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Summons & Complaints and all public documents subsequently completed and filed by Phillips & Paolicelli LLP. Address: 747 3rd Ave 6th floor, New York, NY 10017. Phone: (212) 388-5100.

Summons & Complaints relying on the research of James G. Faluszczak:

NYS UCS Case Number	Alleged Perpetrator	Defendant #	Defendants	Plaintiff
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p.2 ff.:

70029/2019E	Ansaldi, Fr. Joseph	2	Archdiocese of New York & Cardinal Hayes High School	L., J.
950057/2020	Ansaldi, Fr. Joseph	3	Archdiocese of New York, Srs. of Charity of St. Louis of NYS Inc. & St. Joseph-By-The-Sea HS.	A.T.
70030/2019E	Ansaldi, Fr. Joseph & Fr. John W. Lennon	2	Archdiocese of New York & Cardinal Hayes HS	J.N.

STATE OF NEW YORK
SUPREME COURT: COUNTY OF THE BRONX

<p>J. L.,</p> <p style="text-align: center;">Plaintiff,</p> <p>vs.</p> <p>THE ARCHDIOCESE OF NEW YORK and CARDINAL HAYES HIGH SCHOOL,</p> <p style="text-align: center;">Defendants.</p>
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Index No.

SUMMONS

TO THE ABOVE NAMED DEFENDANTS:

You are hereby summoned to answer in this action and to serve a copy of your answer, or, if the complaint is not served with 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: September 11, 2019
New York, New York

PHILLIPS & PAOLICELLI, LLP
Attorneys for Plaintiffs



Diane Paolicelli
Michael J. DeRuve
747 Third Ave., 6th Fl.
New York, NY 10017
(212) 388-5100

To:

ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK
1011 1st Avenue
New York, NY 10022

CARDINAL HAYES HIGH SCHOOL
650 Grand Concourse
Bronx, NY 10451

{00046341}

STATE OF NEW YORK
SUPREME COURT: COUNTY OF THE BRONX

<p>J. L.,</p> <p style="text-align: center;">Plaintiff,</p> <p>vs.</p> <p>THE ARCHDIOCESE OF NEW YORK, and CARDINAL HAYES HIGH SCHOOL,</p> <p style="text-align: center;">Defendants.</p>

COMPLAINT

Index No.:

Plaintiff J. L., by and through his undersigned attorneys, as and for his Verified Complaint, alleges as follows:

NATURE OF THE ACTION

1. This action is brought pursuant to the Child Victims Act, codified at CPLR 214-g.
2. Plaintiff J. L. was repeatedly sexually abused and assaulted by Fr. Joseph Ansaldi, who was hired, retained, supervised, placed, directed and otherwise authorized to act by Defendants, The Archdiocese of New York, and Cardinal Hayes High School.
3. Plaintiff was about 14 - 15 years old at the time of his abuse.
4. Despite years of refusal to publically address rampant child abuse by priests, Defendant The Archdiocese of New York recently published a long list clergy in their employ who were credibly accused of molesting children. The list includes Fr. Ansaldi, who is now deceased.
5. In fact, the Roman Catholic Church and Defendants have long known that substantial numbers of priests throughout history, and up to and including the present day,

violate their vows or promises of celibacy and otherwise misbehave by soliciting sexual contact with parishioners and others, in particular with children like Plaintiff, who are entrusted to their spiritual care and guidance. Official Church documents dealing with this unspeakable misconduct span the centuries, many of which were and are well known to Defendants.

6. Notwithstanding this knowledge, and the fiduciary duty and relationship of trust owed to parishioners and their children, Defendants negligently, recklessly, and willfully failed to protect Plaintiff from sexual abuse by Fr. Ansaldi, permitted the abuse to occur, failed to supervise Fr. Ansaldi, failed to timely investigate Fr. Ansaldi's misconduct, acted to protect their own self-interest to the detriment of innocent children, and are otherwise responsible for Fr. Ansaldi's sexual assault of Plaintiff, and Plaintiff's consequential injuries and damages.

