Timothy was sexually abused by Father Jupin and the other priests when he was approximately 16 to 17 years old. Father Jupin hosted the other priests at the rectory and introduced them to Timothy, whom they then sexually abused.

511. Based on the representations of the Diocese and St. John's that Father Jupin was safe and trustworthy, Timothy and his parents allowed Timothy to be under the supervision of, and in the care, custody, and control of, the Diocese and St. John's, including during the times when Timothy was sexually abused by Father Jupin.

512. Based on the representations of the Diocese and St. John's that Father Jupin was safe and trustworthy, Timothy and his parents allowed Timothy to be under the supervision of, and in the care, custody, and control of, Father Jupin, including during the times when Timothy was sexually abused by Father Jupin.

513. Neither Timothy nor his parents would have allowed him to be under the supervision of, or in the care, custody, or control of, the Diocese, St. John's, or Father Jupin if the Diocese or St. John's had disclosed to Timothy or his parents that Father Jupin was not safe and was not trustworthy, and that he in fact posed a danger to Timothy in that Father Jupin was likely to sexually abuse Timothy.

514. No parent of ordinary prudence in comparable circumstances would have allowed Timothy to be under the supervision of, or in the care, custody, or control of, the Diocese, St. John's, or Father Jupin if the Diocese or St. John's had disclosed to Timothy or his parents that

Father Jupin was not safe and was not trustworthy, and that he in fact posed a danger to Timothy in that Father Jupin was likely to sexually abuse him.

515. From approximately 1975 through 1977, Father Jupin exploited the trust and authority vested in him by defendants by grooming Timothy to gain his trust and to obtain control over him as part of Father Jupin's plan to sexually molest and abuse Timothy and other children.

516. Father Jupin used his position of trust and authority as a priest of the Diocese and of St. John's to groom Timothy and to sexually abuse him multiple times, including when Timothy was under the supervision of, and in the care, custody, or control of, the Diocese, St. John's, and Father Jupin.

517. At certain times, the sexual abuse of Timothy by Father Jupin and the other priests occurred at St. John's, including in the rectory at St. John's.

518. At certain times, Father Jupin's sexual abuse of Timothy occurred during activities that were sponsored by, or were a direct result of activities sponsored by, the Diocese and St. John's, including when Timothy served as a member of the parish music team and folk band.

519. Upon information and belief, prior to the times mentioned herein, Father Jupin was a known sexual abuser of children.

520. Upon information and belief, at all relevant times, defendants, their agents, servants, and employees, knew or should have known that Father Jupin was a known sexual abuser of children.

521. Upon information and belief, at all relevant times it was reasonably foreseeable to defendants, their agents, servants, and employees that Father Jupin's sexual abuse of children would likely result in injury to others, including the sexual abuse of Timothy and other children by Father Jupin.

522. Upon information and belief, at certain times between 1975 and 1977, defendants, their agents, servants, and employees knew or should have known that Father Jupin was sexually abusing Timothy and other children at St. John's and elsewhere.

523. Upon information and belief, defendants, their agents, servants, and employees knew or should have known that the sexual abuse by Father Jupin of Timothy was ongoing.

524. Upon information and belief, the Diocese and St. John's, their agents, servants, and employees, knew or should have known that Father Jupin was likely to abuse children, including Timothy, because of Father Jupin's well-known and demonstrated affinity for teenage boys and Father Jupin's practice of giving alcohol to teenage boys to the point of intoxication in the rectory and at parties hosted by Father Jupin.

525. Upon further information and belief, the Diocese and St. John's, their agents, servants, and employees, knew or should have known that Father Jupin was likely to abuse children, including Timothy, because other priests of the Diocese and St. John's witnessed the fact that Timothy and other teenage boys were visibly intoxicated in the rectory living quarters and in the rectory dining room.

526. Upon information and belief, the Diocese and St. John's, their agents, servants, and employees, knew or should have known before and during Father Jupin's sexual abuse of Timothy that priests and other persons serving the Diocese and St. John's had used their positions with those defendants to groom and to sexually abuse children.

527. Upon information and belief, the Diocese and St. John's, their agents, servants, and employees, knew or should have known before and during Father Jupin's sexual abuse of Timothy that such priests and other persons could not be "cured" through treatment or counseling.

528. Upon information and belief, the Diocese and St. John's, their agents, servants, and employees, concealed the sexual abuse of children by Father Jupin in order to conceal their own bad acts in failing to protect children from him, to protect their reputation, and to prevent victims of such sexual abuse by him from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that Father Jupin would continue to molest children.

529. Upon information and belief, the Diocese and St. John's, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Father Jupin would use his position with the defendants to sexually abuse children, including Timothy.

530. Upon information and belief, the Diocese and St. John's, their agents, servants, and employees, disregarded their knowledge that Father Jupin would use his position with them to sexually abuse children, including Timothy.

531. Upon information and belief, the Diocese and St. John's, their agents, servants, and employees, acted in concert with each other or with Father Jupin to conceal the danger that Father Jupin posed to children, including Timothy, so that Father Jupin could continue serving them despite their knowledge of that danger.

532. Upon information and belief, the Diocese and St. John's, their agents, servants, and employees, knew that their negligent, reckless, and outrageous conduct would inflict severe emotional and psychological distress, as well as personal physical injury, on others, including Timothy, and he did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

533. Upon information and belief, the Diocese and St. John's, their agents, servants, and employees, concealed the sexual abuse of children by priests and others in order to conceal their

own bad acts in failing to protect children from being abused, to protect their reputation, and to prevent victims of such sexual abuse from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that those priests and other persons would continue to molest children.

534. By reason of the wrongful acts of the Diocese and St. John's as detailed herein, Timothy sustained physical and psychological injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and Timothy has and/or will become obligated to expend sums of money for treatment.

## **XII. STATEMENT OF FACTS AS TO PLAINTIFF MICHAEL HARMON**

535. Upon information and belief, at all relevant times the Diocese was the owner of St. Catherine's and held itself out to the public as the owner of St. Catherine's.

536. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled St. Catherine's.

537. Upon information and belief, at all relevant times the Diocese employed priests and others who served Catholic families at St. Catherine's, including plaintiff Michael Harmon and his family.

538. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled St. Catherine's, and held out to the public its agents, servants, and employees as those who managed, maintained, operated, and controlled St. Catherine's.

539. Upon information and belief, at all relevant times the Diocese was responsible for the hiring and staffing, and did the hiring and staffing, at St. Catherine's.

540. Upon information and belief, at all relevant times the Diocese was responsible for and did the recruitment and staffing of volunteers at St. Catherine's.

541. Upon information and belief, at all relevant times the Diocese materially benefited from the operation of St. Catherine's, including the services of Father Pratt and the services of those who managed and supervised Father Pratt.

542. Upon information and belief, at all relevant times St. Catherine's owned a children's group home.

543. Upon information and belief, at all relevant times St. Catherine's held itself out to the public as the owner of St. Catherine's.

544. Upon information and belief, at all relevant times St. Catherine's employed priests and others who served Catholic families, including plaintiff Michael Harmon and his family.

545. Upon information and belief, at all relevant times St. Catherine's, its agents, servants, and employees managed, maintained, operated, and controlled St. Catherine's, and held out to the public its agents, servants and employees as those who managed, maintained, operated, and controlled St. Catherine's.

546. Upon information and belief, at all relevant times St. Catherine's was responsible for and did the staffing and hiring at St. Catherine's.

547. Upon information and belief, at all relevant times St. Catherine's was responsible for and did the recruitment and staffing of volunteers at St. Catherine's.

548. Upon information and belief, at all relevant times St. Catherine's materially benefitted from the operation of St. Catherine's, including the services of Father Pratt and the services of those who managed and supervised Father Pratt.

549. Upon information and belief, at all relevant times Father Pratt was a priest of the Diocese.

550. Upon information and belief, at all relevant times Father Pratt was on the staff of, acted as an agent of, and served as an employee of the Diocese.

551. Upon information and belief, at all relevant times Father Pratt was acting in the course and scope of his employment with the Diocese.

552. Upon information and belief, at all relevant times Father Pratt was employed by the Diocese and assigned to St. Catherine's.

553. Upon information and belief, at all relevant times Father Pratt was a priest of St. Catherine's.

554. Upon information and belief, at all relevant times Father Pratt was on the staff of, was an agent of, and served as an employee of St. Catherine's.

555. Upon information and belief, at all relevant times Father Pratt was acting in the course and scope of his employment with St. Catherine's.

