

NEW YORK STATE SUPREME COURT  
NEW YORK COUNTY

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

JAMES LARNEY; PETER VAJDA; MARY THOMAS;  
A.M.; R.K.; PETER CALOGER; W.N.; RICHARD  
CARDILLO; KEVIN DOW; JOHN MCQUADE; C.Y.;  
JIM BURKE; RUSSELL COELHO; JOHN HYNES;  
G.M.; RICARDO VELAZQUEZ; K.M.; B.H.; and,  
MICHAEL COLUMBUS,

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

**SUMMONS**

Plaintiffs,

Plaintiffs designate New York  
County as the place of trial.

-against-

The basis of venue is one  
defendant's residence.

ARCHDIOCESE OF NEW YORK; ST. ANTHONY OF  
PADUA OF STATEN ISLAND, NEW YORK; MOUNT  
ST. MICHAEL ACADEMY; OUR LADY OF MERCY  
CHURCH AND SCHOOL; ST. JOSEPH'S CHURCH; ST.  
MARY'S SEMINARY; DIOCESE OF OGDENSBURG;  
OUR LADY STAR OF THE SEA PARISH; POPE PIUS  
XII SCHOOL; IONA PREPARATORY SCHOOL; HOLY  
CROSS CATHOLIC CHURCH AND SCHOOL;  
ARCHBISHOP STEPINAC HIGH SCHOOL;  
MONSIGNOR FARRELL HIGH SCHOOL; OUR LADY  
OF GOOD COUNSEL; ST. ANTHONY OF PADUA OF  
BRONX, NEW YORK; CHURCH OF ST. CLARE;  
IMMACULATE CONCEPTION GRAMMAR SCHOOL  
AND PARISH; and, ALL HALLOWS INSTITUTE,

**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 

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Attorneys for Plaintiffs

NEW YORK STATE SUPREME COURT  
NEW YORK COUNTY

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JAMES LARNEY; PETER VAJDA; MARY THOMAS;  
A.M.; R.K.; PETER CALOGER; W.N.; RICHARD  
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JIM BURKE; RUSSELL COELHO; JOHN HYNES;  
G.M.; RICARDO VELAZQUEZ; K.M.; B.H.; and,  
MICHAEL COLUMBUS,

Plaintiffs,

-against-

ARCHDIOCESE OF NEW YORK; ST. ANTHONY OF  
PADUA OF STATEN ISLAND, NEW YORK; MOUNT  
ST. MICHAEL ACADEMY; OUR LADY OF MERCY  
CHURCH AND SCHOOL; ST. JOSEPH'S CHURCH; ST.  
MARY'S SEMINARY; DIOCESE OF OGDENSBURG;  
OUR LADY STAR OF THE SEA PARISH; POPE PIUS  
XII SCHOOL; IONA PREPARATORY SCHOOL; HOLY  
CROSS CATHOLIC CHURCH AND SCHOOL;  
ARCHBISHOP STEPINAC HIGH SCHOOL;  
MONSIGNOR FARRELL HIGH SCHOOL; OUR LADY  
OF GOOD COUNSEL; ST. ANTHONY OF PADUA OF  
BRONX, NEW YORK; CHURCH OF ST. CLARE;  
IMMACULATE CONCEPTION GRAMMAR SCHOOL  
AND PARISH; and, ALL HALLOWS INSTITUTE,

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

**COMPLAINT**

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

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

2. In April of 2019, following decades of denial and cover-up, the Archdiocese released a list of 120 priests that it determined had been credibly accused of sexual abusing children. Based on the Archdiocese'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 Archdiocese. The plaintiffs in this lawsuit are some of those children who were sexually abused because of the Archdiocese'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 James Larney is an adult male who currently resides in Hudson, New York.

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

6. Upon information and belief, at all relevant times the Archdiocese conducted business as the "Archdiocese of New York," "New York Archdiocese," or "Archdiocese."

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

8. Upon information and belief, Monsignor Raphael Pakulniewicz (“Monsignor Pakulniewicz”) was a priest employed by the Archdiocese to serve Catholic families, including plaintiff James Larney and his family. During the time Monsignor Pakulniewicz was employed by the Archdiocese, he used his position as a priest to groom and to sexually abuse plaintiff James Larney.

9. To the extent that the Archdiocese was a different entity, corporation, or organization during the period of time during which Monsignor Pakulniewicz used his position as a priest to sexually abuse plaintiff James Larney, 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 Archdiocese is a successor to a different entity, corporation, or organization which existed during the period of time during which Monsignor Pakulniewicz used his position as a priest to sexually abuse plaintiff James Larney, such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

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

12. Upon information and belief, at all relevant times defendant St. Anthony of Padua (“St. Anthony's”) was a not-for-profit religious corporation organized under New York law and wholly owned, operated, and controlled by the Archdiocese.

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

14. Upon information and belief, at all relevant times St. Anthony's conducted business as “St. Anthony of Padua Church,” “St. Anthony of Padua,” or “St. Anthony's.”

15. St. Anthony's is a parish with a church located in Staten Island, New York.

16. Upon information and belief, Monsignor Raphael Pakulniewicz was a priest employed by St. Anthony's to serve Catholic families in its geographic jurisdiction, including plaintiff James Larney and his family. During the time Monsignor Raphael Pakulniewicz was employed by St. Anthony's, he used his position as a priest to groom and to sexually abuse plaintiff James Larney.

17. To the extent that St. Anthony's was a different entity, corporation, or organization during the period of time in which Monsignor Pakulniewicz used his position as a priest to sexually abuse James, 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. Anthony's is a successor to a different entity, corporation, or organization which existed during the period of time during which Monsignor Pakulniewicz used his position as a priest to sexually abuse James, 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. Anthony's-related entities, corporations, or organizations are collectively referred to herein as "St. Anthony's."

20. Plaintiff Peter Vajda is an adult male who currently resides in Cumming, Georgia.

21. Upon information and belief, at all relevant times the Archdiocese employed priests, school administrators, teachers, religious, and others who served various Catholic institutions and families, including plaintiff Peter Vajda and his family.

22. Upon information and belief, Brother Adolph Labonté ("Brother Labonté") was a religious brother, school administrator, and/or teacher employed by the Archdiocese to serve Catholic families, including plaintiff Peter Vajda and his family. During the time Brother Labonté

was employed by the Archdiocese, he used his position as a religious brother, school administrator, and/or teacher to groom and to sexually abuse plaintiff Peter Vajda.

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

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

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

26. Upon information and belief, at all relevant times defendant Mount St. Michael Academy (“Mount St. Michael”) was a not-for-profit religious corporation organized under New York law and wholly owned, operated, and controlled by the Archdiocese.

27. Upon information and belief, Mount St. Michael is currently a not-for-profit religious corporation organized under New York law with its principal office in the Bronx, New York.

28. Upon information and belief, at all relevant times Mount St. Michael conducted business as “Mount St. Michael Academy,” “Mount St. Michael School,” or “Mount St. Michael.”

29. Mount St. Michael is a Catholic school located in the Bronx, New York.



30. Upon information and belief, Brother Adolph Labonté was a religious brother, school administrator, and/or teacher employed by Mount St. Michael to serve Catholic families in its geographic jurisdiction, including plaintiff Peter Vajda and his family. During the time Brother Adolph Labonté was employed by Mount St. Michael, he used his position as a religious brother, school administrator, and/or teacher to groom and to sexually abuse plaintiff Peter Vajda.

31. To the extent that Mount St. Michael was a different entity, corporation, or organization during the period of time during which Brother Labonté used his position as a religious brother, school administrator, and/or teacher to sexually abuse Peter, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

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

33. All such Mount St. Michael-related entities, corporations, or organizations are collectively referred to herein as “Mount St. Michael.”

34. Plaintiff Mary Thomas is an adult female who currently resides in the Bronx, New York.

35. Upon information and belief, at all relevant times the Archdiocese employed priests, school administrators, teachers, religious, and others who served various Catholic institutions and families, including plaintiff Mary Thomas and her family.

36. Upon information and belief, Father Robert McNulty (“Father McNulty”) was a priest and school administrator employed by the Archdiocese to serve Catholic families, including

plaintiff Mary Thomas and her family. During the time Father McNulty was employed by the Archdiocese, he used his position as a priest to groom and to sexually abuse plaintiff Mary Thomas.

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

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

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

40. Upon information and belief, at all relevant times defendant Our Lady of Mercy School (“Our Lady of Mercy”) was a not-for-profit religious corporation organized under New York law and wholly owned, operated, and controlled by the Archdiocese.

41. Upon information and belief, Our Lady of Mercy is currently a not-for-profit religious corporation organized under New York law with its principal office in the Bronx, New York.

42. Upon information and belief, at all relevant times Our Lady of Mercy conducted business as “Our Lady of Mercy School” or “Our Lady of Mercy Church,” “Our Lady of Mercy,” or “Church of Our Lady of Mercy.”

43. Our Lady of Mercy is a parish with a church and school located in the Bronx, New York.

44. Upon information and belief, Father Robert McNulty was a priest employed by Our Lady of Mercy to serve Catholic families in its geographic jurisdiction, including plaintiff Mary Thomas and her family. During the time Father Robert McNulty was employed by Our Lady of Mercy, he used his position as a priest to groom and to sexually abuse plaintiff Mary Thomas.

45. To the extent that Our Lady of Mercy was a different entity, corporation, or organization during the period of time during which Father McNulty used his position as a priest to sexually abuse Mary, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

46. To the extent Our Lady of Mercy is a successor to a different entity, corporation, or organization which existed during the period of time during which Father McNulty used his position as a priest to sexually abuse Mary, such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

47. All such Our Lady of Mercy-related entities, corporations, or organizations are collectively referred to herein as “Our Lady of Mercy.”

48. Plaintiff A.M. is an adult male who currently resides in Albany, New York.

49. While he was a minor, plaintiff A.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 A.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.

50. In the alternative, plaintiff A.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.

51. Upon information and belief, at all relevant times the Archdiocese employed priests and others who served various Catholic institutions and families, including plaintiff A.M. and his family.

52. Upon information and belief, Father James Lebar (“Father Lebar”) was a priest employed by the Archdiocese to serve Catholic families, including plaintiff A.M. and his family. During the time Father Lebar was employed by the Archdiocese, he used his position as a priest to groom and to sexually abuse plaintiff A.M.

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

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

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

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

57. 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 Kingston, New York.

58. Upon information and belief, at all relevant times St. Joseph's conducted business as "St. Joseph's Parish," "Roman Catholic Church of St. Joseph," and "St. Joseph's Church."

59. St. Joseph's is a parish with a church located in Kingston, New York.

60. Upon information and belief, Father James Lebar was a priest employed by St. Joseph's to serve Catholic families in its geographic jurisdiction, including plaintiff A.M. and his family. During the time Father James Lebar was employed by St. Joseph's, he used his position as a priest to groom and to sexually abuse plaintiff A.M.

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

62. 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 Lebar used his position as a priest to sexually abuse A.M., such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

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

64. Plaintiff R.K. is an adult male who currently resides in Argyle, New York.

65. While he was a minor, plaintiff R.K. 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.K. 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.

66. In the alternative, plaintiff R.K. 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.

67. Upon information and belief, at all relevant times the Archdiocese employed priests, school administrators, teachers, religious, and others who served various Catholic institutions and families, including plaintiff R.K. and his family.

68. Upon information and belief, Father John Mahoney (“Father Mahoney”) was a priest employed by the Archdiocese to serve Catholic families, including plaintiff R.K. and his family. During the time Father Mahoney was employed by the Archdiocese, he used his position as a priest to groom and to sexually abuse plaintiff R.K.

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

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

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

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

73. 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 Garrison, New York.

74. Upon information and belief, at all relevant times St. Mary's conducted business as "St. Mary's" or "St. Mary's Seminary."

75. St. Mary's is a junior seminary located in Garrison, New York.

76. Upon information and belief, Father John Mahoney was a priest employed by St. Mary's to serve Catholic families in its geographic jurisdiction, including plaintiff R.K. and his family. During the time Father John Mahoney was employed by St. Mary's, he used his position as a priest to groom and to sexually abuse plaintiff R.K.

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

78. 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 Mahoney used his position as a priest to sexually abuse R.K., such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

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

80. Plaintiff Peter Caloger is an adult male who currently resides in Bushkill, Pennsylvania.

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

82. Upon information and belief, at all relevant times the Diocese of Ogdensburg conducted business as the “Diocese of Ogdensburg” or “Ogdensburg Diocese.”

83. Upon information and belief, at all relevant times the Diocese of Ogdensburg employed priests and others who served various Catholic institutions and families, including plaintiff Peter Caloger and his family.

84. Upon information and belief, Father Edwin Franklin (“Father Franklin”) was a priest employed by the Diocese of Ogdensburg to serve Catholic families, including plaintiff Peter Caloger and his family. During the time Father Franklin was employed by the Diocese of Ogdensburg, he used his position as a priest to groom and to sexually abuse plaintiff Peter Caloger.

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

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

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



88. Upon information and belief, at all relevant times the Archdiocese employed priests, religious brothers, teachers, school administrators, and others who served various Catholic institutions and families, including plaintiff Peter Caloger and his family.

89. Upon information and belief, Father Edwin Franklin (“Father Franklin”) was a priest employed by the Archdiocese to serve Catholic families, including plaintiff Peter Caloger and his family. During the time Father Franklin was employed by the Archdiocese, he used his position as a priest to groom and to sexually abuse plaintiff Peter Caloger.

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

91. To the extent the Archdiocese is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Franklin used his position as a religious brother and teacher to sexually abuse plaintiff Peter Caloger, such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

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

93. Upon information and belief, at all relevant times defendant Our Lady Star of the Sea Parish and Grammar School (“Our Lady Star of the Sea”) was a not-for-profit religious corporation organized under New York law and wholly owned, operated, and controlled by the Diocese.

94. Upon information and belief, Our Lady Star of the Sea is currently a not-for-profit religious corporation organized under New York law with its principal office in Staten Island, New York.

95. Upon information and belief, at all relevant times Our Lady Star of the Sea conducted business as “Our Lady Star of the Sea Parish and Grammar School,” “Our Lady Star of the Sea Parish,” “Our Lady Star of the Sea Grammar School,” “Our Lady Star of the Sea School,” or “Our Lady Star of the Sea.”

96. Our Lady Star of the Sea is a parish with a church and school located in Staten Island, New York.

97. Upon information and belief, Father Edwin Franklin was a priest employed by Our Lady Star of the Sea to serve Catholic families in its geographic jurisdiction, including plaintiff Peter Caloger and his family. During the time Father Edwin Franklin was employed by Our Lady Star of the Sea, he used his position as a priest to groom and to sexually abuse plaintiff Peter Caloger.

98. To the extent that Our Lady Star of the Sea was a different entity, corporation, or organization during the period of time during which Father Franklin used his position as a priest to sexually abuse Peter, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

99. To the extent Our Lady Star of the Sea is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Franklin used his position as a priest to sexually abuse Peter, such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

100. All such Our Lady Star of the Sea-related entities, corporations, or organizations are collectively referred to herein as “Our Lady Star of the Sea.”

101. Plaintiff W.N. is an adult male who currently resides in Brooklyn, New York.

102. While he was a minor, plaintiff W.N. 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 W.N. 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.

103. In the alternative, plaintiff W.N. 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.

104. Upon information and belief, at all relevant times the Archdiocese employed priests, school administrators, teachers, religious, and others who served various Catholic institutions and families, including plaintiff W.N. and his family.

105. Upon information and belief, Brother John and Brother Bob (“Brother John and Brother Bob”) were religious brothers employed by the Archdiocese to serve Catholic families, including plaintiff W.N. and his family. During the time Brother John and Brother Bob were employed by the Archdiocese, they used their positions as religious brothers, school administrators, and/or teachers to groom and to sexually abuse plaintiff W.N.

106. To the extent that the Archdiocese was a different entity, corporation, or organization during the period of time during which Brother John and Brother Bob used their positions as a religious brother, school administrator, and/or teachers to sexually abuse plaintiff W.N., such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

107. To the extent the Archdiocese is a successor to a different entity, corporation, or organization which existed during the period of time during which Brother John and Brother Bob used their positions as religious brothers, school administrators, and/or teachers to sexually abuse plaintiff W.N., such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

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

109. Upon information and belief, at all relevant times defendant Pope Pius XII School (“Pope Pius XII”) was a not-for-profit religious corporation organized under New York law and wholly owned, operated, and controlled by the Archdiocese.

110. Upon information and belief, Pope Pius XII is currently a not-for-profit religious corporation organized under New York law with its principal office in Chester, New York.

111. Upon information and belief, at all relevant times Pope Pius XII conducted business as “Pius XII Youth and Family Services, Inc.,” “Pope Pius XII School” or “Pope Pius XII.”

112. Pope Pius XII is a Catholic boarding school located in Chester, New York.

113. Upon information and belief, Brother John and Brother Bob were religious brothers employed by Pope Pius XII to serve Catholic families in its geographic jurisdiction, including plaintiff W.N. and his family. During the time Brother John and Brother Bob were employed by Pope Pius XII, they used their positions as religious brothers, school administrators, and/or teachers to groom and to sexually abuse plaintiff W.N.

114. To the extent that Pope Pius XII was a different entity, corporation, or organization during the period of time during which Brother John and Brother Bob used their positions as

religious brothers, school administrators, and/or teachers to sexually abuse W.N., such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

115. To the extent Pope Pius XII is a successor to a different entity, corporation, or organization which existed during the period of time during which Brother John and Brother Bob used their positions as religious brothers, school administrators, and/or teachers to sexually abuse W.N., such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

116. All such Pope Pius XII-related entities, corporations, or organizations are collectively referred to herein as “Pope Pius XII.”

117. Plaintiff Richard Cardillo is an adult male who currently resides in New York, New York.

118. Upon information and belief, at all relevant times the Archdiocese employed priests, religious brothers, teachers, school administrators, and others who served various Catholic institutions and families, including plaintiff Richard Cardillo and his family.

119. Upon information and belief, Brother Salvatore Ferro (“Brother Ferro”) was a religious brother, school administrator, and/or teacher under the auspices of the Archdiocese, and/or employed by the Archdiocese, to serve Catholic families, including plaintiff Richard Cardillo and his family. During the time that Brother Ferro was working under the auspices of the Archdiocese, and/or employed by the Archdiocese, he used his position as a religious brother, school administrator, and/or teacher to groom and to sexually abuse plaintiff Richard Cardillo.

120. To the extent that the Archdiocese was a different entity, corporation, or organization during the period of time during which Brother Ferro used his position as a religious brother, school administrator, and/or teacher to sexually abuse plaintiff Richard Cardillo, such

entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

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

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

123. Upon information and belief, at all relevant times defendant Iona Preparatory School (“Iona Prep”) was a not-for-profit religious corporation organized under New York law.

124. Upon information and belief, Iona Prep is currently a not-for-profit religious corporation organized under New York law with its principal office in New Rochelle, New York.

125. Upon information and belief, at all relevant times Iona Prep conducted business as “Iona Preparatory School” or “Iona Prep.”

126. Iona Prep is a school located in New Rochelle, New York.

127. Upon information and belief, Brother Salvatore Ferro was a religious brother, school administrator, and/or teacher employed by Iona Prep to serve Catholic families in its geographic jurisdiction, including plaintiff Richard Cardillo and his family. During the time Brother Salvatore Ferro was employed by Iona Prep, he used his position as a religious brother, school administrator, and/or teacher to groom and to sexually abuse plaintiff Richard Cardillo.

128. To the extent that Iona Prep was a different entity, corporation, or organization during the period of time during which Brother Ferro used his position as a religious brother,

school administrator, and/or teacher to sexually abuse Richard, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

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

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

131. Plaintiff Kevin Dow is an adult male who currently resides in Tampa, Florida.

132. Upon information and belief, at all relevant times the Archdiocese employed priests and/or others who served various Catholic institutions and families, including plaintiff Kevin Dow and his family.

133. Upon information and belief, Father George Boxelaar (“Father Boxelaar”) was a priest employed by the Archdiocese to serve Catholic families, including plaintiff Kevin Dow and his family. During the time Father Boxelaar was employed by the Archdiocese, he used his position as a priest to groom and to sexually abuse plaintiff Kevin Dow.

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

135. To the extent the Archdiocese is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Boxelaar used his

position as a priest to sexually abuse plaintiff Kevin Dow, such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

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

137. Upon information and belief, at all relevant times defendant Holy Cross Catholic Church and School (“Holy Cross”) was a not-for-profit religious corporation organized under New York law and wholly owned, operated, and controlled by the Archdiocese.

138. Upon information and belief, Holy Cross is currently a not-for-profit religious corporation organized under New York law with its principal office in South Centerville, New York.

139. Upon information and belief, at all relevant times Holy Cross conducted business as “Holy Cross Catholic Church and School,” “Holy Cross Catholic Church,” “Holy Cross Catholic School,” or “Holy Cross.”

140. Holy Cross is a parish with a church located in South Centerville, New York.

141. Upon information and belief, Father George Boxelaar was a priest employed by Holy Cross to serve Catholic families in its geographic jurisdiction, including plaintiff Kevin Dow and his family. During the time Father George Boxelaar was employed by Holy Cross, he used his position as a priest to groom and to sexually abuse plaintiff Kevin Dow.

142. To the extent that Holy Cross was a different entity, corporation, or organization during the period of time in which Father Boxelaar used his position as a priest to sexually abuse Kevin, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.



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

144. All such Holy Cross-related entities, corporations, or organizations are collectively referred to herein as “Holy Cross.”

145. Plaintiff John McQuade is an adult male who currently resides in Hawthorne, New York.

146. Upon information and belief, at all relevant times the Archdiocese employed priests, school administrators, teachers, religious, and others who served various Catholic institutions and families, including plaintiff John McQuade and his family.

147. Upon information and belief, Father Donald Malone (“Father Malone”) was a priest employed by the Archdiocese to serve Catholic families, including plaintiff John McQuade and his family. During the time Father Malone was employed by the Archdiocese, he used his position as a priest to groom and to sexually abuse plaintiff John McQuade.

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

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

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

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

152. Upon information and belief, Archbishop Stepinac is currently a not-for-profit religious corporation organized under New York law with its principal office in White Plains, New York.

153. Upon information and belief, at all relevant times Archbishop Stepinac conducted business as “Archbishop Stepinac High School” or “Archbishop Stepinac.”

154. Archbishop Stepinac is a Catholic high school located in White Plains, New York.

155. Upon information and belief, Father Donald Malone was a priest employed by Archbishop Stepinac to serve Catholic families in its geographic jurisdiction, including plaintiff John McQuade and his family. During the time Father Donald Malone was employed by Archbishop Stepinac, he used his position as a priest to groom and to sexually abuse plaintiff John McQuade.

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

157. To the extent Archbishop Stepinac is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Malone used his

position as a priest to sexually abuse John, such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

158. All such Archbishop Stepinac-related entities, corporations, or organizations are collectively referred to herein as “Archbishop Stepinac.”

159. Plaintiff C.Y. is an adult male who currently resides in Staten Island, New York.

160. While he was a minor, plaintiff C.Y. 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 C.Y. 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.

161. In the alternative, plaintiff C.Y. 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.

162. Upon information and belief, at all relevant times the Archdiocese employed priests, school administrators, teachers, religious, and others who served various Catholic institutions and families, including plaintiff C.Y. and his family.

163. Upon information and belief, Brother James X. Curran (“Brother Curran”) was a religious brother, school administrator, and/or teacher employed by the Archdiocese to serve Catholic families, including plaintiff C.Y. and his family. During the time Brother Curran was employed by the Archdiocese, he used his position as a religious brother, school administrator, and/or teacher to groom and to sexually abuse plaintiff C.Y.

164. To the extent that the Archdiocese was a different entity, corporation, or organization during the period of time during which Brother Curran used his position as a religious

brother, school administrator, and/or teacher to sexually abuse plaintiff C.Y., such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

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

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

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

168. Upon information and belief, Monsignor Farrell is currently a not-for-profit religious corporation organized under New York law with its principal office in Staten Island, New York.

169. Upon information and belief, at all relevant times Monsignor Farrell conducted business as “Monsignor Farrell High School” or “Monsignor Farrell.”

170. Monsignor Farrell is a Catholic high school located in Staten Island, New York.

171. Upon information and belief, Brother James X. Curran was a religious brother, school administrator, and/or teacher employed by Monsignor Farrell to serve Catholic families in its geographic jurisdiction, including plaintiff C.Y. and his family. During the time Brother James Curran was employed by Monsignor Farrell, he used his position as a religious brother, school administrator, and/or teacher to groom and to sexually abuse plaintiff C.Y.

172. To the extent that Monsignor Farrell was a different entity, corporation, or organization during the period of time during which Brother Curran used his position as a religious brother, school administrator, and/or teacher to sexually abuse C.Y., such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

173. To the extent Monsignor Farrell is a successor to a different entity, corporation, or organization which existed during the period of time during which Brother Curran used his position as a religious brother, school administrator, and/or teacher to sexually abuse C.Y., such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

174. All such Monsignor Farrell-related entities, corporations, or organizations are collectively referred to herein as “Monsignor Farrell.”

175. Plaintiff Jim Burke is an adult male who currently resides in New York, New York.

176. Upon information and belief, at all relevant times the Archdiocese employed priests, school administrators, teachers, religious, and others who served various Catholic institutions and families, including plaintiff Jim Burke and his family.

177. Upon information and belief, Brother Salvatore Ferro (“Brother Ferro”) was a religious brother, school administrator, and/or teacher employed by the Archdiocese to serve Catholic families, including plaintiff Jim Burke and his family. During the time Brother Ferro was employed by the Archdiocese, he used his position as a religious brother, school administrator, and/or teacher to groom and to sexually abuse plaintiff Jim Burke.

178. To the extent that the Archdiocese was a different entity, corporation, or organization during the period of time during which Brother Ferro used his position as a religious

brother, school administrator, and/or teacher to sexually abuse plaintiff Jim Burke, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

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

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

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

182. Upon information and belief, Monsignor Farrell is currently a not-for-profit corporation organized under New York law with its principal office in Staten Island, New York.

183. Upon information and belief, at all relevant times Monsignor Farrell conducted business as “Monsignor Farrell High School” or “Monsignor Farrell.”

184. Monsignor Farrell is a Catholic school located in Staten Island, New York.

185. Upon information and belief, Brother Salvatore Ferro was a religious brother, school administrator, and/or teacher employed by Monsignor Farrell to serve Catholic families, including plaintiff Jim Burke and his family. During the time Brother Salvatore Ferro was employed by Monsignor Farrell, he used his position as a religious brother, school administrator, and/or teacher to groom and to sexually abuse plaintiff Jim Burke.

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

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

188. All such Monsignor Farrell-related entities, corporations, or organizations are collectively referred to herein as “Monsignor Farrell.”

189. Plaintiff Russell Coelho is an adult male who currently resides in Milford, Pennsylvania.

190. Upon information and belief, at all relevant times the Archdiocese employed priests and/or others who served various Catholic institutions and families, including plaintiff Russell Coelho and his family.

191. Upon information and belief, Father George Boxelaar (“Father Boxelaar”) was a priest employed by the Archdiocese to serve Catholic families, including plaintiff Russell Coelho and his family. During the time Father Boxelaar was employed by the Archdiocese, he used his position as a priest to groom and to sexually abuse plaintiff Russell Coelho.

192. To the extent that the Archdiocese was a different entity, corporation, or organization during the period of time during which Father Boxelaar used his position as a priest

to sexually abuse plaintiff Russell Coelho, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

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

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

195. Upon information and belief, at all relevant times defendant Holy Cross Catholic Church (“Holy Cross”) was a not-for-profit religious corporation organized under New York law and wholly owned, operated, and controlled by the Archdiocese.

196. Upon information and belief, Holy Cross is currently a not-for-profit religious corporation organized under New York law with its principal office in South Centerville, New York, New York.

197. Upon information and belief, at all relevant times Holy Cross conducted business as “Holy Cross Catholic Church and School,” “Holy Cross Catholic School,” “Holy Cross Catholic Church,” or “Holy Cross.”

198. Holy Cross is a parish with a church and school located in South Centerville, New York, New York.

199. Upon information and belief, Father George Boxelaar was a priest employed by Holy Cross to serve Catholic families in its geographic jurisdiction, including plaintiff Russell Coelho and his family. During the time Father George Boxelaar was employed by Holy Cross, he used his position as a priest to groom and to sexually abuse plaintiff Russell Coelho.



200. To the extent that Holy Cross was a different entity, corporation, or organization during the period of time during which Father Boxelaar used his position as a priest to sexually abuse Russell, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

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

202. All such Holy Cross-related entities, corporations, or organizations are collectively referred to herein as “Holy Cross.”

203. Plaintiff John Hynes is an adult male who currently resides in Staten Island, New York.

204. Upon information and belief, at all relevant times the Archdiocese employed priests, school administrators, teachers, religious, and others who served various Catholic institutions and families, including plaintiff John Hynes and his family.

205. Upon information and belief, Brother Salvatore Ferro (“Brother Ferro”) was a religious brother, school administrator, and/or teacher employed by the Archdiocese to serve Catholic families, including plaintiff John Hynes and his family. During the time Brother Ferro was employed by the Archdiocese, he used his position as a religious brother, school administrator, and/or teacher to groom and to sexually abuse plaintiff John Hynes.

206. To the extent that the Archdiocese was a different entity, corporation, or organization during the period of time during which Brother Ferro used his position as a religious

brother, school administrator, and/or teacher to sexually abuse plaintiff John Hynes, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

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

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

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

210. Upon information and belief, Monsignor Farrell is currently a not-for-profit religious corporation organized under New York law with its principal office in Staten Island, New York.

211. Upon information and belief, at all relevant times Monsignor Farrell conducted business as “Monsignor Farrell High School” or “Monsignor Farrell.”

212. Monsignor Farrell is a Catholic high school located in Staten Island, New York.

213. Upon information and belief, Brother Salvatore Ferro was a religious brother, school administrator, and/or teacher employed by Monsignor Farrell to serve Catholic families in its geographic jurisdiction, including plaintiff John Hynes and his family. During the time Brother Salvatore Ferro was employed by Monsignor Farrell, including during a time when he was

principal of Monsignor Farrell, he used his position as a religious brother, school administrator, and/or teacher to groom and to sexually abuse plaintiff John Hynes.

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

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

216. All such Monsignor Farrell-related entities, corporations, or organizations are collectively referred to herein as “Monsignor Farrell.”

217. Plaintiff G.M. is an adult male who currently resides in Howell, New Jersey.

218. While he was a minor, plaintiff G.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 G.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.

219. In the alternative, plaintiff G.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.

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

221. Upon information and belief, Dennis Moulton (“Mr. Moulton”) was a teacher employed by the Archdiocese to serve Catholic families, including plaintiff G.M. and his family. During the time Mr. Moulton was employed by the Archdiocese, he used his position as a teacher to groom and to sexually abuse plaintiff G.M.

222. To the extent that the Archdiocese was a different entity, corporation, or organization during the period of time during which Mr. Moulton used his position as a teacher to sexually abuse plaintiff G.M., such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

223. To the extent the Archdiocese is a successor to a different entity, corporation, or organization which existed during the period of time during which Mr. Moulton used his position as a teacher to sexually abuse plaintiff G.M., such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

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

225. Upon information and belief, at all relevant times defendant Our Lady of Good Counsel (“OLGC”) was a not-for-profit religious corporation organized under New York law and wholly owned, operated, and controlled by the Archdiocese.

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

227. Upon information and belief, at all relevant times OLGC conducted business as “Our Lady of Good Counsel School and Church,” “Our Lady of Good Counsel School,” Our Lady of Good Counsel Church,” or “OLGC.”