PARTIES

7. Plaintiff is an individual residing in Brooklyn County, New York.

8. Plaintiff was born in 1959.

9. Defendant The Archdiocese of New York ("Archdiocese") is, and at all relevant times was, a non-profit organization or entity, which includes but is not limited to civil corporations, decision-making entities, officials, and employees, authorized to conduct business and doing business at 1101 First Avenue, New York, NY 10022.

10. At all relevant times, Defendant Archdiocese oversaw, managed, controlled, directed and operated parishes, churches and schools within the Archdiocese.

11. At all relevant times, Defendant Cardinal Hayes High School was and still is a Roman Catholic High School for boys, organized pursuant to the laws of the State of New York and located at 650 Grand Concourse, The Bronx, NY 10451.

12. At all relevant times, Defendant Cardinal Hayes High School was and still is under the direct authority, control and province of Defendant Archdiocese.

13. At all relevant times, Defendant Archdiocese owned the premises where Defendant Cardinal Hayes High School was located.

14. At all relevant times, Defendant Archdiocese oversaw, managed controlled, directed and operated Defendant Cardinal Hayes High School.

15. At all relevant times, Defendant Archdiocese oversaw, managed, controlled, directed and assigned priests and other clergy to work in parishes, churches and schools of the Archdiocese, including Defendant Cardinal Hayes High School.

FACTUAL ALLEGATIONS

16. Plaintiff repeats and re-alleges all preceding paragraphs of this Complaint.

17. From approximately 1973 through 1974 Plaintiff attended Cardinal Hayes High School.

18. At all relevant times, Fr. Joseph Ansaldi ("Fr. Ansaldi") was a Roman Catholic priest employed by Defendant Archdiocese.

19. At all relevant times, Fr. Ansaldi was under the direct supervision, employ, and control of the Defendants.

20. During the time that Plaintiff was a student attending Defendant Cardinal Hayes High School, Defendants assigned Fr. Ansaldi to be the Dean of Discipline at Defendant Cardinal Hayes High School.

21. By assigning Fr. Ansaldi to the role of Dean of Discipline, Defendants gave Fr. Ansaldi complete access to minors, including Plaintiff, and empowered him to discipline, punish, reprimand, chastise, expel and otherwise exercise complete authority over minors.

22. Fr. Ansaldi's duties and responsibilities included supervising, interacting with, mentoring and counseling minor boys.

23. In the performance of their duties, Defendants authorized Fr. Ansaldi to be alone with minor boys, including Plaintiff, and to have unfettered and unsupervised access to them on Defendants' property.

24. Defendants also authorized Fr. Ansaldi to have physical contact with minor boys, in a manner consistent with providing discipline, counseling, educational and spiritual guidance, and leadership.

25. Defendants required students, like Plaintiff, to accept discipline and instruction from Fr. Ansaldi and other clergy and teachers, and to obey their instruction.

26. Plaintiff was raised as a Catholic, and at all relevant times had developed a reverence, respect and/or fear for the Catholic Church and its clergy, including Fr. Ansaldi.

27. During Plaintiff's freshman year at Defendant Cardinal Hayes High School (approximately 1973-1974), Fr. Ansaldi, acting in his capacity as Dean of Discipline, and in furtherance of the business of Defendants, singled Plaintiff out for being late to school and gave him "late detention" on multiple occasions.

28. There, in a classroom on school premises, on multiple occasions, Fr. Ansaldi "disciplined" Plaintiff by engaging in unpermitted, forcible and harmful sexual contact with Plaintiff.

29. Further, in or about 1973-1974, Plaintiff was a member of a sports team at Cardinal Hayes High School.

30. On multiple occasions during the sports season, Fr. Ansaldi summoned Plaintiff to his office and/or other areas of the school on the pretext of needing to perform a "physical

examination” as a prerequisite to Plaintiff’s participation on the team. During these purported “physical examinations,” Fr. Ansaldi engaged in unpermitted, forcible and harmful sexual contact with Plaintiff.