556. When plaintiff Michael Harmon was a minor, he and his parents were members of the Diocese and utilized the services of St. Catherine's.

557. At all relevant times, the Diocese and St. Catherine's, their agents, servants, and employees, held Father Pratt out to the public, to Michael, and to his parents, as their agent and employee.



558. At all relevant times, the Diocese and St. Catherine's, their agents, servants, and employees, held Father Pratt out to the public, to Michael, and to his parents, as having been vetted, screened, and approved by those defendants.

559. At all relevant times, Michael and his parents reasonably relied upon the acts and representations of the Diocese and St. Catherine's, their agents, servants, and employees, and reasonably believed that Father Pratt was an agent or employee of those defendants who was vetted, screened, and approved by those defendants.

560. At all relevant times, Michael and his parents trusted Father Pratt because the Diocese and St. Catherine's held him out as someone who was safe and could be trusted with the supervision, care, custody, and control of Michael.

561. At all relevant times, Michael and his parents believed that the Diocese and St. Catherine's would exercise such care as would a parent of ordinary prudence in comparable circumstances when those defendants assumed supervision, care, custody, and control of Michael.

562. When Michael was a minor, Father Pratt sexually abused him.

563. Michael was sexually abused by Father Pratt when he was approximately 11 to 15 years old.

564. Based on the representations of the Diocese and St. Catherine's that Father Pratt was safe and trustworthy, Michael and his parents allowed Michael to be under the supervision of, and in the care, custody, and control of, the Diocese and St. Catherine's, including during the times when Michael was sexually abused by Father Pratt.

565. Based on the representations of the Diocese and St. Catherine's that Father Pratt was safe and trustworthy, Michael and his parents allowed Michael to be under the supervision of,

and in the care, custody, and control of, Father Pratt, including during the times when Michael was sexually abused by Father Pratt.

566. Neither Michael nor his parents would have allowed him to be under the supervision of, or in the care, custody, or control of, the Diocese, St. Catherine's, or Father Pratt if the Diocese or St. Catherine's had disclosed to Michael or his parents that Father Pratt was not safe and was not trustworthy, and that he in fact posed a danger to Michael in that Father Pratt was likely to sexually abuse Michael.

567. No parent of ordinary prudence in comparable circumstances would have allowed Michael to be under the supervision of, or in the care, custody, or control of, the Diocese, St. Catherine's, or Father Pratt if the Diocese or St. Catherine's had disclosed to Michael or his parents that Father Pratt was not safe and was not trustworthy, and that he in fact posed a danger to Michael in that Father Pratt was likely to sexually abuse him.

568. From approximately 1980 through 1985, Father Pratt exploited the trust and authority vested in him by defendants by grooming Michael to gain his trust and to obtain control over him as part of Father Pratt's plan to sexually molest and abuse Michael and other children.

569. Father Pratt used his position of trust and authority as a priest of the Diocese and of St. Catherine's to groom Michael and to sexually abuse him multiple times, including when Michael was under the supervision of, and in the care, custody, or control of, the Diocese, St. Catherine's, and Father Pratt.

570. At certain times, the sexual abuse of Michael by Father Pratt occurred at St. Catherine's.

571. Upon information and belief, at certain times, Father Pratt's sexual abuse of Michael occurred during activities that were sponsored by, or were a direct result of activities

sponsored by, the Diocese and St. Catherine's, including when Michael was a resident of St. Catherine's.

572. Upon information and belief, prior to the times mentioned herein, Father Pratt was a known sexual abuser of children.

573. Upon information and belief, at all relevant times, defendants, their agents, servants, and employees, knew or should have known that Father Pratt was a known sexual abuser of children.

574. Upon information and belief, at all relevant times it was reasonably foreseeable to defendants, their agents, servants, and employees that Father Pratt's sexual abuse of children would likely result in injury to others, including the sexual abuse of Michael and other children by Father Pratt.

575. Upon information and belief, at certain times between 1980 and 1985, defendants, their agents, servants, and employees knew or should have known that Father Pratt was sexually abusing Michael and other children at St. Catherine's and elsewhere.

576. Upon information and belief, defendants, their agents, servants, and employees knew or should have known that the sexual abuse by Father Pratt of Michael was ongoing.

577. Upon information and belief, the Diocese and St. Catherine's, their agents, servants, and employees, knew or should have known before and during Father Pratt's sexual abuse of Michael that priests and other persons serving the Diocese and St. Catherine's had used their positions with those defendants to groom and to sexually abuse children.

578. Upon information and belief, the Diocese and St. Catherine's, their agents, servants, and employees, knew or should have known before and during Father Pratt's sexual abuse of Michael that such priests and other persons could not be "cured" through treatment or counseling.

579. Upon information and belief, the Diocese and St. Catherine's, their agents, servants, and employees, concealed the sexual abuse of children by Father Pratt in order to conceal their own bad acts in failing to protect children from him, to protect their reputation, and to prevent victims of such sexual abuse by him from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that Father Pratt would continue to molest children.

580. Upon information and belief, the Diocese and St. Catherine's, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Father Pratt would use his position with the defendants to sexually abuse children, including Michael.

581. Upon information and belief, the Diocese and St. Catherine's, their agents, servants, and employees, disregarded their knowledge that Father Pratt would use his position with them to sexually abuse children, including Michael.

582. Upon information and belief, the Diocese and St. Catherine's, their agents, servants, and employees, acted in concert with each other or with Father Pratt to conceal the danger that Father Pratt posed to children, including Michael, so that Father Pratt could continue serving them despite their knowledge of that danger.

583. Upon information and belief, the Diocese and St. Catherine's, their agents, servants, and employees, knew that their negligent, reckless, and outrageous conduct would inflict severe emotional and psychological distress, as well as personal physical injury, on others, including Michael, and he did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

584. Upon information and belief, the Diocese and St. Catherine's, their agents, servants, and employees, concealed the sexual abuse of children by priests and others in order to conceal

their own bad acts in failing to protect children from being abused, to protect their reputation, and to prevent victims of such sexual abuse from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that those priests and other persons would continue to molest children.

By reason of the wrongful acts of the Diocese and St. Catherine's as detailed herein, Michael sustained physical and psychological injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and Michael has and/or will become obligated to expend sums of money for treatment.

### **XIII. STATEMENT OF FACTS AS TO PLAINTIFF STEVEN NARBON**

585. Upon information and belief, at all relevant times the Diocese was the owner of La Salle and held itself out to the public as the owner of La Salle.

586. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled La Salle.

587. Upon information and belief, at all relevant times the Diocese employed priests, school administrators, teachers, religious, and others who served Catholic families at La Salle, including plaintiff Steven Narbon and his family.

588. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled La Salle, and held out to the public its agents, servants, and employees as those who managed, maintained, operated, and controlled La Salle.

589. Upon information and belief, at all relevant times the Diocese was responsible for the hiring and staffing, and did the hiring and staffing, at La Salle.

590. Upon information and belief, at all relevant times the Diocese was responsible for and did the recruitment and staffing of volunteers at La Salle.

591. Upon information and belief, at all relevant times the Diocese materially benefited from the operation of La Salle, including the services of Father Romano and the services of those who managed and supervised Father Romano.

592. Upon information and belief, at all relevant times La Salle owned a school.

593. Upon information and belief, at all relevant times La Salle held itself out to the public as the owner of La Salle.

594. Upon information and belief, at all relevant times La Salle employed priests, school administrators, teachers, religious, and others who served Catholic families, including plaintiff Steven Narbon and his family.

595. Upon information and belief, at all relevant times La Salle, its agents, servants, and employees managed, maintained, operated, and controlled La Salle, and held out to the public its agents, servants and employees as those who managed, maintained, operated, and controlled La Salle.

596. Upon information and belief, at all relevant times La Salle was responsible for and did the staffing and hiring at La Salle.

597. Upon information and belief, at all relevant times La Salle was responsible for and did the recruitment and staffing of volunteers at La Salle.

598. Upon information and belief, at all relevant times La Salle materially benefitted from the operation of La Salle, including the services of Father Romano and the services of those who managed and supervised Father Romano.

599. Upon information and belief, at all relevant times Father Romano was a priest of the Diocese.

600. Upon information and belief, at all relevant times Father Romano was on the staff of, acted as an agent of, and served as an employee of the Diocese.

601. Upon information and belief, at all relevant times Father Romano was acting in the course and scope of his employment with the Diocese.

602. Upon information and belief, at all relevant times Father Romano was employed by the Diocese and assigned to La Salle.