228. OLGC is a parish with a church and school located in New York, New York.

229. Upon information and belief, Dennis Moulton was a teacher employed by OLGC to serve Catholic families in its geographic jurisdiction, including plaintiff G.M. and his family. During the time Dennis Moulton was employed by OLGC, he used his position as a teacher to groom and to sexually abuse plaintiff G.M.

230. To the extent that OLGC was a different entity, corporation, or organization during the period of time during which Mr. Moulton used his position as a teacher to sexually abuse G.M., such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

231. To the extent OLGC is a successor to a different entity, corporation, or organization which existed during the period of time during which Mr. Moulton used his position as a teacher to sexually abuse G.M., such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

232. All such OLGC-related entities, corporations, or organizations are collectively referred to herein as “OLGC.”

233. Plaintiff Ricardo Velazquez is an adult male who currently resides in the Bronx, New York.

234. Upon information and belief, at all relevant times the Archdiocese employed priests, school administrators, teachers, religious, and others who served various Catholic institutions and families, including plaintiff Ricardo Velazquez and his family.

235. Upon information and belief, Father John A. Steltz (“Father Steltz”) was a priest employed by the Archdiocese to serve Catholic families, including plaintiff Ricardo Velazquez and his family. During the time Father Steltz was employed by the Archdiocese, he used his position as a priest to groom and to sexually abuse plaintiff Ricardo Velazquez.

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

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

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

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

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

241. Upon information and belief, at all relevant times St. Anthony’s conducted business as “St. Anthony of Padua,” “St. Anthony of Padua Parish,” “St. Anthony of Padua Church,” “St. Anthony of Padua School,” “St. Anthony’s Church,” or “St. Anthony’s.”

242. St. Anthony’s is a parish with a church and school located in the Bronx, New York.

243. Upon information and belief, Father John A. Steltz was a priest employed by St. Anthony's to serve Catholic families in its geographic jurisdiction, including plaintiff Ricardo Velazquez and his family. During the time Father John A. Steltz was employed by St. Anthony's, he used his position as a priest to groom and to sexually abuse plaintiff Ricardo Velazquez.

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

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

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

247. Plaintiff K.M. is an adult male who currently resides in New York, New York.

248. While he was a minor, plaintiff K.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 K.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.

249. In the alternative, plaintiff K.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.

250. Upon information and belief, at all relevant times the Archdiocese employed priests and/or others who served various Catholic institutions and families, including plaintiff K.M. and his family.

251. Upon information and belief, Father Ralph LaBelle (“Father LaBelle”) was a priest employed by the Archdiocese to serve Catholic families, including plaintiff K.M. and his family. During the time Father LaBelle was employed by the Archdiocese, he used his position as a priest to groom and to sexually abuse plaintiff K.M.

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

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

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

255. Upon information and belief, at all relevant times defendant Church of St. Clare (“St. Clare's”) was a not-for-profit religious corporation organized under New York law and wholly owned, operated, and controlled by the Archdiocese.

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



257. Upon information and belief, at all relevant times St. Clare's conducted business as "Church of St. Clare," "Church of St. Clare Parish," "St. Clare's Church," or "St. Clare's."

258. St. Clare's is a parish with a church located in Staten Island, New York.

259. Upon information and belief, Father Ralph LaBelle was a priest employed by St. Clare's to serve Catholic families in its geographic jurisdiction, including plaintiff K.M. and his family. During the time Father Ralph LaBelle was employed by St. Clare's, he used his position as a priest to groom and to sexually abuse plaintiff K.M.

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

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

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

263. Plaintiff B.H. is an adult male who currently resides in Rye, New York.

264. While he was a minor, plaintiff B.H. 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 B.H. 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.

265. In the alternative, plaintiff B.H. 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.

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

267. Upon information and belief, Monsignor James Walsh (“Monsignor Walsh”) was a priest employed by the Archdiocese to serve Catholic families, including plaintiff B.H. and his family. During the time Monsignor Walsh was employed by the Archdiocese, he used his position as a priest to groom and to sexually abuse plaintiff B.H.

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

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

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

271. Upon information and belief, at all relevant times defendant Immaculate Conception Grammar School and Parish (“Immaculate Conception”) was a not-for-profit religious

corporation organized under New York law and wholly owned, operated, and controlled by the Archdiocese.

272. Upon information and belief, Immaculate Conception is currently a not-for-profit religious corporation organized under New York law with its principal office in Irvington, New York.

273. Upon information and belief, at all relevant times Immaculate Conception conducted business as “Immaculate Conception Grammar School and Parish,” “Immaculate Conception School,” “Immaculate Conception Parish,” “Immaculate Conception,” or “Church of the Immaculate Conception.”

274. Immaculate Conception is a parish with a church and school located in Irvington, New York.

275. Upon information and belief, Monsignor James Walsh was a priest employed by Immaculate Conception to serve Catholic families in its geographic jurisdiction, including plaintiff B.H. and his family. During the time Monsignor James Walsh was employed by Immaculate Conception, he used his position as a priest to groom and to sexually abuse plaintiff B.H.

276. To the extent that Immaculate Conception was a different entity, corporation, or organization during the period of time during which Monsignor Walsh used his position as a priest to sexually abuse B.H., such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

277. To the extent Immaculate Conception is a successor to a different entity, corporation, or organization which existed during the period of time during which Monsignor Walsh used his position as a priest to sexually abuse B.H., such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

278. All such Immaculate Conception-related entities, corporations, or organizations are collectively referred to herein as “Immaculate Conception.”

279. Plaintiff Michael Columbus is an adult male who currently resides in Jacksonville, Florida.

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

281. Upon information and belief, Brother James Vincent Hanney (“Brother Hanney”) was a religious brother, school administrator, and/or teacher employed by the Archdiocese to serve Catholic families, including plaintiff Michael Columbus and his family. During the time Brother Hanney was employed by the Archdiocese, he used his position as a religious brother, school administrator, and/or teacher to groom and to sexually abuse plaintiff Michael Columbus.

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

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

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

285. Upon information and belief, at all relevant times defendant All Hallows Institute (“All Hallows”) was a not-for-profit religious corporation organized under New York law and wholly owned, operated, and controlled by the Archdiocese.

286. Upon information and belief, All Hallows is currently a not-for-profit religious corporation organized under New York law with its principal office in the Bronx, New York.

287. Upon information and belief, at all relevant times All Hallows conducted business as “All Hallows,” “All Hallows Institute,” or “All Hallows High School.”

288. All Hallows is a Catholic school located in the Bronx, New York.

289. Upon information and belief, Brother James Vincent Hanney was a religious brother, school administrator, and/or teacher employed by All Hallows to serve Catholic families in its geographic jurisdiction, including plaintiff Michael Columbus and his family. During the time Brother James Vincent Hanney was employed by All Hallows, he used his position as a religious brother, school administrator, and/or teacher to groom and to sexually abuse plaintiff Michael Columbus.

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

291. To the extent All Hallows is a successor to a different entity, corporation, or organization which existed during the period of time during which Brother Hanney used his position as a religious brother, school administrator, and/or teacher 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.

292. All such All Hallows-related entities, corporations, or organizations are collectively referred to herein as “All Hallows.”

#### **IV. VENUE**

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

294. Venue is proper because New York is the county in which a substantial part of the events or omissions giving rise to each plaintiff’s claim occurred.

295. Venue is proper because Holy Cross is a domestic corporation authorized to transact business in New York with its principal office located in New York County.

296. Venue is proper because Holy Cross is a domestic corporation authorized to transact business in New York with its principal office located in New York County.

297. Venue is proper because OLG C is a domestic corporation authorized to transact business in New York with its principal office located in New York County.

298. Venue is proper because plaintiff Richard Cardillo currently resides in New York County.

299. Venue is proper because plaintiff Jim Burke currently resides in New York County.

300. Venue is proper because plaintiff K.M. currently resides in New York County.

#### **V. STATEMENT OF FACTS AS TO PLAINTIFF PETER VAJDA**

301. Upon information and belief, at all relevant times the Archdiocese was the owner of Mount St. Michael and held itself out to the public as the owner of Mount St. Michael.

302. Upon information and belief, at all relevant times the Archdiocese, its agents, servants, and employees managed, maintained, operated, and controlled Mount St. Michael.

303. Upon information and belief, at all relevant times the Archdiocese employed priests, school administrators, teachers, religious, and others who served Catholic families at Mount St. Michael, including plaintiff Peter Vajda and his family.

304. Upon information and belief, at all relevant times the Archdiocese, its agents, servants, and employees managed, maintained, operated, and controlled Mount St. Michael, and held out to the public its agents, servants, and employees as those who managed, maintained, operated, and controlled Mount St. Michael.

305. Upon information and belief, at all relevant times the Archdiocese was responsible for the hiring and staffing, and did the hiring and staffing, at Mount St. Michael.

306. Upon information and belief, at all relevant times the Archdiocese was responsible for and did the recruitment and staffing of volunteers at Mount St. Michael.

307. Upon information and belief, at all relevant times the Archdiocese materially benefited from the operation of Mount St. Michael, including the services of Brother Labonté and the services of those who managed and supervised Brother Labonté.

308. Upon information and belief, at all relevant times Mount St. Michael owned a school.

309. Upon information and belief, at all relevant times Mount St. Michael held itself out to the public as the owner of Mount St. Michael.

310. Upon information and belief, at all relevant times Mount St. Michael employed priests, school administrators, teachers, religious, and others who served Catholic families, including plaintiff Peter Vajda and his family.

311. Upon information and belief, at all relevant times Mount St. Michael, its agents, servants, and employees managed, maintained, operated, and controlled Mount St. Michael, and

held out to the public its agents, servants and employees as those who managed, maintained, operated, and controlled Mount St. Michael.

312. Upon information and belief, at all relevant times Mount St. Michael was responsible for and did the staffing and hiring at Mount St. Michael.

313. Upon information and belief, at all relevant times Mount St. Michael was responsible for and did the recruitment and staffing of volunteers at Mount St. Michael.

314. Upon information and belief, at all relevant times Mount St. Michael materially benefitted from the operation of Mount St. Michael, including the services of Brother Labonté and the services of those who managed and supervised Brother Labonté.

315. Upon information and belief, at all relevant times Brother Labonté was a religious brother, school administrator, and/or teacher of the Archdiocese.

316. Upon information and belief, at all relevant times Brother Labonté was on the staff of, acted as an agent of, and served as an employee of the Archdiocese.

317. Upon information and belief, at all relevant times Brother Labonté was acting in the course and scope of his employment with the Archdiocese.

318. Upon information and belief, at all relevant times Brother Labonté was employed by the Archdiocese and assigned to Mount St. Michael.

319. Upon information and belief, at all relevant times Brother Labonté was a religious brother, school administrator, and/or teacher of Mount St. Michael.

320. Upon information and belief, at all relevant times Brother Labonté was on the staff of, was an agent of, and served as an employee of Mount St. Michael.

321. Upon information and belief, at all relevant times Brother Labonté was acting in the course and scope of his employment with Mount St. Michael.



322. Upon information and belief, at all relevant times Brother Labonté had an office on the premises of Mount St. Michael.

323. When plaintiff Peter Vajda was a minor, his parents were members of the Archdiocese and Peter was a student of Mount St. Michael.

324. At all relevant times, the Archdiocese and Mount St. Michael, their agents, servants, and employees, held Brother Labonté out to the public, to Peter, and to his parents, as their agent and employee.

325. At all relevant times, the Archdiocese and Mount St. Michael, their agents, servants, and employees, held Brother Labonté out to the public, to Peter, and to his parents, as having been vetted, screened, and approved by those defendants.

326. At all relevant times, Peter and his parents reasonably relied upon the acts and representations of the Archdiocese and Mount St. Michael, their agents, servants, and employees, and reasonably believed that Brother Labonté was an agent or employee of those defendants who was vetted, screened, and approved by those defendants.

327. At all relevant times, Peter and his parents trusted Brother Labonté because the Archdiocese and Mount St. Michael held him out as someone who was safe and could be trusted with the supervision, care, custody, and control of Peter.

328. At all relevant times, Peter and his parents believed that the Archdiocese and Mount St. Michael would exercise such care as would a parent of ordinary prudence in comparable circumstances when those defendants assumed supervision, care, custody, and control of Peter.

329. When Peter was a minor, Brother Labonté sexually abused him.

330. Peter was sexually abused by Brother Labonté when Peter was approximately 10 to 12 years old.

331. Based on the representations of the Archdiocese and Mount St. Michael that Brother Labonté was safe and trustworthy, Peter and his parents allowed Peter to be under the supervision of, and in the care, custody, and control of, the Archdiocese and Mount St. Michael, including during the times when Peter was sexually abused by Brother Labonté.

332. Based on the representations of the Archdiocese and Mount St. Michael that Brother Labonté was safe and trustworthy, Peter and his parents allowed Peter to be under the supervision of, and in the care, custody, and control of, Brother Labonté, including during the times when Peter was sexually abused by Brother Labonté.

333. Neither Peter nor his parents would have allowed him to be under the supervision of, or in the care, custody, or control of, the Archdiocese, Mount St. Michael, or Brother Labonté if the Archdiocese or Mount St. Michael had disclosed to Peter or his parents that Brother Labonté was not safe and was not trustworthy, and that he in fact posed a danger to Peter in that Brother Labonté was likely to sexually abuse Peter.

334. No parent of ordinary prudence in comparable circumstances would have allowed Peter to be under the supervision of, or in the care, custody, or control of, the Archdiocese, Mount St. Michael, or Brother Labonté if the Archdiocese or Mount St. Michael had disclosed to Peter or his parents that Brother Labonté was not safe and was not trustworthy, and that he in fact posed a danger to Peter in that Brother Labonté was likely to sexually abuse him.

335. From approximately 1953 through 1955, Brother Labonté exploited the trust and authority vested in him by defendants by grooming Peter to gain his trust and to obtain control over him as part of Brother Labonté's plan to sexually molest and abuse Peter and other children.

336. Brother Labonté used his position of trust and authority as a religious brother, school administrator, and/or teacher of the Archdiocese and of Mount St. Michael to groom Peter

and to sexually abuse him multiple times, including when Peter was under the supervision of, and in the care, custody, or control of, the Archdiocese, Mount St. Michael, and Brother Labonté.

337. At certain times, the sexual abuse of Peter by Brother Labonté occurred at Mount St. Michael, including in Brother Labonté's sleeping quarters and in the student sleeping quarters.

338. At certain times, Brother Labonté's sexual abuse of Peter occurred during activities that were sponsored by, or were a direct result of activities sponsored by, the Archdiocese and Mount St. Michael, including school activities.

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

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

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

342. Upon information and belief, at certain times between 1953 and 1955, defendants, their agents, servants, and employees knew or should have known that Brother Labonté was sexually abusing Peter and other children at Mount St. Michael and elsewhere.

343. Upon information and belief, defendants, their agents, servants, and employees knew or should have known that the sexual abuse by Brother Labonté of Peter was ongoing.

344. Upon information and belief, the Archdiocese and Mount St. Michael, their agents, servants, and employees, knew or should have known that Brother Labonté was likely to abuse

children, including Peter, because Brother Labonté removed Peter from the student sleeping quarters – in plain view of others – in order to sexually abuse him.

345. Upon information and belief, the Archdiocese and Mount St. Michael, their agents, servants, and employees, knew or should have known before and during Brother Labonté’s sexual abuse of Peter that priests and other persons serving the Archdiocese and Mount St. Michael had used their positions with those defendants to groom and to sexually abuse children.

346. Upon information and belief, the Archdiocese and Mount St. Michael, their agents, servants, and employees, knew or should have known before and during Brother Labonté’s sexual abuse of Peter that such priests and other persons could not be “cured” through treatment or counseling.

347. Upon information and belief, the Archdiocese and Mount St. Michael, their agents, servants, and employees, concealed the sexual abuse of children by Brother Labonté 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 Labonté would continue to molest children.

348. Upon information and belief, the Archdiocese and Mount St. Michael, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Brother Labonté would use his position with the defendants to sexually abuse children, including Peter.

349. Upon information and belief, the Archdiocese and Mount St. Michael, their agents, servants, and employees, disregarded their knowledge that Brother Labonté would use his position with them to sexually abuse children, including Peter.

350. Upon information and belief, the Archdiocese and Mount St. Michael, their agents, servants, and employees, acted in concert with each other or with Brother Labonté to conceal the danger that Brother Labonté posed to children, including Peter, so that Brother Labonté could continue serving them despite their knowledge of that danger.

351. Upon information and belief, the Archdiocese and Mount St. Michael, 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 Peter, and he did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

352. Upon information and belief, the Archdiocese and Mount St. Michael, 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.

353. By reason of the wrongful acts of the Archdiocese and Mount St. Michael as detailed herein, Peter 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 Peter has and/or will become obligated to expend sums of money for treatment.

**VI. STATEMENT OF FACTS AS TO PLAINTIFF MARY THOMAS**

354. Upon information and belief, at all relevant times the Archdiocese was the owner of Our Lady of Mercy and held itself out to the public as the owner of Our Lady of Mercy.

355. Upon information and belief, at all relevant times the Archdiocese, its agents, servants, and employees managed, maintained, operated, and controlled Our Lady of Mercy.

356. Upon information and belief, at all relevant times the Archdiocese employed priests and other who served Catholic families at Our Lady of Mercy, including plaintiff Mary Thomas and her family.

357. Upon information and belief, at all relevant times the Archdiocese, its agents, servants, and employees managed, maintained, operated, and controlled Our Lady of Mercy, and held out to the public its agents, servants, and employees as those who managed, maintained, operated, and controlled Our Lady of Mercy.

358. Upon information and belief, at all relevant times the Archdiocese was responsible for the hiring and staffing, and did the hiring and staffing, at Our Lady of Mercy.

359. Upon information and belief, at all relevant times the Archdiocese was responsible for and did the recruitment and staffing of volunteers at Our Lady of Mercy.

360. Upon information and belief, at all relevant times the Archdiocese materially benefited from the operation of Our Lady of Mercy, including the services of Father McNulty and the services of those who managed and supervised Father McNulty.

361. Upon information and belief, at all relevant times Our Lady of Mercy owned a parish, church, and school.

362. Upon information and belief, at all relevant times Our Lady of Mercy held itself out to the public as the owner of Our Lady of Mercy.

363. Upon information and belief, at all relevant times Our Lady of Mercy employed priests and other who served Catholic families, including plaintiff Mary Thomas and her family.

364. Upon information and belief, at all relevant times Our Lady of Mercy, its agents, servants, and employees managed, maintained, operated, and controlled Our Lady of Mercy, and held out to the public its agents, servants and employees as those who managed, maintained, operated, and controlled Our Lady of Mercy.

365. Upon information and belief, at all relevant times Our Lady of Mercy was responsible for and did the staffing and hiring at Our Lady of Mercy.

366. Upon information and belief, at all relevant times Our Lady of Mercy was responsible for and did the recruitment and staffing of volunteers at Our Lady of Mercy.

367. Upon information and belief, at all relevant times Our Lady of Mercy materially benefitted from the operation of Our Lady of Mercy, including the services of Father McNulty and the services of those who managed and supervised Father McNulty.

368. Upon information and belief, at all relevant times Father McNulty was a priest of the Archdiocese.

369. Upon information and belief, at all relevant times Father McNulty was on the staff of, acted as an agent of, and served as an employee of the Archdiocese.

370. Upon information and belief, at all relevant times Father McNulty was acting in the course and scope of his employment with the Archdiocese.

371. Upon information and belief, at all relevant times Father McNulty was employed by the Archdiocese and assigned to Our Lady of Mercy.

372. Upon information and belief, at all relevant times Father McNulty was a priest of Our Lady of Mercy.

373. Upon information and belief, at all relevant times Father McNulty was on the staff of, was an agent of, and served as an employee of Our Lady of Mercy.

374. Upon information and belief, at all relevant times Father McNulty was acting in the course and scope of his employment with Our Lady of Mercy.

375. Upon information and belief, at all relevant times Father McNulty had an office on the premises of Our Lady of Mercy.

376. When plaintiff Mary Thomas was a minor, she and her parents were members of the Archdiocese and Our Lady of Mercy.

377. At all relevant times, the Archdiocese and Our Lady of Mercy, their agents, servants, and employees, held Father McNulty out to the public, to Mary, and to her parents, as their agent and employee.

378. At all relevant times, the Archdiocese and Our Lady of Mercy, their agents, servants, and employees, held Father McNulty out to the public, to Mary, and to her parents, as having been vetted, screened, and approved by those defendants.

379. At all relevant times, Mary and her parents reasonably relied upon the acts and representations of the Archdiocese and Our Lady of Mercy, their agents, servants, and employees, and reasonably believed that Father McNulty was an agent or employee of those defendants who was vetted, screened, and approved by those defendants.

380. At all relevant times, Mary and her parents trusted Father McNulty because the Archdiocese and Our Lady of Mercy held him out as someone who was safe and could be trusted with the supervision, care, custody, and control of Mary.



381. At all relevant times, Mary and her parents believed that the Archdiocese and Our Lady of Mercy would exercise such care as would a parent of ordinary prudence in comparable circumstances when those defendants assumed supervision, care, custody, and control of Mary.

382. When Mary was a minor, Father McNulty sexually abused her.

383. Mary was sexually abused by Father McNulty when she was approximately 5 to 7 years old.

384. Based on the representations of the Archdiocese and Our Lady of Mercy that Father McNulty was safe and trustworthy, Mary and her parents allowed Mary to be under the supervision of, and in the care, custody, and control of, the Archdiocese and Our Lady of Mercy, including during the times when Mary was sexually abused by Father McNulty.

385. Based on the representations of the Archdiocese and Our Lady of Mercy that Father McNulty was safe and trustworthy, Mary and her parents allowed Mary to be under the supervision of, and in the care, custody, and control of, Father McNulty, including during the times when Mary was sexually abused by Father McNulty.

386. Neither Mary nor her parents would have allowed her to be under the supervision of, or in the care, custody, or control of, the Archdiocese, Our Lady of Mercy, or Father McNulty if the Archdiocese or Our Lady of Mercy had disclosed to Mary or her parents that Father McNulty was not safe and was not trustworthy, and that he in fact posed a danger to Mary in that Father McNulty was likely to sexually abuse Mary.

387. No parent of ordinary prudence in comparable circumstances would have allowed Mary to be under the supervision of, or in the care, custody, or control of, the Archdiocese, Our Lady of Mercy, or Father McNulty if the Archdiocese or Our Lady of Mercy had disclosed to Mary

or her parents that Father McNulty was not safe and was not trustworthy, and that he in fact posed a danger to Mary in that Father McNulty was likely to sexually abuse her.

388. From approximately 1957 through 1958, Father McNulty exploited the trust and authority vested in him by defendants by grooming Mary to gain her trust and to obtain control over her as part of Father McNulty's plan to sexually molest and abuse Mary and other children.

389. Father McNulty used his position of trust and authority as a priest of the Archdiocese and of Our Lady of Mercy to groom Mary and to sexually abuse her multiple times, including when Mary was under the supervision of, and in the care, custody, or control of, the Archdiocese, Our Lady of Mercy, and Father McNulty.

390. At certain times, the sexual abuse of Mary by Father McNulty occurred at Our Lady of Mercy, including at the rectory and on the school grounds.

391. At certain times, Father McNulty's sexual abuse of Mary occurred during activities that were sponsored by, or were a direct result of activities sponsored by, the Archdiocese and Our Lady of Mercy, including school activities.

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

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

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

395. Upon information and belief, at certain times between 1957 and 1958, defendants, their agents, servants, and employees knew or should have known that Father McNulty was sexually abusing Mary and other children at Our Lady of Mercy and elsewhere.

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

397. Upon information and belief, the Archdiocese and Our Lady of Mercy, their agents, servants, and employees, knew or should have known that Father McNulty was likely to abuse children, including Mary, because one of their agents, Monsignor Patrick O'Leary, observed Father McNulty sexually abusing Mary but did nothing to stop the abuse or to prevent him from abusing her in the future.

398. Upon information and belief, the Archdiocese and Our Lady of Mercy, their agents, servants, and employees, knew or should have known before and during Father McNulty's sexual abuse of Mary that priests and other persons serving the Archdiocese and Our Lady of Mercy had used their positions with those defendants to groom and to sexually abuse children.

399. Upon information and belief, the Archdiocese and Our Lady of Mercy, their agents, servants, and employees, knew or should have known before and during Father McNulty's sexual abuse of Mary that such priests and other persons could not be "cured" through treatment or counseling.

400. Upon information and belief, the Archdiocese and Our Lady of Mercy, their agents, servants, and employees, concealed the sexual abuse of children by Father McNulty 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 McNulty would continue to molest children.

401. Upon information and belief, the Archdiocese and Our Lady of Mercy, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Father McNulty would use his position with the defendants to sexually abuse children, including Mary.

402. Upon information and belief, the Archdiocese and Our Lady of Mercy, their agents, servants, and employees, disregarded their knowledge that Father McNulty would use his position with them to sexually abuse children, including Mary.

403. Upon information and belief, the Archdiocese and Our Lady of Mercy, their agents, servants, and employees, acted in concert with each other or with Father McNulty to conceal the danger that Father McNulty posed to children, including Mary, so that Father McNulty could continue serving them despite their knowledge of that danger.

404. Upon information and belief, the Archdiocese and Our Lady of Mercy, 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 other, including Mary, and she did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

405. Upon information and belief, the Archdiocese and Our Lady of Mercy, their agents, servants, and employees, concealed the sexual abuse of children by priests 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 and other persons would continue to molest children.

406. By reason of the wrongful acts of the Archdiocese and Our Lady of Mercy as detailed herein, Mary 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 Mary has and/or will become obligated to expend sums of money for treatment.

#### **VII. STATEMENT OF FACTS AS TO PLAINTIFF A.M.**

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

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

409. Upon information and belief, at all relevant times the Archdiocese employed priests and/or others who served Catholic families at St. Joseph's, including plaintiff A.M. and his family.

410. Upon information and belief, at all relevant times the Archdiocese, 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.

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

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

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

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

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

416. Upon information and belief, at all relevant times St. Joseph's employed priests and/or others who served Catholic families, including plaintiff A.M. and his family.

417. 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.

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

419. 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.

420. 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 Lebar and the services of those who managed and supervised Father Lebar.

421. Upon information and belief, at all relevant times Father Lebar was a priest of the Archdiocese.

422. Upon information and belief, at all relevant times Father Lebar was on the staff of, acted as an agent of, and served as an employee of the Archdiocese.

423. Upon information and belief, at all relevant times Father Lebar was acting in the course and scope of his employment with the Archdiocese.

424. Upon information and belief, at all relevant times Father Lebar was employed by the Archdiocese and assigned to St. Joseph's.

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

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

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

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

429. When plaintiff A.M. was a minor, he and his parents were members of the Archdiocese and St. Joseph's.

430. At all relevant times, the Archdiocese and St. Joseph's, their agents, servants, and employees, held Father Lebar out to the public, to A.M., and to his parents, as their agent and employee.

431. At all relevant times, the Archdiocese and St. Joseph's, their agents, servants, and employees, held Father Lebar out to the public, to A.M., and to his parents, as having been vetted, screened, and approved by those defendants.

432. At all relevant times, A.M. and his parents reasonably relied upon the acts and representations of the Archdiocese and St. Joseph's, their agents, servants, and employees, and reasonably believed that Father Lebar was an agent or employee of those defendants who was vetted, screened, and approved by those defendants.

433. At all relevant times, A.M. and his parents trusted Father Lebar because the Archdiocese and St. Joseph's held him out as someone who was safe and could be trusted with the supervision, care, custody, and control of A.M.

434. At all relevant times, A.M. and his parents believed that the Archdiocese 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 A.M.

435. When A.M. was a minor, Father Lebar sexually abused him.

436. A.M. was sexually abused by Father Lebar when A.M. was approximately 8 to 10 years old.

437. Based on the representations of the Archdiocese and St. Joseph's that Father Lebar was safe and trustworthy, A.M. and his parents allowed A.M. to be under the supervision of, and in the care, custody, and control of, the Archdiocese and St. Joseph's, including during the times when A.M. was sexually abused by Father Lebar.

438. Based on the representations of the Archdiocese and St. Joseph's that Father Lebar was safe and trustworthy, A.M. and his parents allowed A.M. to be under the supervision of, and in the care, custody, and control of, Father Lebar, including during the times when A.M. was sexually abused by Father Lebar.

439. Neither A.M. nor his parents would have allowed him to be under the supervision of, or in the care, custody, or control of, the Archdiocese, St. Joseph's, or Father Lebar if the



Archdiocese or St. Joseph's had disclosed to A.M. or his parents that Father Lebar was not safe and was not trustworthy, and that he in fact posed a danger to A.M. in that Father Lebar was likely to sexually abuse A.M.

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

441. From approximately 1965 through 1967, Father Lebar exploited the trust and authority vested in him by defendants by grooming A.M. to gain his trust and to obtain control over him as part of Father Lebar's plan to sexually molest and abuse A.M. and other children.

442. Father Lebar used his position of trust and authority as a priest of the Archdiocese and of St. Joseph's to groom A.M. and to sexually abuse him multiple times, including when A.M. was under the supervision of, and in the care, custody, or control of, the Archdiocese, St. Joseph's, and Father Lebar.

443. At certain times, Father Lebar's sexual abuse of A.M. occurred during activities that were sponsored by, or were a direct result of activities sponsored by, the Archdiocese and St. Joseph's, including altar boy services.

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

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

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

447. Upon information and belief, at certain times between 1965 and 1967, defendants, their agents, servants, and employees knew or should have known that Father Lebar was sexually abusing A.M. and other children at St. Joseph's and elsewhere.

448. Upon information and belief, defendants, their agents, servants, and employees knew or should have known that the sexual abuse by Father Lebar of A.M. was ongoing.

449. Upon information and belief, the Archdiocese and St. Joseph's, their agents, servants, and employees, knew or should have known that Father Lebar was likely to abuse children, including A.M., because Father Lebar would regularly bring groups of altar boys to the local swimming pool where he would insist that the altar boys swim naked and where he sexually abused A.M. and other altar boys. At certain times, agents, servants, and employees of the Archdiocese and St. Joseph's were present and saw such sexual abuse.

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

451. Upon information and belief, the Archdiocese and St. Joseph's, their agents, servants, and employees, knew or should have known before and during Father Lebar's sexual abuse of A.M. that such priests and other persons could not be "cured" through treatment or counseling.

452. Upon information and belief, the Archdiocese and St. Joseph's, their agents, servants, and employees, concealed the sexual abuse of children by Father Lebar 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 Lebar would continue to molest children.

453. Upon information and belief, the Archdiocese and St. Joseph's, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Father Lebar would use his position with the defendants to sexually abuse children, including A.M.

454. Upon information and belief, the Archdiocese and St. Joseph's, their agents, servants, and employees, disregarded their knowledge that Father Lebar would use his position with them to sexually abuse children, including A.M.

455. Upon information and belief, the Archdiocese and St. Joseph's, their agents, servants, and employees, acted in concert with each other or with Father Lebar to conceal the danger that Father Lebar posed to children, including A.M., so that Father Lebar could continue serving them despite their knowledge of that danger.

456. Upon information and belief, the Archdiocese 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 A.M., and he did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

457. Upon information and belief, the Archdiocese and St. Joseph's, their agents, servants, and employees, concealed the sexual abuse of children by priests and/or 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.

458. By reason of the wrongful acts of the Archdiocese and St. Joseph's as detailed herein, A.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 A.M. has and/or will become obligated to expend sums of money for treatment.

#### **VIII. STATEMENT OF FACTS AS TO PLAINTIFF JAMES LARNEY**

459. Upon information and belief, at all relevant times the Archdiocese was the owner of St. Anthony's and held itself out to the public as the owner of St. Anthony's.

460. Upon information and belief, at all relevant times the Archdiocese, its agents, servants, and employees managed, maintained, operated, and controlled St. Anthony's.