31. Fr. Ansaldi threatened to further “discipline” Plaintiff or revoke Plaintiff’s ability to participate with the school’s sports teams if he did not acquiesce to the above described sexual abuse.

32. In addition to these direct threats, Plaintiff’s relationship to Defendants as a vulnerable child and student, and the culture of the Catholic church which Defendants endorsed, put pressure on Plaintiff not to report Fr. Ansaldi’s abuse or his threats.

33. Defendants knew or should have known that Fr. Ansaldi was a danger to minor boys like Plaintiff before he sexually abused Plaintiff.

34. The Vatican and other church authorities addressed the problem of clergy sex abuse on countless occasions prior to Fr. Ansaldi’s abuse of Plaintiff, and communicated as much with all levels of Church hierarchy including bishops and other Diocesan leaders. As such, at all relevant times, Defendants were well aware that errant sexual behavior by some priests was not only widespread but predictable.

35. Upon information and belief, not only was Defendant Archdiocese aware of sexual abuse of children, but it participated in covering up such heinous acts by moving errant priests and clergy members from assignment to assignment, thereby putting children in harm’s way.

36. Defendants owed Plaintiff a duty of reasonable care because they had superior knowledge about the risks their facilities posed to minor children, the risk of abuse in general, and the risks that Fr. Ansaldi posed to Plaintiff.

37. Prior to the time of Plaintiff's abuse by Fr. Ansaldi, Defendants knew or should have known of numerous acts of sexual assault committed by clergy members within the Archdiocese and elsewhere in the Roman Catholic church, and knew that there was a specific danger of child sex abuse for children in their institutions and programs.

38. The sexual abuse of Plaintiff by Fr. Ansaldi was foreseeable.

39. Prior to the time of Plaintiff's abuse by Fr. Ansaldi, Defendants knew or should have known of Fr. Ansaldi's acts of child sexual abuse on other minors.

40. Defendants owed Plaintiff a reasonable duty of care because they affirmatively solicited children and parents to send their children to Cardinal Hayes High School; they undertook custody of minor children, including Plaintiff; they promoted their facilities and programs as being safe for children, they held out their agents, including Fr. Ansaldi, as safe to work with and around minor boys, they encouraged parents and children to spend time with their agents; and/or authorized their agents, including Fr. Ansaldi, to spend time with, interact with, and recruit children.

41. Defendants owed Plaintiff a heightened, fiduciary duty of care because they held themselves out as being able to provide a safe and secure environment for children, including Plaintiff; Plaintiff's parents entrusted Plaintiff to Defendants' care, and expected that Plaintiff would be safe and properly supervised in an environment free from harm and abuse; Plaintiff was a vulnerable minor, and unable to protect himself; and Defendants affirmatively assumed a position of empowerment over Plaintiff.

42. Defendants owed Plaintiff a duty to protect him from harm because Defendants' acts and omissions created a foreseeable risk of harm to Plaintiff.

43. As a result of the foregoing, Plaintiff has suffered and continues to suffer great physical and mental pain and anguish, severe and permanent emotional distress, psychological injuries, fear and anxiety; was prevented and will continue to be prevented from performing his normal daily activities; was and will continue to be deprived of the enjoyment of life's pleasures; has suffered and continues to suffer loss of spirituality; has suffered and will continue to suffer loss of earnings and earning capacity; has incurred and will in the future incur expenses for medical and psychological treatment, and was otherwise damaged.

44. To the extent that any Defendants plead, or otherwise seek to rely upon Article 16 of the New York Civil Practice Law and Rules (CPLR) to have fault apportioned to another allegedly culpable party, Plaintiff expressly states that Defendants' conduct falls within one or more of the subdivisions of CPLR 1602.

COUNT I

NEGLIGENT HIRING, RETENTION, SUPERVISION, AND DIRECTION

45. Plaintiff repeats and re-alleges each and every allegation set forth above as if fully set forth herein.

46. At all relevant times Defendants had a duty to exercise due care in hiring, appointing, assigning, retention, supervision and direction of Fr. Ansaldi, so as to protect minor children, including Plaintiff, who were likely to come into contact with him, and/or under his influence or supervision, and to ensure that Fr. Ansaldi did not use this assigned position to injure minors by sexual assault, contact or abuse.