603. Upon information and belief, at all relevant times Father Romano was a priest of La Salle.

604. Upon information and belief, at all relevant times Father Romano was on the staff of, was an agent of, and served as an employee of La Salle.

605. Upon information and belief, at all relevant times Father Romano was acting in the course and scope of his employment with La Salle.

606. Upon information and belief, at all relevant times Father Romano had an office on the premises of La Salle.

607. When plaintiff Steven Narbon was a minor, he and his parents were members of the Diocese and Steven attended La Salle.

608. At all relevant times, the Diocese and La Salle, their agents, servants, and employees, held Father Romano out to the public, to Steven, and to his parents, as their agent and employee.

609. At all relevant times, the Diocese and La Salle, their agents, servants, and employees, held Father Romano out to the public, to Steven, and to his parents, as having been vetted, screened, and approved by those defendants.

610. At all relevant times, Steven and his parents reasonably relied upon the acts and representations of the Diocese and La Salle, their agents, servants, and employees, and reasonably believed that Father Romano was an agent or employee of those defendants who was vetted, screened, and approved by those defendants.

611. At all relevant times, Steven and his parents trusted Father Romano because the Diocese and La Salle held him out as someone who was safe and could be trusted with the supervision, care, custody, and control of Steven.

612. At all relevant times, Steven and his parents believed that the Diocese and La Salle would exercise such care as would a parent of ordinary prudence in comparable circumstances when those defendants assumed supervision, care, custody, and control of Steven.

613. When Steven was a minor, Father Romano sexually abused him.

614. Steven was sexually abused by Father Romano when he was approximately 15 to 16 years old.

615. Based on the representations of the Diocese and La Salle that Father Romano was safe and trustworthy, Steven and his parents allowed Steven to be under the supervision of, and in the care, custody, and control of, the Diocese and La Salle, including during the times when Steven was sexually abused by Father Romano.



616. Based on the representations of the Diocese and La Salle that Father Romano was safe and trustworthy, Steven and his parents allowed Steven to be under the supervision of, and in the care, custody, and control of, Father Romano, including during the times when Steven was sexually abused by Father Romano.

617. Neither Steven nor his parents would have allowed him to be under the supervision of, or in the care, custody, or control of, the Diocese, La Salle, or Father Romano if the Diocese or La Salle had disclosed to Steven or his parents that Father Romano was not safe and was not trustworthy, and that he in fact posed a danger to Steven in that Father Romano was likely to sexually abuse Steven.

618. No parent of ordinary prudence in comparable circumstances would have allowed Steven to be under the supervision of, or in the care, custody, or control of, the Diocese, La Salle, or Father Romano if the Diocese or La Salle had disclosed to Steven or his parents that Father Romano was not safe and was not trustworthy, and that he in fact posed a danger to Steven in that Father Romano was likely to sexually abuse him.

619. From approximately 1980 through 1981, Father Romano exploited the trust and authority vested in him by defendants by grooming Steven to gain his trust and to obtain control over him as part of Father Romano's plan to sexually molest and abuse Steven and other children.

620. Father Romano used his position of trust and authority as a priest of the Diocese and of La Salle to groom Steven and to sexually abuse him multiple times, including when Steven was under the supervision of, and in the care, custody, or control of, the Diocese, La Salle, and Father Romano.

621. At certain times, the sexual abuse of Steven by Father Romano occurred at La Salle, including in Father Romano's apartment, which was part of rectory housing where Father Romano lived while he was providing services to the Diocese and La Salle.

622. Upon information and belief, the Diocese and La Salle owned this housing and they allowed Father Romano to live there as a benefit of his employment by those defendants.

623. At certain times, Father Romano's sexual abuse of Steven occurred during activities that were sponsored by, or were a direct result of activities sponsored by, the Diocese and La Salle, including during the time when he was a student at La Salle.

624. Upon information and belief, prior to the times mentioned herein, Father Romano was a known sexual abuser of children.

625. Upon information and belief, at all relevant times, defendants, their agents, servants, and employees, knew or should have known that Father Romano was a known sexual abuser of children.

626. Upon information and belief, at all relevant times it was reasonably foreseeable to defendants, their agents, servants, and employees that Father Romano's sexual abuse of children would likely result in injury to others, including the sexual abuse of Steven and other children by Father Romano.

627. Upon information and belief, at certain times between 1980 and 1981, defendants, their agents, servants, and employees knew or should have known that Father Romano was sexually abusing Steven and other children at La Salle and elsewhere.

628. Upon information and belief, defendants, their agents, servants, and employees knew or should have known that the sexual abuse by Father Romano of Steven was ongoing.

629. Upon information and belief, the Diocese and La Salle, their agents, servants, and employees, knew or should have known that Father Romano was likely to abuse children, including Steven, because Father Romano sexually abused other children in the Albany Diocese well before Steven was abused.

630. Upon information and belief, the Diocese and La Salle, their agents, servants, and employees, knew or should have known before and during Father Romano's sexual abuse of Steven that priests and other persons serving the Diocese and La Salle had used their positions with those defendants to groom and to sexually abuse children.

631. Upon information and belief, the Diocese and La Salle, their agents, servants, and employees, knew or should have known before and during Father Romano's sexual abuse of Steven that such priests and other persons could not be "cured" through treatment or counseling.

632. Upon information and belief, the Diocese and La Salle, their agents, servants, and employees, concealed the sexual abuse of children by Father Romano in order to conceal their own bad acts in failing to protect children from him, to protect their reputation, and to prevent victims of such sexual abuse by him from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that Father Romano would continue to molest children.

633. Upon information and belief, the Diocese and La Salle, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Father Romano would use his position with the defendants to sexually abuse children, including Steven.

634. Upon information and belief, the Diocese and La Salle, their agents, servants, and employees, disregarded their knowledge that Father Romano would use his position with them to sexually abuse children, including Steven.

635. Upon information and belief, the Diocese and La Salle, their agents, servants, and employees, acted in concert with each other or with Father Romano to conceal the danger that Father Romano posed to children, including Steven, so that Father Romano could continue serving them despite their knowledge of that danger.

636. Upon information and belief, the Diocese and La Salle, their agents, servants, and employees, knew that their negligent, reckless, and outrageous conduct would inflict severe emotional and psychological distress, as well as personal physical injury, on others, including Steven, and he did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

637. Upon information and belief, the Diocese and La Salle, their agents, servants, and employees, concealed the sexual abuse of children by priests, school administrators, teachers, religious, and others in order to conceal their own bad acts in failing to protect children from being abused, to protect their reputation, and to prevent victims of such sexual abuse from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that those priests and other persons would continue to molest children.

638. By reason of the wrongful acts of the Diocese and La Salle as detailed herein, Steven sustained physical and psychological injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and Steven has and/or will become obligated to expend sums of money for treatment.

**XIV. STATEMENT OF FACTS AS TO PLAINTIFF P.R.**

639. Upon information and belief, at all relevant times the Diocese was the owner of St. Mary's and held itself out to the public as the owner of St. Mary's.

640. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled St. Mary's.

641. Upon information and belief, at all relevant times the Diocese employed priests and others who served Catholic families at St. Mary's, including plaintiff P.R. and his family.

642. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled St. Mary's, and held out to the public its agents, servants, and employees as those who managed, maintained, operated, and controlled St. Mary's.

643. Upon information and belief, at all relevant times the Diocese was responsible for the hiring and staffing, and did the hiring and staffing, at St. Mary's.

644. Upon information and belief, at all relevant times the Diocese was responsible for and did the recruitment and staffing of volunteers at St. Mary's.

645. Upon information and belief, at all relevant times the Diocese materially benefited from the operation of St. Mary's, including the services of Father Bondi and the services of those who managed and supervised Father Bondi.

646. Upon information and belief, at all relevant times the Diocese materially benefited from the services of Bishop Hubbard and the services of those who managed and supervised Bishop Hubbard.

647. Upon information and belief, at all relevant times St. Mary's owned a parish and church.

648. Upon information and belief, at all relevant times St. Mary's held itself out to the public as the owner of St. Mary's.

649. Upon information and belief, at all relevant times St. Mary's employed priests and others who served Catholic families, including plaintiff P.R. and his family.

650. Upon information and belief, at all relevant times St. Mary's, its agents, servants, and employees managed, maintained, operated, and controlled St. Mary's, and held out to the public its agents, servants and employees as those who managed, maintained, operated, and controlled St. Mary's.

651. Upon information and belief, at all relevant times St. Mary's was responsible for and did the staffing and hiring at St. Mary's.