461. Upon information and belief, at all relevant times the Archdiocese employed priests and/or others who served Catholic families at St. Anthony's, including plaintiff James Larney and his family.

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

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

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

465. Upon information and belief, at all relevant times the Archdiocese materially benefited from the operation of St. Anthony's, including the services of Monsignor Pakulniewicz and the services of those who managed and supervised Monsignor Pakulniewicz.

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

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

468. Upon information and belief, at all relevant times St. Anthony's employed priests and/or others who served Catholic families, including plaintiff James Larney and his family.

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

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

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

472. Upon information and belief, at all relevant times St. Anthony's materially benefitted from the operation of St. Anthony's, including the services of Monsignor Pakulniewicz and the services of those who managed and supervised Monsignor Pakulniewicz.

473. Upon information and belief, at all relevant times Monsignor Pakulniewicz was a priest of the Archdiocese.

474. Upon information and belief, at all relevant times Monsignor Pakulniewicz was on the staff of, acted as an agent of, and served as an employee of the Archdiocese.

475. Upon information and belief, at all relevant times Monsignor Pakulniewicz was acting in the course and scope of his employment with the Archdiocese.

476. Upon information and belief, at all relevant times Monsignor Pakulniewicz was employed by the Archdiocese and assigned to St. Anthony's.

477. Upon information and belief, at all relevant times Monsignor Pakulniewicz was a priest of St. Anthony's.

478. Upon information and belief, at all relevant times Monsignor Pakulniewicz was on the staff of, was an agent of, and served as an employee of St. Anthony's.

479. Upon information and belief, at all relevant times Monsignor Pakulniewicz was acting in the course and scope of his employment with St. Anthony's.

480. Upon information and belief, at all relevant times Monsignor Pakulniewicz had an office on the premises of St. Anthony's.

481. When plaintiff James Larney was a minor, he and his parents were members of the Archdiocese and St. Anthony's.

482. At all relevant times, the Archdiocese and St. Anthony's, their agents, servants, and employees, held Monsignor Pakulniewicz out to the public, to James, and to his parents, as their agent and employee.

483. At all relevant times, the Archdiocese and St. Anthony's, their agents, servants, and employees, held Monsignor Pakulniewicz out to the public, to James, and to his parents, as having been vetted, screened, and approved by those defendants.

484. At all relevant times, James and his parents reasonably relied upon the acts and representations of the Archdiocese and St. Anthony's, their agents, servants, and employees, and reasonably believed that Monsignor Pakulniewicz was an agent or employee of those defendants who was vetted, screened, and approved by those defendants.

485. At all relevant times, James and his parents trusted Monsignor Pakulniewicz because the Archdiocese and St. Anthony's held him out as someone who was safe and could be trusted with the supervision, care, custody, and control of James.

486. At all relevant times, James and his parents believed that the Archdiocese and St. Anthony'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 James.

487. When James was a minor, Monsignor Pakulniewicz sexually abused him.

488. James was sexually abused by Monsignor Pakulniewicz when James was approximately 12 to 13 years old.

489. Based on the representations of the Archdiocese and St. Anthony's that Monsignor Pakulniewicz was safe and trustworthy, James and his parents allowed James to be under the supervision of, and in the care, custody, and control of, the Archdiocese and St. Anthony's, including during the times when James was sexually abused by Monsignor Pakulniewicz.

490. Based on the representations of the Archdiocese and St. Anthony's that Monsignor Pakulniewicz was safe and trustworthy, James and his parents allowed James to be under the supervision of, and in the care, custody, and control of, Monsignor Pakulniewicz, including during the times when James was sexually abused by Monsignor Pakulniewicz.

491. Neither James nor his parents would have allowed him to be under the supervision of, or in the care, custody, or control of, the Archdiocese, St. Anthony's, or Monsignor Pakulniewicz if the Archdiocese or St. Anthony's had disclosed to James or his parents that Monsignor Pakulniewicz was not safe and was not trustworthy, and that he in fact posed a danger to James in that Monsignor Pakulniewicz was likely to sexually abuse James.

492. No parent of ordinary prudence in comparable circumstances would have allowed James to be under the supervision of, or in the care, custody, or control of, the Archdiocese, St. Anthony's, or Monsignor Pakulniewicz if the Archdiocese or St. Anthony's had disclosed to James or his parents that Monsignor Pakulniewicz was not safe and was not trustworthy, and that he in fact posed a danger to James in that Monsignor Pakulniewicz was likely to sexually abuse him.

493. From approximately 1966 through 1968, Monsignor Pakulniewicz exploited the trust and authority vested in him by defendants by grooming James to gain his trust and to obtain control over him as part of Monsignor Pakulniewicz's plan to sexually molest and abuse James and other children.

494. Monsignor Pakulniewicz used his position of trust and authority as a priest of the Archdiocese and of St. Anthony's to groom James and to sexually abuse him multiple times, including when James was under the supervision of, and in the care, custody, or control of, the Archdiocese, St. Anthony's, and Monsignor Pakulniewicz.



495. The sexual abuse of James by Monsignor Pakulniewicz occurred at St. Anthony's during Mass and other services.

496. At certain times, Monsignor Pakulniewicz's sexual abuse of James occurred during activities that were sponsored by, or were a direct result of activities sponsored by, the Archdiocese and St. Anthony's, including during Mass and when James served as an organist for the defendants.

497. Upon information and belief, prior to the times mentioned herein, Monsignor Pakulniewicz was a known sexual abuser of children.

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

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

500. Upon information and belief, at certain times between 1966 and 1968, defendants, their agents, servants, and employees knew or should have known that Monsignor Pakulniewicz was sexually abusing James and other children at St. Anthony's and elsewhere.

501. Upon information and belief, defendants, their agents, servants, and employees knew or should have known that the sexual abuse by Monsignor Pakulniewicz of James was ongoing.

502. Upon information and belief, the Archdiocese and St. Anthony's, their agents, servants, and employees, knew or should have known that Monsignor Pakulniewicz was likely to

abuse children, including James, because Monsignor Pakulniewicz would go into the choir loft during Mass for lengthy periods of time while James was up in the loft alone.

503. Upon information and belief, the Archdiocese and St. Anthony's, their agents, servants, and employees, knew or should have known before and during Monsignor Pakulniewicz's sexual abuse of James that priests and other persons serving the Archdiocese and St. Anthony's had used their positions with those defendants to groom and to sexually abuse children.

504. Upon information and belief, the Archdiocese and St. Anthony's, their agents, servants, and employees, knew or should have known before and during Monsignor Pakulniewicz's sexual abuse of James that such priests and other persons could not be "cured" through treatment or counseling.

505. Upon information and belief, the Archdiocese and St. Anthony's, their agents, servants, and employees, concealed the sexual abuse of children by Monsignor Pakulniewicz 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 Monsignor Pakulniewicz would continue to molest children.

506. Upon information and belief, the Archdiocese and St. Anthony's, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Monsignor Pakulniewicz would use his position with the defendants to sexually abuse children, including James.

507. Upon information and belief, the Archdiocese and St. Anthony's, their agents, servants, and employees, disregarded their knowledge that Monsignor Pakulniewicz would use his position with them to sexually abuse children, including James.

508. Upon information and belief, the Archdiocese and St. Anthony's, their agents, servants, and employees, acted in concert with each other or with Monsignor Pakulniewicz to conceal the danger that Monsignor Pakulniewicz posed to children, including James, so that Monsignor Pakulniewicz could continue serving them despite their knowledge of that danger.

509. Upon information and belief, the Archdiocese and St. Anthony'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 James, and he did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

510. Upon information and belief, the Archdiocese and St. Anthony's, their agents, servants, and employees, concealed the sexual abuse of children by priests and/or 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.

511. By reason of the wrongful acts of the Archdiocese and St. Anthony's as detailed herein, James 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 James has and/or will become obligated to expend sums of money for treatment.

**IX. STATEMENT OF FACTS AS TO PLAINTIFF R.K.**

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

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

514. Upon information and belief, at all relevant times the Archdiocese employed priests, school administrators, teachers, religious, and others who served Catholic families at St. Mary's, including plaintiff R.K. and his family.

515. Upon information and belief, at all relevant times the Archdiocese, 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.

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

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

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

519. Upon information and belief, at all relevant times St. Mary's owned a junior seminary.

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

521. 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 R.K. and his family.

522. 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.

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

524. 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.

525. 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 Mahoney and the services of those who managed and supervised Father Mahoney.

526. Upon information and belief, at all relevant times Father Mahoney was a priest of the Archdiocese.

527. Upon information and belief, at all relevant times Father Mahoney was on the staff of, acted as an agent of, and served as an employee of the Archdiocese.

528. Upon information and belief, at all relevant times Father Mahoney was acting in the course and scope of his employment with the Archdiocese.

529. Upon information and belief, at all relevant times Father Mahoney was employed by the Archdiocese and assigned to St. Mary's.

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

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

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

533. Upon information and belief, at all relevant times Father Mahoney had an office on the premises of St. Mary's.

534. When plaintiff R.K. was a minor, he and his parents were members of the Archdiocese and St. Mary's.

535. At all relevant times, the Archdiocese and St. Mary's, their agents, servants, and employees, held Father Mahoney out to the public, to R.K., and to his parents, as their agent and employee.

536. At all relevant times, the Archdiocese and St. Mary's, their agents, servants, and employees, held Father Mahoney out to the public, to R.K., and to his parents, as having been vetted, screened, and approved by those defendants.

537. At all relevant times, R.K. and his parents reasonably relied upon the acts and representations of the Archdiocese and St. Mary's, their agents, servants, and employees, and reasonably believed that Father Mahoney was an agent or employee of those defendants who was vetted, screened, and approved by those defendants.

538. At all relevant times, R.K. and his parents trusted Father Mahoney because the Archdiocese and St. Mary's held him out as someone who was safe and could be trusted with the supervision, care, custody, and control of R.K.

539. At all relevant times, R.K. and his parents believed that the Archdiocese 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 R.K.

540. When R.K. was a minor, Father Mahoney sexually abused him.

541. R.K. was sexually abused by Father Mahoney when R.K. was approximately 17 years old.

542. Based on the representations of the Archdiocese and St. Mary's that Father Mahoney was safe and trustworthy, R.K. and his parents allowed R.K. to be under the supervision of, and in the care, custody, and control of, the Archdiocese and St. Mary's, including during the times when R.K. was sexually abused by Father Mahoney.

543. Based on the representations of the Archdiocese and St. Mary's that Father Mahoney was safe and trustworthy, R.K. and his parents allowed R.K. to be under the supervision of, and in the care, custody, and control of, Father Mahoney, including during the times when R.K. was sexually abused by Father Mahoney.

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

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

546. In approximately 1967, Father Mahoney exploited the trust and authority vested in him by defendants by grooming R.K. to gain his trust and to obtain control over him as part of Father Mahoney's plan to sexually molest and abuse R.K. and other children.

547. Father Mahoney used his position of trust and authority as a priest of the Archdiocese and of St. Mary's to groom R.K. and to sexually abuse him, including when R.K. was under the supervision of, and in the care, custody, or control of, the Archdiocese, St. Mary's, and Father Mahoney.

548. The sexual abuse of R.K. by Father Mahoney occurred at St. Mary's.

549. At certain times, Father Mahoney's sexual abuse of R.K. occurred during activities that were sponsored by, or were a direct result of activities sponsored by, the Archdiocese and St. Mary's, including seminary activities when R.K. was a seminary student.

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

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

552. Upon information and belief, at all relevant times it was reasonably foreseeable to defendants, their agents, servants, and employees that Father Mahoney's sexual abuse of children



would likely result in injury to others, including the sexual abuse of R.K. and other children by Father Mahoney.

553. The defendants, their agents, servants, and employees, knew or should have known that Father Mahoney was sexually abusing R.K. and other children at St. Mary's and elsewhere.

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

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

556. Upon information and belief, the Archdiocese and St. Mary's, their agents, servants, and employees, concealed the sexual abuse of children by Father Mahoney 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 Mahoney would continue to molest children.

557. Upon information and belief, the Archdiocese and St. Mary's, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Father Mahoney would use his position with the defendants to sexually abuse children, including R.K.

558. Upon information and belief, the Archdiocese and St. Mary's, their agents, servants, and employees, disregarded their knowledge that Father Mahoney would use his position with them to sexually abuse children, including R.K.

559. Upon information and belief, the Archdiocese and St. Mary's, their agents, servants, and employees, acted in concert with each other or with Father Mahoney to conceal the danger that Father Mahoney posed to children, including R.K., so that Father Mahoney could continue serving them despite their knowledge of that danger.

560. Upon information and belief, the Archdiocese 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 R.K., and he did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

561. Upon information and belief, the Archdiocese 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.

562. By reason of the wrongful acts of the Archdiocese and St. Mary's as detailed herein, R.K. 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.K. has and/or will become obligated to expend sums of money for treatment.

**X. STATEMENT OF FACTS AS TO PLAINTIFF PETER CALOGER**

563. Upon information and belief, at all relevant times the Archdiocese was the owner of Our Lady Star of the Sea and held itself out to the public as the owner of Our Lady Star of the Sea.

564. Upon information and belief, at all relevant times the Archdiocese, its agents, servants, and employees managed, maintained, operated, and controlled Our Lady Star of the Sea.

565. Upon information and belief, at all relevant times the Archdiocese employed priests and others who served Catholic families at Our Lady Star of the Sea, including plaintiff Peter Caloger and his family.

566. Upon information and belief, at all relevant times the Archdiocese, its agents, servants, and employees managed, maintained, operated, and controlled Our Lady Star of the Sea, and held out to the public its agents, servants, and employees as those who managed, maintained, operated, and controlled Our Lady Star of the Sea.

567. Upon information and belief, at all relevant times the Archdiocese was responsible for the hiring and staffing, and did the hiring and staffing, at Our Lady Star of the Sea.

568. Upon information and belief, at all relevant times the Archdiocese was responsible for and did the recruitment and staffing of volunteers at Our Lady Star of the Sea.

569. Upon information and belief, at all relevant times the Archdiocese materially benefited from the operation of Our Lady Star of the Sea, including the services of Father Franklin and the services of those who managed and supervised Father Franklin.

570. Upon information and belief, at all relevant times Our Lady Star of the Sea owned a parish, church, and school.

571. Upon information and belief, at all relevant times Our Lady Star of the Sea held itself out to the public as the owner of Our Lady Star of the Sea.

572. Upon information and belief, at all relevant times Our Lady Star of the Sea employed priests and others who served Catholic families, including plaintiff Peter Caloger and his family.

573. Upon information and belief, at all relevant times Our Lady Star of the Sea, its agents, servants, and employees managed, maintained, operated, and controlled Our Lady Star of the Sea, and held out to the public its agents, servants and employees as those who managed, maintained, operated, and controlled Our Lady Star of the Sea.

574. Upon information and belief, at all relevant times Our Lady Star of the Sea was responsible for and did the staffing and hiring at Our Lady Star of the Sea.

575. Upon information and belief, at all relevant times Our Lady Star of the Sea was responsible for and did the recruitment and staffing of volunteers at Our Lady Star of the Sea.

576. Upon information and belief, at all relevant times Our Lady Star of the Sea materially benefitted from the operation of Our Lady Star of the Sea, including the services of Father Franklin and the services of those who managed and supervised Father Franklin.

577. Upon information and belief, at all relevant times Father Franklin was a priest of the Diocese and Archdiocese.

578. Upon information and belief, at all relevant times Father Franklin was on the staff of, acted as an agent of, and served as an employee of the Diocese of Ogdensburg and the Archdiocese.

579. Upon information and belief, at all relevant times Father Franklin was acting in the course and scope of his employment with the Diocese of Ogdensburg and the Archdiocese.

580. Upon information and belief, at all relevant times Father Franklin was employed by the Diocese of Ogdensburg and assigned to Our Lady Star of the Sea.

581. Upon information and belief, at all relevant times Father Franklin was a priest of Our Lady Star of the Sea.

582. Upon information and belief, at all relevant times Father Franklin was on the staff of, was an agent of, and served as an employee of Our Lady Star of the Sea.

583. Upon information and belief, at all relevant times Father Franklin was acting in the course and scope of his employment with Our Lady Star of the Sea.

584. Upon information and belief, at all relevant times Father Franklin had an office on the premises of Our Lady Star of the Sea.

585. When plaintiff Peter Caloger was a minor, he and his parents were members of the Archdiocese and he attended Our Lady Star of the Sea.

586. At all relevant times, the Archdiocese, the Diocese of Ogdensburg, and Our Lady Star of the Sea, their agents, servants, and employees, held Father Franklin out to the public, to Peter, and to his parents, as their agent and employee.

587. At all relevant times, the Archdiocese, the Diocese of Ogdensburg, and Our Lady Star of the Sea, their agents, servants, and employees, held Father Franklin out to the public, to Peter, and to his parents, as having been vetted, screened, and approved by those defendants.

588. At all relevant times, Peter and his parents reasonably relied upon the acts and representations of the Archdiocese, the Diocese of Ogdensburg, and Our Lady Star of the Sea, their agents, servants, and employees, and reasonably believed that Father Franklin was an agent or employee of those defendants who was vetted, screened, and approved by those defendants.

589. At all relevant times, Peter and his parents trusted Father Franklin because the Archdiocese, the Diocese of Ogdensburg, and Our Lady Star of the Sea held him out as someone who was safe and could be trusted with the supervision, care, custody, and control of Peter.

590. At all relevant times, Peter and his parents believed that the Archdiocese, the Diocese of Ogdensburg, and Our Lady Star of the Sea would exercise such care as would a parent of ordinary prudence in comparable circumstances when those defendants assumed supervision, care, custody, and control of Peter.

591. When Peter was a minor, Father Franklin sexually abused him.

592. Peter was sexually abused by Father Franklin when Peter was approximately 13 years old.

593. Based on the representations of the Archdiocese, the Diocese of Ogdensburg, and Our Lady Star of the Sea that Father Franklin was safe and trustworthy, Peter and his parents allowed Peter to be under the supervision of, and in the care, custody, and control of, the Archdiocese, the Diocese of Ogdensburg, and Our Lady Star of the Sea, including during the times when Peter was sexually abused by Father Franklin.

594. Based on the representations of the Archdiocese, the Diocese of Ogdensburg, and Our Lady Star of the Sea that Father Franklin was safe and trustworthy, Peter and his parents allowed Peter to be under the supervision of, and in the care, custody, and control of, Father Franklin, including during the times when Peter was sexually abused by Father Franklin.

595. Neither Peter nor his parents would have allowed him to be under the supervision of, or in the care, custody, or control of, the Archdiocese, the Diocese, Our Lady Star of the Sea, or Father Franklin if the Diocese or Our Lady Star of the Sea had disclosed to Peter or his parents that Father Franklin was not safe and was not trustworthy, and that he in fact posed a danger to Peter in that Father Franklin was likely to sexually abuse Peter.

596. No parent of ordinary prudence in comparable circumstances would have allowed Peter to be under the supervision of, or in the care, custody, or control of, the Archdiocese, the

Diocese, Our Lady Star of the Sea, or Father Franklin if the Archdiocese, the Diocese, or Our Lady Star of the Sea had disclosed to Peter or his parents that Father Franklin was not safe and was not trustworthy, and that he in fact posed a danger to Peter in that Father Franklin was likely to sexually abuse him.

597. In approximately 1967, Father Franklin exploited the trust and authority vested in him by defendants by grooming Peter to gain his trust and to obtain control over him as part of Father Franklin's plan to sexually molest and abuse Peter and other children.

598. Father Franklin used his position of trust and authority as a priest of the Archdiocese, the Diocese, and of Our Lady Star of the Sea to groom Peter and to sexually abuse him multiple times, including when Peter was under the supervision of, and in the care, custody, or control of, the Archdiocese, the Diocese, Our Lady Star of the Sea, and Father Franklin.

599. At certain times, the sexual abuse of Peter by Father Franklin occurred at Our Lady Star of the Sea, including at the parish.

600. At certain times, Father Franklin's sexual abuse of Peter occurred during activities that were sponsored by, or were a direct result of activities sponsored by, the Archdiocese, the Diocese of Ogdensburg, and Our Lady Star of the Sea, including when Peter and others were volunteering their time to help repair a space to host a "teen club" that Father Franklin oversaw. This occurred during a time when Peter was serving as an altar boy.

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

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

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

604. Upon information and belief, the defendants, their agents, servants, and employees, knew or should have known that Father Franklin was sexually abusing Peter and other children at Our Lady Star of the Sea and elsewhere.

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

606. Upon information and belief, the Archdiocese, the Diocese of Ogdensburg, and Our Lady Star of the Sea, their agents, servants, and employees, knew or should have known that Father Franklin was likely to abuse children, including Peter, because while the abuse was ongoing Father Franklin addressed a group of students stating that he had been accused of "loving too much." Despite that knowledge, neither the Diocese, the Archdiocese, nor Our Lady of the Sea did anything to prevent Peter from being sexually abused.

607. Upon information and belief, the Archdiocese, the Diocese, and Our Lady Star of the Sea, their agents, servants, and employees, knew or should have known before and during Father Franklin's sexual abuse of Peter that priests and other persons serving the Archdiocese, the Diocese of Ogdensburg, and Our Lady Star of the Sea had used their positions with those defendants to groom and to sexually abuse children.

608. Upon information and belief, the Archdiocese, the Diocese of Ogdensburg, and Our Lady Star of the Sea, their agents, servants, and employees, knew or should have known before



and during Father Franklin's sexual abuse of Peter that such priests and other persons could not be "cured" through treatment or counseling.

609. Upon information and belief, the Archdiocese, the Diocese of Ogdensburg, and Our Lady Star of the Sea, their agents, servants, and employees, concealed the sexual abuse of children by Father Franklin 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 Franklin would continue to molest children.

610. Upon information and belief, the Archdiocese, the Diocese of Ogdensburg, and Our Lady Star of the Sea, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Father Franklin would use his position with the defendants to sexually abuse children, including Peter.

611. Upon information and belief, the Archdiocese, the Diocese of Ogdensburg, and Our Lady Star of the Sea, their agents, servants, and employees, disregarded their knowledge that Father Franklin would use his position with them to sexually abuse children, including Peter.

612. Upon information and belief, the Archdiocese, the Diocese of Ogdensburg, and Our Lady Star of the Sea, their agents, servants, and employees, acted in concert with each other or with Father Franklin to conceal the danger that Father Franklin posed to children, including Peter, so that Father Franklin could continue serving them despite their knowledge of that danger.

613. Upon information and belief, the Archdiocese, the Diocese of Ogdensburg, and Our Lady Star of the Sea, 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 Peter, and he did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

614. Upon information and belief, the Archdiocese, the Diocese of Ogdensburg, and Our Lady Star of the Sea, 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.

615. By reason of the wrongful acts of the Archdiocese, the Diocese of Ogdensburg, and Our Lady Star of the Sea as detailed herein, Peter 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 Peter has and/or will become obligated to expend sums of money for treatment.

#### **XI. STATEMENT OF FACTS AS TO PLAINTIFF W.N.**

616. Upon information and belief, at all relevant times the Archdiocese was the owner of Pope Pius XII and held itself out to the public as the owner of Pope Pius XII.

617. Upon information and belief, at all relevant times the Archdiocese, its agents, servants, and employees managed, maintained, operated, and controlled Pope Pius XII.

618. Upon information and belief, at all relevant times the Archdiocese employed priests, school administrators, teachers, religious, and others who served Catholic families at Pope Pius XII, including plaintiff W.N. and his family.

619. Upon information and belief, at all relevant times the Archdiocese, its agents, servants, and employees managed, maintained, operated, and controlled Pope Pius XII, and held out to the public its agents, servants, and employees as those who managed, maintained, operated, and controlled Pope Pius XII.

620. Upon information and belief, at all relevant times the Archdiocese was responsible for the hiring and staffing, and did the hiring and staffing, at Pope Pius XII.

621. Upon information and belief, at all relevant times the Archdiocese was responsible for and did the recruitment and staffing of volunteers at Pope Pius XII.

622. Upon information and belief, at all relevant times the Archdiocese materially benefited from the operation of Pope Pius XII, including the services of Brother John and Brother Bob and the services of those who managed and supervised Brother John and Brother Bob.

623. Upon information and belief, at all relevant times Pope Pius XII owned a boarding school.

624. Upon information and belief, at all relevant times Pope Pius XII held itself out to the public as the owner of Pope Pius XII.

625. Upon information and belief, at all relevant times Pope Pius XII employed priests, school administrators, teachers, religious, and others who served Catholic families, including plaintiff W.N. and his family.

626. Upon information and belief, at all relevant times Pope Pius XII, its agents, servants, and employees managed, maintained, operated, and controlled Pope Pius XII, and held out to the public its agents, servants and employees as those who managed, maintained, operated, and controlled Pope Pius XII.

627. Upon information and belief, at all relevant times Pope Pius XII was responsible for and did the staffing and hiring at Pope Pius XII.

628. Upon information and belief, at all relevant times Pope Pius XII was responsible for and did the recruitment and staffing of volunteers at Pope Pius XII.

629. Upon information and belief, at all relevant times Pope Pius XII materially benefitted from the operation of Pope Pius XII, including the services of Brother John and Brother Bob and the services of those who managed and supervised Brother John and Brother Bob.

630. Upon information and belief, at all relevant times Brother John and Brother Bob were religious brothers of the Archdiocese.

631. Upon information and belief, at all relevant times Brother John and Brother Bob were on the staff of, acted as an agents of, and served as employees of the Archdiocese.

632. Upon information and belief, at all relevant times Brother John and Brother Bob were acting in the course and scope of their employment with the Archdiocese.

633. Upon information and belief, at all relevant times Brother John and Brother Bob were employed by the Archdiocese and assigned to Pope Pius XII.

634. Upon information and belief, at all relevant times Brother John and Brother Bob were religious brothers of Pope Pius XII.

635. Upon information and belief, at all relevant times Brother John and Brother Bob were on the staff of, were agents of, and served as employees of Pope Pius XII.

636. Upon information and belief, at all relevant times Brother John and Brother Bob were acting in the course and scope of their employment with Pope Pius XII.

637. Upon information and belief, at all relevant times Brother John and Brother Bob had offices on the premises of Pope Pius XII.

638. When plaintiff W.N. was a minor, he and his parents were members of the Archdiocese and W.N. attended and resided at Pope Pius XII.

639. At all relevant times, the Archdiocese and Pope Pius XII, their agents, servants, and employees, held Brother John and Brother Bob out to the public, to W.N., and to his parents, as their agents and employees.

640. At all relevant times, the Archdiocese and Pope Pius XII, their agents, servants, and employees, held Brother John and Brother Bob out to the public, to W.N., and to his parents, as having been vetted, screened, and approved by those defendants.

641. At all relevant times, W.N. and his parents reasonably relied upon the acts and representations of the Archdiocese and Pope Pius XII, their agents, servants, and employees, and reasonably believed that Brother John and Brother Bob were agents or employees of those defendants who was vetted, screened, and approved by those defendants.

642. At all relevant times, W.N. and his parents trusted Brother John and Brother Bob because the Archdiocese and Pope Pius XII held them out as individuals who were safe and could be trusted with the supervision, care, custody, and control of W.N.

643. At all relevant times, W.N. and his parents believed that the Archdiocese and Pope Pius XII would exercise such care as would a parent of ordinary prudence in comparable circumstances when those defendants assumed supervision, care, custody, and control of W.N.

644. When W.N. was a minor, Brother John and Brother Bob sexually abused him.

645. W.N. was sexually abused by Brother John and Brother Bob when W.N. was approximately 14 to 15 years old.

646. Based on the representations of the Archdiocese and Pope Pius XII that Brother John and Brother Bob were safe and trustworthy, W.N. and his parents allowed W.N. to be under

the supervision of, and in the care, custody, and control of, the Archdiocese and Pope Pius XII, including during the times when W.N. was sexually abused by Brother John and Brother Bob.

647. Based on the representations of the Archdiocese and Pope Pius XII that Brother John and Brother Bob were safe and trustworthy, W.N. and his parents allowed W.N. to be under the supervision of, and in the care, custody, and control of, Brother John and Brother Bob, including during the times when W.N. was sexually abused by Brother John and Brother Bob.

648. Neither W.N. nor his parents would have allowed him to be under the supervision of, or in the care, custody, or control of, the Archdiocese, Pope Pius XII, or Brother John and Brother Bob if the Archdiocese or Pope Pius XII had disclosed to W.N. or his parents that Brother John and Brother Bob were not safe and were not trustworthy, and that they in fact posed a danger to W.N. in that Brother John and Brother Bob were likely to sexually abuse W.N.

649. No parent of ordinary prudence in comparable circumstances would have allowed W.N. to be under the supervision of, or in the care, custody, or control of, the Archdiocese, Pope Pius XII, or Brother John and Brother Bob if the Archdiocese or Pope Pius XII had disclosed to W.N. or his parents that Brother John and Brother Bob were not safe and were not trustworthy, and that they in fact posed a danger to W.N. in that Brother John and Brother Bob were likely to sexually abuse him.

650. From approximately 1971 through 1972, Brother John and Brother Bob exploited the trust and authority vested in them by defendants by grooming W.N. to gain his trust and to obtain control over him as part of Brother John and Brother Bob's plan to sexually molest and abuse W.N. and other children.

651. Brother John and Brother Bob used their position of trust and authority as religious brothers, school administrators, and/or teachers of the Archdiocese and of Pope Pius XII to groom

W.N. and to sexually abuse him multiple times, including when W.N. was under the supervision of, and in the care, custody, or control of, the Archdiocese, Pope Pius XII, and Brother John and Brother Bob.

652. At certain times, the sexual abuse of W.N. by Brother John and Brother Bob occurred at Pope Pius XII, including in the living quarters.

653. At certain times, Brother John and Brother Bob's sexual abuse of W.N. occurred during activities that were sponsored by, or were a direct result of activities sponsored by, the Archdiocese and Pope Pius XII, including during while W.N. lived at Pope Pius XII.

654. Upon information and belief, prior to the times mentioned herein, Brother John and Brother Bob were known sexual abusers of children.

655. Upon information and belief, at all relevant times, defendants, their agents, servants, and employees, knew or should have known that Brother John and Brother Bob were known sexual abusers of children.

656. Upon information and belief, at all relevant times it was reasonably foreseeable to defendants, their agents, servants, and employees that Brother John and Brother Bob's sexual abuse of children would likely result in injury to others, including the sexual abuse of W.N. and other children by Brother John and Brother Bob.

657. Upon information and belief, at certain times between 1971 and 1972, defendants, their agents, servants, and employees knew or should have known that Brother John and Brother Bob were sexually abusing W.N. and other children at Pope Pius XII and elsewhere.

658. Upon information and belief, defendants, their agents, servants, and employees knew or should have known that the sexual abuse by Brother John and Brother Bob of W.N. was ongoing.

659. Upon information and belief, the Archdiocese and Pope Pius XII, their agents, servants, and employees, knew or should have known before and during Brother John and Brother Bob's sexual abuse of W.N. that priests, religious brothers, and other persons serving the Archdiocese and Pope Pius XII had used their positions with those defendants to groom and to sexually abuse children.

660. Upon information and belief, the Archdiocese and Pope Pius XII, their agents, servants, and employees, knew or should have known before and during Brother John and Brother Bob's sexual abuse of W.N. that such priests, religious brothers, and other persons could not be "cured" through treatment or counseling.

661. Upon information and belief, the Archdiocese and Pope Pius XII, their agents, servants, and employees, concealed the sexual abuse of children by Brother John and Brother Bob 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 Brother John and Brother Bob would continue to molest children.

662. Upon information and belief, the Archdiocese and Pope Pius XII, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Brother John and Brother Bob would use their positions with the defendants to sexually abuse children, including W.N.

663. Upon information and belief, the Archdiocese and Pope Pius XII, their agents, servants, and employees, disregarded their knowledge that Brother John and Brother Bob would use their positions with them to sexually abuse children, including W.N.