47. Defendants were negligent and failed to use reasonable care in hiring, appointing, assigning, and retention, of Fr. Ansaldi, failed to properly investigate his background and employment history, and/or hired, appointed and/or assigned him to Defendant Cardinal Hayes

High School, when Defendants knew or should have known of facts that would make him a danger to children; and Defendants were otherwise negligent.

48. Defendants were negligent and did not use reasonable care in their supervision and direction of Fr. Ansaldi, failed to monitor his activities, failed to oversee the manner in which he carried out the duties to which Defendants assigned him, even though they knew or should have known that Fr. Ansaldi posed a threat of sexual abuse to minors; allowed the misconduct describe above to occur and continue; failed to investigate Fr. Ansaldi's dangerous activities and remove him from their premises; and Defendants were otherwise negligent.

49. Fr. Ansaldi would not have been in a position to sexually abuse Plaintiff had Defendants not been negligent in the hiring, retention, supervision, and direction of Fr. Ansaldi.

50. At all relevant times, Fr. Ansaldi acted in the course and scope of his employment with Defendants.

51. Defendants' aforesaid actions were willful, wanton, malicious, reckless, and/or outrageous in their disregard for the rights and safety of Plaintiff.

52. Plaintiff suffered grave injury as a result of Fr. Ansaldi's sexual abuse and misconduct, including physical, psychological and emotional injury as described above.

53. By the reason of the foregoing, Defendants are liable to Plaintiff for compensatory and punitive damages, in an amount to be determined at trial, together with interest and costs.

COUNT II

NEGLIGENT, RECKLESS, AND WILLFUL MISCONDUCT

54. Plaintiff repeats and re-alleges each and every allegation set forth above as if fully set forth herein.

55. At all relevant times, Defendants affirmatively and/or impliedly represented to minor children, their families and the general public that clergy working in the Archdiocese, including Fr. Ansaldi, did not pose a risk and/or that they did not have a history of sexually abusing children, and that children, including Plaintiff, would be safe in their care.

56. Defendants knew or should have known this representation was false and that employing Fr. Ansaldi and giving him unfettered access to children, including Plaintiff, posed an unacceptable risk of harm to children.

57. Defendant Archdiocese maintained a policy and practice of covering up criminal activity committed by clergy members within the Archdiocese.

58. Over the decades, this “cover-up” policy and practice of the Archdiocese resulted in the sexual assault of untold numbers of children, and put numerous other children at risk of sexual assault.

59. Defendant Archdiocese failed to report multiple allegations of sexual abuse by its employees, agents and representatives, to the proper authorities, thereby putting children at risk of sexual assault.

60. Upon information and belief, Defendants covered up acts of abuse by Fr. Ansaldi, and concealed facts concerning Fr. Ansaldi’s sexual misconduct from Plaintiff and his family.

61. It was not until April 2019 that Defendant Archdiocese publicly named Fr. Ansaldi as having been accused of sexual assault of a minor. Abuse by Fr. Ansaldi was determined to be eligible for compensation under the IRCP.

62. By failing to disclose the identities, histories and information about sexually abusive clergy in their employ, including Fr. Ansaldi, Defendants unreasonably deprived the

families of children entrusted to their care, including Plaintiff, of the ability to protect their children.

63. Defendants failed to warn Plaintiff and his parents that Fr. Ansaldi posed a risk of child sexual assault.

64. The conduct of Defendants as described herein was done with utter disregard as to the potential profound injuries which would ensue, and with depraved indifference to the health and well-being of children, and to the fact that Defendants were knowingly subjecting children in their charge, including Plaintiff, to sexual crimes.

65. Defendants' aforesaid actions were negligent, reckless, willful and wonton in their disregard for the rights and safety of children, including Plaintiff.

66. As a direct and proximate result of Defendants' misconduct, Plaintiff suffered grave injury, including the physical, psychological and emotional injury and damages as described above.