652. Upon information and belief, at all relevant times St. Mary's was responsible for and did the recruitment and staffing of volunteers at St. Mary's.

653. Upon information and belief, at all relevant times St. Mary's materially benefitted from the operation of St. Mary's, including the services of Father Bondi and Bishop Hubbard and the services of those who managed and supervised Father Bondi and Bishop Hubbard.

654. Upon information and belief, at all relevant times Father Bondi and Bishop Hubbard were priests of the Diocese.

655. Upon information and belief, at all relevant times Father Bondi and Bishop Hubbard were on the staff of, acted as an agent of, and served as an employee of the Diocese.

656. Upon information and belief, at all relevant times Father Bondi and Bishop Hubbard were acting in the course and scope of their employment with the Diocese.

657. Upon information and belief, at all relevant times Father Bondi and Bishop Hubbard were employed by the Diocese and Father Bondi was assigned to St. Mary's.

658. Upon information and belief, at all relevant times Father Bondi was a priest of St. Mary's.

659. Upon information and belief, at all relevant times Father Bondi was on the staff of, was an agent of, and served as an employee of St. Mary's.

660. Upon information and belief, at all relevant times Father Bondi was acting in the course and scope of his employment with St. Mary's.

661. Upon information and belief, at all relevant times Father Bondi and Bishop Hubbard had an office on the premises of St. Mary's.

662. Upon information and belief, at all relevant times Bishop Hubbard had an office on the premises of the Diocese.

663. When plaintiff P.R. was a minor, he and his parents were members of the Diocese and St. Mary's.

664. At all relevant times, the Diocese and St. Mary's, their agents, servants, and employees, held Father Bondi and Bishop Hubbard out to the public, to P.R., and to his parents, as their agents and employees.

665. At all relevant times, the Diocese and St. Mary's, their agents, servants, and employees, held Father Bondi and Bishop Hubbard out to the public, to P.R., and to his parents, as having been vetted, screened, and approved by those defendants.

666. At all relevant times, P.R. and his parents reasonably relied upon the acts and representations of the Diocese and St. Mary's, their agents, servants, and employees, and reasonably believed that Father Bondi and Bishop Hubbard were an agent or employee of those defendants who were vetted, screened, and approved by those defendants.

667. At all relevant times, P.R. and his parents trusted Father Bondi and Bishop Hubbard because the Diocese and St. Mary's held them out as individuals who were safe and could be trusted with the supervision, care, custody, and control of P.R.

668. At all relevant times, P.R. and his parents believed that the Diocese and St. Mary's would exercise such care as would a parent of ordinary prudence in comparable circumstances when those defendants assumed supervision, care, custody, and control of P.R.

669. When P.R. was a minor, Father Bondi and Bishop Hubbard sexually abused him.

670. P.R. was sexually abused by Father Bondi when P.R. was approximately 12 to 15 years old.

671. P.R. was sexually abused by Bishop Hubbard when P.R. was approximately 16 years old.

672. Based on the representations of the Diocese and St. Mary's that Father Bondi and Bishop Hubbard were safe and trustworthy, P.R. and his parents allowed P.R. to be under the supervision of, and in the care, custody, and control of, the Diocese and St. Mary's, including during the times when P.R. was sexually abused by Father Bondi and Bishop Hubbard.

673. Based on the representations of the Diocese and St. Mary's that Father Bondi and Bishop Hubbard were safe and trustworthy, P.R. and his parents allowed P.R. to be under the supervision of, and in the care, custody, and control of, Father Bondi and Bishop Hubbard, including during the times when P.R. was sexually abused by Father Bondi and Bishop Hubbard.

674. Neither P.R. nor his parents would have allowed him to be under the supervision of, or in the care, custody, or control of, the Diocese, St. Mary's, or Father Bondi and Bishop Hubbard if the Diocese or St. Mary's had disclosed to P.R. or his parents that Father Bondi and



Bishop Hubbard were not safe and were not trustworthy, and that they in fact posed a danger to P.R. in that Father Bondi and Bishop Hubbard were likely to sexually abuse P.R.

675. No parent of ordinary prudence in comparable circumstances would have allowed P.R. to be under the supervision of, or in the care, custody, or control of, the Diocese, St. Mary's, or Father Bondi and Bishop Hubbard if the Diocese or St. Mary's had disclosed to P.R. or his parents that Father Bondi and Bishop Hubbard were not safe and were not trustworthy, and that they in fact posed a danger to P.R. in that Father Bondi and Bishop Hubbard were likely to sexually abuse him.

676. From approximately 1994 through 1998, Father Bondi and Bishop Hubbard exploited the trust and authority vested in them by defendants by grooming P.R. to gain his trust and to obtain control over him as part of Father Bondi and Bishop Hubbard's plan to sexually molest and abuse P.R. and other children.

677. Father Bondi and Bishop Hubbard used their position of trust and authority as priests of the Diocese and of St. Mary's to groom P.R. and to sexually abuse him multiple times, including when P.R. was under the supervision of, and in the care, custody, or control of, the Diocese, St. Mary's, and Father Bondi and Bishop Hubbard.

678. The sexual abuse of P.R. by Father Bondi and Bishop Hubbard occurred at St. Mary's, including in a room off of the sacristy.

679. At certain times, Father Bondi and Bishop Hubbard's sexual abuse of P.R. occurred during activities that were sponsored by, or were a direct result of activities sponsored by, the Diocese and St. Mary's, including when P.R. served as an altar boy.

680. Upon information and belief, prior to the times mentioned herein, Father Bondi and Bishop Hubbard were known sexual abusers of children.

681. Upon information and belief, at all relevant times, defendants, their agents, servants, and employees, knew or should have known that Father Bondi and Bishop Hubbard were known sexual abusers of children.

682. Upon information and belief, at all relevant times it was reasonably foreseeable to defendants, their agents, servants, and employees that Father Bondi and Bishop Hubbard's sexual abuse of children would likely result in injury to others, including the sexual abuse of P.R. and other children by Father Bondi and Bishop Hubbard.

683. Upon information and belief, at certain times between 1994 and 1998, defendants, their agents, servants, and employees knew or should have known that Father Bondi and Bishop Hubbard were sexually abusing P.R. and other children at St. Mary's and elsewhere.

684. Upon information and belief, defendants, their agents, servants, and employees knew or should have known that the sexual abuse by Father Bondi and Bishop Hubbard of P.R. was ongoing.

685. Upon information and belief, the Diocese and St. Mary's, their agents, servants, and employees, knew or should have known before and during Father Bondi and Bishop Hubbard's sexual abuse of P.R. that priests and other persons serving the Diocese and St. Mary's had used their positions with those defendants to groom and to sexually abuse children.

686. Upon information and belief, the Diocese and St. Mary's, their agents, servants, and employees, knew or should have known before and during Father Bondi and Bishop Hubbard's sexual abuse of P.R. that such priests and other persons could not be "cured" through treatment or counseling.

687. Upon information and belief, the Diocese and St. Mary's, their agents, servants, and employees, concealed the sexual abuse of children by Father Bondi and Bishop Hubbard in

order to conceal their own bad acts in failing to protect children from them, to protect their reputation, and to prevent victims of such sexual abuse by them from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that Father Bondi and Bishop Hubbard would continue to molest children.

688. Upon information and belief, the Diocese and St. Mary's, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Father Bondi and Bishop Hubbard would use their positions with the defendants to sexually abuse children, including P.R.

689. Upon information and belief, the Diocese and St. Mary's, their agents, servants, and employees, disregarded their knowledge that Father Bondi and Bishop Hubbard would use their positions with them to sexually abuse children, including P.R.

690. Upon information and belief, the Diocese and St. Mary's, their agents, servants, and employees, acted in concert with each other or with Father Bondi and Bishop Hubbard to conceal the danger that Father Bondi and Bishop Hubbard posed to children, including P.R., so that Father Bondi and Bishop Hubbard could continue serving them despite their knowledge of that danger.

691. Upon information and belief, the Diocese and St. Mary's, their agents, servants, and employees, knew that their negligent, reckless, and outrageous conduct would inflict severe emotional and psychological distress, as well as personal physical injury, on others, including P.R., and he did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

692. Upon information and belief, the Diocese and St. Mary's, their agents, servants, and employees, concealed the sexual abuse of children by priests and others in order to conceal

their own bad acts in failing to protect children from being abused, to protect their reputation, and to prevent victims of such sexual abuse from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that those priests and other persons would continue to molest children.