664. Upon information and belief, the Archdiocese and Pope Pius XII, their agents, servants, and employees, acted in concert with each other or with Brother John and Brother Bob to conceal the danger that Brother John and Brother Bob posed to children, including W.N., so that Brother John and Brother Bob could continue serving them despite their knowledge of that danger.

665. Upon information and belief, the Archdiocese and Pope Pius XII, 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 W.N., and he did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

666. Upon information and belief, the Archdiocese and Pope Pius XII, 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.

667. By reason of the wrongful acts of the Archdiocese and Pope Pius XII as detailed herein, W.N. 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 W.N. has and/or will become obligated to expend sums of money for treatment.

**XII. STATEMENT OF FACTS AS TO PLAINTIFF RICHARD CARDILLO**

668. Upon information and belief, at all relevant times the Archdiocese, its agents, servants, and employees managed, maintained, operated, and controlled Iona Prep.

669. Upon information and belief, at all relevant times the Archdiocese employed priests, religious brothers, teachers, school administrators, and others who served Catholic families at Iona Prep, including plaintiff Richard Cardillo and his family.

670. Upon information and belief, at all relevant times the Archdiocese, its agents, servants, and employees managed, maintained, operated, and controlled Iona Prep, and held out to the public its agents, servants, and employees as those who managed, maintained, operated, and controlled Iona Prep.

671. Upon information and belief, at all relevant times the Archdiocese was responsible for the hiring and staffing, and did the hiring and staffing, at Iona Prep.

672. Upon information and belief, at all relevant times the Archdiocese was responsible for and did the recruitment and staffing of volunteers at Iona Prep.

673. Upon information and belief, at all relevant times the Archdiocese materially benefited from the operation of Iona Prep, including the services of Brother Ferro and the services of those who managed and supervised Brother Ferro.

674. Upon information and belief, at all relevant times Iona Prep owned a school.

675. Upon information and belief, at all relevant times Iona Prep held itself out to the public as the owner of Iona Prep.

676. Upon information and belief, at all relevant times Iona Prep employed priests, religious brothers, teachers, school administrators, and others who served Catholic families, including plaintiff Richard Cardillo and his family.

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

678. Upon information and belief, at all relevant times Iona Prep was responsible for and did the staffing and hiring at Iona Prep.

679. Upon information and belief, at all relevant times Iona Prep was responsible for and did the recruitment and staffing of volunteers at Iona Prep.

680. Upon information and belief, at all relevant times Iona Prep materially benefitted from the operation of Iona Prep, including the services of Brother Ferro and the services of those who managed and supervised Brother Ferro.

681. Upon information and belief, at all relevant times Brother Ferro was a religious brother, school administrator, and/or teacher of the Archdiocese.

682. Upon information and belief, at all relevant times Brother Ferro was on the staff of, acted as an agent of, and served as an employee of the Archdiocese.

683. Upon information and belief, at all relevant times Brother Ferro was acting in the course and scope of his employment with the Archdiocese.

684. Upon information and belief, at all relevant times Brother Ferro was employed by the Archdiocese and assigned to Iona Prep.

685. Upon information and belief, at all relevant times Brother Ferro was a religious brother, school administrator, and/or teacher of Iona Prep.

686. Upon information and belief, at all relevant times Brother Ferro was on the staff of, was an agent of, and served as an employee of Iona Prep.

687. Upon information and belief, at all relevant times Brother Ferro was acting in the course and scope of his employment with Iona Prep.

688. Upon information and belief, at all relevant times Brother Ferro had an office on the premises of Iona Prep.

689. When plaintiff Richard Cardillo was a minor, he and his parents were members of the Archdiocese and he attended Iona Prep.

690. At all relevant times, the Archdiocese and Iona Prep, their agents, servants, and employees, held Brother Ferro out to the public, to Richard, and to his parents, as their agent and employee.

691. At all relevant times, the Archdiocese and Iona Prep, their agents, servants, and employees, held Brother Ferro out to the public, to Richard, and to his parents, as having been vetted, screened, and approved by those defendants.

692. At all relevant times, Richard and his parents reasonably relied upon the acts and representations of the Archdiocese and Iona Prep, their agents, servants, and employees, and reasonably believed that Brother Ferro was an agent or employee of those defendants who was vetted, screened, and approved by those defendants.

693. At all relevant times, Richard and his parents trusted Brother Ferro because the Archdiocese and Iona Prep held him out as someone who was safe and could be trusted with the supervision, care, custody, and control of Richard.

694. At all relevant times, Richard and his parents believed that the Archdiocese and Iona Prep would exercise such care as would a parent of ordinary prudence in comparable circumstances when those defendants assumed supervision, care, custody, and control of Richard.

695. When Richard was a minor, Brother Ferro sexually abused him.

696. Richard was sexually abused by Brother Ferro when Richard was approximately 16 years old.

697. Based on the representations of the Archdiocese and Iona Prep that Brother Ferro was safe and trustworthy, Richard and his parents allowed Richard to be under the supervision of, and in the care, custody, and control of, the Archdiocese and Iona Prep, including during the times when Richard was sexually abused by Brother Ferro.

698. Based on the representations of the Archdiocese and Iona Prep that Brother Ferro was safe and trustworthy, Richard and his parents allowed Richard to be under the supervision of, and in the care, custody, and control of, Brother Ferro, including during the time when Richard was sexually abused by Brother Ferro.

699. Neither Richard nor his parents would have allowed him to be under the supervision of, or in the care, custody, or control of, the Archdiocese, Iona Prep, or Brother Ferro if the Archdiocese or Iona Prep had disclosed to Richard or his parents that Brother Ferro was not safe and was not trustworthy, and that he in fact posed a danger to Richard in that Brother Ferro was likely to sexually abuse Richard.

700. No parent of ordinary prudence in comparable circumstances would have allowed Richard to be under the supervision of, or in the care, custody, or control of, the Archdiocese, Iona Prep, or Brother Ferro if the Archdiocese or Iona Prep had disclosed to Richard or his parents that Brother Ferro was not safe and was not trustworthy, and that he in fact posed a danger to Richard in that Brother Ferro was likely to sexually abuse him.

701. In approximately 1974, Brother Ferro exploited the trust and authority vested in him by defendants by grooming Richard to gain his trust and to obtain control over him as part of Brother Ferro's plan to sexually molest and abuse Richard and other children.

702. Brother Ferro used his position of trust and authority as a religious brother, school administrator, and/or teacher of the Archdiocese and of Iona Prep to groom Richard and to sexually abuse him when Richard was under the supervision of, and in the care, custody, or control of, the Archdiocese, Iona Prep, and Brother Ferro.

703. Brother Ferro sexually abused Richard during a trip to see a theatre production that Brother Ferro organized because Richard was a student of Brother Ferro's at Iona Prep.

704. Brother Ferro's sexual abuse of Richard occurred during activities that were sponsored by, or were a direct result of activities sponsored by, the Archdiocese and Iona Prep, including during a trip to see a theatre production that Brother Ferro organized because Richard was his student at Iona Prep.

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

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

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

708. The defendants, their agents, servants, and employees, knew or should have known that Brother Ferro was sexually abusing Richard and other children at Iona Prep and elsewhere.

709. Upon information and belief, the Archdiocese and Iona Prep, their agents, servants, and employees, knew or should have known that Brother Ferro was likely to abuse children,

including Richard, because it was well-known and often discussed by other students that one should not be alone with Brother Ferro.

710. Upon information and belief, the Archdiocese and Iona Prep, their agents, servants, and employees, knew or should have known that Brother Ferro was likely to abuse children, including Richard, because there were many reports that Brother Ferro was transferred to Iona Prep from other schools in New York and New Jersey because he had sexually abused other children at those schools.

711. Upon information and belief, the Archdiocese and Iona Prep, their agents, servants, and employees, knew or should have known that Brother Ferro was likely to abuse children, including Richard, because Brother Ferro had abused other children at Bishop Kearney High School in the years before he abused Richard.

712. Upon information and belief, the Archdiocese and Iona Prep, their agents, servants, and employees, knew or should have known that Brother Ferro was likely to abuse children, including Richard, because Richard was told not to disclose the fact that Brother Ferro had sexually abused him after Richard informed others at the Diocese and Iona Prep that he had been sexually abused by Brother Ferro.

713. Upon information and belief, the Archdiocese and Iona Prep, their agents, servants, and employees, knew or should have known before Brother Ferro's sexual abuse of Richard that priests, religious brothers, teachers, school administrators, and other persons serving the Archdiocese and Iona Prep had used their positions with those defendants to groom and to sexually abuse children.

714. Upon information and belief, the Archdiocese and Iona Prep, their agents, servants, and employees, knew or should have known before Brother Ferro's sexual abuse of Richard that

such priests, religious brothers, teachers, school administrators, and other persons could not be “cured” through treatment or counseling.

715. Upon information and belief, the Archdiocese and Iona Prep, their agents, servants, and employees, concealed the sexual abuse of children by Brother Ferro 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 Ferro would continue to molest children.

716. Upon information and belief, the Archdiocese and Iona Prep, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Brother Ferro would use his position with the defendants to sexually abuse children, including Richard.

717. Upon information and belief, the Archdiocese and Iona Prep, their agents, servants, and employees, disregarded their knowledge that Brother Ferro would use his position with them to sexually abuse children, including Richard.

718. Upon information and belief, the Archdiocese and Iona Prep, their agents, servants, and employees, acted in concert with each other or with Brother Ferro to conceal the danger that Brother Ferro posed to children, including Richard, so that Brother Ferro could continue serving them despite their knowledge of that danger.

719. Upon information and belief, the Archdiocese and Iona Prep, 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 Richard, and he did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.



720. Upon information and belief, the Archdiocese and Iona Prep, 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.

721. By reason of the wrongful acts of the Archdiocese and Iona Prep as detailed herein, Richard 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 Richard has and/or will become obligated to expend sums of money for treatment.

### **XIII. STATEMENT OF FACTS AS TO PLAINTIFF KEVIN DOW**

722. Upon information and belief, at all relevant times the Archdiocese was the owner of Holy Cross and held itself out to the public as the owner of Holy Cross.

723. Upon information and belief, at all relevant times the Archdiocese, its agents, servants, and employees managed, maintained, operated, and controlled Holy Cross.

724. Upon information and belief, at all relevant times the Archdiocese employed priests and/or others who served Catholic families at Holy Cross, including plaintiff Kevin Dow and his family.

725. Upon information and belief, at all relevant times the Archdiocese, its agents, servants, and employees managed, maintained, operated, and controlled Holy Cross, and held out

to the public its agents, servants, and employees as those who managed, maintained, operated, and controlled Holy Cross.

726. Upon information and belief, at all relevant times the Archdiocese was responsible for the hiring and staffing, and did the hiring and staffing, at Holy Cross.

727. Upon information and belief, at all relevant times the Archdiocese was responsible for and did the recruitment and staffing of volunteers at Holy Cross.

728. Upon information and belief, at all relevant times the Archdiocese materially benefited from the operation of Holy Cross, including the services of Father Boxelaar and the services of those who managed and supervised Father Boxelaar.

729. Upon information and belief, at all relevant times Holy Cross owned a parish and church.

730. Upon information and belief, at all relevant times Holy Cross held itself out to the public as the owner of Holy Cross.

731. Upon information and belief, at all relevant times Holy Cross employed priests and/or others who served Catholic families, including plaintiff Kevin Dow and his family.

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

733. Upon information and belief, at all relevant times Holy Cross was responsible for and did the staffing and hiring at Holy Cross.

734. Upon information and belief, at all relevant times Holy Cross was responsible for and did the recruitment and staffing of volunteers at Holy Cross.

735. Upon information and belief, at all relevant times Holy Cross materially benefitted from the operation of Holy Cross, including the services of Father Boxelaar and the services of those who managed and supervised Father Boxelaar.

736. Upon information and belief, at all relevant times Father Boxelaar was a priest of the Archdiocese.

737. Upon information and belief, at all relevant times Father Boxelaar was on the staff of, acted as an agent of, and served as an employee of the Archdiocese.

738. Upon information and belief, at all relevant times Father Boxelaar was acting in the course and scope of his employment with the Archdiocese.

739. Upon information and belief, at all relevant times Father Boxelaar was employed by the Archdiocese and assigned to Holy Cross.

740. Upon information and belief, at all relevant times Father Boxelaar was a priest of Holy Cross.

741. Upon information and belief, at all relevant times Father Boxelaar was on the staff of, was an agent of, and served as an employee of Holy Cross.

742. Upon information and belief, at all relevant times Father Boxelaar was acting in the course and scope of his employment with Holy Cross.

743. Upon information and belief, at all relevant times Father Boxelaar had an office on the premises of Holy Cross.

744. When plaintiff Kevin Dow was a minor, he and his parents were members of the Archdiocese and Holy Cross.

745. At all relevant times, the Archdiocese and Holy Cross, their agents, servants, and employees, held Father Boxelaar out to the public, to Kevin, and to his parents, as their agent and employee.

746. At all relevant times, the Archdiocese and Holy Cross, their agents, servants, and employees, held Father Boxelaar out to the public, to Kevin, and to his parents, as having been vetted, screened, and approved by those defendants.

747. At all relevant times, Kevin and his parents reasonably relied upon the acts and representations of the Archdiocese and Holy Cross, their agents, servants, and employees, and reasonably believed that Father Boxelaar was an agent or employee of those defendants who was vetted, screened, and approved by those defendants.

748. At all relevant times, Kevin and his parents trusted Father Boxelaar because the Archdiocese and Holy Cross held him out as someone who was safe and could be trusted with the supervision, care, custody, and control of Kevin.

749. At all relevant times, Kevin and his parents believed that the Archdiocese and Holy Cross would exercise such care as would a parent of ordinary prudence in comparable circumstances when those defendants assumed supervision, care, custody, and control of Kevin.

750. When Kevin was a minor, Father Boxelaar sexually abused him.

751. Kevin was sexually abused by Father Boxelaar when he was approximately 7 to 16 years old.

752. Based on the representations of the Archdiocese and Holy Cross that Father Boxelaar was safe and trustworthy, Kevin and his parents allowed Kevin to be under the supervision of, and in the care, custody, and control of, the Archdiocese and Holy Cross, including during the times when Kevin was sexually abused by Father Boxelaar.

753. Based on the representations of the Archdiocese and Holy Cross that Father Boxelaar was safe and trustworthy, Kevin and his parents allowed Kevin to be under the supervision of, and in the care, custody, and control of, Father Boxelaar, including during the times when Kevin was sexually abused by Father Boxelaar.

754. Neither Kevin nor his parents would have allowed him to be under the supervision of, or in the care, custody, or control of, the Archdiocese, Holy Cross, or Father Boxelaar if the Archdiocese or Holy Cross had disclosed to Kevin or his parents that Father Boxelaar was not safe and was not trustworthy, and that he in fact posed a danger to Kevin in that Father Boxelaar was likely to sexually abuse Kevin.

755. No parent of ordinary prudence in comparable circumstances would have allowed Kevin to be under the supervision of, or in the care, custody, or control of, the Archdiocese, Holy Cross, or Father Boxelaar if the Archdiocese or Holy Cross had disclosed to Kevin or his parents that Father Boxelaar was not safe and was not trustworthy, and that he in fact posed a danger to Kevin in that Father Boxelaar was likely to sexually abuse him.

756. From approximately 1974 through 1983, Father Boxelaar exploited the trust and authority vested in him by defendants by grooming Kevin to gain his trust and to obtain control over him as part of Father Boxelaar's plan to sexually molest and abuse Kevin and other children.

757. Father Boxelaar used his position of trust and authority as a priest of the Archdiocese and of Holy Cross to groom Kevin and to sexually abuse him multiple times, including when Kevin was under the supervision of, and in the care, custody, or control of, the Archdiocese, Holy Cross, and Father Boxelaar.

758. The sexual abuse of Kevin by Father Boxelaar occurred at Holy Cross, including at the Holy Cross and Mount Carmel Priory, where Father Boxelaar lived while he was providing services to the Archdiocese and Holy Cross.

759. Upon information and belief, the Archdiocese and Holy Cross owed Holy Cross and Mount Carmel Priory and they allowed Father Boxelaar to live there as a benefit of his employment by those defendants.

760. At certain times, Father Boxelaar's sexual abuse of Kevin occurred during activities that were sponsored by, or were a direct result of activities sponsored by, the Archdiocese and Holy Cross, including when Kevin would be with Father Boxelaar as a result of serving as an altar boy for the Archdiocese and Holy Cross.

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

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

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

764. Upon information and belief, at certain times between 1974 and 1983, defendants, their agents, servants, and employees knew or should have known that Father Boxelaar was sexually abusing Kevin and other children at Holy Cross and elsewhere.

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

766. Upon information and belief, the Archdiocese and Holy Cross, their agents, servants, and employees, knew or should have known that Father Boxelaar was likely to abuse children, including Kevin, because other parishioners had complained about Father Boxelaar's inappropriate sexual behavior before Father Boxelaar abused Kevin.

767. Upon information and belief, the Archdiocese and Holy Cross, their agents, servants, and employees, knew or should have known before and during Father Boxelaar's sexual abuse of Kevin that priests and other persons serving the Archdiocese and Holy Cross had used their positions with those defendants to groom and to sexually abuse children.

768. Upon information and belief, the Archdiocese and Holy Cross, their agents, servants, and employees, knew or should have known before and during Father Boxelaar's sexual abuse of Kevin that such priests and other persons could not be "cured" through treatment or counseling.

769. Upon information and belief, the Archdiocese and Holy Cross, their agents, servants, and employees, concealed the sexual abuse of children by Father Boxelaar 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 Boxelaar would continue to molest children.

770. Upon information and belief, the Archdiocese and Holy Cross, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Father Boxelaar would use his position with the defendants to sexually abuse children, including Kevin.

771. Upon information and belief, the Archdiocese and Holy Cross, their agents, servants, and employees, disregarded their knowledge that Father Boxelaar would use his position with them to sexually abuse children, including Kevin.

772. Upon information and belief, the Archdiocese and Holy Cross, their agents, servants, and employees, acted in concert with each other or with Father Boxelaar to conceal the danger that Father Boxelaar posed to children, including Kevin, so that Father Boxelaar could continue serving them despite their knowledge of that danger.

773. Upon information and belief, the Archdiocese and Holy Cross, 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 Kevin, and he did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

774. Upon information and belief, the Archdiocese and Holy Cross, their agents, servants, and employees, concealed the sexual abuse of children by priests and/or 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.

775. By reason of the wrongful acts of the Archdiocese and Holy Cross as detailed herein, Kevin 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 Kevin has and/or will become obligated to expend sums of money for treatment.

#### **XIV. STATEMENT OF FACTS AS TO PLAINTIFF JOHN MCQUADE**

776. Upon information and belief, at all relevant times the Archdiocese was the owner of Archbishop Stepinac and held itself out to the public as the owner of Archbishop Stepinac.

777. Upon information and belief, at all relevant times the Archdiocese, its agents, servants, and employees managed, maintained, operated, and controlled Archbishop Stepinac.

778. Upon information and belief, at all relevant times the Archdiocese employed priests, school administrators, teachers, religious, and others who served Catholic families at Archbishop Stepinac, including plaintiff John McQuade and his family.

779. Upon information and belief, at all relevant times the Archdiocese, its agents, servants, and employees managed, maintained, operated, and controlled Archbishop Stepinac, and held out to the public its agents, servants, and employees as those who managed, maintained, operated, and controlled Archbishop Stepinac.

780. Upon information and belief, at all relevant times the Archdiocese was responsible for the hiring and staffing, and did the hiring and staffing, at Archbishop Stepinac.

781. Upon information and belief, at all relevant times the Archdiocese was responsible for and did the recruitment and staffing of volunteers at Archbishop Stepinac.

782. Upon information and belief, at all relevant times the Archdiocese materially benefited from the operation of Archbishop Stepinac, including the services of Father Malone and the services of those who managed and supervised Father Malone.

783. Upon information and belief, at all relevant times Archbishop Stepinac owned a school.

784. Upon information and belief, at all relevant times Archbishop Stepinac held itself out to the public as the owner of Archbishop Stepinac.

785. Upon information and belief, at all relevant times Archbishop Stepinac employed priests, school administrators, teachers, religious, and others who served Catholic families, including plaintiff John McQuade and his family.

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

787. Upon information and belief, at all relevant times Archbishop Stepinac was responsible for and did the staffing and hiring at Archbishop Stepinac.

788. Upon information and belief, at all relevant times Archbishop Stepinac was responsible for and did the recruitment and staffing of volunteers at Archbishop Stepinac.

789. Upon information and belief, at all relevant times Archbishop Stepinac materially benefitted from the operation of Archbishop Stepinac, including the services of Father Malone and the services of those who managed and supervised Father Malone.

790. Upon information and belief, at all relevant times Father Malone was a priest of the Archdiocese.

791. Upon information and belief, at all relevant times Father Malone was on the staff of, acted as an agent of, and served as an employee of the Archdiocese.

792. Upon information and belief, at all relevant times Father Malone was acting in the course and scope of his employment with the Archdiocese.

793. Upon information and belief, at all relevant times Father Malone was employed by the Archdiocese and assigned to Archbishop Stepinac.

794. Upon information and belief, at all relevant times Father Malone was a priest of Archbishop Stepinac.

795. Upon information and belief, at all relevant times Father Malone was on the staff of, was an agent of, and served as an employee of Archbishop Stepinac.

796. Upon information and belief, at all relevant times Father Malone was acting in the course and scope of his employment with Archbishop Stepinac.

797. Upon information and belief, at all relevant times Father Malone had an office on the premises of Archbishop Stepinac.

798. When plaintiff John McQuade was a minor, he and his parents were members of the Archdiocese and Archbishop Stepinac.

799. At all relevant times, the Archdiocese and Archbishop Stepinac, their agents, servants, and employees, held Father Malone out to the public, to John, and to his parents, as their agent and employee.

800. At all relevant times, the Archdiocese and Archbishop Stepinac, their agents, servants, and employees, held Father Malone out to the public, to John, and to his parents, as having been vetted, screened, and approved by those defendants.

801. At all relevant times, John and his parents reasonably relied upon the acts and representations of the Archdiocese and Archbishop Stepinac, their agents, servants, and employees, and reasonably believed that Father Malone was an agent or employee of those defendants who was vetted, screened, and approved by those defendants.

802. At all relevant times, John and his parents trusted Father Malone because the Archdiocese and Archbishop Stepinac held him out as someone who was safe and could be trusted with the supervision, care, custody, and control of John.

803. At all relevant times, John and his parents believed that the Archdiocese and Archbishop Stepinac would exercise such care as would a parent of ordinary prudence in comparable circumstances when those defendants assumed supervision, care, custody, and control of John.

804. When John was a minor, Father Malone sexually abused him.

805. John was sexually abused by Father Malone when John was approximately 5 to 16 years old.

806. Based on the representations of the Archdiocese and Archbishop Stepinac that Father Malone was safe and trustworthy, John and his parents allowed John to be under the supervision of, and in the care, custody, and control of, the Archdiocese and Archbishop Stepinac, including during the times when John was sexually abused by Father Malone.

807. Based on the representations of the Archdiocese and Archbishop Stepinac that Father Malone was safe and trustworthy, John and his parents allowed John to be under the supervision of, and in the care, custody, and control of, Father Malone, including during the times when John was sexually abused by Father Malone.

808. Neither John nor his parents would have allowed him to be under the supervision of, or in the care, custody, or control of, the Archdiocese, Archbishop Stepinac, or Father Malone if the Archdiocese or Archbishop Stepinac had disclosed to John or his parents that Father Malone was not safe and was not trustworthy, and that he in fact posed a danger to John in that Father Malone was likely to sexually abuse John.

809. No parent of ordinary prudence in comparable circumstances would have allowed John to be under the supervision of, or in the care, custody, or control of, the Archdiocese, Archbishop Stepinac, or Father Malone if the Archdiocese or Archbishop Stepinac had disclosed to John or his parents that Father Malone was not safe and was not trustworthy, and that he in fact posed a danger to John in that Father Malone was likely to sexually abuse him.

810. From approximately 1975 through 1976, Father Malone exploited the trust and authority vested in him by defendants by grooming John to gain his trust and to obtain control over him as part of Father Malone's plan to sexually molest and abuse John and other children.

811. Father Malone used his position of trust and authority as a priest of the Archdiocese and of Archbishop Stepinac to groom John and to sexually abuse him multiple times, including when John was under the supervision of, and in the care, custody, or control of, the Archdiocese, Archbishop Stepinac, and Father Malone.

812. At certain times, the sexual abuse of John by Father Malone occurred at Archbishop Stepinac, including in Father Malone's office on school property.

813. At certain times, Father Malone's sexual abuse of John occurred during activities that were sponsored by, or were a direct result of activities sponsored by, the Archdiocese and Archbishop Stepinac, including during after-school detention.

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

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

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

817. Upon information and belief, at certain times between 1975 and 1976, defendants, their agents, servants, and employees knew or should have known that Father Malone was sexually abusing John and other children at Archbishop Stepinac and elsewhere.

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

819. Upon information and belief, the Archdiocese and Archbishop Stepinac, their agents, servants, and employees, knew or should have known that Father Malone was likely to abuse children, including John, because Father Malone required John to stay after school for "detention" every single day for many months – something that was known by those in the administration at Archbishop Stepinac High School.

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

821. Upon information and belief, the Archdiocese and Archbishop Stepinac, their agents, servants, and employees, knew or should have known before and during Father Malone's sexual abuse of John that such priests and other persons could not be "cured" through treatment or counseling.

822. Upon information and belief, the Archdiocese and Archbishop Stepinac, their agents, servants, and employees, concealed the sexual abuse of children by Father Malone 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 Malone would continue to molest children.

823. Upon information and belief, the Archdiocese and Archbishop Stepinac, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Father Malone would use his position with the defendants to sexually abuse children, including John.

824. Upon information and belief, the Archdiocese and Archbishop Stepinac, their agents, servants, and employees, disregarded their knowledge that Father Malone would use his position with them to sexually abuse children, including John.

825. Upon information and belief, the Archdiocese and Archbishop Stepinac, their agents, servants, and employees, acted in concert with each other or with Father Malone to conceal the danger that Father Malone posed to children, including John, so that Father Malone could continue serving them despite their knowledge of that danger.

826. Upon information and belief, the Archdiocese and Archbishop Stepinac, 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 John, and he did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

827. Upon information and belief, the Archdiocese and Archbishop Stepinac, 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.

828. By reason of the wrongful acts of the Archdiocese and Archbishop Stepinac as detailed herein, John 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 John has and/or will become obligated to expend sums of money for treatment.

#### **XV. STATEMENT OF FACTS AS TO PLAINTIFF C.Y.**

829. Upon information and belief, at all relevant times the Archdiocese was the owner of Monsignor Farrell and held itself out to the public as the owner of Monsignor Farrell.

830. Upon information and belief, at all relevant times the Archdiocese, its agents, servants, and employees managed, maintained, operated, and controlled Monsignor Farrell.

831. Upon information and belief, at all relevant times the Archdiocese employed priests, school administrators, teachers, religious, and others who served Catholic families at Monsignor Farrell, including plaintiff C.Y. and his family.

832. Upon information and belief, at all relevant times the Archdiocese, its agents, servants, and employees managed, maintained, operated, and controlled Monsignor Farrell, and



held out to the public its agents, servants, and employees as those who managed, maintained, operated, and controlled Monsignor Farrell.

833. Upon information and belief, at all relevant times the Archdiocese was responsible for the hiring and staffing, and did the hiring and staffing, at Monsignor Farrell.

834. Upon information and belief, at all relevant times the Archdiocese was responsible for and did the recruitment and staffing of volunteers at Monsignor Farrell.

835. Upon information and belief, at all relevant times the Archdiocese materially benefited from the operation of Monsignor Farrell, including the services of Brother Curran and the services of those who managed and supervised Brother Curran.

836. Upon information and belief, at all relevant times Monsignor Farrell owned a school.

837. Upon information and belief, at all relevant times Monsignor Farrell held itself out to the public as the owner of Monsignor Farrell.

838. Upon information and belief, at all relevant times Monsignor Farrell employed priests, school administrators, teachers, religious, and others who served Catholic families, including plaintiff C.Y. and his family.

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

840. Upon information and belief, at all relevant times Monsignor Farrell was responsible for and did the staffing and hiring at Monsignor Farrell.

841. Upon information and belief, at all relevant times Monsignor Farrell was responsible for and did the recruitment and staffing of volunteers at Monsignor Farrell.

842. Upon information and belief, at all relevant times Monsignor Farrell materially benefitted from the operation of Monsignor Farrell, including the services of Brother Curran and the services of those who managed and supervised Brother Curran.

843. Upon information and belief, at all relevant times Brother Curran was a religious brother, school administrator, and/or teacher of the Archdiocese.

844. Upon information and belief, at all relevant times Brother Curran was on the staff of, acted as an agent of, and served as an employee of the Archdiocese.

845. Upon information and belief, at all relevant times Brother Curran was acting in the course and scope of his employment with the Archdiocese.

846. Upon information and belief, at all relevant times Brother Curran was employed by the Archdiocese and assigned to Monsignor Farrell.

847. Upon information and belief, at all relevant times Brother Curran was a religious brother, school administrator, and/or teacher of Monsignor Farrell.

848. Upon information and belief, at all relevant times Brother Curran was on the staff of, was an agent of, and served as an employee of Monsignor Farrell.

849. Upon information and belief, at all relevant times Brother Curran was acting in the course and scope of his employment with Monsignor Farrell.

850. Upon information and belief, at all relevant times Brother Curran had an office on the premises of Monsignor Farrell.

851. When plaintiff C.Y. was a minor, he and his parents were members of the Archdiocese and C.Y. was a student of Monsignor Farrell.

852. At all relevant times, the Archdiocese and Monsignor Farrell, their agents, servants, and employees, held Brother Curran out to the public, to C.Y., and to his parents, as their agent and employee.

853. At all relevant times, the Archdiocese and Monsignor Farrell, their agents, servants, and employees, held Brother Curran out to the public, to C.Y., and to his parents, as having been vetted, screened, and approved by those defendants.

854. At all relevant times, C.Y. and his parents reasonably relied upon the acts and representations of the Archdiocese and Monsignor Farrell, their agents, servants, and employees, and reasonably believed that Brother Curran was an agent or employee of those defendants who was vetted, screened, and approved by those defendants.

855. At all relevant times, C.Y. and his parents trusted Brother Curran because the Archdiocese and Monsignor Farrell held him out as someone who was safe and could be trusted with the supervision, care, custody, and control of C.Y.

856. At all relevant times, C.Y. and his parents believed that the Archdiocese and Monsignor Farrell would exercise such care as would a parent of ordinary prudence in comparable circumstances when those defendants assumed supervision, care, custody, and control of C.Y.

857. When C.Y. was a minor, Brother Curran sexually abused him.

858. C.Y. was sexually abused by Brother Curran when C.Y. was approximately 15 years old.

859. Based on the representations of the Archdiocese and Monsignor Farrell that Brother Curran was safe and trustworthy, C.Y. and his parents allowed C.Y. to be under the supervision of, and in the care, custody, and control of, the Archdiocese and Monsignor Farrell, including during the times when C.Y. was sexually abused by Brother Curran.

860. Based on the representations of the Archdiocese and Monsignor Farrell that Brother Curran was safe and trustworthy, C.Y. and his parents allowed C.Y. to be under the supervision of, and in the care, custody, and control of, Brother Curran, including during the times when C.Y. was sexually abused by Brother Curran.

861. Neither C.Y. nor his parents would have allowed him to be under the supervision of, or in the care, custody, or control of, the Archdiocese, Monsignor Farrell, or Brother Curran if the Archdiocese or Monsignor Farrell had disclosed to C.Y. or his parents that Brother Curran was not safe and was not trustworthy, and that he in fact posed a danger to C.Y. in that Brother Curran was likely to sexually abuse C.Y.