67. By the reason of the foregoing, Defendants are liable to Plaintiff for compensatory and punitive damages, in an amount to be determined at trial, together with interest and costs.

COUNT III

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

68. Plaintiff repeats and re-alleges each and every allegation set forth above as if fully set forth herein.

69. The sexual abuse of Plaintiff was extreme and outrageous conduct, beyond all possible bounds of decency, atrocious and intolerable in a civilized world.

70. Defendants' aforesaid negligent, grossly negligent and reckless misconduct, endangered Plaintiff's safety and caused him to fear for his own safety.

71. Defendants knew or disregarded the substantial probability that Fr. Ansaldi would cause severe emotional distress to Plaintiff.

72. As a direct and proximate result of Defendants' foregoing misconduct, Plaintiff suffered severe emotional distress including psychological and emotional injury as described above.

73. By the reason of the foregoing, Defendants are liable to Plaintiff for compensatory and punitive damages in an amount to be determined at trial, plus interest and costs.

COUNT IV

PREMISES LIABILITY

74. Plaintiff repeats and re-alleges each and every allegation set forth above as if fully set forth herein.

75. At all relevant times, Defendants owned, operated, and /or controlled the premises known as Cardinal Hayes High School, including the areas where the sexual abuse of Plaintiff occurred.

76. At all relevant times, Plaintiff was rightfully present at the aforementioned premises.

77. Defendants had a duty to see that the premises at which Plaintiff was rightfully present were in a reasonably safe condition for the intended use by students, like Plaintiff, whose presence was reasonably anticipated.

78. Defendants willfully, recklessly, and negligently failed to provide a reasonably safe premises that was free from the presence of sexual predators and/or the assault by the occupants of the premises, including Fr. Ansaldi. Defendants thereby breached their duty of care of Plaintiff.

79. As a direct and proximate result of Defendants' misconduct, Plaintiff suffered grave injury, including the physical, psychological, and emotional injury and damages as described above.

80. By reason of the foregoing, Defendants are liable to Plaintiff for compensatory and punitive damages in an amount to be determined at trial, plus interest and costs.

COUNT V

BREACH OF FIDUCIARY DUTY

81. Plaintiff repeats and re-alleges each and every allegation set forth above as if fully set forth herein.

82. At all relevant times, there existed a fiduciary relationship of trust, confidence and reliance between Plaintiff and each Defendant. The entrustment of Plaintiff to the care and supervision of the Defendants while Plaintiff was a vulnerable child, imposed upon Defendants fiduciary duty to act in the best interests of Plaintiff.

83. Defendants were entrusted with the well-being, care, and safety of Plaintiff, which Defendants had a fiduciary duty to protect.

84. By reason of the foregoing, Defendants breached their fiduciary duties to Plaintiff.

85. As a direct and proximate result of Defendants' foregoing breach, Plaintiff suffered grave injury, including the physical, psychological and emotional injury and damages as described above.

86. By reason of the foregoing, Defendants are liable to Plaintiff for compensatory and punitive damages in an amount to be determined at trial, plus interest and costs.

COUNT VI

BREACH OF DUTY IN LOCO PARENTIS

87. Plaintiff repeats and re-alleges each and every allegation set forth above as if fully set forth herein.

88. At all relevant times, Plaintiff was a vulnerable child entrusted to Defendants care, and was under the supervision and control of Defendants, such that Defendants owed him a duty to act *in loco parentis* and to prevent foreseeable injuries.

89. By reason of the foregoing, Defendants breached their duties to act *in loco parentis*.

90. As a direct and proximate result of Defendants' foregoing breach, Plaintiff suffered grave injury, including the physical, psychological and emotional injury and damages as described above.

91. By reason of the foregoing, Defendants are liable to Plaintiff for compensatory and punitive damages in an amount to be determined at trial, plus interest and costs.