693. By reason of the wrongful acts of the Diocese and St. Mary's as detailed herein, P.R. sustained physical and psychological injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and P.R. has and/or will become obligated to expend sums of money for treatment.

**XV. CAUSES OF ACTION AS TO PLAINTIFF R.P.**

**A. FIRST CAUSE OF ACTION – NEGLIGENCE**

694. Plaintiff R.P. repeats and re-alleges all of his allegations above and below.

695. The Diocese and St. Adalbert's had a duty to take reasonable steps to protect plaintiff R.P., a child, from foreseeable harm when he was under their supervision and in their care, custody, and control.

696. The Diocese and St. Adalbert's also had a duty to take reasonable steps to prevent Father Guzielek from using the tasks, premises, and instrumentalities of his position with the defendants to target, groom, and sexually abuse children, including R.P.

697. The Diocese and St. Adalbert's were supervising R.P., and had care, custody, and control of R.P., when he served as an altar boy, when he worked at the parish ringing the morning bells, and at other times, during which time those defendants had a duty to take reasonable steps to protect him.

698. These circumstances created a special relationship between the Diocese and R.P., and between St. Adalbert's and R.P., which imposed on each of those defendants a duty to exercise the degree of care of a parent of ordinary prudence in comparable circumstances.

699. The Diocese and St. Adalbert's breached each of the foregoing duties by failing to exercise reasonable care to prevent Father Guzielek from harming R.P., including sexually abusing him.

700. In breaching their duties, including hiring, retaining, and failing to supervise Father Guzielek, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn R.P., his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for R.P. and other children who were under their supervision and in their care, custody, and control, the Diocese and St. Adalbert's created a risk that R.P. would be sexually abused by Father Guzielek. The Diocese and St. Adalbert's through their actions and inactions created an environment that placed R.P. in danger of unreasonable risks of harm under the circumstances.

701. In breaching their duties, including hiring, retaining, and failing to supervise Father Guzielek, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn R.P., his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for R.P. and other children who were under their supervision and in their care, custody, and control, the Diocese and St. Adalbert's acted willfully and with conscious disregard for the need to protect R.P. The Diocese and St.

Adalbert's through their actions and inactions created an environment that placed R.P. in danger of unreasonable risks of harm under the circumstances.

702. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of R.P.

703. As a direct and proximate result of the acts and omissions of the Diocese and St. Adalbert's, Father Guzielek groomed and sexually abused R.P., which has caused R.P. to suffer general and special damages as more fully described herein.

**B. SECOND CAUSE OF ACTION – OUTRAGE AND INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

704. Plaintiff R.P. repeats and re-alleges all of his allegations above and below.

705. The Diocese and St. Adalbert's engaged in reckless, extreme, and outrageous conduct by providing Father Guzielek with access to children, including plaintiff R.P., despite knowing that he would likely use his position to groom and to sexually abuse them, including R.P. Their misconduct was so shocking and outrageous that it exceeds the reasonable bounds of decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard by them of the consequences that would follow.

706. As a result of this reckless, extreme, and outrageous conduct, Father Guzielek gained access to R.P. and sexually abused him.

707. The Diocese and St. Adalbert's knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and R.P. did in fact suffer severe emotional and psychological distress and personal physical injury as a result, including severe mental anguish, humiliation and emotional and physical distress.

**XVI. CAUSES OF ACTION AS TO PLAINTIFF MICHAEL EDIE****A. FIRST CAUSE OF ACTION – NEGLIGENCE**

708. Plaintiff Michael Edie repeats and re-alleges all of his allegations above and below.

709. The Diocese and St. Mary's had a duty to take reasonable steps to protect plaintiff Michael Edie, a child, from foreseeable harm when he was under their supervision and in their care, custody, and control.

710. The Diocese and St. Mary's also had a duty to take reasonable steps to prevent Mr. LaFarr from using the tasks, premises, and instrumentalities of his position with the defendants to target, groom, and sexually abuse children, including Michael.

711. The Diocese and St. Mary's were supervising Michael, and had care, custody, and control of Michael, when he was a student at St. Mary's, when he was participating in school-sponsored music lessons, and at other times, during which time those defendants had a duty to take reasonable steps to protect him.

712. These circumstances created a special relationship between the Diocese and Michael, and between St. Mary's and Michael, which imposed on each of those defendants a duty to exercise the degree of care of a parent of ordinary prudence in comparable circumstances.

713. The Diocese and St. Mary's breached each of the foregoing duties by failing to exercise reasonable care to prevent Mr. LaFarr from harming Michael, including sexually abusing him.

714. In breaching their duties, including hiring, retaining, and failing to supervise Mr. LaFarr, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn Michael, his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for Michael and other children

who were under their supervision and in their care, custody, and control, the Diocese and St. Mary's created a risk that Michael would be sexually abused by Mr. LaFarr. The Diocese and St. Mary's through their actions and inactions created an environment that placed Michael in danger of unreasonable risks of harm under the circumstances.

715. In breaching their duties, including hiring, retaining, and failing to supervise Mr. LaFarr, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn Michael, his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for Michael and other children who were under their supervision and in their care, custody, and control, the Diocese and St. Mary's acted willfully and with conscious disregard for the need to protect Michael. The Diocese and St. Mary's through their actions and inactions created an environment that placed Michael in danger of unreasonable risks of harm under the circumstances.

716. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of Michael.

717. As a direct and proximate result of the acts and omissions of the Diocese and St. Mary's, Mr. LaFarr groomed and sexually abused Michael, which has caused Michael to suffer general and special damages as more fully described herein.

**B. SECOND CAUSE OF ACTION – OUTRAGE AND INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

718. Plaintiff Michael Edie repeats and re-alleges all of his allegations above and below.

719. The Diocese and St. Mary's engaged in reckless, extreme, and outrageous conduct by providing Mr. LaFarr with access to children, including plaintiff Michael Edie, despite knowing that he would likely use his position to groom and to sexually abuse them, including Michael.



Their misconduct was so shocking and outrageous that it exceeds the reasonable bounds of decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard by them of the consequences that would follow.

720. As a result of this reckless, extreme, and outrageous conduct, Mr. LaFarr gained access to Michael and sexually abused him.

721. The Diocese and St. Mary's knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and Michael did in fact suffer severe emotional and psychological distress and personal physical injury as a result, including severe mental anguish, humiliation and emotional and physical distress.

## **XVII. CAUSES OF ACTION AS TO PLAINTIFF E.B.M.**

### **A. FIRST CAUSE OF ACTION – NEGLIGENCE**

722. Plaintiff E.B.M. repeats and re-alleges all of his allegations above and below.

723. The Diocese and Camp Tekakwitha had a duty to take reasonable steps to protect plaintiff E.B.M., a child, from foreseeable harm when he was under their supervision and in their care, custody, and control.

724. The Diocese and Camp Tekakwitha also had a duty to take reasonable steps to prevent Father DeLuca from using the tasks, premises, and instrumentalities of his position with the defendants to target, groom, and sexually abuse children, including E.B.M.

725. The Diocese and Camp Tekakwitha were supervising E.B.M., and had care, custody, and control of E.B.M., when he was a camper at Camp Tekakwitha, during which time those defendants had a duty to take reasonable steps to protect him.

726. These circumstances created a special relationship between the Diocese and E.B.M., and between Camp Tekakwitha and E.B.M., which imposed on each of those defendants a duty to exercise the degree of care of a parent of ordinary prudence in comparable circumstances.

727. The Diocese and Camp Tekakwitha breached each of the foregoing duties by failing to exercise reasonable care to prevent Father DeLuca from harming E.B.M., including sexually abusing him.

728. In breaching their duties, including hiring, retaining, and failing to supervise Father DeLuca, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn E.B.M., his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for E.B.M. and other children who were under their supervision and in their care, custody, and control, the Diocese and Camp Tekakwitha created a risk that E.B.M. would be sexually abused by Father DeLuca. The Diocese and Camp Tekakwitha through their actions and inactions created an environment that placed E.B.M. in danger of unreasonable risks of harm under the circumstances.

729. In breaching their duties, including hiring, retaining, and failing to supervise Father DeLuca, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn E.B.M., his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for E.B.M. and other children who were under their supervision and in their care, custody, and control, the Diocese and Camp Tekakwitha acted willfully and with conscious disregard for the need to protect E.B.M. The

Diocese and Camp Tekakwitha through their actions and inactions created an environment that placed E.B.M. in danger of unreasonable risks of harm under the circumstances.

730. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of E.B.M.