862. No parent of ordinary prudence in comparable circumstances would have allowed C.Y. to be under the supervision of, or in the care, custody, or control of, the Archdiocese, Monsignor Farrell, or Brother Curran if the Archdiocese or Monsignor Farrell had disclosed to C.Y. or his parents that Brother Curran was not safe and was not trustworthy, and that he in fact posed a danger to C.Y. in that Brother Curran was likely to sexually abuse him.

863. In approximately 1976, Brother Curran exploited the trust and authority vested in him by defendants by grooming C.Y. to gain his trust and to obtain control over him as part of Brother Curran's plan to sexually molest and abuse C.Y. and other children.

864. Brother Curran used his position of trust and authority as a religious brother, school administrator, and/or teacher of the Archdiocese and of Monsignor Farrell to groom C.Y. and to sexually abuse him multiple times, including when C.Y. was under the supervision of, and in the care, custody, or control of, the Archdiocese, Monsignor Farrell, and Brother Curran.

865. At certain times, the sexual abuse of C.Y. by Brother Curran occurred at Monsignor Farrell, including in the administrative wing and in a classroom.

866. At certain times, Brother Curran's sexual abuse of C.Y. occurred during activities that were sponsored by, or were a direct result of activities sponsored by, the Archdiocese and Monsignor Farrell, including during after-school detention.

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

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

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

870. The defendants, their agents, servants, and employees, knew or should have known that Brother Curran was sexually abusing C.Y. and other children at Monsignor Farrell and elsewhere.

871. Upon information and belief, defendants, their agents, servants, and employees knew or should have known that the sexual abuse by Brother Curran of C.Y. was ongoing.

872. Upon information and belief, the Archdiocese and Monsignor Farrell, their agents, servants, and employees, knew or should have known that Brother Curran was likely to abuse children, including C.Y., because before his assignment at Monsignor Farrell, Brother Curran taught at Bergen Catholic High School in Oradell, New Jersey, where he sexually abused other children.

873. Upon information and belief, the Archdiocese and Monsignor Farrell, their agents, servants, and employees, knew or should have known before and during Brother Curran's sexual abuse of C.Y. that priests, religious brothers, and other persons serving the Archdiocese and Monsignor Farrell had used their positions with those defendants to groom and to sexually abuse children.

874. Upon information and belief, the Archdiocese and Monsignor Farrell, their agents, servants, and employees, knew or should have known before and during Brother Curran's sexual abuse of C.Y. that such priests, religious brothers, and other persons could not be "cured" through treatment or counseling.

875. Upon information and belief, the Archdiocese and Monsignor Farrell, their agents, servants, and employees, concealed the sexual abuse of children by Brother Curran 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 Curran would continue to molest children.

876. Upon information and belief, the Archdiocese and Monsignor Farrell, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Brother Curran would use his position with the defendants to sexually abuse children, including C.Y.

877. Upon information and belief, the Archdiocese and Monsignor Farrell, their agents, servants, and employees, disregarded their knowledge that Brother Curran would use his position with them to sexually abuse children, including C.Y.

878. Upon information and belief, the Archdiocese and Monsignor Farrell, their agents, servants, and employees, acted in concert with each other or with Brother Curran to conceal the

danger that Brother Curran posed to children, including C.Y., so that Brother Curran could continue serving them despite their knowledge of that danger.

879. Upon information and belief, the Archdiocese and Monsignor Farrell, 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 C.Y., and he did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

880. Upon information and belief, the Archdiocese and Monsignor Farrell, 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, religious brothers, and other persons would continue to molest children.

881. By reason of the wrongful acts of the Archdiocese and Monsignor Farrell as detailed herein, C.Y. 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 C.Y. has and/or will become obligated to expend sums of money for treatment.

#### **XVI. STATEMENT OF FACTS AS TO PLAINTIFF JIM BURKE**

882. Upon information and belief, at all relevant times the Archdiocese was the owner of Monsignor Farrell and held itself out to the public as the owner of Monsignor Farrell.

883. Upon information and belief, at all relevant times the Archdiocese, its agents, servants, and employees managed, maintained, operated, and controlled Monsignor Farrell.

884. Upon information and belief, at all relevant times the Archdiocese employed priests, religious brothers, teachers, administrators, and others who served Catholic families at Monsignor Farrell and the students who attended Monsignor Farrell, including plaintiff Jim Burke and his family.

885. Upon information and belief, at all relevant times the Archdiocese, its agents, servants, and employees managed, maintained, operated, and controlled Monsignor Farrell, and held out to the public its agents, servants, and employees as those who managed, maintained, operated, and controlled Monsignor Farrell.

886. Upon information and belief, at all relevant times the Archdiocese was responsible for the hiring and staffing, and did the hiring and staffing, at Monsignor Farrell.

887. Upon information and belief, at all relevant times the Archdiocese was responsible for and did the recruitment and staffing of volunteers at Monsignor Farrell.

888. Upon information and belief, at all relevant times the Archdiocese materially benefited from the operation of Monsignor Farrell, including the services of Brother Ferro and the services of those who managed and supervised Brother Ferro.

889. Upon information and belief, at all relevant times Monsignor Farrell owned a school.

890. Upon information and belief, at all relevant times Monsignor Farrell held itself out to the public as the owner of Monsignor Farrell.



891. Upon information and belief, at all relevant times Monsignor Farrell employed priests, religious brothers, teachers, administrators, and others who served Catholic families and the students who attended Monsignor Farrell, including plaintiff Jim Burke and his family.

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

893. Upon information and belief, at all relevant times Monsignor Farrell was responsible for and did the staffing and hiring at Monsignor Farrell.

894. Upon information and belief, at all relevant times Monsignor Farrell was responsible for and did the recruitment and staffing of volunteers at Monsignor Farrell.

895. Upon information and belief, at all relevant times Monsignor Farrell materially benefitted from the operation of Monsignor Farrell, including the services of Brother Ferro and the services of those who managed and supervised Brother Ferro.

896. Upon information and belief, at all relevant times Brother Ferro was a religious brother, school administrator, and/or teacher of the Archdiocese.

897. Upon information and belief, at all relevant times Brother Ferro was on the staff of, acted as an agent of, and served as an employee of the Archdiocese.

898. Upon information and belief, at all relevant times Brother Ferro was acting in the course and scope of his employment with the Archdiocese.

899. Upon information and belief, at all relevant times Brother Ferro was employed by the Archdiocese and assigned to Monsignor Farrell.

900. Upon information and belief, at all relevant times Brother Ferro was a religious brother, school administrator, and/or teacher of Monsignor Farrell.

901. Upon information and belief, at all relevant times Brother Ferro was on the staff of, was an agent of, and served as an employee of Monsignor Farrell.

902. Upon information and belief, at all relevant times Brother Ferro was acting in the course and scope of his employment with Monsignor Farrell.

903. Upon information and belief, at all relevant times Brother Ferro had an office on the premises of Monsignor Farrell.

904. When plaintiff Jim Burke was a minor, he and his parents were members of the Archdiocese and he attended Monsignor Farrell as a student.

905. At all relevant times, the Archdiocese and Monsignor Farrell, their agents, servants, and employees, held Brother Ferro out to the public, to Jim, and to his parents, as their agent and employee.

906. At all relevant times, the Archdiocese and Monsignor Farrell, their agents, servants, and employees, held Brother Ferro out to the public, to Jim, and to his parents, as having been vetted, screened, and approved by those defendants.

907. At all relevant times, Jim and his parents reasonably relied upon the acts and representations of the Archdiocese and Monsignor Farrell, their agents, servants, and employees, and reasonably believed that Brother Ferro was an agent or employee of those defendants who was vetted, screened, and approved by those defendants.

908. At all relevant times, Jim and his parents trusted Brother Ferro because the Archdiocese and Monsignor Farrell held him out as someone who was safe and could be trusted with the supervision, care, custody, and control of Jim.

909. At all relevant times, Jim and his parents believed that the Archdiocese and Monsignor Farrell would exercise such care as would a parent of ordinary prudence in comparable circumstances when those defendants assumed supervision, care, custody, and control of Jim.

910. When Jim was a minor, Brother Ferro sexually abused him.

911. Jim was sexually abused by Brother Ferro when Jim was approximately 15 years old.

912. Based on the representations of the Archdiocese and Monsignor Farrell that Brother Ferro was safe and trustworthy, Jim and his parents allowed Jim to be under the supervision of, and in the care, custody, and control of, the Archdiocese and Monsignor Farrell, including during the time when Jim was sexually abused by Brother Ferro.

913. Based on the representations of the Archdiocese and Monsignor Farrell that Brother Ferro was safe and trustworthy, Jim and his parents allowed Jim to be under the supervision of, and in the care, custody, and control of, Brother Ferro, including during the time when Jim was sexually abused by Brother Ferro.

914. Neither Jim nor his parents would have allowed him to be under the supervision of, or in the care, custody, or control of, the Archdiocese, Monsignor Farrell, or Brother Ferro if the Archdiocese or Monsignor Farrell had disclosed to Jim or his parents that Brother Ferro was not safe and was not trustworthy, and that he in fact posed a danger to Jim in that Brother Ferro was likely to sexually abuse Jim.

915. No parent of ordinary prudence in comparable circumstances would have allowed Jim to be under the supervision of, or in the care, custody, or control of, the Archdiocese, Monsignor Farrell, or Brother Ferro if the Archdiocese or Monsignor Farrell had disclosed to Jim

or his parents that Brother Ferro was not safe and was not trustworthy, and that he in fact posed a danger to Jim in that Brother Ferro was likely to sexually abuse him.

916. In approximately 1977, Brother Ferro exploited the trust and authority vested in him by defendants by grooming Jim to gain his trust and to obtain control over him as part of Brother Ferro's plan to sexually molest and abuse Jim and other children.

917. Brother Ferro used his position of trust and authority as a religious brother, school administrator, and/or teacher of the Archdiocese and of Monsignor Farrell to groom Jim and to sexually abuse him, including when Jim was under the supervision of, and in the care, custody, or control of, the Archdiocese, Monsignor Farrell, and Brother Ferro.

918. The sexual abuse of Jim by Brother Ferro occurred in the nurse's office at Monsignor Farrell.

919. Brother Ferro's sexual abuse of Jim occurred during activities that were sponsored by, or were a direct result of activities sponsored by, the Archdiocese and Monsignor Farrell, including during school hours when Jim was a student at their school.

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

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

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

923. The defendants, their agents, servants, and employees, knew or should have known that Brother Ferro was sexually abusing Jim and other children at Monsignor Farrell and elsewhere.

924. Upon information and belief, the Archdiocese and Monsignor Farrell, their agents, servants, and employees, knew or should have known that Brother Ferro was likely to abuse children, including Jim, because Brother Ferro had sexually abused other children at both Monsignor Farrell High School and in other schools within the Archdiocese before he sexually abused Jim.

925. Upon information and belief, the Archdiocese and Monsignor Farrell, their agents, servants, and employees, knew or should have known before and during Brother Ferro's sexual abuse of Jim that religious brothers, priests, and other persons serving the Archdiocese and Monsignor Farrell had used their positions with those defendants to groom and to sexually abuse children.

926. Upon information and belief, the Archdiocese and Monsignor Farrell, their agents, servants, and employees, knew or should have known before and during Brother Ferro's sexual abuse of Jim that such religious brothers, priests, and other persons could not be "cured" through treatment or counseling.

927. Upon information and belief, the Archdiocese and Monsignor Farrell, their agents, servants, and employees, concealed the sexual abuse of children by Brother Ferro 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 Ferro would continue to molest children.

928. Upon information and belief, the Archdiocese and Monsignor Farrell, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Brother Ferro would use his position with the defendants to sexually abuse children, including Jim.

929. Upon information and belief, the Archdiocese and Monsignor Farrell, their agents, servants, and employees, disregarded their knowledge that Brother Ferro would use his position with them to sexually abuse children, including Jim.

930. Upon information and belief, the Archdiocese and Monsignor Farrell, their agents, servants, and employees, acted in concert with each other or with Brother Ferro to conceal the danger that Brother Ferro posed to children, including Jim, so that Brother Ferro could continue serving them despite their knowledge of that danger.

931. Upon information and belief, the Archdiocese and Monsignor Farrell, 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 Jim, and he did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

932. Upon information and belief, the Archdiocese and Monsignor Farrell, their agents, servants, and employees, concealed the sexual abuse of children by religious brothers, 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 religious brothers, priests, and other persons would continue to molest children.

933. By reason of the wrongful acts of the Archdiocese and Monsignor Farrell as detailed herein, Jim 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 Jim has and/or will become obligated to expend sums of money for treatment.

#### **XVII. STATEMENT OF FACTS AS TO PLAINTIFF RUSSELL COELHO**

934. Upon information and belief, at all relevant times the Archdiocese was the owner of Holy Cross and held itself out to the public as the owner of Holy Cross.

935. Upon information and belief, at all relevant times the Archdiocese, its agents, servants, and employees managed, maintained, operated, and controlled Holy Cross.

936. Upon information and belief, at all relevant times the Archdiocese employed priests and/or others who served Catholic families at Holy Cross, including plaintiff Russell Coelho and his family.

937. Upon information and belief, at all relevant times the Archdiocese, its agents, servants, and employees managed, maintained, operated, and controlled Holy Cross, and held out to the public its agents, servants, and employees as those who managed, maintained, operated, and controlled Holy Cross.

938. Upon information and belief, at all relevant times the Archdiocese was responsible for the hiring and staffing, and did the hiring and staffing, at Holy Cross.

939. Upon information and belief, at all relevant times the Archdiocese was responsible for and did the recruitment and staffing of volunteers at Holy Cross.

940. Upon information and belief, at all relevant times the Archdiocese materially benefited from the operation of Holy Cross, including the services of Father Boxelaar and the services of those who managed and supervised Father Boxelaar.

941. Upon information and belief, at all relevant times Holy Cross owned a parish, church, and school.

942. Upon information and belief, at all relevant times Holy Cross held itself out to the public as the owner of Holy Cross.

943. Upon information and belief, at all relevant times Holy Cross employed priests and/or others who served Catholic families, including plaintiff Russell Coelho and his family.

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

945. Upon information and belief, at all relevant times Holy Cross was responsible for and did the staffing and hiring at Holy Cross.

946. Upon information and belief, at all relevant times Holy Cross was responsible for and did the recruitment and staffing of volunteers at Holy Cross.

947. Upon information and belief, at all relevant times Holy Cross materially benefitted from the operation of Holy Cross, including the services of Father Boxelaar and the services of those who managed and supervised Father Boxelaar.

948. Upon information and belief, at all relevant times Father Boxelaar was a priest of the Archdiocese.

949. Upon information and belief, at all relevant times Father Boxelaar was on the staff of, acted as an agent of, and served as an employee of the Archdiocese.

950. Upon information and belief, at all relevant times Father Boxelaar was acting in the course and scope of his employment with the Archdiocese.



951. Upon information and belief, at all relevant times Father Boxelaar was employed by the Archdiocese and assigned to Holy Cross.

952. Upon information and belief, at all relevant times Father Boxelaar was a priest of Holy Cross.

953. Upon information and belief, at all relevant times Father Boxelaar was on the staff of, was an agent of, and served as an employee of Holy Cross.

954. Upon information and belief, at all relevant times Father Boxelaar was acting in the course and scope of his employment with Holy Cross.

955. Upon information and belief, at all relevant times Father Boxelaar had an office on the premises of Holy Cross.

956. When plaintiff Russell Coelho was a minor, he and his parents were members of the Archdiocese and Holy Cross.

957. At all relevant times, the Archdiocese and Holy Cross, their agents, servants, and employees, held Father Boxelaar out to the public, to Russell, and to his parents, as their agent and employee.

958. At all relevant times, the Archdiocese and Holy Cross, their agents, servants, and employees, held Father Boxelaar out to the public, to Russell, and to his parents, as having been vetted, screened, and approved by those defendants.

959. At all relevant times, Russell and his parents reasonably relied upon the acts and representations of the Archdiocese and Holy Cross, their agents, servants, and employees, and reasonably believed that Father Boxelaar was an agent or employee of those defendants who was vetted, screened, and approved by those defendants.

960. At all relevant times, Russell and his parents trusted Father Boxelaar because the Archdiocese and Holy Cross held him out as someone who was safe and could be trusted with the supervision, care, custody, and control of Russell.

961. At all relevant times, Russell and his parents believed that the Archdiocese and Holy Cross would exercise such care as would a parent of ordinary prudence in comparable circumstances when those defendants assumed supervision, care, custody, and control of Russell.

962. When Russell was a minor, Father Boxelaar sexually abused him.

963. Russell was sexually abused by Father Boxelaar when Russell was approximately 13 to 17 years old.

964. Based on the representations of the Archdiocese and Holy Cross that Father Boxelaar was safe and trustworthy, Russell and his parents allowed Russell to be under the supervision of, and in the care, custody, and control of, the Archdiocese and Holy Cross, including during the times when Russell was sexually abused by Father Boxelaar.

965. Based on the representations of the Archdiocese and Holy Cross that Father Boxelaar was safe and trustworthy, Russell and his parents allowed Russell to be under the supervision of, and in the care, custody, and control of, Father Boxelaar, including during the times when Russell was sexually abused by Father Boxelaar.

966. Neither Russell nor his parents would have allowed him to be under the supervision of, or in the care, custody, or control of, the Archdiocese, Holy Cross, or Father Boxelaar if the Archdiocese or Holy Cross had disclosed to Russell or his parents that Father Boxelaar was not safe and was not trustworthy, and that he in fact posed a danger to Russell in that Father Boxelaar was likely to sexually abuse Russell.

967. No parent of ordinary prudence in comparable circumstances would have allowed Russell to be under the supervision of, or in the care, custody, or control of, the Archdiocese, Holy Cross, or Father Boxelaar if the Archdiocese or Holy Cross had disclosed to Russell or his parents that Father Boxelaar was not safe and was not trustworthy, and that he in fact posed a danger to Russell in that Father Boxelaar was likely to sexually abuse him.

968. From approximately 1977 through 1981, Father Boxelaar exploited the trust and authority vested in him by defendants by grooming Russell to gain his trust and to obtain control over him as part of Father Boxelaar's plan to sexually molest and abuse Russell and other children.

969. Father Boxelaar used his position of trust and authority as a priest of the Archdiocese and of Holy Cross to groom Russell and to sexually abuse him multiple times, including when Russell was under the supervision of, and in the care, custody, or control of, the Archdiocese, Holy Cross, and Father Boxelaar.

970. At certain times, the sexual abuse of Russell by Father Boxelaar occurred at Holy Cross.

971. At certain times, Father Boxelaar's sexual abuse of Russell occurred during activities that were sponsored by, or were a direct result of activities sponsored by, the Archdiocese and Holy Cross, including altar boy services.

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

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

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

975. Upon information and belief, at certain times between 1977 and 1981, defendants, their agents, servants, and employees knew or should have known that Father Boxelaar was sexually abusing Russell and other children at Holy Cross and elsewhere.

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

977. Upon information and belief, the Archdiocese and Holy Cross, their agents, servants, and employees, knew or should have known that Father Boxelaar was likely to abuse children, including Russell, because Father Boxelaar sexually abused other children in the Archdiocese and elsewhere years before he abused Russell.

978. Upon information and belief, the Archdiocese and Holy Cross, their agents, servants, and employees, knew or should have known that Father Boxelaar was likely to abuse children, including Russell, because the parents of at least one of these children complained about Father Boxelaar's sexual abuse of their child before Father Boxelaar sexually abused Russell.

979. Upon information and belief, the Archdiocese and Holy Cross, their agents, servants, and employees, knew or should have known before and during Father Boxelaar's sexual abuse of Russell that priests and other persons serving the Archdiocese and Holy Cross had used their positions with those defendants to groom and to sexually abuse children.

980. Upon information and belief, the Archdiocese and Holy Cross, their agents, servants, and employees, knew or should have known before and during Father Boxelaar's sexual

abuse of Russell that such priests and other persons could not be “cured” through treatment or counseling.

981. Upon information and belief, the Archdiocese and Holy Cross, their agents, servants, and employees, concealed the sexual abuse of children by Father Boxelaar 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 Boxelaar would continue to molest children.

982. Upon information and belief, the Archdiocese and Holy Cross, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Father Boxelaar would use his position with the defendants to sexually abuse children, including Russell.

983. Upon information and belief, the Archdiocese and Holy Cross, their agents, servants, and employees, disregarded their knowledge that Father Boxelaar would use his position with them to sexually abuse children, including Russell.

984. Upon information and belief, the Archdiocese and Holy Cross, their agents, servants, and employees, acted in concert with each other or with Father Boxelaar to conceal the danger that Father Boxelaar posed to children, including Russell, so that Father Boxelaar could continue serving them despite their knowledge of that danger.

985. Upon information and belief, the Archdiocese and Holy Cross, 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 Russell, and he did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

986. Upon information and belief, the Archdiocese and Holy Cross, their agents, servants, and employees, concealed the sexual abuse of children by priests and/or 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.

987. By reason of the wrongful acts of the Archdiocese and Holy Cross as detailed herein, Russell 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 Russell has and/or will become obligated to expend sums of money for treatment.

#### **XVIII. STATEMENT OF FACTS AS TO PLAINTIFF JOHN HYNES**

988. Upon information and belief, at all relevant times the Archdiocese was the owner of Monsignor Farrell and held itself out to the public as the owner of Monsignor Farrell.

989. Upon information and belief, at all relevant times the Archdiocese, its agents, servants, and employees managed, maintained, operated, and controlled Monsignor Farrell.

990. Upon information and belief, at all relevant times the Archdiocese employed priests, school administrators, teachers, religious, and others who served Catholic families at Monsignor Farrell, including plaintiff John Hynes and his family.

991. Upon information and belief, at all relevant times the Archdiocese, its agents, servants, and employees managed, maintained, operated, and controlled Monsignor Farrell, and

held out to the public its agents, servants, and employees as those who managed, maintained, operated, and controlled Monsignor Farrell.

992. Upon information and belief, at all relevant times the Archdiocese was responsible for the hiring and staffing, and did the hiring and staffing, at Monsignor Farrell.

993. Upon information and belief, at all relevant times the Archdiocese was responsible for and did the recruitment and staffing of volunteers at Monsignor Farrell.

994. Upon information and belief, at all relevant times the Archdiocese materially benefited from the operation of Monsignor Farrell, including the services of Brother Ferro and the services of those who managed and supervised Brother Ferro.

995. Upon information and belief, at all relevant times Monsignor Farrell owned a school.

996. Upon information and belief, at all relevant times Monsignor Farrell held itself out to the public as the owner of Monsignor Farrell.

997. Upon information and belief, at all relevant times Monsignor Farrell employed priests, school administrators, teachers, religious, and others who served Catholic families, including plaintiff John Hynes and his family.

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

999. Upon information and belief, at all relevant times Monsignor Farrell was responsible for and did the staffing and hiring at Monsignor Farrell.

1000. Upon information and belief, at all relevant times Monsignor Farrell was responsible for and did the recruitment and staffing of volunteers at Monsignor Farrell.

1001. Upon information and belief, at all relevant times Monsignor Farrell materially benefitted from the operation of Monsignor Farrell, including the services of Brother Ferro and the services of those who managed and supervised Brother Ferro.

1002. Upon information and belief, at all relevant times Brother Ferro was a religious brother, school administrator, and/or teacher of the Archdiocese.

1003. Upon information and belief, at all relevant times Brother Ferro was on the staff of, acted as an agent of, and served as an employee of the Archdiocese.

1004. Upon information and belief, at all relevant times Brother Ferro was acting in the course and scope of his employment with the Archdiocese.

1005. Upon information and belief, at all relevant times Brother Ferro was employed by the Archdiocese and assigned to Monsignor Farrell.

1006. Upon information and belief, at all relevant times Brother Ferro was a religious brother, school administrator, and/or teacher of Monsignor Farrell.

1007. Upon information and belief, at all relevant times Brother Ferro was on the staff of, was an agent of, and served as an employee of Monsignor Farrell.

1008. Upon information and belief, at all relevant times Brother Ferro was acting in the course and scope of his employment with Monsignor Farrell.

1009. Upon information and belief, at all relevant times Brother Ferro had an office on the premises of Monsignor Farrell.

1010. When plaintiff John Hynes was a minor, he and his parents were members of the Archdiocese and he attended Monsignor Farrell.



1011. At all relevant times, the Archdiocese and Monsignor Farrell, their agents, servants, and employees, held Brother Ferro out to the public, to John, and to his parents, as their agent and employee.

1012. At all relevant times, the Archdiocese and Monsignor Farrell, their agents, servants, and employees, held Brother Ferro out to the public, to John, and to his parents, as having been vetted, screened, and approved by those defendants.

1013. At all relevant times, John and his parents reasonably relied upon the acts and representations of the Archdiocese and Monsignor Farrell, their agents, servants, and employees, and reasonably believed that Brother Ferro was an agent or employee of those defendants who was vetted, screened, and approved by those defendants.

1014. At all relevant times, John and his parents trusted Brother Ferro because the Archdiocese and Monsignor Farrell held him out as someone who was safe and could be trusted with the supervision, care, custody, and control of John.

1015. At all relevant times, John and his parents believed that the Archdiocese and Monsignor Farrell would exercise such care as would a parent of ordinary prudence in comparable circumstances when those defendants assumed supervision, care, custody, and control of John.

1016. When John was a minor, Brother Ferro sexually abused him.

1017. John was sexually abused by Brother Ferro when John was approximately 16 to 17 years old.

1018. Based on the representations of the Archdiocese and Monsignor Farrell that Brother Ferro was safe and trustworthy, John and his parents allowed John to be under the supervision of, and in the care, custody, and control of, the Archdiocese and Monsignor Farrell, including during the times when John was sexually abused by Brother Ferro.

1019. Based on the representations of the Archdiocese and Monsignor Farrell that Brother Ferro was safe and trustworthy, John and his parents allowed John to be under the supervision of, and in the care, custody, and control of, Brother Ferro, including during the times when John was sexually abused by Brother Ferro.

1020. Neither John nor his parents would have allowed him to be under the supervision of, or in the care, custody, or control of, the Archdiocese, Monsignor Farrell, or Brother Ferro if the Archdiocese or Monsignor Farrell had disclosed to John or his parents that Brother Ferro was not safe and was not trustworthy, and that he in fact posed a danger to John in that Brother Ferro was likely to sexually abuse John.

1021. No parent of ordinary prudence in comparable circumstances would have allowed John to be under the supervision of, or in the care, custody, or control of, the Archdiocese, Monsignor Farrell, or Brother Ferro if the Archdiocese or Monsignor Farrell had disclosed to John or his parents that Brother Ferro was not safe and was not trustworthy, and that he in fact posed a danger to John in that Brother Ferro was likely to sexually abuse him.

1022. From approximately 1978 through 1979, Brother Ferro exploited the trust and authority vested in him by defendants by grooming John to gain his trust and to obtain control over him as part of Brother Ferro's plan to sexually molest and abuse John and other children.

1023. Brother Ferro used his position of trust and authority as a religious brother, school administrator, and/or teacher of the Archdiocese and of Monsignor Farrell to groom John and to sexually abuse him multiple times, including when John was under the supervision of, and in the care, custody, or control of, the Archdiocese, Monsignor Farrell, and Brother Ferro.

1024. At certain times, the sexual abuse of John by Brother Ferro occurred at Monsignor Farrell, including in the nurse's office and Brother Ferro's office.

1025. At certain times, Brother Ferro's sexual abuse of John occurred during activities that were sponsored by, or were a direct result of activities sponsored by, the Archdiocese and Monsignor Farrell, including during school activities and school hours.

1026. Upon information and belief, prior to the times mentioned herein, Brother Ferro was a known sexual abuser of children.

1027. Upon information and belief, at all relevant times, defendants, their agents, servants, and employees, knew or should have known that Brother Ferro was a known sexual abuser of children.

1028. Upon information and belief, at all relevant times it was reasonably foreseeable to defendants, their agents, servants, and employees that Brother Ferro's sexual abuse of children would likely result in injury to others, including the sexual abuse of John and other children by Brother Ferro.

1029. Upon information and belief, at certain times between 1978 and 1979, defendants, their agents, servants, and employees knew or should have known that Brother Ferro was sexually abusing John and other children at Monsignor Farrell and elsewhere.

1030. Upon information and belief, defendants, their agents, servants, and employees knew or should have known that the sexual abuse by Brother Ferro of John was ongoing.

1031. Upon information and belief, the Archdiocese and Monsignor Farrell, their agents, servants, and employees, knew or should have known that Brother Ferro was likely to abuse children, including John, because Brother Ferro had sexually abused other children in other schools within the New York Archdiocese and elsewhere before sexually abusing John.

1032. Upon information and belief, the Archdiocese and Monsignor Farrell, their agents, servants, and employees, knew or should have known that Brother Ferro was likely to abuse

children, including John, because upon his arrival to Monsignor Farrell, John was told by several students that Brother Ferro had sexually abused children in the past.

1033. Upon information and belief, the Archdiocese and Monsignor Farrell, their agents, servants, and employees, knew or should have known that Brother Ferro was likely to abuse children, including John, because John informed three other teachers at Monsignor Farrell about the sexual abuse but they did nothing in response. Instead, they told him not to say anything because they felt the school administration would side with Brother Ferro.

1034. Upon information and belief, the Archdiocese and Monsignor Farrell, their agents, servants, and employees, knew or should have known before and during Brother Ferro's sexual abuse of John that priests and other persons serving the Archdiocese and Monsignor Farrell had used their positions with those defendants to groom and to sexually abuse children.

1035. Upon information and belief, the Archdiocese and Monsignor Farrell, their agents, servants, and employees, knew or should have known before and during Brother Ferro's sexual abuse of John that such priests and other persons could not be "cured" through treatment or counseling.

1036. Upon information and belief, the Archdiocese and Monsignor Farrell, their agents, servants, and employees, concealed the sexual abuse of children by Brother Ferro 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 Ferro would continue to molest children.

1037. Upon information and belief, the Archdiocese and Monsignor Farrell, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Brother Ferro would use his position with the defendants to sexually abuse children, including John.

1038. Upon information and belief, the Archdiocese and Monsignor Farrell, their agents, servants, and employees, disregarded their knowledge that Brother Ferro would use his position with them to sexually abuse children, including John.

1039. Upon information and belief, the Archdiocese and Monsignor Farrell, their agents, servants, and employees, acted in concert with each other or with Brother Ferro to conceal the danger that Brother Ferro posed to children, including John, so that Brother Ferro could continue serving them despite their knowledge of that danger.

1040. Upon information and belief, the Archdiocese and Monsignor Farrell, 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 John, and he did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

1041. Upon information and belief, the Archdiocese and Monsignor Farrell, 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.

1042. By reason of the wrongful acts of the Archdiocese and Monsignor Farrell as detailed herein, John 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 John has and/or will become obligated to expend sums of money for treatment.

#### **XIX. STATEMENT OF FACTS AS TO PLAINTIFF G.M.**

1043. Upon information and belief, at all relevant times the Archdiocese was the owner of OLGC and held itself out to the public as the owner of OLGC.

1044. Upon information and belief, at all relevant times the Archdiocese, its agents, servants, and employees managed, maintained, operated, and controlled OLGC.

1045. Upon information and belief, at all relevant times the Archdiocese employed priests, teachers, and others who served Catholic families at OLGC, including plaintiff G.M. and his family.

1046. Upon information and belief, at all relevant times the Archdiocese, its agents, servants, and employees managed, maintained, operated, and controlled OLGC, and held out to the public its agents, servants, and employees as those who managed, maintained, operated, and controlled OLGC.

1047. Upon information and belief, at all relevant times the Archdiocese was responsible for the hiring and staffing, and did the hiring and staffing, at OLGC.