COUNT VII

BREACH OF STATUTORY DUTIES TO REPORT

92. Plaintiff repeats and re-alleges each and every allegation set forth above as if fully set forth herein

93. Pursuant to N.Y. Soc. Serv. Law §§ 413 and 420, Defendants had a statutory duty to report reasonable suspicion of abuse of children in their care.

94. Defendants breached their statutory duty by failing to report reasonable suspicion of abuse by Fr. Ansaldi of children in their care.

95. As a direct and proximate result of Defendants' foregoing breaches, Plaintiff suffered grave injury, including the physical, psychological and emotional injury and damages as described above.

96. By reason of the foregoing, Defendants are liable to Plaintiff for compensatory and punitive damages in an amount to be determined at trial, plus interest and costs.

WHEREFORE, Plaintiff prays for judgment as follows:

- a. Awarding Plaintiff compensatory damages for his injuries, in an amount to be determined at trial;
- b. Awarding Plaintiff punitive damages for his injuries, in an amount to be determined at trial;
- c. Awarding Plaintiff prejudgment interest, to the extent available by law;
- d. Awarding Plaintiffs costs and disbursements and attorneys' fees to the extent available by law; and
- e. Awarding such other and further relief as this Court may deem just and proper.

JURY TRIAL DEMANDED

97. Plaintiff demands a trial by jury of all issues triable by jury in this action.

Dated: September 11, 2019

Yours, etc.

PHILLIPS & PAOLICELLI, LLP



By: Diane Paolicelli
dpaolicelli@p2law.com
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Attorneys for Plaintiff
747 Third Avenue, Sixth Floor
New York, New York 10017
212-388-5100

STATE OF NEW YORK
SUPREME COURT: COUNTY OF NEW YORK

<p>A.T.,</p> <p style="text-align: center;">Plaintiff,</p> <p>vs.</p> <p>THE ARCHDIOCESE OF NEW YORK, SISTERS OF CHARITY OF ST. LOUIS OF NEW YORK STATE, INC., and ST. JOSEPH BY-THE-SEA HIGH SCHOOL,</p> <p style="text-align: center;">Defendants.</p>
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SUMMONS

Index No.:

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 Plaintiff's attorney 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: New York, New York
 February 26, 2020

Phillips & Paolicelli, LLP
Attorneys for Plaintiff



By: Diane Paolicelli
 dpaolicelli@p2law.com
 Michael DeRuve
 mderuve@p2law.com
 Phillips & Paolicelli, LLP
 747 Third Avenue, Sixth Floor
 New York, New York 10017
 212-388-5100

TO:

THE ARCHDIOCESE OF NEW YORK
1101 First Avenue
New York, NY 10022

SISTERS OF CHARITY OF ST. LOUIS OF NEW YORK STATE, INC.
4907 South Catherine St., Apt. 203
New York, NY 12901

ST. JOSEPH-BY-THE-SEA HIGH SCHOOL
5150 Hylan Blvd.
Staten Island, NY 10312

STATE OF NEW YORK
SUPREME COURT: COUNTY OF NEW YORK

A.T.,

Plaintiff,

vs.

THE ARCHDIOCESE OF NEW YORK,
SISTERS OF CHARITY OF ST. LOUIS OF
NEW YORK STATE, INC., and ST. JOSEPH
BY-THE-SEA HIGH SCHOOL,

Defendants.

COMPLAINT

Index No.:

Plaintiff A. T., by and through his undersigned attorneys, as and for his Verified Complaint, alleges as follows:

NATURE OF THE ACTION

1. This action is brought pursuant to the Child Victims Act [“CVA”], codified at CPLR 214-g.

2. Plaintiff A.T. was sexually abused and assaulted by Fr. Joseph Ansaldi, who was hired, retained, supervised, placed, directed and otherwise authorized to act by Defendants, The Archdiocese of New York, Sisters of Charity of St. Louis of New York State, Inc., and St. Joseph by-the-Sea High School (collectively “Defendants”).