731. As a direct and proximate result of the acts and omissions of the Diocese and Camp Tekakwitha, Father DeLuca groomed and sexually abused E.B.M., which has caused E.B.M. to suffer general and special damages as more fully described herein.

**B. SECOND CAUSE OF ACTION – OUTRAGE AND INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

732. Plaintiff E.B.M. repeats and re-alleges all of his allegations above and below.

733. The Diocese and Camp Tekakwitha engaged in reckless, extreme, and outrageous conduct by providing Father DeLuca with access to children, including plaintiff E.B.M., despite knowing that he would likely use his position to groom and to sexually abuse them, including E.B.M. Their misconduct was so shocking and outrageous that it exceeds the reasonable bounds of decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard by them of the consequences that would follow.

734. As a result of this reckless, extreme, and outrageous conduct, Father DeLuca gained access to E.B.M. and sexually abused him.

735. The Diocese and Camp Tekakwitha knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and E.B.M. did in fact suffer severe emotional and psychological distress and personal physical injury as a result, including severe mental anguish, humiliation and emotional and physical distress.

**XVIII. CAUSES OF ACTION AS TO PLAINTIFF R.B.****A. FIRST CAUSE OF ACTION – NEGLIGENCE**

736. Plaintiff R.B. repeats and re-alleges all of his allegations above and below.

737. The Diocese and St. Joseph's had a duty to take reasonable steps to protect plaintiff R.B., a child, from foreseeable harm when he was under their supervision and in their care, custody, and control.

738. The Diocese and St. Joseph's also had a duty to take reasonable steps to prevent Father Klebauskas from using the tasks, premises, and instrumentalities of his position with the defendants to target, groom, and sexually abuse children, including R.B.,

739. The Diocese and St. Joseph's were supervising R.B., and had care, custody, and control of R.B., when he stayed overnight in the rectory and at other times, during which time those defendants had a duty to take reasonable steps to protect him.

740. These circumstances created a special relationship between the Diocese and R.B., and between St. Joseph's and R.B., which imposed on each of those defendants a duty to exercise the degree of care of a parent of ordinary prudence in comparable circumstances.

741. The Diocese and St. Joseph's breached each of the foregoing duties by failing to exercise reasonable care to prevent Father Klebauskas from harming R.B., including sexually abusing him.

742. In breaching their duties, including hiring, retaining, and failing to supervise Father Klebauskas, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn R.B., his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for R.B. and other children who were under their supervision and in their care, custody, and control, the Diocese and St. Joseph's

created a risk that R.B. would be sexually abused by Father Klebauskas. The Diocese and St. Joseph's through their actions and inactions created an environment that placed R.B. in danger of unreasonable risks of harm under the circumstances.

743. In breaching their duties, including hiring, retaining, and failing to supervise Father Klebauskas, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn R.B., his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for R.B. and other children who were under their supervision and in their care, custody, and control, the Diocese and St. Joseph's acted willfully and with conscious disregard for the need to protect R.B. The Diocese and St. Joseph's through their actions and inactions created an environment that placed R.B. in danger of unreasonable risks of harm under the circumstances.

744. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of R.B.

745. As a direct and proximate result of the acts and omissions of the Diocese and St. Joseph's, Father Klebauskas groomed and sexually abused R.B., which has caused R.B. to suffer general and special damages as more fully described herein.

**B. SECOND CAUSE OF ACTION – OUTRAGE AND INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

746. Plaintiff R.B. repeats and re-alleges all of his allegations above and below.

747. The Diocese and St. Joseph's engaged in reckless, extreme, and outrageous conduct by providing Father Klebauskas with access to children, including plaintiff R.B., despite knowing that he would likely use his position to groom and to sexually abuse them, including R.B.. Their misconduct was so shocking and outrageous that it exceeds the reasonable bounds of decency as

measured by what the average member of the community would tolerate and demonstrates an utter disregard by them of the consequences that would follow.

748. As a result of this reckless, extreme, and outrageous conduct, Father Klebauskas gained access to R.B. and sexually abused him.

749. The Diocese and St. Joseph's knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and R.B. did in fact suffer severe emotional and psychological distress and personal physical injury as a result, including severe mental anguish, humiliation and emotional and physical distress.

#### **XIX. CAUSES OF ACTION AS TO PLAINTIFF GORDON SMITH**

##### **A. FIRST CAUSE OF ACTION – NEGLIGENCE**

750. Plaintiff Gordon Smith repeats and re-alleges all of his allegations above and below.

751. The Diocese and St. Patrick's had a duty to take reasonable steps to protect plaintiff Gordon Smith, a child, from foreseeable harm when he was under their supervision and in their care, custody, and control.

752. The Diocese and St. Patrick's also had a duty to take reasonable steps to prevent Father Hatela and Father Starks from using the tasks, premises, and instrumentalities of their positions with the defendants to target, groom, and sexually abuse children, including Gordon.

753. The Diocese and St. Patrick's were supervising Gordon, and had care, custody, and control of Gordon, when he served as an altar boy and at other times, during which time those defendants had a duty to take reasonable steps to protect him.

754. These circumstances created a special relationship between the Diocese and Gordon, and between St. Patrick's and Gordon, which imposed on each of those defendants a duty to exercise the degree of care of a parent of ordinary prudence in comparable circumstances.

755. The Diocese and St. Patrick's breached each of the foregoing duties by failing to exercise reasonable care to prevent Father Hatela and Father Starks from harming Gordon, including sexually abusing him.

756. In breaching their duties, including hiring, retaining, and failing to supervise Father Hatela and Father Starks, giving them access to children, entrusting their tasks, premises, and instrumentalities to them, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn Gordon, his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for Gordon and other children who were under their supervision and in their care, custody, and control, the Diocese and St. Patrick's created a risk that Gordon would be sexually abused by Father Hatela and Father Starks. The Diocese and St. Patrick's through their actions and inactions created an environment that placed Gordon in danger of unreasonable risks of harm under the circumstances.

757. In breaching their duties, including hiring, retaining, and failing to supervise Father Hatela and Father Starks, giving them access to children, entrusting their tasks, premises, and instrumentalities to them, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn Gordon, his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for Gordon and other children who were under their supervision and in their care, custody, and control, the Diocese and St. Patrick's acted willfully and with conscious disregard for the need to protect Gordon. The Diocese and St. Patrick's through their actions and inactions created an environment that placed Gordon in danger of unreasonable risks of harm under the circumstances.

758. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of Gordon.

759. As a direct and proximate result of the acts and omissions of the Diocese and St. Patrick's, Father Hatela and Father Starks groomed and sexually abused Gordon, which has caused Gordon to suffer general and special damages as more fully described herein.

**B. SECOND CAUSE OF ACTION – OUTRAGE AND INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

760. Plaintiff Gordon Smith repeats and re-alleges all of his allegations above and below.

761. The Diocese and St. Patrick's engaged in reckless, extreme, and outrageous conduct by providing Father Hatela and Father Starks with access to children, including plaintiff Gordon Smith, despite knowing that they would likely use their position to groom and to sexually abuse them, including Gordon. Their misconduct was so shocking and outrageous that it exceeds the reasonable bounds of decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard by them of the consequences that would follow.

762. As a result of this reckless, extreme, and outrageous conduct, Father Hatela and Father Starks gained access to Gordon and sexually abused him.

763. The Diocese and St. Patrick's knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and Gordon did in fact suffer severe emotional and psychological distress and personal physical injury as a result, including severe mental anguish, humiliation and emotional and physical distress.

**XX. CAUSES OF ACTION AS TO PLAINTIFF M.D.**

**A. FIRST CAUSE OF ACTION – NEGLIGENCE**

764. Plaintiff M.D. repeats and re-alleges all of her allegations above and below.



765. The Diocese and St. Paul's had a duty to take reasonable steps to protect plaintiff M.D., a child, from foreseeable harm when she was under their supervision and in their care, custody, and control.

766. The Diocese and St. Paul's also had a duty to take reasonable steps to prevent Brother Murphy from using the tasks, premises, and instrumentalities of his position with the defendants to target, groom, and sexually abuse children, including M.D.

767. The Diocese and St. Paul's were supervising M.D., and had care, custody, and control of M.D., when she was enrolled as a student at St. Paul's and at other times, during which time those defendants had a duty to take reasonable steps to protect her.

768. These circumstances created a special relationship between the Diocese and M.D., and between St. Paul's and M.D., which imposed on each of those defendants a duty to exercise the degree of care of a parent of ordinary prudence in comparable circumstances.