1048. Upon information and belief, at all relevant times the Archdiocese was responsible for and did the recruitment and staffing of volunteers at OLGC.

1049. Upon information and belief, at all relevant times the Archdiocese materially benefited from the operation of OLGC, including the services of Mr. Moulton and the services of those who managed and supervised Mr. Moulton.

1050. Upon information and belief, at all relevant times OLGC owned a parish, church, and school.

1051. Upon information and belief, at all relevant times OLGC held itself out to the public as the owner of OLGC.

1052. Upon information and belief, at all relevant times OLGC employed priests, teachers, and others who served Catholic families, including plaintiff G.M. and his family.

1053. Upon information and belief, at all relevant times OLGC, its agents, servants, and employees managed, maintained, operated, and controlled OLGC, and held out to the public its agents, servants and employees as those who managed, maintained, operated, and controlled OLGC.

1054. Upon information and belief, at all relevant times OLGC was responsible for and did the staffing and hiring at OLGC.

1055. Upon information and belief, at all relevant times OLGC was responsible for and did the recruitment and staffing of volunteers at OLGC.

1056. Upon information and belief, at all relevant times OLGC materially benefitted from the operation of OLGC, including the services of Mr. Moulton and the services of those who managed and supervised Mr. Moulton.

1057. Upon information and belief, at all relevant times Mr. Moulton was a teacher of the Archdiocese.

1058. Upon information and belief, at all relevant times Mr. Moulton was on the staff of, acted as an agent of, and served as an employee of the Archdiocese.

1059. Upon information and belief, at all relevant times Mr. Moulton was acting in the course and scope of his employment with the Archdiocese.

1060. Upon information and belief, at all relevant times Mr. Moulton was employed by the Archdiocese and assigned to OLGC.

1061. Upon information and belief, at all relevant times Mr. Moulton was a teacher of OLGC.

1062. Upon information and belief, at all relevant times Mr. Moulton was on the staff of, was an agent of, and served as an employee of OLGC.

1063. Upon information and belief, at all relevant times Mr. Moulton was acting in the course and scope of his employment with OLGC.

1064. Upon information and belief, at all relevant times Mr. Moulton had an office on the premises of OLGC.

1065. When plaintiff G.M. was a minor, he and his parents were members of the Archdiocese and utilized the services of OLGC.

1066. At all relevant times, the Archdiocese and OLGC, their agents, servants, and employees, held Mr. Moulton out to the public, to G.M., and to his parents, as their agent and employee.

1067. At all relevant times, the Archdiocese and OLGC, their agents, servants, and employees, held Mr. Moulton out to the public, to G.M., and to his parents, as having been vetted, screened, and approved by those defendants.

1068. At all relevant times, G.M. and his parents reasonably relied upon the acts and representations of the Archdiocese and OLGC, their agents, servants, and employees, and reasonably believed that Mr. Moulton was an agent or employee of those defendants who was vetted, screened, and approved by those defendants.



1069. At all relevant times, G.M. and his parents trusted Mr. Moulton because the Archdiocese and OLGC held him out as someone who was safe and could be trusted with the supervision, care, custody, and control of G.M.

1070. At all relevant times, G.M. and his parents believed that the Archdiocese and OLGC would exercise such care as would a parent of ordinary prudence in comparable circumstances when those defendants assumed supervision, care, custody, and control of G.M.

1071. When G.M. was a minor, Mr. Moulton sexually abused him.

1072. G.M. was sexually abused by Mr. Moulton when G.M. was approximately 12 years old.

1073. Based on the representations of the Archdiocese and OLGC that Mr. Moulton was safe and trustworthy, G.M. and his parents allowed G.M. to be under the supervision of, and in the care, custody, and control of, the Archdiocese and OLGC, including during the times when G.M. was sexually abused by Mr. Moulton.

1074. Based on the representations of the Archdiocese and OLGC that Mr. Moulton was safe and trustworthy, G.M. and his parents allowed G.M. to be under the supervision of, and in the care, custody, and control of, Mr. Moulton, including during the times when G.M. was sexually abused by Mr. Moulton.

1075. Neither G.M. nor his parents would have allowed him to be under the supervision of, or in the care, custody, or control of, the Archdiocese, OLGC, or Mr. Moulton if the Archdiocese or OLGC had disclosed to G.M. or his parents that Mr. Moulton was not safe and was not trustworthy, and that he in fact posed a danger to G.M. in that Mr. Moulton was likely to sexually abuse G.M.

1076. No parent of ordinary prudence in comparable circumstances would have allowed G.M. to be under the supervision of, or in the care, custody, or control of, the Archdiocese, OLGC, or Mr. Moulton if the Archdiocese or OLGC had disclosed to G.M. or his parents that Mr. Moulton was not safe and was not trustworthy, and that he in fact posed a danger to G.M. in that Mr. Moulton was likely to sexually abuse him.

1077. In approximately 1979, Mr. Moulton exploited the trust and authority vested in him by defendants by grooming G.M. to gain his trust and to obtain control over him as part of Mr. Moulton's plan to sexually molest and abuse G.M. and other children.

1078. Mr. Moulton used his position of trust and authority as a teacher of the Archdiocese and of OLGC to groom G.M. and to sexually abuse him multiple times, including when G.M. was under the supervision of, and in the care, custody, or control of, the Archdiocese, OLGC, and Mr. Moulton.

1079. At certain times, the sexual abuse of G.M. by Mr. Moulton occurred at OLGC, including in Mr. Moulton's office.

1080. At certain times, Mr. Moulton's sexual abuse of G.M. occurred during activities that were sponsored by, or were a direct result of activities sponsored by, the Archdiocese and OLGC, including during tutoring sessions with Mr. Moulton.

1081. Upon information and belief, prior to the times mentioned herein, Mr. Moulton was a known sexual abuser of children.

1082. Upon information and belief, at all relevant times, defendants, their agents, servants, and employees, knew or should have known that Mr. Moulton was a known sexual abuser of children.

1083. Upon information and belief, at all relevant times it was reasonably foreseeable to defendants, their agents, servants, and employees that Mr. Moulton's sexual abuse of children would likely result in injury to others, including the sexual abuse of G.M. and other children by Mr. Moulton.

1084. The defendants, their agents, servants, and employees, knew or should have known that Mr. Moulton was sexually abusing G.M. and other children at OLG and elsewhere.

1085. Upon information and belief, defendants, their agents, servants, and employees knew or should have known that the sexual abuse by Mr. Moulton of G.M. was ongoing.

1086. Upon information and belief, the Archdiocese and OLG, their agents, servants, and employees, knew or should have known before and during Mr. Moulton's sexual abuse of G.M. that priests and other persons serving the Archdiocese and OLG had used their positions with those defendants to groom and to sexually abuse children.

1087. Upon information and belief, the Archdiocese and OLG, their agents, servants, and employees, knew or should have known before and during Mr. Moulton's sexual abuse of G.M. that such priests and other persons could not be "cured" through treatment or counseling.

1088. Upon information and belief, the Archdiocese and OLG, their agents, servants, and employees, concealed the sexual abuse of children by Mr. Moulton 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. Moulton would continue to molest children.

1089. Upon information and belief, the Archdiocese and OLGC, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Mr. Moulton would use his position with the defendants to sexually abuse children, including G.M.

1090. Upon information and belief, the Archdiocese and OLGC, their agents, servants, and employees, disregarded their knowledge that Mr. Moulton would use his position with them to sexually abuse children, including G.M.

1091. Upon information and belief, the Archdiocese and OLGC, their agents, servants, and employees, acted in concert with each other or with Mr. Moulton to conceal the danger that Mr. Moulton posed to children, including G.M., so that Mr. Moulton could continue serving them despite their knowledge of that danger.

1092. Upon information and belief, the Archdiocese and OLGC, 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 G.M., and he did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

1093. Upon information and belief, the Archdiocese and OLGC, 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.

1094. By reason of the wrongful acts of the Archdiocese and OLGC as detailed herein, G.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 G.M. has and/or will become obligated to expend sums of money for treatment.

**XX. STATEMENT OF FACTS AS TO PLAINTIFF RICARDO VELAZQUEZ**

1095. Upon information and belief, at all relevant times the Archdiocese was the owner of St. Anthony's and held itself out to the public as the owner of St. Anthony's.

1096. Upon information and belief, at all relevant times the Archdiocese, its agents, servants, and employees managed, maintained, operated, and controlled St. Anthony's.

1097. Upon information and belief, at all relevant times the Archdiocese employed priests and/or others who served Catholic families at St. Anthony's, including plaintiff Ricardo Velazquez and his family.

1098. Upon information and belief, at all relevant times the Archdiocese, its agents, servants, and employees managed, maintained, operated, and controlled St. Anthony's, and held out to the public its agents, servants, and employees as those who managed, maintained, operated, and controlled St. Anthony's.

1099. Upon information and belief, at all relevant times the Archdiocese was responsible for the hiring and staffing, and did the hiring and staffing, at St. Anthony's.

1100. Upon information and belief, at all relevant times the Archdiocese was responsible for and did the recruitment and staffing of volunteers at St. Anthony's.

1101. Upon information and belief, at all relevant times the Archdiocese materially benefited from the operation of St. Anthony's, including the services of Father Steltz and the services of those who managed and supervised Father Steltz.

1102. Upon information and belief, at all relevant times St. Anthony's owned a parish and church.

1103. Upon information and belief, at all relevant times St. Anthony's held itself out to the public as the owner of St. Anthony's.

1104. Upon information and belief, at all relevant times St. Anthony's employed priests and/or others who served Catholic families, including plaintiff Ricardo Velazquez and his family.

1105. Upon information and belief, at all relevant times St. Anthony's, its agents, servants, and employees managed, maintained, operated, and controlled St. Anthony's, and held out to the public its agents, servants and employees as those who managed, maintained, operated, and controlled St. Anthony's.

1106. Upon information and belief, at all relevant times St. Anthony's was responsible for and did the staffing and hiring at St. Anthony's.

1107. Upon information and belief, at all relevant times St. Anthony's was responsible for and did the recruitment and staffing of volunteers at St. Anthony's.

1108. Upon information and belief, at all relevant times St. Anthony's materially benefitted from the operation of St. Anthony's, including the services of Father Steltz and the services of those who managed and supervised Father Steltz.

1109. Upon information and belief, at all relevant times Father Steltz was a priest of the Archdiocese.

1110. Upon information and belief, at all relevant times Father Steltz was on the staff of, acted as an agent of, and served as an employee of the Archdiocese.

1111. Upon information and belief, at all relevant times Father Steltz was acting in the course and scope of his employment with the Archdiocese.

1112. Upon information and belief, at all relevant times Father Steltz was employed by the Archdiocese and assigned to St. Anthony's.

1113. Upon information and belief, at all relevant times Father Steltz was a priest of St. Anthony's.

1114. Upon information and belief, at all relevant times Father Steltz was on the staff of, was an agent of, and served as an employee of St. Anthony's.

1115. Upon information and belief, at all relevant times Father Steltz was acting in the course and scope of his employment with St. Anthony's.

1116. Upon information and belief, at all relevant times Father Steltz had an office on the premises of St. Anthony's.

1117. When plaintiff Ricardo Velazquez was a minor, he and his parents were members of the Archdiocese and St. Anthony's.

1118. At all relevant times, the Archdiocese and St. Anthony's, their agents, servants, and employees, held Father Steltz out to the public, to Ricardo, and to his parents, as their agent and employee.

1119. At all relevant times, the Archdiocese and St. Anthony's, their agents, servants, and employees, held Father Steltz out to the public, to Ricardo, and to his parents, as having been vetted, screened, and approved by those defendants.

1120. At all relevant times, Ricardo and his parents reasonably relied upon the acts and representations of the Archdiocese and St. Anthony's, their agents, servants, and employees, and reasonably believed that Father Steltz was an agent or employee of those defendants who was vetted, screened, and approved by those defendants.

1121. At all relevant times, Ricardo and his parents trusted Father Steltz because the Archdiocese and St. Anthony's held him out as someone who was safe and could be trusted with the supervision, care, custody, and control of Ricardo.

1122. At all relevant times, Ricardo and his parents believed that the Archdiocese and St. Anthony'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 Ricardo.

1123. When Ricardo was a minor, Father Steltz sexually abused him.

1124. Ricardo was sexually abused by Father Steltz when Ricardo was approximately 9 years old.

1125. Based on the representations of the Archdiocese and St. Anthony's that Father Steltz was safe and trustworthy, Ricardo and his parents allowed Ricardo to be under the supervision of, and in the care, custody, and control of, the Archdiocese and St. Anthony's, including during the times when Ricardo was sexually abused by Father Steltz.

1126. Based on the representations of the Archdiocese and St. Anthony's that Father Steltz was safe and trustworthy, Ricardo and his parents allowed Ricardo to be under the supervision of, and in the care, custody, and control of, Father Steltz, including during the times when Ricardo was sexually abused by Father Steltz.

1127. Neither Ricardo nor his parents would have allowed him to be under the supervision of, or in the care, custody, or control of, the Archdiocese, St. Anthony's, or Father Steltz if the Archdiocese or St. Anthony's had disclosed to Ricardo or his parents that Father Steltz was not safe and was not trustworthy, and that he in fact posed a danger to Ricardo in that Father Steltz was likely to sexually abuse Ricardo.



1128. No parent of ordinary prudence in comparable circumstances would have allowed Ricardo to be under the supervision of, or in the care, custody, or control of, the Archdiocese, St. Anthony's, or Father Steltz if the Archdiocese or St. Anthony's had disclosed to Ricardo or his parents that Father Steltz was not safe and was not trustworthy, and that he in fact posed a danger to Ricardo in that Father Steltz was likely to sexually abuse him.

1129. In approximately 1979, Father Steltz exploited the trust and authority vested in him by defendants by grooming Ricardo to gain his trust and to obtain control over him as part of Father Steltz's plan to sexually molest and abuse Ricardo and other children.

1130. Father Steltz used his position of trust and authority as a priest of the Archdiocese and of St. Anthony's to groom Ricardo and to sexually abuse him multiple times, including when Ricardo was under the supervision of, and in the care, custody, or control of, the Archdiocese, St. Anthony's, and Father Steltz.

1131. At certain times, the sexual abuse of Ricardo by Father Steltz occurred at St. Anthony's, including in Father Steltz's office at St. Anthony's.

1132. At certain times, Father Steltz's sexual abuse of Ricardo occurred during activities that were sponsored by, or were a direct result of activities sponsored by, the Archdiocese and St. Anthony's, including when Ricardo was serving as an altar boy.

1133. Upon information and belief, prior to the times mentioned herein, Father Steltz was a known sexual abuser of children.

1134. Upon information and belief, at all relevant times, defendants, their agents, servants, and employees, knew or should have known that Father Steltz was a known sexual abuser of children.

1135. Upon information and belief, at all relevant times it was reasonably foreseeable to defendants, their agents, servants, and employees that Father Steltz's sexual abuse of children would likely result in injury to others, including the sexual abuse of Ricardo and other children by Father Steltz.

1136. The defendants, their agents, servants, and employees, knew or should have known that Father Steltz was sexually abusing Ricardo and other children at St. Anthony's and elsewhere.

1137. Upon information and belief, defendants, their agents, servants, and employees knew or should have known that the sexual abuse by Father Steltz of Ricardo was ongoing.

1138. Upon information and belief, the Archdiocese and St. Anthony's, their agents, servants, and employees, knew or should have known before and during Father Steltz's sexual abuse of Ricardo that priests and other persons serving the Archdiocese and St. Anthony's had used their positions with those defendants to groom and to sexually abuse children.

1139. Upon information and belief, the Archdiocese and St. Anthony's, their agents, servants, and employees, knew or should have known before and during Father Steltz's sexual abuse of Ricardo that such priests and other persons could not be "cured" through treatment or counseling.

1140. Upon information and belief, the Archdiocese and St. Anthony's, their agents, servants, and employees, concealed the sexual abuse of children by Father Steltz 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 Steltz would continue to molest children.

1141. Upon information and belief, the Archdiocese and St. Anthony's, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Father Steltz would use his position with the defendants to sexually abuse children, including Ricardo.

1142. Upon information and belief, the Archdiocese and St. Anthony's, their agents, servants, and employees, disregarded their knowledge that Father Steltz would use his position with them to sexually abuse children, including Ricardo.

1143. Upon information and belief, the Archdiocese and St. Anthony's, their agents, servants, and employees, acted in concert with each other or with Father Steltz to conceal the danger that Father Steltz posed to children, including Ricardo, so that Father Steltz could continue serving them despite their knowledge of that danger.

1144. Upon information and belief, the Archdiocese and St. Anthony'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 Ricardo, and he did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

1145. Upon information and belief, the Archdiocese and St. Anthony's, their agents, servants, and employees, concealed the sexual abuse of children by priests and/or 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.

1146. By reason of the wrongful acts of the Archdiocese and St. Anthony's as detailed herein, Ricardo 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 Ricardo has and/or will become obligated to expend sums of money for treatment.

#### **XXI. STATEMENT OF FACTS AS TO PLAINTIFF K.M.**

1147. Upon information and belief, at all relevant times the Archdiocese was the owner of St. Clare's and held itself out to the public as the owner of St. Clare's.

1148. Upon information and belief, at all relevant times the Archdiocese, its agents, servants, and employees managed, maintained, operated, and controlled St. Clare's.

1149. Upon information and belief, at all relevant times the Archdiocese employed priests and/or others who served Catholic families at St. Clare's, including plaintiff K.M. and his family.

1150. Upon information and belief, at all relevant times the Archdiocese, its agents, servants, and employees managed, maintained, operated, and controlled St. Clare's, and held out to the public its agents, servants, and employees as those who managed, maintained, operated, and controlled St. Clare's.

1151. Upon information and belief, at all relevant times the Archdiocese was responsible for the hiring and staffing, and did the hiring and staffing, at St. Clare's.

1152. Upon information and belief, at all relevant times the Archdiocese was responsible for and did the recruitment and staffing of volunteers at St. Clare's.

1153. Upon information and belief, at all relevant times the Archdiocese materially benefited from the operation of St. Clare's, including the services of Father LaBelle and the services of those who managed and supervised Father LaBelle.

1154. Upon information and belief, at all relevant times St. Clare's owned a parish and church.

1155. Upon information and belief, at all relevant times St. Clare's held itself out to the public as the owner of St. Clare's.

1156. Upon information and belief, at all relevant times St. Clare's employed priests and/or others who served Catholic families, including plaintiff K.M. and his family.

1157. Upon information and belief, at all relevant times St. Clare's, its agents, servants, and employees managed, maintained, operated, and controlled St. Clare's, and held out to the public its agents, servants and employees as those who managed, maintained, operated, and controlled St. Clare's.

1158. Upon information and belief, at all relevant times St. Clare's was responsible for and did the staffing and hiring at St. Clare's.

1159. Upon information and belief, at all relevant times St. Clare's was responsible for and did the recruitment and staffing of volunteers at St. Clare's.

1160. Upon information and belief, at all relevant times St. Clare's materially benefitted from the operation of St. Clare's, including the services of Father LaBelle and the services of those who managed and supervised Father LaBelle.

1161. Upon information and belief, at all relevant times Father LaBelle was a priest of the Archdiocese.

1162. Upon information and belief, at all relevant times Father LaBelle was on the staff of, acted as an agent of, and served as an employee of the Archdiocese.

1163. Upon information and belief, at all relevant times Father LaBelle was acting in the course and scope of his employment with the Archdiocese.

1164. Upon information and belief, at all relevant times Father LaBelle was employed by the Archdiocese and assigned to St. Clare's.

1165. Upon information and belief, at all relevant times Father LaBelle was a priest of St. Clare's.

1166. Upon information and belief, at all relevant times Father LaBelle was on the staff of, was an agent of, and served as an employee of St. Clare's.

1167. Upon information and belief, at all relevant times Father LaBelle was acting in the course and scope of his employment with St. Clare's.

1168. Upon information and belief, at all relevant times Father LaBelle had an office on the premises of St. Clare's.

1169. When plaintiff K.M. was a minor, he and his parents were members of the Archdiocese and St. Clare's.

1170. At all relevant times, the Archdiocese and St. Clare's, their agents, servants, and employees, held Father LaBelle out to the public, to K.M., and to his parents, as their agent and employee.

1171. At all relevant times, the Archdiocese and St. Clare's, their agents, servants, and employees, held Father LaBelle out to the public, to K.M., and to his parents, as having been vetted, screened, and approved by those defendants.

1172. At all relevant times, K.M. and his parents reasonably relied upon the acts and representations of the Archdiocese and St. Clare's, their agents, servants, and employees, and reasonably believed that Father LaBelle was an agent or employee of those defendants who was vetted, screened, and approved by those defendants.

1173. At all relevant times, K.M. and his parents trusted Father LaBelle because the Archdiocese and St. Clare's held him out as someone who was safe and could be trusted with the supervision, care, custody, and control of K.M.

1174. At all relevant times, K.M. and his parents believed that the Archdiocese and St. Clare'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 K.M.

1175. When K.M. was a minor, Father LaBelle sexually abused him.

1176. K.M. was sexually abused by Father LaBelle when K.M. was approximately 6 years old.

1177. Based on the representations of the Archdiocese and St. Clare's that Father LaBelle was safe and trustworthy, K.M. and his parents allowed K.M. to be under the supervision of, and in the care, custody, and control of, the Archdiocese and St. Clare's, including during the times when K.M. was sexually abused by Father LaBelle.

1178. Based on the representations of the Archdiocese and St. Clare's that Father LaBelle was safe and trustworthy, K.M. and his parents allowed K.M. to be under the supervision of, and in the care, custody, and control of, Father LaBelle, including during the times when K.M. was sexually abused by Father LaBelle.

1179. Neither K.M. nor his parents would have allowed him to be under the supervision of, or in the care, custody, or control of, the Archdiocese, St. Clare's, or Father LaBelle if the Archdiocese or St. Clare's had disclosed to K.M. or his parents that Father LaBelle was not safe and was not trustworthy, and that he in fact posed a danger to K.M. in that Father LaBelle was likely to sexually abuse K.M.

1180. No parent of ordinary prudence in comparable circumstances would have allowed K.M. to be under the supervision of, or in the care, custody, or control of, the Archdiocese, St. Clare's, or Father LaBelle if the Archdiocese or St. Clare's had disclosed to K.M. or his parents that Father LaBelle was not safe and was not trustworthy, and that he in fact posed a danger to K.M. in that Father LaBelle was likely to sexually abuse him.

1181. In approximately 1979, Father LaBelle exploited the trust and authority vested in him by defendants by grooming K.M. to gain his trust and to obtain control over him as part of Father LaBelle's plan to sexually molest and abuse K.M. and other children.

1182. Father LaBelle used his position of trust and authority as a priest of the Archdiocese and of St. Clare's to groom K.M. and to sexually abuse him, including when K.M. was under the supervision of, and in the care, custody, or control of, the Archdiocese, St. Clare's, and Father LaBelle.

1183. The sexual abuse of K.M. by Father LaBelle occurred at St. Clare's and during activities that were sponsored by, or were a direct result of activities sponsored by, the Archdiocese and St. Clare's, including during his first reconciliation and church services.

1184. Upon information and belief, prior to the times mentioned herein, Father LaBelle was a known sexual abuser of children.

1185. Upon information and belief, at all relevant times, defendants, their agents, servants, and employees, knew or should have known that Father LaBelle was a known sexual abuser of children.

1186. Upon information and belief, at all relevant times it was reasonably foreseeable to defendants, their agents, servants, and employees that Father LaBelle's sexual abuse of children



would likely result in injury to others, including the sexual abuse of K.M. and other children by Father LaBelle.

1187. The defendants, their agents, servants, and employees, knew or should have known that Father LaBelle was sexually abusing K.M. and other children at St. Clare's and elsewhere.

1188. Upon information and belief, the Archdiocese and St. Clare's, their agents, servants, and employees, knew or should have known that Father LaBelle was likely to abuse children, including K.M., because Father LaBelle had sexually abused boys before his ordination in 1978.

1189. Upon information and belief, the Archdiocese and St. Clare's, their agents, servants, and employees, knew or should have known before Father LaBelle's sexual abuse of K.M. that priests and other persons serving the Archdiocese and St. Clare's had used their positions with those defendants to groom and to sexually abuse children.

1190. Upon information and belief, the Archdiocese and St. Clare's, their agents, servants, and employees, knew or should have known before Father LaBelle's sexual abuse of K.M. that such priests and other persons could not be "cured" through treatment or counseling.

1191. Upon information and belief, the Archdiocese and St. Clare's, their agents, servants, and employees, concealed the sexual abuse of children by Father LaBelle 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 LaBelle would continue to molest children.

1192. Upon information and belief, the Archdiocese and St. Clare's, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Father LaBelle would use his position with the defendants to sexually abuse children, including K.M.

1193. Upon information and belief, the Archdiocese and St. Clare's, their agents, servants, and employees, disregarded their knowledge that Father LaBelle would use his position with them to sexually abuse children, including K.M.

1194. Upon information and belief, the Archdiocese and St. Clare's, their agents, servants, and employees, acted in concert with each other or with Father LaBelle to conceal the danger that Father LaBelle posed to children, including K.M., so that Father LaBelle could continue serving them despite their knowledge of that danger.

1195. Upon information and belief, the Archdiocese and St. Clare'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 K.M., and he did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

1196. Upon information and belief, the Archdiocese and St. Clare's, their agents, servants, and employees, concealed the sexual abuse of children by priests and/or 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.

1197. By reason of the wrongful acts of the Archdiocese and St. Clare's as detailed herein, K.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 K.M. has and/or will become obligated to expend sums of money for treatment.

## **XXII. STATEMENT OF FACTS AS TO PLAINTIFF B.H.**

1198. Upon information and belief, at all relevant times the Archdiocese was the owner of Immaculate Conception and held itself out to the public as the owner of Immaculate Conception.

1199. Upon information and belief, at all relevant times the Archdiocese, its agents, servants, and employees managed, maintained, operated, and controlled Immaculate Conception.

1200. Upon information and belief, at all relevant times the Archdiocese employed priests, school administrators, teachers, religious, and others who served Catholic families at Immaculate Conception, including plaintiff B.H. and his family.

1201. Upon information and belief, at all relevant times the Archdiocese, its agents, servants, and employees managed, maintained, operated, and controlled Immaculate Conception, and held out to the public its agents, servants, and employees as those who managed, maintained, operated, and controlled Immaculate Conception.

1202. Upon information and belief, at all relevant times the Archdiocese was responsible for the hiring and staffing, and did the hiring and staffing, at Immaculate Conception.

1203. Upon information and belief, at all relevant times the Archdiocese was responsible for and did the recruitment and staffing of volunteers at Immaculate Conception.

1204. Upon information and belief, at all relevant times the Archdiocese materially benefited from the operation of Immaculate Conception, including the services of Monsignor Walsh and the services of those who managed and supervised Monsignor Walsh.

1205. Upon information and belief, at all relevant times Immaculate Conception owned a parish, church, and school.

1206. Upon information and belief, at all relevant times Immaculate Conception held itself out to the public as the owner of Immaculate Conception.

1207. Upon information and belief, at all relevant times Immaculate Conception employed priests, school administrators, teachers, religious, and others who served Catholic families, including plaintiff B.H. and his family.

1208. Upon information and belief, at all relevant times Immaculate Conception, its agents, servants, and employees managed, maintained, operated, and controlled Immaculate Conception, and held out to the public its agents, servants and employees as those who managed, maintained, operated, and controlled Immaculate Conception.

1209. Upon information and belief, at all relevant times Immaculate Conception was responsible for and did the staffing and hiring at Immaculate Conception.

1210. Upon information and belief, at all relevant times Immaculate Conception was responsible for and did the recruitment and staffing of volunteers at Immaculate Conception.

1211. Upon information and belief, at all relevant times Immaculate Conception materially benefitted from the operation of Immaculate Conception, including the services of Monsignor Walsh and the services of those who managed and supervised Monsignor Walsh.

1212. Upon information and belief, at all relevant times Monsignor Walsh was a priest of the Archdiocese.

1213. Upon information and belief, at all relevant times Monsignor Walsh was on the staff of, acted as an agent of, and served as an employee of the Archdiocese.

1214. Upon information and belief, at all relevant times Monsignor Walsh was acting in the course and scope of his employment with the Archdiocese.

1215. Upon information and belief, at all relevant times Monsignor Walsh was employed by the Archdiocese and assigned to Immaculate Conception.

1216. Upon information and belief, at all relevant times Monsignor Walsh was a priest of Immaculate Conception.

1217. Upon information and belief, at all relevant times Monsignor Walsh was on the staff of, was an agent of, and served as an employee of Immaculate Conception.

1218. Upon information and belief, at all relevant times Monsignor Walsh was acting in the course and scope of his employment with Immaculate Conception.

1219. Upon information and belief, at all relevant times Monsignor Walsh had an office on the premises of Immaculate Conception.

1220. When plaintiff B.H. was a minor, he and his parents were members of the Archdiocese and Immaculate Conception.

1221. At all relevant times, the Archdiocese and Immaculate Conception, their agents, servants, and employees, held Monsignor Walsh out to the public, to B.H., and to his parents, as their agent and employee.

1222. At all relevant times, the Archdiocese and Immaculate Conception, their agents, servants, and employees, held Monsignor Walsh out to the public, to B.H., and to his parents, as having been vetted, screened, and approved by those defendants.

1223. At all relevant times, B.H. and his parents reasonably relied upon the acts and representations of the Archdiocese and Immaculate Conception, their agents, servants, and employees, and reasonably believed that Monsignor Walsh was an agent or employee of those defendants who was vetted, screened, and approved by those defendants.

1224. At all relevant times, B.H. and his parents trusted Monsignor Walsh because the Archdiocese and Immaculate Conception held him out as someone who was safe and could be trusted with the supervision, care, custody, and control of B.H.

1225. At all relevant times, B.H. and his parents believed that the Archdiocese and Immaculate Conception would exercise such care as would a parent of ordinary prudence in comparable circumstances when those defendants assumed supervision, care, custody, and control of B.H.

1226. When B.H. was a minor, Monsignor Walsh sexually abused him.

1227. B.H. was sexually abused by Monsignor Walsh when B.H. was 9 to 11 years old.

1228. Based on the representations of the Archdiocese and Immaculate Conception that Monsignor Walsh was safe and trustworthy, B.H. and his parents allowed B.H. to be under the supervision of, and in the care, custody, and control of, the Archdiocese and Immaculate Conception, including during the times when B.H. was sexually abused by Monsignor Walsh.

1229. Based on the representations of the Archdiocese and Immaculate Conception that Monsignor Walsh was safe and trustworthy, B.H. and his parents allowed B.H. to be under the supervision of, and in the care, custody, and control of, Monsignor Walsh, including during the times when B.H. was sexually abused by Monsignor Walsh.

1230. Neither B.H. nor his parents would have allowed him to be under the supervision of, or in the care, custody, or control of, the Archdiocese, Immaculate Conception, or Monsignor Walsh if the Archdiocese or Immaculate Conception had disclosed to B.H. or his parents that Monsignor Walsh was not safe and was not trustworthy, and that he in fact posed a danger to B.H. in that Monsignor Walsh was likely to sexually abuse B.H.

1231. No parent of ordinary prudence in comparable circumstances would have allowed B.H. to be under the supervision of, or in the care, custody, or control of, the Archdiocese, Immaculate Conception, or Monsignor Walsh if the Archdiocese or Immaculate Conception had disclosed to B.H. or his parents that Monsignor Walsh was not safe and was not trustworthy, and that he in fact posed a danger to B.H. in that Monsignor Walsh was likely to sexually abuse him.

1232. From approximately 1980 through 1981, Monsignor Walsh exploited the trust and authority vested in him by defendants by grooming B.H. to gain his trust and to obtain control over him as part of Monsignor Walsh's plan to sexually molest and abuse B.H. and other children.