3. Plaintiff was about 14 - 15 years old at the time of his abuse.

4. Currently, there are at least four CVA complaints filed in the New York State Courts that allege Fr. Ansaldi committed sexual abuse of a minor. According to those complaints, each instance of sexual abuse by Fr. Ansaldi predates the sexual abuse suffered by

Plaintiff in this action. *See* Index Nos. 70030/2019E, 70029/2019E, 70033/2019E, and 950001/2019.

5. Despite years of refusal to publically address rampant child abuse by priests, Defendant The Archdiocese of New York recently published a long list clergy in their employ who were credibly accused of molesting children. The list includes Fr. Ansaldi, who is now deceased.

6. In fact, the Roman Catholic Church and Defendants have long known that substantial numbers of priests throughout history, and up to and including the present day, violate their vows or promises of celibacy and otherwise misbehave by soliciting sexual contact with parishioners and others, in particular with children like Plaintiff, who are entrusted to their spiritual care and guidance. Official Church documents dealing with this unspeakable misconduct span the centuries, many of which were and are well known to Defendants.

7. Notwithstanding this knowledge, and the fiduciary duty and relationship of trust owed to parishioners and their children, Defendants negligently, recklessly, and willfully failed to protect Plaintiff from sexual abuse by Fr. Ansaldi, permitted the abuse to occur, failed to supervise Fr. Ansaldi, failed to timely investigate Fr. Ansaldi's misconduct, acted to protect their own self-interest to the detriment of innocent children, and are otherwise responsible for Fr. Ansaldi's sexual assault of Plaintiff, and Plaintiff's consequential injuries and damages.

PARTIES

8. Plaintiff is an individual residing in Monmouth County, New Jersey.

9. Plaintiff was born in 1969.

10. Defendant The Archdiocese of New York ("Archdiocese") is, and at all relevant times was, a non-profit organization or entity, which includes but is not limited to civil

corporations, decision-making entities, officials, and employees, authorized to conduct business and doing business at 1101 First Avenue, New York, NY 10022.

11. At all relevant times, Defendant Archdiocese oversaw, managed, controlled, directed and operated parishes, churches and schools within the Archdiocese.

12. At all relevant times, Defendant St. Joseph by-the-Sea High School was and still is a Roman Catholic High School, organized pursuant to the laws of the State of New York and located at 5150 Hylan Blvd, Staten Island, New York 10312.

13. At all relevant times, Defendant St. Joseph by-the-Sea High School was and still is under the direct authority, control and province of Defendant Archdiocese.

14. At all relevant times, Defendant Archdiocese owned the premises where Defendant St. Joseph by-the-Sea High School was located.

15. At all relevant times, Defendant Sisters of Charity of St. Louis of New York State, Inc. (herein "Sisters of Charity"), was, a non-profit organization or entity, which includes but is not limited to civil corporations, decision-making entities, officials, and employees, authorized to conduct business and doing business at 4907 South Catherine Street, Apartment 203, Plattsburgh, New York 12901.

16. At all relevant times, Defendants Archdiocese and Sisters of Charity oversaw, managed controlled, directed and operated Defendant St. Joseph by-the-Sea High School.

17. At all relevant times, Defendant Archdiocese and Sisters of Charity oversaw, managed, controlled, directed and assigned priests and other clergy to work in parishes, churches and schools of the Archdiocese, including Defendant St. Joseph by-the-Sea High School.

FACTUAL ALLEGATIONS

18. Plaintiff repeats and re-alleges all preceding paragraphs of this Complaint.

19. In approximately 1962, Fr. Ansaldi was ordained as a Roman Catholic priest by Cardinal Francis Spellman.

20. At all relevant times, Fr. Joseph Ansaldi ("Fr. Ansaldi") was a Roman Catholic priest employed by Defendant Archdiocese.

21. At all relevant times, Fr. Ansaldi was under the direct supervision, employ, and control of the Defendants.

22. From approximately 1963 to 1978, Fr. Ansaldi served as Dean of Discipline at Cardinal Hayes High School located in Bronx, New York.

23. Upon information and belief, during his tenure at Cardinal Hayes High School, Fr. Ansaldi used his position as priest, teacher, and/or Dean of Students to take advantage of minor students and engage in unpermitted, forcible, and harmful sexual contact with said students.