769. The Diocese and St. Paul's breached each of the foregoing duties by failing to exercise reasonable care to prevent Brother Murphy from harming M.D., including sexually abusing her.

770. In breaching their duties, including hiring, retaining, and failing to supervise Brother Murphy, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn M.D., her parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for M.D. and other children who were under their supervision and in their care, custody, and control, the Diocese and St. Paul's created a risk that M.D. would be sexually abused by Brother Murphy. The

Diocese and St. Paul's through their actions and inactions created an environment that placed M.D. in danger of unreasonable risks of harm under the circumstances.

771. In breaching their duties, including hiring, retaining, and failing to supervise Brother Murphy, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn M.D., her parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for M.D. and other children who were under their supervision and in their care, custody, and control, the Diocese and St. Paul's acted willfully and with conscious disregard for the need to protect M.D. The Diocese and St. Paul's through their actions and inactions created an environment that placed M.D. in danger of unreasonable risks of harm under the circumstances.

772. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of M.D.

773. As a direct and proximate result of the acts and omissions of the Diocese and St. Paul's, Brother Murphy groomed and sexually abused M.D., which has caused M.D. to suffer general and special damages as more fully described herein.

**B. SECOND CAUSE OF ACTION – OUTRAGE AND INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

774. Plaintiff M.D. repeats and re-alleges all of her allegations above and below.

775. The Diocese and St. Paul's engaged in reckless, extreme, and outrageous conduct by providing Brother Murphy with access to children, including plaintiff M.D., despite knowing that he would likely use his position to groom and to sexually abuse them, including M.D. Their misconduct was so shocking and outrageous that it exceeds the reasonable bounds of decency as

measured by what the average member of the community would tolerate and demonstrates an utter disregard by them of the consequences that would follow.

776. As a result of this reckless, extreme, and outrageous conduct, Brother Murphy gained access to M.D. and sexually abused her.

777. The Diocese and St. Paul's knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on other, and M.D. did in fact suffer severe emotional and psychological distress and personal physical injury as a result, including severe mental anguish, humiliation and emotional and physical distress.

## **XXI. CAUSES OF ACTION AS TO PLAINTIFF TIMOTHY SAWICKI**

### **A. FIRST CAUSE OF ACTION – NEGLIGENCE**

778. Plaintiff Timothy Sawicki repeats and re-alleges all of his allegations above and below.

779. The Diocese and St. John's had a duty to take reasonable steps to protect plaintiff Timothy Sawicki, a child, from foreseeable harm when he was under their supervision and in their care, custody, and control.

780. The Diocese and St. John's also had a duty to take reasonable steps to prevent Father Jupin from using the tasks, premises, and instrumentalities of his position with the defendants to target, groom, and sexually abuse children, including Timothy.

781. The Diocese and St. John's were supervising Timothy, and had care, custody, and control of Timothy, when he served as a member of the parish music team and folk band, and at other times, during which time those defendants had a duty to take reasonable steps to protect him.

782. These circumstances created a special relationship between the Diocese and Timothy, and between St. John's and Timothy, which imposed on each of those defendants a duty to exercise the degree of care of a parent of ordinary prudence in comparable circumstances.

783. The Diocese and St. John's breached each of the foregoing duties by failing to exercise reasonable care to prevent Father Jupin from harming Timothy, including sexually abusing him.

784. In breaching their duties, including hiring, retaining, and failing to supervise Father Jupin, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn Timothy, his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for Timothy and other children who were under their supervision and in their care, custody, and control, the Diocese and St. John's created a risk that Timothy would be sexually abused by Father Jupin. The Diocese and St. John's through their actions and inactions created an environment that placed Timothy in danger of unreasonable risks of harm under the circumstances.

785. In breaching their duties, including hiring, retaining, and failing to supervise Father Jupin, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn Timothy, his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for Timothy and other children who were under their supervision and in their care, custody, and control, the Diocese and St. John's acted willfully and with conscious disregard for the need to protect Timothy. The Diocese and St.

John's through their actions and inactions created an environment that placed Timothy in danger of unreasonable risks of harm under the circumstances.

786. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of Timothy.

787. As a direct and proximate result of the acts and omissions of the Diocese and St. John's, Father Jupin groomed and sexually abused Timothy, which has caused Timothy to suffer general and special damages as more fully described herein.

**B. SECOND CAUSE OF ACTION – OUTRAGE AND INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

788. Plaintiff Timothy Sawicki repeats and re-alleges all of his allegations above and below.

789. The Diocese and St. John's engaged in reckless, extreme, and outrageous conduct by providing Father Jupin with access to children, including plaintiff Timothy Sawicki, despite knowing that he would likely use his position to groom and to sexually abuse them, including Timothy. Their misconduct was so shocking and outrageous that it exceeds the reasonable bounds of decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard by them of the consequences that would follow.

790. As a result of this reckless, extreme, and outrageous conduct, Father Jupin gained access to Timothy and sexually abused him.

791. The Diocese and St. John's knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and Timothy did in fact suffer severe emotional and psychological distress and personal physical injury as a result, including severe mental anguish, humiliation and emotional and physical distress.

**XXII. CAUSES OF ACTION AS TO PLAINTIFF MICHAEL HARMON****A. FIRST CAUSE OF ACTION – NEGLIGENCE**

792. Plaintiff Michael Harmon repeats and re-alleges all of his allegations above and below.

793. The Diocese and St. Catherine's had a duty to take reasonable steps to protect plaintiff Michael Harmon, a child, from foreseeable harm when he was under their supervision and in their care, custody, and control.

794. The Diocese and St. Catherine's also had a duty to take reasonable steps to prevent Father Pratt from using the tasks, premises, and instrumentalities of his position with the defendants to target, groom, and sexually abuse children, including Michael.

795. The Diocese and St. Catherine's were supervising Michael, and had care, custody, and control of Michael, when he resided at St. Catherine's and at other times, during which time those defendants had a duty to take reasonable steps to protect him.

796. These circumstances created a special relationship between the Diocese and Michael, and between St. Catherine's and Michael, which imposed on each of those defendants a duty to exercise the degree of care of a parent of ordinary prudence in comparable circumstances.

797. The Diocese and St. Catherine's breached each of the foregoing duties by failing to exercise reasonable care to prevent Father Pratt from harming Michael, including sexually abusing him.

798. In breaching their duties, including hiring, retaining, and failing to supervise Father Pratt, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn Michael, his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for Michael and other children

who were under their supervision and in their care, custody, and control, the Diocese and St. Catherine's created a risk that Michael would be sexually abused by Father Pratt. The Diocese and St. Catherine's through their actions and inactions created an environment that placed Michael in danger of unreasonable risks of harm under the circumstances.

799. In breaching their duties, including hiring, retaining, and failing to supervise Father Pratt, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn Michael, his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for Michael and other children who were under their supervision and in their care, custody, and control, the Diocese and St. Catherine's acted willfully and with conscious disregard for the need to protect Michael. The Diocese and St. Catherine's through their actions and inactions created an environment that placed Michael in danger of unreasonable risks of harm under the circumstances.

800. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of Michael.

801. As a direct and proximate result of the acts and omissions of the Diocese and St. Catherine's, Father Pratt groomed and sexually abused Michael, which has caused Michael to suffer general and special damages as more fully described herein.

**B. SECOND CAUSE OF ACTION – OUTRAGE AND INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

802. Plaintiff Michael Harmon repeats and re-alleges all of his allegations above and below.

803. The Diocese and St. Catherine's engaged in reckless, extreme, and outrageous conduct by providing Father Pratt with access to children, including plaintiff Michael Harmon,

despite knowing that he would likely use his position to groom and to sexually abuse them, including Michael. Their misconduct was so shocking and outrageous that it exceeds the reasonable bounds of decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard by them of the consequences that would follow.

804. As a result of this reckless, extreme, and outrageous conduct, Father Pratt gained access to Michael and sexually abused him.

805. The Diocese and St. Catherine's knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and Michael did in fact suffer severe emotional and psychological distress and personal physical injury as a result, including severe mental anguish, humiliation and emotional and physical distress.

### **XXIII. CAUSES OF ACTION AS TO PLAINTIFF STEVEN NARBON**

#### **A. FIRST CAUSE OF ACTION – NEGLIGENCE**

806. Plaintiff Steven Narbon repeats and re-alleges all of his allegations above and below.

807. The Diocese and La Salle had a duty to take reasonable steps to protect plaintiff Steven Narbon, a child, from foreseeable harm when he was under their supervision and in their care, custody, and control.