1233. Monsignor Walsh used his position of trust and authority as a priest of the Archdiocese and of Immaculate Conception to groom B.H. and to sexually abuse him multiple times, including when B.H. was under the supervision of, and in the care, custody, or control of, the Archdiocese, Immaculate Conception, and Monsignor Walsh.

1234. At certain times, the sexual abuse of B.H. by Monsignor Walsh occurred at Immaculate Conception, including in the rectory.

1235. At certain times, Monsignor Walsh's sexual abuse of B.H. occurred during activities that were sponsored by, or were a direct result of activities sponsored by, the Archdiocese and Immaculate Conception, including altar boy services at Immaculate Conception and elsewhere.

1236. Upon information and belief, prior to the times mentioned herein, Monsignor Walsh was a known sexual abuser of children.

1237. Upon information and belief, at all relevant times, defendants, their agents, servants, and employees, knew or should have known that Monsignor Walsh was a known sexual abuser of children.

1238. Upon information and belief, at all relevant times it was reasonably foreseeable to defendants, their agents, servants, and employees that Monsignor Walsh's sexual abuse of children would likely result in injury to others, including the sexual abuse of B.H. and other children by Monsignor Walsh.

1239. Upon information and belief, at certain times between 1980 and 1981, defendants, their agents, servants, and employees knew or should have known that Monsignor Walsh was sexually abusing B.H. and other children at Immaculate Conception and elsewhere.

1240. Upon information and belief, defendants, their agents, servants, and employees knew or should have known that the sexual abuse by Monsignor Walsh of B.H. was ongoing.

1241. Upon information and belief, the Archdiocese and Immaculate Conception, their agents, servants, and employees, knew or should have known before and during Monsignor Walsh's sexual abuse of B.H. that priests and other persons serving the Archdiocese and Immaculate Conception had used their positions with those defendants to groom and to sexually abuse children.

1242. Upon information and belief, the Archdiocese and Immaculate Conception, their agents, servants, and employees, knew or should have known before and during Monsignor Walsh's sexual abuse of B.H. that such priests and other persons could not be "cured" through treatment or counseling.

1243. Upon information and belief, the Archdiocese and Immaculate Conception, their agents, servants, and employees, concealed the sexual abuse of children by Monsignor Walsh 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 Monsignor Walsh would continue to molest children.

1244. Upon information and belief, the Archdiocese and Immaculate Conception, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Monsignor Walsh would use his position with the defendants to sexually abuse children, including B.H.

1245. Upon information and belief, the Archdiocese and Immaculate Conception, their agents, servants, and employees, disregarded their knowledge that Monsignor Walsh would use his position with them to sexually abuse children, including B.H.

1246. Upon information and belief, the Archdiocese and Immaculate Conception, their agents, servants, and employees, acted in concert with each other or with Monsignor Walsh to conceal the danger that Monsignor Walsh posed to children, including B.H., so that Monsignor Walsh could continue serving them despite their knowledge of that danger.

1247. Upon information and belief, the Archdiocese and Immaculate Conception, 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 B.H., and he did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

1248. Upon information and belief, the Archdiocese and Immaculate Conception, 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.

1249. By reason of the wrongful acts of the Archdiocese and Immaculate Conception as detailed herein, B.H. 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 B.H. has and/or will become obligated to expend sums of money for treatment.

### **XXIII. STATEMENT OF FACTS AS TO PLAINTIFF MICHAEL COLUMBUS**

1250. Upon information and belief, at all relevant times the Archdiocese was the owner of All Hallows and held itself out to the public as the owner of All Hallows.

1251. Upon information and belief, at all relevant times the Archdiocese, its agents, servants, and employees managed, maintained, operated, and controlled All Hallows.

1252. Upon information and belief, at all relevant times the Archdiocese employed priests, school administrators, teachers, religious, and others who served Catholic families at All Hallows, including plaintiff Michael Columbus and his family.

1253. Upon information and belief, at all relevant times the Archdiocese, its agents, servants, and employees managed, maintained, operated, and controlled All Hallows, and held out to the public its agents, servants, and employees as those who managed, maintained, operated, and controlled All Hallows.

1254. Upon information and belief, at all relevant times the Archdiocese was responsible for the hiring and staffing, and did the hiring and staffing, at All Hallows.

1255. Upon information and belief, at all relevant times the Archdiocese was responsible for and did the recruitment and staffing of volunteers at All Hallows.

1256. Upon information and belief, at all relevant times the Archdiocese materially benefited from the operation of All Hallows, including the services of Brother Hanney and the services of those who managed and supervised Brother Hanney.

1257. Upon information and belief, at all relevant times All Hallows owned a school.

1258. Upon information and belief, at all relevant times All Hallows held itself out to the public as the owner of All Hallows.

1259. Upon information and belief, at all relevant times All Hallows employed priests, school administrators, teachers, religious, and others who served Catholic families, including plaintiff Michael Columbus and his family.

1260. Upon information and belief, at all relevant times All Hallows, its agents, servants, and employees managed, maintained, operated, and controlled All Hallows, and held out to the public its agents, servants and employees as those who managed, maintained, operated, and controlled All Hallows.

1261. Upon information and belief, at all relevant times All Hallows was responsible for and did the staffing and hiring at All Hallows.

1262. Upon information and belief, at all relevant times All Hallows was responsible for and did the recruitment and staffing of volunteers at All Hallows.

1263. Upon information and belief, at all relevant times All Hallows materially benefitted from the operation of All Hallows, including the services of Brother Hanney and the services of those who managed and supervised Brother Hanney.

1264. Upon information and belief, at all relevant times Brother Hanney was a religious brother, school administrator, and/or teacher of the Archdiocese.

1265. Upon information and belief, at all relevant times Brother Hanney was on the staff of, acted as an agent of, and served as an employee of the Archdiocese.

1266. Upon information and belief, at all relevant times Brother Hanney was acting in the course and scope of his employment with the Archdiocese.

1267. Upon information and belief, at all relevant times Brother Hanney was employed by the Archdiocese and assigned to All Hallows.

1268. Upon information and belief, at all relevant times Brother Hanney was a religious brother, school administrator, and/or teacher of All Hallows.

1269. Upon information and belief, at all relevant times Brother Hanney was on the staff of, was an agent of, and served as an employee of All Hallows.

1270. Upon information and belief, at all relevant times Brother Hanney was acting in the course and scope of his employment with All Hallows.

1271. Upon information and belief, at all relevant times Brother Hanney had an office on the premises of All Hallows.

1272. When plaintiff Michael Columbus was a minor, he and his parents were members of the Archdiocese and Michael attended All Hallows as a student.

1273. At all relevant times, the Archdiocese and All Hallows, their agents, servants, and employees, held Brother Hanney out to the public, to Michael, and to his parents, as their agent and employee.

1274. At all relevant times, the Archdiocese and All Hallows, their agents, servants, and employees, held Brother Hanney out to the public, to Michael, and to his parents, as having been vetted, screened, and approved by those defendants.

1275. At all relevant times, Michael and his parents reasonably relied upon the acts and representations of the Archdiocese and All Hallows, their agents, servants, and employees, and reasonably believed that Brother Hanney was an agent or employee of those defendants who was vetted, screened, and approved by those defendants.

1276. At all relevant times, Michael and his parents trusted Brother Hanney because the Archdiocese and All Hallows held him out as someone who was safe and could be trusted with the supervision, care, custody, and control of Michael.

1277. At all relevant times, Michael and his parents believed that the Archdiocese and All Hallows 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.

1278. When Michael was a minor, Brother Hanney sexually abused him.

1279. Michael was sexually abused by Brother Hanney when Michael was approximately 17 years old.

1280. Based on the representations of the Archdiocese and All Hallows that Brother Hanney 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 Archdiocese and All Hallows, including during the time when Michael was sexually abused by Brother Hanney.

1281. Based on the representations of the Archdiocese and All Hallows that Brother Hanney was safe and trustworthy, Michael and his parents allowed Michael to be under the

supervision of, and in the care, custody, and control of, Brother Hanney, including during the time when Michael was sexually abused by Brother Hanney.

1282. Neither Michael nor his parents would have allowed him to be under the supervision of, or in the care, custody, or control of, the Archdiocese, All Hallows, or Brother Hanney if the Archdiocese or All Hallows had disclosed to Michael or his parents that Brother Hanney was not safe and was not trustworthy, and that he in fact posed a danger to Michael in that Brother Hanney was likely to sexually abuse Michael.

1283. 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 Archdiocese, All Hallows, or Brother Hanney if the Archdiocese or All Hallows had disclosed to Michael or his parents that Brother Hanney was not safe and was not trustworthy, and that he in fact posed a danger to Michael in that Brother Hanney was likely to sexually abuse him.

1284. In approximately 1981, Brother Hanney 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 Brother Hanney's plan to sexually molest and abuse Michael and other children.

1285. Brother Hanney used his position of trust and authority as a religious brother, school administrator, and/or teacher of the Archdiocese and of All Hallows to groom Michael and to sexually abuse him when Michael was under the supervision of, and in the care, custody, or control of, the Archdiocese, All Hallows, and Brother Hanney.

1286. Brother Hanney's sexual abuse of Michael occurred during activities that were sponsored by, or were a direct result of activities sponsored by, the Archdiocese and All Hallows, including during a camping trip with other All Hallows' students during a time when Michael was a student at All Hallows.

1287. Upon information and belief, prior to the times mentioned herein, Brother Hanney was a known sexual abuser of children.

1288. Upon information and belief, at all relevant times, defendants, their agents, servants, and employees, knew or should have known that Brother Hanney was a known sexual abuser of children.

1289. Upon information and belief, at all relevant times it was reasonably foreseeable to defendants, their agents, servants, and employees that Brother Hanney's sexual abuse of children would likely result in injury to others, including the sexual abuse of Michael and other children by Brother Hanney.

1290. The defendants, their agents, servants, and employees, knew or should have known that Brother Hanney was sexually abusing Michael and other children at All Hallows and elsewhere.

1291. Upon information and belief, the Archdiocese and All Hallows, their agents, servants, and employees, knew or should have known that Brother Hanney was likely to abuse children, including Michael, because complaints were made regarding Brother Hanney sexually abusing children years before he abused Michael.

1292. Upon information and belief, the Archdiocese and All Hallows, their agents, servants, and employees, knew or should have known that Brother Hanney was likely to abuse children, including Michael, because Brother Hanney sexually abused other children in the Archdiocese before he abused Michael.

1293. Upon information and belief, the Archdiocese and All Hallows, their agents, servants, and employees, knew or should have known before and during Brother Hanney's sexual

abuse of Michael that priests and other persons serving the Archdiocese and All Hallows had used their positions with those defendants to groom and to sexually abuse children.

1294. Upon information and belief, the Archdiocese and All Hallows, their agents, servants, and employees, knew or should have known before and during Brother Hanney's sexual abuse of Michael that such priests and other persons could not be "cured" through treatment or counseling.

1295. Upon information and belief, the Archdiocese and All Hallows, their agents, servants, and employees, concealed the sexual abuse of children by Brother Hanney 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 Hanney would continue to molest children.

1296. Upon information and belief, the Archdiocese and All Hallows, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Brother Hanney would use his position with the defendants to sexually abuse children, including Michael.

1297. Upon information and belief, the Archdiocese and All Hallows, their agents, servants, and employees, disregarded their knowledge that Brother Hanney would use his position with them to sexually abuse children, including Michael.

1298. Upon information and belief, the Archdiocese and All Hallows, their agents, servants, and employees, acted in concert with each other or with Brother Hanney to conceal the danger that Brother Hanney posed to children, including Michael, so that Brother Hanney could continue serving them despite their knowledge of that danger.



1299. Upon information and belief, the Archdiocese and All Hallows, 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.

1300. Upon information and belief, the Archdiocese and All Hallows, 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.

1301. By reason of the wrongful acts of the Archdiocese and All Hallows 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.

#### **XXIV. CAUSES OF ACTION AS TO PLAINTIFF PETER VAJDA**

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

1302. Plaintiff Peter Vajda repeats and re-alleges all of his allegations above and below.

1303. The Archdiocese and Mount St. Michael had a duty to take reasonable steps to protect plaintiff Peter Vajda, a child, from foreseeable harm when he was under their supervision and in their care, custody, and control.

1304. The Archdiocese and Mount St. Michael also had a duty to take reasonable steps to prevent Brother Labonté from using the tasks, premises, and instrumentalities of his position with the defendants to target, groom, and sexually abuse children, including Peter.

1305. The Archdiocese and Mount St. Michael were supervising Peter, and had care, custody, and control of Peter, when he lived and attended classes at Mount St. Michael and at other times, during which time those defendants had a duty to take reasonable steps to protect him.

1306. These circumstances created a special relationship between the Archdiocese and Peter, and between Mount St. Michael and Peter, which imposed on each of those defendants a duty to exercise the degree of care of a parent of ordinary prudence in comparable circumstances.

1307. The Archdiocese and Mount St. Michael breached each of the foregoing duties by failing to exercise reasonable care to prevent Brother Labonté from harming Peter, including sexually abusing him.

1308. In breaching their duties, including hiring, retaining, and failing to supervise Brother Labonté, 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 Peter, his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for Peter and other children who were under their supervision and in their care, custody, and control, the Archdiocese and Mount St. Michael created a risk that Peter would be sexually abused by Brother Labonté. The Archdiocese and Mount St. Michael through their actions and inactions created an environment that placed Peter in danger of unreasonable risks of harm under the circumstances.

1309. In breaching their duties, including hiring, retaining, and failing to supervise Brother Labonté, 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 Peter, his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for Peter and other children who were under their supervision and in their care, custody, and control, the Archdiocese and Mount St. Michael acted willfully and with conscious disregard for the need to protect Peter. The Archdiocese and Mount St. Michael through their actions and inactions created an environment that placed Peter in danger of unreasonable risks of harm under the circumstances.

1310. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of Peter.

1311. As a direct and proximate result of the acts and omissions of the Archdiocese and Mount St. Michael, Brother Labonté groomed and sexually abused Peter, which has caused Peter to suffer general and special damages as more fully described herein.

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

1312. Plaintiff Peter Vajda repeats and re-alleges all of his allegations above and below.

1313. The Archdiocese and Mount St. Michael engaged in reckless, extreme, and outrageous conduct by providing Brother Labonté with access to children, including plaintiff Peter Vajda, despite knowing that he would likely use his position to groom and to sexually abuse them, including Peter. 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.

1314. As a result of this reckless, extreme, and outrageous conduct, Brother Labonté gained access to Peter and sexually abused him.

1315. The Archdiocese and Mount St. Michael knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and Peter 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. CAUSES OF ACTION AS TO PLAINTIFF MARY THOMAS**

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

1316. Plaintiff Mary Thomas repeats and re-alleges all of her allegations above and below.

1317. The Archdiocese and Our Lady of Mercy had a duty to take reasonable steps to protect plaintiff Mary Thomas, a child, from foreseeable harm when she was under their supervision and in their care, custody, and control.

1318. The Archdiocese and Our Lady of Mercy also had a duty to take reasonable steps to prevent Father McNulty from using the tasks, premises, and instrumentalities of his position with the defendants to target, groom, and sexually abuse children, including Mary.

1319. The Archdiocese and Our Lady of Mercy were supervising Mary, and had care, custody, and control of Mary, when she was a student at Our Lady of Mercy and at other times, during which time those defendants had a duty to take reasonable steps to protect her.

1320. These circumstances created a special relationship between the Archdiocese and Mary, and between Our Lady of Mercy and Mary, which imposed on each of those defendants a duty to exercise the degree of care of a parent of ordinary prudence in comparable circumstances.

1321. The Archdiocese and Our Lady of Mercy breached each of the foregoing duties by failing to exercise reasonable care to prevent Father McNulty from harming Mary, including sexually abusing her.

1322. In breaching their duties, including hiring, retaining, and failing to supervise Father McNulty, 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 Mary, her parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for Mary and other children who were under their supervision and in their care, custody, and control, the Archdiocese and Our Lady of Mercy created a risk that Mary would be sexually abused by Father McNulty. The Archdiocese and Our Lady of Mercy through their actions and inactions created an environment that placed Mary in danger of unreasonable risks of harm under the circumstances.

1323. In breaching their duties, including hiring, retaining, and failing to supervise Father McNulty, 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 Mary, her parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for Mary and other children who were under their supervision and in their care, custody, and control, the Archdiocese and Our Lady of Mercy acted willfully and with conscious disregard for the need to protect Mary. The Archdiocese and Our Lady of Mercy through their actions and inactions created an environment that placed Mary in danger of unreasonable risks of harm under the circumstances.

1324. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of Mary.

1325. As a direct and proximate result of the acts and omissions of the Archdiocese and Our Lady of Mercy, Father McNulty groomed and sexually abused Mary, which has caused Mary to suffer general and special damages as more fully described herein.

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

1326. Plaintiff Mary Thomas repeats and re-alleges all of her allegations above and below.

1327. The Archdiocese and Our Lady of Mercy engaged in reckless, extreme, and outrageous conduct by providing Father McNulty with access to children, including plaintiff Mary Thomas, despite knowing that he would likely use his position to groom and to sexually abuse them, including Mary. 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.

1328. As a result of this reckless, extreme, and outrageous conduct, Father McNulty gained access to Mary and sexually abused her.

1329. The Archdiocese and Our Lady of Mercy knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on other, and Mary 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.

**XXVI. CAUSES OF ACTION AS TO PLAINTIFF A.M.**

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

1330. Plaintiff A.M. repeats and re-alleges all of his allegations above and below.

1331. The Archdiocese and St. Joseph's had a duty to take reasonable steps to protect plaintiff A.M., a child, from foreseeable harm when he was under their supervision and in their care, custody, and control.

1332. The Archdiocese and St. Joseph's also had a duty to take reasonable steps to prevent Father Lebar from using the tasks, premises, and instrumentalities of his position with the defendants to target, groom, and sexually abuse children, including A.M.

1333. The Archdiocese and St. Joseph's were supervising A.M., and had care, custody, and control of A.M., 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.

1334. These circumstances created a special relationship between the Archdiocese and A.M., and between St. Joseph's and A.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.

1335. The Archdiocese and St. Joseph's breached each of the foregoing duties by failing to exercise reasonable care to prevent Father Lebar from harming A.M., including sexually abusing him.

1336. In breaching their duties, including hiring, retaining, and failing to supervise Father Lebar, 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 A.M., his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for A.M. and other children who were under their supervision and in their care, custody, and control, the Archdiocese and St. Joseph's created a risk that A.M. would be sexually abused by Father Lebar. The Archdiocese and St. Joseph's through their actions and inactions created an environment that placed A.M. in danger of unreasonable risks of harm under the circumstances.

1337. In breaching their duties, including hiring, retaining, and failing to supervise Father Lebar, 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 A.M., his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for A.M. and other children who were under their supervision and in their care, custody, and control, the Archdiocese and St. Joseph's acted willfully and with conscious disregard for the need to protect A.M. The Archdiocese and St. Joseph's through their actions and inactions created an environment that placed A.M. in danger of unreasonable risks of harm under the circumstances.

1338. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of A.M.

1339. As a direct and proximate result of the acts and omissions of the Archdiocese and St. Joseph's, Father Lebar groomed and sexually abused A.M., which has caused A.M. to suffer general and special damages as more fully described herein.

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

1340. Plaintiff A.M. repeats and re-alleges all of his allegations above and below.

1341. The Archdiocese and St. Joseph's engaged in reckless, extreme, and outrageous conduct by providing Father Lebar with access to children, including plaintiff A.M., despite knowing that he would likely use his position to groom and to sexually abuse them, including A.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.

1342. As a result of this reckless, extreme, and outrageous conduct, Father Lebar gained access to A.M. and sexually abused him.



1343. The Archdiocese 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 A.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.

**XXVII. CAUSES OF ACTION AS TO PLAINTIFF JAMES LARNEY**

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

1344. Plaintiff James Larney repeats and re-alleges all of his allegations above and below.

1345. The Archdiocese and St. Anthony's had a duty to take reasonable steps to protect plaintiff James Larney, a child, from foreseeable harm when he was under their supervision and in their care, custody, and control.

1346. The Archdiocese and St. Anthony's also had a duty to take reasonable steps to prevent Monsignor Pakulniewicz from using the tasks, premises, and instrumentalities of his position with the defendants to target, groom, and sexually abuse children, including James.

1347. The Archdiocese and St. Anthony's were supervising James, and had care, custody, and control of James, when he helped with Mass, when he served as an organist for the defendants, and at other times, during which time those defendants had a duty to take reasonable steps to protect him.

1348. These circumstances created a special relationship between the Archdiocese and James, and between St. Anthony's and James, which imposed on each of those defendants a duty to exercise the degree of care of a parent of ordinary prudence in comparable circumstances.

1349. The Archdiocese and St. Anthony's breached each of the foregoing duties by failing to exercise reasonable care to prevent Monsignor Pakulniewicz from harming James, including sexually abusing him.

1350. In breaching their duties, including hiring, retaining, and failing to supervise Monsignor Pakulniewicz, 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 James, his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for James and other children who were under their supervision and in their care, custody, and control, the Archdiocese and St. Anthony's created a risk that James would be sexually abused by Monsignor Pakulniewicz. The Archdiocese and St. Anthony's through their actions and inactions created an environment that placed James in danger of unreasonable risks of harm under the circumstances.

1351. In breaching their duties, including hiring, retaining, and failing to supervise Monsignor Pakulniewicz, 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 James, his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for James and other children who were under their supervision and in their care, custody, and control, the Archdiocese and St. Anthony's acted willfully and with conscious disregard for the need to protect James. The Archdiocese and St. Anthony's through their actions and inactions created an environment that placed James in danger of unreasonable risks of harm under the circumstances.

1352. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of James.

1353. As a direct and proximate result of the acts and omissions of the Archdiocese and St. Anthony's, Monsignor Pakulniewicz groomed and sexually abused James, which has caused James to suffer general and special damages as more fully described herein.

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

1354. Plaintiff James Larney repeats and re-alleges all of his allegations above and below.

1355. The Archdiocese and St. Anthony's engaged in reckless, extreme, and outrageous conduct by providing Monsignor Pakulniewicz with access to children, including plaintiff James Larney, despite knowing that he would likely use his position to groom and to sexually abuse them, including James. 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.

1356. As a result of this reckless, extreme, and outrageous conduct, Monsignor Pakulniewicz gained access to James and sexually abused him.

1357. The Archdiocese and St. Anthony's knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and James 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.

**XXVIII. CAUSES OF ACTION AS TO PLAINTIFF R.K.**

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

1358. Plaintiff R.K. repeats and re-alleges all of his allegations above and below.

1359. The Archdiocese and St. Mary's had a duty to take reasonable steps to protect plaintiff R.K., a child, from foreseeable harm when he was under their supervision and in their care, custody, and control.

1360. The Archdiocese and St. Mary's also had a duty to take reasonable steps to prevent Father Mahoney from using the tasks, premises, and instrumentalities of his position with the defendants to target, groom, and sexually abuse children, including R.K.

1361. The Archdiocese and St. Mary's were supervising R.K., and had care, custody, and control of R.K., when he was a student at the seminary and at other times, during which time those defendants had a duty to take reasonable steps to protect him.

1362. These circumstances created a special relationship between the Archdiocese and R.K., and between St. Mary's and R.K., which imposed on each of those defendants a duty to exercise the degree of care of a parent of ordinary prudence in comparable circumstances.

1363. The Archdiocese and St. Mary's breached each of the foregoing duties by failing to exercise reasonable care to prevent Father Mahoney from harming R.K., including sexually abusing him.

1364. In breaching their duties, including hiring, retaining, and failing to supervise Father Mahoney, 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.K., his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for R.K. and other children who were under their supervision and in their care, custody, and control, the Archdiocese and St. Mary's created a risk that R.K. would be sexually abused by Father Mahoney. The Archdiocese and St.

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

1365. In breaching their duties, including hiring, retaining, and failing to supervise Father Mahoney, 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.K., his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for R.K. and other children who were under their supervision and in their care, custody, and control, the Archdiocese and St. Mary's acted willfully and with conscious disregard for the need to protect R.K. The Archdiocese and St. Mary's through their actions and inactions created an environment that placed R.K. in danger of unreasonable risks of harm under the circumstances.

1366. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of R.K.

1367. As a direct and proximate result of the acts and omissions of the Archdiocese and St. Mary's, Father Mahoney groomed and sexually abused R.K., which has caused R.K. to suffer general and special damages as more fully described herein.

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

1368. Plaintiff R.K. repeats and re-alleges all of his allegations above and below.

1369. The Archdiocese and St. Mary's engaged in reckless, extreme, and outrageous conduct by providing Father Mahoney with access to children, including plaintiff R.K., despite knowing that he would likely use his position to groom and to sexually abuse them, including R.K. 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.

1370. As a result of this reckless, extreme, and outrageous conduct, Father Mahoney gained access to R.K. and sexually abused him.

1371. The Archdiocese 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 R.K. 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.

## **XXIX. CAUSES OF ACTION AS TO PLAINTIFF PETER CALOGER**

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

1372. Plaintiff Peter Caloger repeats and re-alleges all of his allegations above and below.

1373. The Archdiocese, the Diocese of Ogdensburg, and Our Lady Star of the Sea had a duty to take reasonable steps to protect plaintiff Peter Caloger, a child, from foreseeable harm when he was under their supervision and in their care, custody, and control.

1374. The Archdiocese, the Diocese of Ogdensburg, and Our Lady Star of the Sea also had a duty to take reasonable steps to prevent Father Franklin from using the tasks, premises, and instrumentalities of his position with the defendants to target, groom, and sexually abuse children, including Peter.

1375. The Archdiocese, the Diocese of Ogdensburg, and Our Lady Star of the Sea were supervising Peter, and had care, custody, and control of Peter, when he served as an altar boy, when he attended Our Lady Star of the Sea, and at other times, during which time those defendants had a duty to take reasonable steps to protect him.

1376. These circumstances created a special relationship between the Archdiocese and Peter, the Diocese of Ogdensburg and Peter, and between Our Lady Star of the Sea and Peter, which imposed on each of those defendants a duty to exercise the degree of care of a parent of ordinary prudence in comparable circumstances.

1377. The Archdiocese, the Diocese of Ogdensburg, and Our Lady Star of the Sea breached each of the foregoing duties by failing to exercise reasonable care to prevent Father Franklin from harming Peter, including sexually abusing him.

1378. In breaching their duties, including hiring, retaining, and failing to supervise Father Franklin, 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 Peter, his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for Peter and other children who were under their supervision and in their care, custody, and control, the Archdiocese, the Diocese of Ogdensburg, and Our Lady Star of the Sea created a risk that Peter would be sexually abused by Father Franklin. The Archdiocese, the Diocese, and Our Lady Star of the Sea through their actions and inactions created an environment that placed Peter in danger of unreasonable risks of harm under the circumstances.

1379. In breaching their duties, including hiring, retaining, and failing to supervise Father Franklin, 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 Peter, his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for Peter and other children who were under their supervision and in their care, custody, and control, the Archdiocese, the Diocese,

and Our Lady Star of the Sea acted willfully and with conscious disregard for the need to protect Peter. The Archdiocese, the Diocese, and Our Lady Star of the Sea through their actions and inactions created an environment that placed Peter in danger of unreasonable risks of harm under the circumstances.

1380. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of Peter.

1381. As a direct and proximate result of the acts and omissions of the Archdiocese, the Diocese, and Our Lady Star of the Sea, Father Franklin groomed and sexually abused Peter, which has caused Peter to suffer general and special damages as more fully described herein.

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

1382. Plaintiff Peter Caloger repeats and re-alleges all of his allegations above and below.

1383. The Archdiocese, the Diocese, and Our Lady Star of the Sea engaged in reckless, extreme, and outrageous conduct by providing Father Franklin with access to children, including plaintiff Peter Caloger, despite knowing that he would likely use his position to groom and to sexually abuse them, including Peter. 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.

1384. As a result of this reckless, extreme, and outrageous conduct, Father Franklin gained access to Peter and sexually abused him.

1385. The Archdiocese, the Diocese, and Our Lady Star of the Sea knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and Peter 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.

**XXX. CAUSES OF ACTION AS TO PLAINTIFF W.N.**

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

1386. Plaintiff W.N. repeats and re-alleges all of his allegations above and below.

1387. The Archdiocese and Pope Pius XII had a duty to take reasonable steps to protect plaintiff W.N., a child, from foreseeable harm when he was under their supervision and in their care, custody, and control.

1388. The Archdiocese and Pope Pius XII also had a duty to take reasonable steps to prevent Brother John and Brother Bob from using the tasks, premises, and instrumentalities of their positions with the defendants to target, groom, and sexually abuse children, including W.N.

1389. The Archdiocese and Pope Pius XII were supervising W.N., and had care, custody, and control of W.N., when he was a student at Pope Pius XII, when he lived at Pope Pius XII, and at other times, during which time those defendants had a duty to take reasonable steps to protect him.

1390. These circumstances created a special relationship between the Archdiocese and W.N., and between Pope Pius XII and W.N., which imposed on each of those defendants a duty to exercise the degree of care of a parent of ordinary prudence in comparable circumstances.

1391. The Archdiocese and Pope Pius XII breached each of the foregoing duties by failing to exercise reasonable care to prevent Brother John and Brother Bob from harming W.N., including sexually abusing him.

1392. In breaching their duties, including hiring, retaining, and failing to supervise Brother John and Brother Bob, 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 W.N., his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for W.N. and other children who were under their supervision and in their care, custody, and control, the Archdiocese and Pope Pius XII created a risk that W.N. would be sexually abused by Brother John and Brother Bob. The Archdiocese and Pope Pius XII through their actions and inactions created an environment that placed W.N. in danger of unreasonable risks of harm under the circumstances.

1393. In breaching their duties, including hiring, retaining, and failing to supervise Brother John and Brother Bob, 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 W.N., his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for W.N. and other children who were under their supervision and in their care, custody, and control, the Archdiocese and Pope Pius XII acted willfully and with conscious disregard for the need to protect W.N. The Archdiocese and Pope Pius XII through their actions and inactions created an environment that placed W.N. in danger of unreasonable risks of harm under the circumstances.

1394. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of W.N.

1395. As a direct and proximate result of the acts and omissions of the Archdiocese and Pope Pius XII, Brother John and Brother Bob groomed and sexually abused W.N., which has caused W.N. to suffer general and special damages as more fully described herein.

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

1396. Plaintiff W.N. repeats and re-alleges all of his allegations above and below.

1397. The Archdiocese and Pope Pius XII engaged in reckless, extreme, and outrageous conduct by providing Brother John and Brother Bob with access to children, including plaintiff W.N., despite knowing that they would likely use their positions to groom and to sexually abuse them, including W.N. 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.

1398. As a result of this reckless, extreme, and outrageous conduct, Brother John and Brother Bob gained access to W.N. and sexually abused him.

The Archdiocese and Pope Pius XII knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and W.N. 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.

### **XXXI. CAUSES OF ACTION AS TO PLAINTIFF RICHARD CARDILLO**

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

1399. Plaintiff Richard Cardillo repeats and re-alleges all of his allegations above and below.

1400. The Archdiocese and Iona Prep had a duty to take reasonable steps to protect plaintiff Richard Cardillo, a child, from foreseeable harm when he was under their supervision and in their care, custody, and control.

1401. The Archdiocese and Iona Prep also had a duty to take reasonable steps to prevent Brother Ferro from using the tasks, premises, and instrumentalities of his position with the defendants to target, groom, and sexually abuse children, including Richard.

1402. The Archdiocese and Iona Prep were supervising Richard, and had care, custody, and control of Richard, when he was a student of Iona Prep, when he was on a school-related trip with Brother Ferro, and at other times, during which time those defendants had a duty to take reasonable steps to protect him.

1403. These circumstances created a special relationship between the Archdiocese and Richard, and between Iona Prep and Richard, which imposed on each of those defendants a duty to exercise the degree of care of a parent of ordinary prudence in comparable circumstances.

1404. The Archdiocese and Iona Prep breached each of the foregoing duties by failing to exercise reasonable care to prevent Brother Ferro from harming Richard, including sexually abusing him.

1405. In breaching their duties, including hiring, retaining, and failing to supervise Brother Ferro, 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 Richard, his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for Richard and other children who were under their supervision and in their care, custody, and control, the Archdiocese and Iona Prep created a risk that Richard would be sexually abused by Brother Ferro. The Archdiocese and Iona Prep through their actions and inactions created an environment that placed Richard in danger of unreasonable risks of harm under the circumstances.

1406. In breaching their duties, including hiring, retaining, and failing to supervise Brother Ferro, 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 Richard, his parents, and other parents of the danger

of sexual abuse, and failing to create a safe and secure environment for Richard and other children who were under their supervision and in their care, custody, and control, the Archdiocese and Iona Prep acted willfully and with conscious disregard for the need to protect Richard. The Archdiocese and Iona Prep through their actions and inactions created an environment that placed Richard in danger of unreasonable risks of harm under the circumstances.

1407. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of Richard.

1408. As a direct and proximate result of the acts and omissions of the Archdiocese and Iona Prep, Brother Ferro groomed and sexually abused Richard, which has caused Richard to suffer general and special damages as more fully described herein.

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

1409. Plaintiff Richard Cardillo repeats and re-alleges all of his allegations above and below.

1410. The Archdiocese and Iona Prep engaged in reckless, extreme, and outrageous conduct by providing Brother Ferro with access to children, including plaintiff Richard Cardillo, despite knowing that he would likely use his position to groom and to sexually abuse them, including Richard. 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.

1411. As a result of this reckless, extreme, and outrageous conduct, Brother Ferro gained access to Richard and sexually abused him.

1412. The Archdiocese and Iona Prep knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical

injury, on others, and Richard 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.

**XXXII. CAUSES OF ACTION AS TO PLAINTIFF KEVIN DOW**

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

1413. Plaintiff Kevin Dow repeats and re-alleges all of his allegations above and below.

1414. The Archdiocese and Holy Cross had a duty to take reasonable steps to protect plaintiff Kevin Dow, a child, from foreseeable harm when he was under their supervision and in their care, custody, and control.

1415. The Archdiocese and Holy Cross also had a duty to take reasonable steps to prevent Father Boxelaar from using the tasks, premises, and instrumentalities of his position with the defendants to target, groom, and sexually abuse children, including Kevin.

1416. The Archdiocese and Holy Cross were supervising Kevin, and had care, custody, and control of Kevin, 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.

1417. These circumstances created a special relationship between the Archdiocese and Kevin, and between Holy Cross and Kevin, which imposed on each of those defendants a duty to exercise the degree of care of a parent of ordinary prudence in comparable circumstances.

1418. The Archdiocese and Holy Cross breached each of the foregoing duties by failing to exercise reasonable care to prevent Father Boxelaar from harming Kevin, including sexually abusing him.

1419. In breaching their duties, including hiring, retaining, and failing to supervise Father Boxelaar, 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 Kevin, his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for Kevin and other children who were under their supervision and in their care, custody, and control, the Archdiocese and Holy Cross created a risk that Kevin would be sexually abused by Father Boxelaar. The Archdiocese and Holy Cross through their actions and inactions created an environment that placed Kevin in danger of unreasonable risks of harm under the circumstances.

1420. In breaching their duties, including hiring, retaining, and failing to supervise Father Boxelaar, 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 Kevin, his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for Kevin and other children who were under their supervision and in their care, custody, and control, the Archdiocese and Holy Cross acted willfully and with conscious disregard for the need to protect Kevin. The Archdiocese and Holy Cross through their actions and inactions created an environment that placed Kevin in danger of unreasonable risks of harm under the circumstances.

1421. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of Kevin.

1422. As a direct and proximate result of the acts and omissions of the Archdiocese and Holy Cross, Father Boxelaar groomed and sexually abused Kevin, which has caused Kevin to suffer general and special damages as more fully described herein.

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

1423. Plaintiff Kevin Dow repeats and re-alleges all of his allegations above and below.

1424. The Archdiocese and Holy Cross engaged in reckless, extreme, and outrageous conduct by providing Father Boxelaar with access to children, including plaintiff Kevin Dow, despite knowing that he would likely use his position to groom and to sexually abuse them, including Kevin. 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.

1425. As a result of this reckless, extreme, and outrageous conduct, Father Boxelaar gained access to Kevin and sexually abused him.

1426. The Archdiocese and Holy Cross knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and Kevin 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.

### **XXXIII. CAUSES OF ACTION AS TO PLAINTIFF JOHN MCQUADE**

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

1427. Plaintiff John McQuade repeats and re-alleges all of his allegations above and below.

1428. The Archdiocese and Archbishop Stepinac had a duty to take reasonable steps to protect plaintiff John McQuade, a child, from foreseeable harm when he was under their supervision and in their care, custody, and control.

1429. The Archdiocese and Archbishop Stepinac also had a duty to take reasonable steps to prevent Father Malone from using the tasks, premises, and instrumentalities of his position with the defendants to target, groom, and sexually abuse children, including John.



1430. The Archdiocese and Archbishop Stepinac were supervising John, and had care, custody, and control of John, when he attended Archbishop Stepinac, and at other times, during which time those defendants had a duty to take reasonable steps to protect him.

1431. These circumstances created a special relationship between the Archdiocese and John, and between Archbishop Stepinac and John, which imposed on each of those defendants a duty to exercise the degree of care of a parent of ordinary prudence in comparable circumstances.

1432. The Archdiocese and Archbishop Stepinac breached each of the foregoing duties by failing to exercise reasonable care to prevent Father Malone from harming John, including sexually abusing him.

1433. In breaching their duties, including hiring, retaining, and failing to supervise Father Malone, 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 John, his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for John and other children who were under their supervision and in their care, custody, and control, the Archdiocese and Archbishop Stepinac created a risk that John would be sexually abused by Father Malone. The Archdiocese and Archbishop Stepinac through their actions and inactions created an environment that placed John in danger of unreasonable risks of harm under the circumstances.

1434. In breaching their duties, including hiring, retaining, and failing to supervise Father Malone, 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 John, his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for John and other children who

were under their supervision and in their care, custody, and control, the Archdiocese and Archbishop Stepinac acted willfully and with conscious disregard for the need to protect John. The Archdiocese and Archbishop Stepinac through their actions and inactions created an environment that placed John in danger of unreasonable risks of harm under the circumstances.

1435. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of John.

1436. As a direct and proximate result of the acts and omissions of the Archdiocese and Archbishop Stepinac, Father Malone groomed and sexually abused John, which has caused John to suffer general and special damages as more fully described herein.

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

1437. Plaintiff John McQuade repeats and re-alleges all of his allegations above and below.

1438. The Archdiocese and Archbishop Stepinac engaged in reckless, extreme, and outrageous conduct by providing Father Malone with access to children, including plaintiff John McQuade, despite knowing that he would likely use his position to groom and to sexually abuse them, including John. 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.

1439. As a result of this reckless, extreme, and outrageous conduct, Father Malone gained access to John and sexually abused him.

1440. The Archdiocese and Archbishop Stepinac knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and John 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.

**XXXIV. CAUSES OF ACTION AS TO PLAINTIFF C.Y.**

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

1441. Plaintiff C.Y. repeats and re-alleges all of his allegations above and below.

1442. The Archdiocese and Monsignor Farrell had a duty to take reasonable steps to protect plaintiff C.Y., a child, from foreseeable harm when he was under their supervision and in their care, custody, and control.

1443. The Archdiocese and Monsignor Farrell also had a duty to take reasonable steps to prevent Brother Curran from using the tasks, premises, and instrumentalities of his position with the defendants to target, groom, and sexually abuse children, including C.Y.

1444. The Archdiocese and Monsignor Farrell were supervising C.Y., and had care, custody, and control of C.Y., when he was a student at Monsignor Farrell and at other times, during which time those defendants had a duty to take reasonable steps to protect him.

1445. These circumstances created a special relationship between the Archdiocese and C.Y., and between Monsignor Farrell and C.Y., which imposed on each of those defendants a duty to exercise the degree of care of a parent of ordinary prudence in comparable circumstances.

1446. The Archdiocese and Monsignor Farrell breached each of the foregoing duties by failing to exercise reasonable care to prevent Brother Curran from harming C.Y., including sexually abusing him.

1447. In breaching their duties, including hiring, retaining, and failing to supervise Brother Curran, 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 C.Y., his parents, and other

parents of the danger of sexual abuse, and failing to create a safe and secure environment for C.Y. and other children who were under their supervision and in their care, custody, and control, the Archdiocese and Monsignor Farrell created a risk that C.Y. would be sexually abused by Brother Curran. The Archdiocese and Monsignor Farrell through their actions and inactions created an environment that placed C.Y. in danger of unreasonable risks of harm under the circumstances.

1448. In breaching their duties, including hiring, retaining, and failing to supervise Brother Curran, 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 C.Y., his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for C.Y. and other children who were under their supervision and in their care, custody, and control, the Archdiocese and Monsignor Farrell acted willfully and with conscious disregard for the need to protect C.Y. The Archdiocese and Monsignor Farrell through their actions and inactions created an environment that placed C.Y. in danger of unreasonable risks of harm under the circumstances.

1449. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of C.Y.

1450. As a direct and proximate result of the acts and omissions of the Archdiocese and Monsignor Farrell, Brother Curran groomed and sexually abused C.Y., which has caused C.Y. to suffer general and special damages as more fully described herein.

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

1451. Plaintiff C.Y. repeats and re-alleges all of his allegations above and below.

1452. The Archdiocese and Monsignor Farrell engaged in reckless, extreme, and outrageous conduct by providing Brother Curran with access to children, including plaintiff C.Y.,

despite knowing that he would likely use his position to groom and to sexually abuse them, including C.Y. 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.

1453. As a result of this reckless, extreme, and outrageous conduct, Brother Curran gained access to C.Y. and sexually abused him.

1454. The Archdiocese and Monsignor Farrell knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and C.Y. 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.

**XXXV. CAUSES OF ACTION AS TO PLAINTIFF JIM BURKE**

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

1455. Plaintiff Jim Burke repeats and re-alleges all of his allegations above and below.

1456. The Archdiocese and Monsignor Farrell had a duty to take reasonable steps to protect plaintiff Jim Burke, a child, from foreseeable harm when he was under their supervision and in their care, custody, and control.

1457. The Archdiocese and Monsignor Farrell also had a duty to take reasonable steps to prevent Brother Ferro from using the tasks, premises, and instrumentalities of his position with the defendants to target, groom, and sexually abuse children, including Jim.

1458. The Archdiocese and Monsignor Farrell were supervising Jim, and had care, custody, and control of Jim, when he was a student at Monsignor Farrell, during which time those defendants had a duty to take reasonable steps to protect him.

1459. These circumstances created a special relationship between the Archdiocese and Jim, and between Monsignor Farrell and Jim, which imposed on each of those defendants a duty to exercise the degree of care of a parent of ordinary prudence in comparable circumstances.

1460. The Archdiocese and Monsignor Farrell breached each of the foregoing duties by failing to exercise reasonable care to prevent Brother Ferro from harming Jim, including sexually abusing him.

1461. In breaching their duties, including hiring, retaining, and failing to supervise Brother Ferro, 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 Jim, his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for Jim and other children who were under their supervision and in their care, custody, and control, the Archdiocese and Monsignor Farrell created a risk that Jim would be sexually abused by Brother Ferro. The Archdiocese and Monsignor Farrell through their actions and inactions created an environment that placed Jim in danger of unreasonable risks of harm under the circumstances.

1462. In breaching their duties, including hiring, retaining, and failing to supervise Brother Ferro, 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 Jim, his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for Jim and other children who were under their supervision and in their care, custody, and control, the Archdiocese and Monsignor Farrell acted willfully and with conscious disregard for the need to protect Jim. The

Archdiocese and Monsignor Farrell through their actions and inactions created an environment that placed Jim in danger of unreasonable risks of harm under the circumstances.

1463. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of Jim.

1464. As a direct and proximate result of the acts and omissions of the Archdiocese and Monsignor Farrell, Brother Ferro groomed and sexually abused Jim, which has caused Jim to suffer general and special damages as more fully described herein.

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

1465. Plaintiff Jim Burke repeats and re-alleges all of his allegations above and below.

1466. The Archdiocese and Monsignor Farrell engaged in reckless, extreme, and outrageous conduct by providing Brother Ferro with access to children, including plaintiff Jim Burke, despite knowing that he would likely use his position to groom and to sexually abuse them, including Jim. 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.

1467. As a result of this reckless, extreme, and outrageous conduct, Brother Ferro gained access to Jim and sexually abused him.

1468. The Archdiocese and Monsignor Farrell knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and Jim 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.

**XXXVI. CAUSES OF ACTION AS TO PLAINTIFF RUSSELL COELHO****A. FIRST CAUSE OF ACTION – NEGLIGENCE**

1469. Plaintiff Russell Coelho repeats and re-alleges all of his allegations above and below.

1470. The Archdiocese and Holy Cross had a duty to take reasonable steps to protect plaintiff Russell Coelho, a child, from foreseeable harm when he was under their supervision and in their care, custody, and control.

1471. The Archdiocese and Holy Cross also had a duty to take reasonable steps to prevent Father Boxelaar from using the tasks, premises, and instrumentalities of his position with the defendants to target, groom, and sexually abuse children, including Russell.

1472. The Archdiocese and Holy Cross were supervising Russell, and had care, custody, and control of Russell, 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.

1473. These circumstances created a special relationship between the Archdiocese and Russell, and between Holy Cross and Russell, which imposed on each of those defendants a duty to exercise the degree of care of a parent of ordinary prudence in comparable circumstances.

1474. The Archdiocese and Holy Cross breached each of the foregoing duties by failing to exercise reasonable care to prevent Father Boxelaar from harming Russell, including sexually abusing him.

1475. In breaching their duties, including hiring, retaining, and failing to supervise Father Boxelaar, 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 Russell, his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for Russell and other children



who were under their supervision and in their care, custody, and control, the Archdiocese and Holy Cross created a risk that Russell would be sexually abused by Father Boxelaar. The Archdiocese and Holy Cross through their actions and inactions created an environment that placed Russell in danger of unreasonable risks of harm under the circumstances.

1476. In breaching their duties, including hiring, retaining, and failing to supervise Father Boxelaar, 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 Russell, his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for Russell and other children who were under their supervision and in their care, custody, and control, the Archdiocese and Holy Cross acted willfully and with conscious disregard for the need to protect Russell. The Archdiocese and Holy Cross through their actions and inactions created an environment that placed Russell in danger of unreasonable risks of harm under the circumstances.

1477. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of Russell.

1478. As a direct and proximate result of the acts and omissions of the Archdiocese and Holy Cross, Father Boxelaar groomed and sexually abused Russell, which has caused Russell to suffer general and special damages as more fully described herein.

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

1479. Plaintiff Russell Coelho repeats and re-alleges all of his allegations above and below.

1480. The Archdiocese and Holy Cross engaged in reckless, extreme, and outrageous conduct by providing Father Boxelaar with access to children, including plaintiff Russell Coelho,

despite knowing that he would likely use his position to groom and to sexually abuse them, including Russell. 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.

1481. As a result of this reckless, extreme, and outrageous conduct, Father Boxelaar gained access to Russell and sexually abused him.

1482. The Archdiocese and Holy Cross knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and Russell 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.

## **XXXVII. CAUSES OF ACTION AS TO PLAINTIFF JOHN HYNES**

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

1483. Plaintiff John Hynes repeats and re-alleges all of his allegations above and below.

1484. The Archdiocese and Monsignor Farrell had a duty to take reasonable steps to protect plaintiff John Hynes, a child, from foreseeable harm when he was under their supervision and in their care, custody, and control.

1485. The Archdiocese and Monsignor Farrell also had a duty to take reasonable steps to prevent Brother Ferro from using the tasks, premises, and instrumentalities of his position with the defendants to target, groom, and sexually abuse children, including John.

1486. The Archdiocese and Monsignor Farrell were supervising John, and had care, custody, and control of John, when he was a student at Monsignor Farrell, and at other times, during which time those defendants had a duty to take reasonable steps to protect him.

1487. These circumstances created a special relationship between the Archdiocese and John, and between Monsignor Farrell and John, which imposed on each of those defendants a duty to exercise the degree of care of a parent of ordinary prudence in comparable circumstances.

1488. The Archdiocese and Monsignor Farrell breached each of the foregoing duties by failing to exercise reasonable care to prevent Brother Ferro from harming John, including sexually abusing him.

1489. In breaching their duties, including hiring, retaining, and failing to supervise Brother Ferro, 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 John, his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for John and other children who were under their supervision and in their care, custody, and control, the Archdiocese and Monsignor Farrell created a risk that John would be sexually abused by Brother Ferro. The Archdiocese and Monsignor Farrell through their actions and inactions created an environment that placed John in danger of unreasonable risks of harm under the circumstances.

1490. In breaching their duties, including hiring, retaining, and failing to supervise Brother Ferro, 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 John, his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for John and other children who were under their supervision and in their care, custody, and control, the Archdiocese and Monsignor Farrell acted willfully and with conscious disregard for the need to protect John. The

Archdiocese and Monsignor Farrell through their actions and inactions created an environment that placed John in danger of unreasonable risks of harm under the circumstances.

1491. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of John.

1492. As a direct and proximate result of the acts and omissions of the Archdiocese and Monsignor Farrell, Brother Ferro groomed and sexually abused John, which has caused John to suffer general and special damages as more fully described herein.

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

1493. Plaintiff John Hynes repeats and re-alleges all of his allegations above and below.

1494. The Archdiocese and Monsignor Farrell engaged in reckless, extreme, and outrageous conduct by providing Brother Ferro with access to children, including plaintiff John Hynes, despite knowing that he would likely use his position to groom and to sexually abuse them, including John. 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.

1495. As a result of this reckless, extreme, and outrageous conduct, Brother Ferro gained access to John and sexually abused him.

1496. The Archdiocese and Monsignor Farrell knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and John 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.

**XXXVIII. CAUSES OF ACTION AS TO PLAINTIFF G.M.****A. FIRST CAUSE OF ACTION – NEGLIGENCE**

1497. Plaintiff G.M. repeats and re-alleges all of his allegations above and below.

1498. The Archdiocese and OLGC had a duty to take reasonable steps to protect plaintiff G.M., a child, from foreseeable harm when he was under their supervision and in their care, custody, and control.

1499. The Archdiocese and OLGC also had a duty to take reasonable steps to prevent Mr. Moulton from using the tasks, premises, and instrumentalities of his position with the defendants to target, groom, and sexually abuse children, including G.M.

1500. The Archdiocese and OLGC were supervising G.M., and had care, custody, and control of G.M., when G.M. participated in tutoring sessions with Mr. Moulton and at other times, during which time those defendants had a duty to take reasonable steps to protect him.

1501. These circumstances created a special relationship between the Archdiocese and G.M., and between OLGC and G.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.

1502. The Archdiocese and OLGC breached each of the foregoing duties by failing to exercise reasonable care to prevent Mr. Moulton from harming G.M., including sexually abusing him.

1503. In breaching their duties, including hiring, retaining, and failing to supervise Mr. Moulton, 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 G.M., his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for G.M. and other children who were under their supervision and in their care, custody, and control, the Archdiocese and OLGC

created a risk that G.M. would be sexually abused by Mr. Moulton. The Archdiocese and OLG C through their actions and inactions created an environment that placed G.M. in danger of unreasonable risks of harm under the circumstances.

1504. In breaching their duties, including hiring, retaining, and failing to supervise Mr. Moulton, 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 G.M., his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for G.M. and other children who were under their supervision and in their care, custody, and control, the Archdiocese and OLG C acted willfully and with conscious disregard for the need to protect G.M. The Archdiocese and OLG C through their actions and inactions created an environment that placed G.M. in danger of unreasonable risks of harm under the circumstances.

1505. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of G.M.

1506. As a direct and proximate result of the acts and omissions of the Archdiocese and OLG C, Mr. Moulton groomed and sexually abused G.M., which has caused G.M. to suffer general and special damages as more fully described herein.

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

1507. Plaintiff G.M. repeats and re-alleges all of his allegations above and below.

1508. The Archdiocese and OLG C engaged in reckless, extreme, and outrageous conduct by providing Mr. Moulton with access to children, including plaintiff G.M., despite knowing that he would likely use his position to groom and to sexually abuse them, including G.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.

1509. As a result of this reckless, extreme, and outrageous conduct, Mr. Moulton gained access to G.M. and sexually abused him.

1510. The Archdiocese and OLGK knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and G.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.

**XXXIX. CAUSES OF ACTION AS TO PLAINTIFF RICARDO VELAZQUEZ**  
**A. FIRST CAUSE OF ACTION – NEGLIGENCE**

1511. Plaintiff Ricardo Velazquez repeats and re-alleges all of his allegations above and below.

1512. The Archdiocese and St. Anthony's had a duty to take reasonable steps to protect plaintiff Ricardo Velazquez, a child, from foreseeable harm when he was under their supervision and in their care, custody, and control.

1513. The Archdiocese and St. Anthony's also had a duty to take reasonable steps to prevent Father Steltz from using the tasks, premises, and instrumentalities of his position with the defendants to target, groom, and sexually abuse children, including Ricardo.

1514. The Archdiocese and St. Anthony's were supervising Ricardo, and had care, custody, and control of Ricardo, 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.

1515. These circumstances created a special relationship between the Archdiocese and Ricardo, and between St. Anthony's and Ricardo, which imposed on each of those defendants a duty to exercise the degree of care of a parent of ordinary prudence in comparable circumstances.

1516. The Archdiocese and St. Anthony's breached each of the foregoing duties by failing to exercise reasonable care to prevent Father Steltz from harming Ricardo, including sexually abusing him.

1517. In breaching their duties, including hiring, retaining, and failing to supervise Father Steltz, 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 Ricardo, his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for Ricardo and other children who were under their supervision and in their care, custody, and control, the Archdiocese and St. Anthony's created a risk that Ricardo would be sexually abused by Father Steltz. The Archdiocese and St. Anthony's through their actions and inactions created an environment that placed Ricardo in danger of unreasonable risks of harm under the circumstances.

1518. In breaching their duties, including hiring, retaining, and failing to supervise Father Steltz, 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 Ricardo, his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for Ricardo and other children who were under their supervision and in their care, custody, and control, the Archdiocese and St. Anthony's acted willfully and with conscious disregard for the need to protect Ricardo. The



Archdiocese and St. Anthony's through their actions and inactions created an environment that placed Ricardo in danger of unreasonable risks of harm under the circumstances.

1519. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of Ricardo.

1520. As a direct and proximate result of the acts and omissions of the Archdiocese and St. Anthony's, Father Steltz groomed and sexually abused Ricardo, which has caused Ricardo to suffer general and special damages as more fully described herein.

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

1521. Plaintiff Ricardo Velazquez repeats and re-alleges all of his allegations above and below.

1522. The Archdiocese and St. Anthony's engaged in reckless, extreme, and outrageous conduct by providing Father Steltz with access to children, including plaintiff Ricardo Velazquez, despite knowing that he would likely use his position to groom and to sexually abuse them, including Ricardo. 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.

1523. As a result of this reckless, extreme, and outrageous conduct, Father Steltz gained access to Ricardo and sexually abused him.

1524. The Archdiocese and St. Anthony's knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and Ricardo 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.

**XL. CAUSES OF ACTION AS TO PLAINTIFF K.M.****A. FIRST CAUSE OF ACTION – NEGLIGENCE**

1525. Plaintiff K.M. repeats and re-alleges all of his allegations above and below.

1526. The Archdiocese and St. Clare's had a duty to take reasonable steps to protect plaintiff K.M., a child, from foreseeable harm when he was under their supervision and in their care, custody, and control.

1527. The Archdiocese and St. Clare's also had a duty to take reasonable steps to prevent Father LaBelle from using the tasks, premises, and instrumentalities of his position with the defendants to target, groom, and sexually abuse children, including K.M.

1528. The Archdiocese and St. Clare's were supervising K.M., and had care, custody, and control of K.M., when he participated in first reconciliation and at other times, during which time those defendants had a duty to take reasonable steps to protect him.

1529. These circumstances created a special relationship between the Archdiocese and K.M., and between St. Clare's and K.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.

1530. The Archdiocese and St. Clare's breached each of the foregoing duties by failing to exercise reasonable care to prevent Father LaBelle from harming K.M., including sexually abusing him.

1531. In breaching their duties, including hiring, retaining, and failing to supervise Father LaBelle, 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 K.M., his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for K.M. and other children who were under their supervision and in their care, custody, and control, the Archdiocese and St. Clare's

created a risk that K.M. would be sexually abused by Father LaBelle. The Archdiocese and St. Clare's through their actions and inactions created an environment that placed K.M. in danger of unreasonable risks of harm under the circumstances.

1532. In breaching their duties, including hiring, retaining, and failing to supervise Father LaBelle, 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 K.M., his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for K.M. and other children who were under their supervision and in their care, custody, and control, the Archdiocese and St. Clare's acted willfully and with conscious disregard for the need to protect K.M. The Archdiocese and St. Clare's through their actions and inactions created an environment that placed K.M. in danger of unreasonable risks of harm under the circumstances.

1533. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of K.M.

1534. As a direct and proximate result of the acts and omissions of the Archdiocese and St. Clare's, Father LaBelle groomed and sexually abused K.M., which has caused K.M. to suffer general and special damages as more fully described herein.

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

1535. Plaintiff K.M. repeats and re-alleges all of his allegations above and below.

1536. The Archdiocese and St. Clare's engaged in reckless, extreme, and outrageous conduct by providing Father LaBelle with access to children, including plaintiff K.M., despite knowing that he would likely use his position to groom and to sexually abuse them, including K.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.

1537. As a result of this reckless, extreme, and outrageous conduct, Father LaBelle gained access to K.M. and sexually abused him.

1538. The Archdiocese and St. Clare's knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and K.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.

## **XLI. CAUSES OF ACTION AS TO PLAINTIFF B.H.**

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

1539. Plaintiff B.H. repeats and re-alleges all of his allegations above and below.

1540. The Archdiocese and Immaculate Conception had a duty to take reasonable steps to protect plaintiff B.H., a child, from foreseeable harm when he was under their supervision and in their care, custody, and control.

1541. The Archdiocese and Immaculate Conception also had a duty to take reasonable steps to prevent Monsignor Walsh from using the tasks, premises, and instrumentalities of his position with the defendants to target, groom, and sexually abuse children, including B.H.

1542. The Archdiocese and Immaculate Conception were supervising B.H., and had care, custody, and control of B.H., 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.

1543. These circumstances created a special relationship between the Archdiocese and B.H., and between Immaculate Conception and B.H., which imposed on each of those defendants a duty to exercise the degree of care of a parent of ordinary prudence in comparable circumstances.

1544. The Archdiocese and Immaculate Conception breached each of the foregoing duties by failing to exercise reasonable care to prevent Monsignor Walsh from harming B.H., including sexually abusing him.

1545. In breaching their duties, including hiring, retaining, and failing to supervise Monsignor Walsh, 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 B.H., his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for B.H. and other children who were under their supervision and in their care, custody, and control, the Archdiocese and Immaculate Conception created a risk that B.H. would be sexually abused by Monsignor Walsh. The Archdiocese and Immaculate Conception through their actions and inactions created an environment that placed B.H. in danger of unreasonable risks of harm under the circumstances.

1546. In breaching their duties, including hiring, retaining, and failing to supervise Monsignor Walsh, 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 B.H., his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for B.H. and other children who were under their supervision and in their care, custody, and control, the Archdiocese and Immaculate Conception acted willfully and with conscious disregard for the need to protect B.H. The Archdiocese and Immaculate Conception through their actions and inactions created an environment that placed B.H. in danger of unreasonable risks of harm under the circumstances.

1547. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of B.H.

1548. As a direct and proximate result of the acts and omissions of the Archdiocese and Immaculate Conception, Monsignor Walsh groomed and sexually abused B.H., which has caused B.H. to suffer general and special damages as more fully described herein.

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

1549. Plaintiff B.H. repeats and re-alleges all of his allegations above and below.

1550. The Archdiocese and Immaculate Conception engaged in reckless, extreme, and outrageous conduct by providing Monsignor Walsh with access to children, including plaintiff B.H., despite knowing that he would likely use his position to groom and to sexually abuse them, including B.H. 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.

1551. As a result of this reckless, extreme, and outrageous conduct, Monsignor Walsh gained access to B.H. and sexually abused him.

1552. The Archdiocese and Immaculate Conception knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and B.H. 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.

**XLII. CAUSES OF ACTION AS TO PLAINTIFF MICHAEL COLUMBUS****A. FIRST CAUSE OF ACTION – NEGLIGENCE**

1553. Plaintiff Michael Columbus repeats and re-alleges all of his allegations above and below.

1554. The Archdiocese and All Hallows had a duty to take reasonable steps to protect plaintiff Michael Columbus, a child, from foreseeable harm when he was under their supervision and in their care, custody, and control.

1555. The Archdiocese and All Hallows also had a duty to take reasonable steps to prevent Brother Hanney from using the tasks, premises, and instrumentalities of his position with the defendants to target, groom, and sexually abuse children, including Michael.

1556. The Archdiocese and All Hallows were supervising Michael, and had care, custody, and control of Michael, when he was as a student at All Hallows and at other times, during which time those defendants had a duty to take reasonable steps to protect him.

1557. These circumstances created a special relationship between the Archdiocese and Michael, and between All Hallows 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.

1558. The Archdiocese and All Hallows breached each of the foregoing duties by failing to exercise reasonable care to prevent Brother Hanney from harming Michael, including sexually abusing him.

1559. In breaching their duties, including hiring, retaining, and failing to supervise Brother Hanney, 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 Archdiocese and All Hallows created a risk that Michael would be sexually abused by Brother Hanney. The Archdiocese and All Hallows through their actions and inactions created an environment that placed Michael in danger of unreasonable risks of harm under the circumstances.

1560. In breaching their duties, including hiring, retaining, and failing to supervise Brother Hanney, 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 Archdiocese and All Hallows acted willfully and with conscious disregard for the need to protect Michael. The Archdiocese and All Hallows through their actions and inactions created an environment that placed Michael in danger of unreasonable risks of harm under the circumstances.

1561. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of Michael.

1562. As a direct and proximate result of the acts and omissions of the Archdiocese and All Hallows, Brother Hanney 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**

1563. Plaintiff Michael Columbus repeats and re-alleges all of his allegations above and below.



1564. The Archdiocese and All Hallows engaged in reckless, extreme, and outrageous conduct by providing Brother Hanney with access to children, including plaintiff Michael Columbus, 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.

1565. As a result of this reckless, extreme, and outrageous conduct, Brother Hanney gained access to Michael and sexually abused him.

1566. The Archdiocese and All Hallows 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.

#### **XLIII. CPLR 1603 – NO APPORTIONMENT OF LIABILITY**

1567. 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.

#### **XLIV. PRAYER FOR RELIEF**

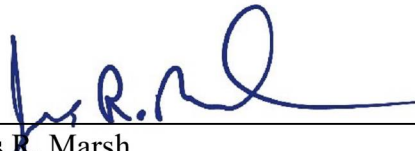
1568. The plaintiffs demand judgment against the defendants named in their causes of action, together with compensatory and punitive damages to be determined at trial, and the interest, cost and disbursements pursuant to their causes of action, and such other and further relief as the Court deems just and proper.

1569. 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,

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