808. The Diocese and La Salle also had a duty to take reasonable steps to prevent Father Romano from using the tasks, premises, and instrumentalities of his position with the defendants to target, groom, and sexually abuse children, including Steven.

809. The Diocese and La Salle were supervising Steven, and had care, custody, and control of Steven, when he attended La Salle as a student and at other times, during which time those defendants had a duty to take reasonable steps to protect him.



810. These circumstances created a special relationship between the Diocese and Steven, and between La Salle and Steven, which imposed on each of those defendants a duty to exercise the degree of care of a parent of ordinary prudence in comparable circumstances.

811. The Diocese and La Salle breached each of the foregoing duties by failing to exercise reasonable care to prevent Father Romano from harming Steven, including sexually abusing him.

812. In breaching their duties, including hiring, retaining, and failing to supervise Father Romano, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn Steven, his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for Steven and other children who were under their supervision and in their care, custody, and control, the Diocese and La Salle created a risk that Steven would be sexually abused by Father Romano. The Diocese and La Salle through their actions and inactions created an environment that placed Steven in danger of unreasonable risks of harm under the circumstances.

813. In breaching their duties, including hiring, retaining, and failing to supervise Father Romano, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn Steven, his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for Steven and other children who were under their supervision and in their care, custody, and control, the Diocese and La Salle acted willfully and with conscious disregard for the need to protect Steven. The Diocese and La

Salle through their actions and inactions created an environment that placed Steven in danger of unreasonable risks of harm under the circumstances.

814. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of Steven.

815. As a direct and proximate result of the acts and omissions of the Diocese and La Salle, Father Romano groomed and sexually abused Steven, which has caused Steven to suffer general and special damages as more fully described herein.

**B. SECOND CAUSE OF ACTION – OUTRAGE AND INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

816. Plaintiff Steven Narbon repeats and re-alleges all of his allegations above and below.

817. The Diocese and La Salle engaged in reckless, extreme, and outrageous conduct by providing Father Romano with access to children, including plaintiff Steven Narbon, despite knowing that he would likely use his position to groom and to sexually abuse them, including Steven. Their misconduct was so shocking and outrageous that it exceeds the reasonable bounds of decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard by them of the consequences that would follow.

818. As a result of this reckless, extreme, and outrageous conduct, Father Romano gained access to Steven and sexually abused him.

819. The Diocese and La Salle knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and Steven did in fact suffer severe emotional and psychological distress and personal physical injury as a result, including severe mental anguish, humiliation and emotional and physical distress.

**XXIV. CAUSES OF ACTION AS TO PLAINTIFF P.R.****A. FIRST CAUSE OF ACTION – NEGLIGENCE**

820. Plaintiff P.R. repeats and re-alleges all of his allegations above and below.

821. The Diocese and St. Mary's had a duty to take reasonable steps to protect plaintiff P.R., a child, from foreseeable harm when he was under their supervision and in their care, custody, and control.

822. The Diocese and St. Mary's also had a duty to take reasonable steps to prevent Father Bondi and Bishop Hubbard from using the tasks, premises, and instrumentalities of their positions with the defendants to target, groom, and sexually abuse children, including P.R.

823. The Diocese and St. Mary's were supervising P.R., and had care, custody, and control of P.R., when he served as an altar boy and at other times, during which time those defendants had a duty to take reasonable steps to protect him.

824. These circumstances created a special relationship between the Diocese and P.R., and between St. Mary's and P.R., which imposed on each of those defendants a duty to exercise the degree of care of a parent of ordinary prudence in comparable circumstances.

825. The Diocese and St. Mary's breached each of the foregoing duties by failing to exercise reasonable care to prevent Father Bondi and Bishop Hubbard from harming P.R., including sexually abusing him.

826. In breaching their duties, including hiring, retaining, and failing to supervise Father Bondi and Bishop Hubbard, giving them access to children, entrusting their tasks, premises, and instrumentalities to them, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn P.R., his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for P.R. and other children who were under their supervision and in their care, custody, and control, the

Diocese and St. Mary's created a risk that P.R. would be sexually abused by Father Bondi and Bishop Hubbard. The Diocese and St. Mary's through their actions and inactions created an environment that placed P.R. in danger of unreasonable risks of harm under the circumstances.

827. In breaching their duties, including hiring, retaining, and failing to supervise Father Bondi and Bishop Hubbard, giving them access to children, entrusting their tasks, premises, and instrumentalities to them, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn P.R., his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for P.R. and other children who were under their supervision and in their care, custody, and control, the Diocese and St. Mary's acted willfully and with conscious disregard for the need to protect P.R. The Diocese and St. Mary's through their actions and inactions created an environment that placed P.R. in danger of unreasonable risks of harm under the circumstances.

828. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of P.R.

829. As a direct and proximate result of the acts and omissions of the Diocese and St. Mary's, Father Bondi and Bishop Hubbard groomed and sexually abused P.R., which has caused P.R. to suffer general and special damages as more fully described herein.

**B. SECOND CAUSE OF ACTION – OUTRAGE AND INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

830. Plaintiff P.R. repeats and re-alleges all of his allegations above and below.

831. The Diocese and St. Mary's engaged in reckless, extreme, and outrageous conduct by providing Father Bondi and Bishop Hubbard with access to children, including plaintiff P.R., despite knowing that they would likely use their positions to groom and to sexually abuse them, including P.R. Their misconduct was so shocking and outrageous that it exceeds the reasonable

bounds of decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard by them of the consequences that would follow.

832. As a result of this reckless, extreme, and outrageous conduct, Father Bondi and Bishop Hubbard gained access to P.R. and sexually abused him.

833. The Diocese and St. Mary's knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and P.R. did in fact suffer severe emotional and psychological distress and personal physical injury as a result, including severe mental anguish, humiliation and emotional and physical distress.

#### **XXV. CPLR 1603 – NO APPORTIONMENT OF LIABILITY**

834. Pursuant to CPLR 1603, the foregoing causes of action are exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(2), CPLR 1602(5), 1602(7) and 1602(11), thus precluding defendants from limiting their liability by apportioning some portion of liability to any joint tortfeasor.

#### **XXVI. PRAYER FOR RELIEF**

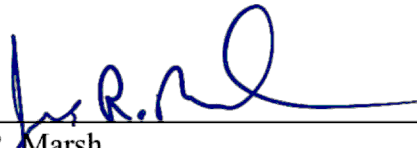
835. The plaintiffs demand judgment against the defendants named in their causes of action, together with compensatory and punitive damages to be determined at trial, and the interest, cost and disbursements pursuant to their causes of action, and such other and further relief as the Court deems just and proper.

836. The plaintiffs specifically reserve the right to pursue additional causes of action, other than those outlined above, that are supported by the facts pleaded or that may be supported by other facts learned in discovery.

Dated: August 14, 2019

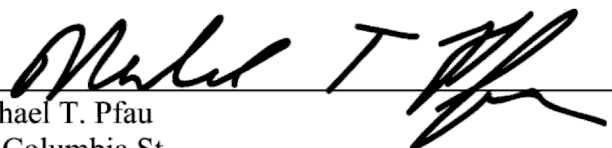
Respectfully Yours,

MARSH LAW FIRM PLLC

By   
James R. Marsh  
151 East Post Road, Suite 102  
White Plains, NY 10601-5210  
Phone: 929-232-3235  
[jamesmarsh@marsh.law](mailto:jamesmarsh@marsh.law)

Jennifer Freeman  
151 East Post Road, Suite 102  
White Plains, NY 10601-5210  
Phone: 929-232-3128  
[jenniferfreeman@marsh.law](mailto:jenniferfreeman@marsh.law)

PFAU COCHRAN VERTETIS AMALA PLLC

By   
Michael T. Pfau  
403 Columbia St.  
Suite 500  
Seattle, WA 98104  
Phone: 206-462-4335  
[michael@pcvalaw.com](mailto:michael@pcvalaw.com)  
*Pro hac vice forthcoming*

Jason P. Amala  
403 Columbia St.  
Suite 500  
Seattle, WA 98104  
Phone: 206-462-4339  
[jason@pcvalaw.com](mailto:jason@pcvalaw.com)  
*Pro hac vice forthcoming*

Anelga Doumanian  
403 Columbia St.  
Suite 500  
Seattle, WA 98104  
Phone: 206-451-8260  
[adoumanian@pcvalaw.com](mailto:adoumanian@pcvalaw.com)

Attorneys for Plaintiffs