24. In approximately 1978, Fr. Ansaldi left Cardinal Hayes High School and was assigned to Defendant St. Joseph by-the-Sea High School in Staten Island, New York.

25. In approximately 1982, Defendants assigned Fr. Ansaldi to be the Principal at Defendant St. Joseph by-the-Sea High School.

26. From approximately 1983 through 1984 Plaintiff attended St. Joseph by-the-Sea High School.

27. During the time that Plaintiff was a student attending Defendant St. Joseph by-the-Sea High School, Fr. Ansaldi was the Principal of Defendant St. Joseph by-the-Sea High School.

28. By assigning Fr. Ansaldi to the role of Principal, Defendants gave Fr. Ansaldi complete access to minors, including Plaintiff, and empowered him to discipline, punish, reprimand, chastise, expel and otherwise exercise complete authority over minors.

29. Fr. Ansaldi's duties and responsibilities included supervising, interacting with, mentoring and counseling minor boys.

30. In the performance of their duties, Defendants authorized Fr. Ansaldi to be alone with minor boys, including Plaintiff, and to have unfettered and unsupervised access to them on Defendants' property.

31. Defendants also authorized Fr. Ansaldi to have physical contact with minor boys, in a manner consistent with providing discipline, counseling, educational and spiritual guidance, and leadership.

32. Defendants required students, like Plaintiff, to accept discipline and instruction from Fr. Ansaldi and other clergy and teachers, and to obey their instruction.

33. Plaintiff was raised as a Catholic, and at all relevant times had developed a reverence, respect and/or fear for the Catholic Church and its clergy, including Fr. Ansaldi.

34. During Plaintiff's freshman year at Defendant St. Joseph by-the-Sea High School (approximately 1983-1984), Fr. Ansaldi, acting in his capacity as Principal, and in furtherance of the business of Defendants, punished Plaintiff with numerous days worth of detention which required him to spend time with Fr. Ansaldi after school.

35. On multiple occasions, Fr. Ansaldi offered to reduce the amount of detention if Plaintiff allowed Fr. Ansaldi to perform certain acts that were sexual in nature. Fr. Ansaldi threatened Plaintiff with more detention if he did not comply.

36. There, in his office on school premises, on multiple occasions, Fr. Ansaldi engaged in unpermitted, forcible, and harmful sexual contact with Plaintiff.

37. Plaintiff's relationship to Defendants as a vulnerable child and student, and the culture of the Catholic Church which Defendants endorsed, put pressure on Plaintiff not to report Fr. Ansaldi's abuse or his threats.

38. Defendants knew or should have known that Fr. Ansaldi was a danger to minor boys like Plaintiff before he sexually abused Plaintiff.

39. The Vatican and other church authorities addressed the problem of clergy sex abuse on countless occasions prior to Fr. Ansaldi's abuse of Plaintiff, and communicated as much with all levels of Church hierarchy including bishops and other Diocesan leaders. As such, at all relevant times, Defendants were well aware that errant sexual behavior by some priests was not only widespread but predictable.

40. Upon information and belief, not only was Defendant Archdiocese aware of sexual abuse of children, but it participated in covering up such heinous acts by moving errant priests and clergy members from assignment to assignment, thereby putting children in harm's way.

41. Defendants owed Plaintiff a duty of reasonable care because they had superior knowledge about the risks their facilities posed to minor children, the risk of abuse in general, and the risks that Fr. Ansaldi posed to Plaintiff.

42. Prior to the time of Plaintiff's abuse by Fr. Ansaldi, Defendants knew or should have known of numerous acts of sexual assault committed by clergy members within the Archdiocese and elsewhere in the Roman Catholic Church, and knew that there was a specific danger of child sex abuse for children in their institutions and programs.

43. The sexual abuse of Plaintiff by Fr. Ansaldi was foreseeable.

44. Prior to the time of Plaintiff's abuse by Fr. Ansaldi, Defendants knew or should have known of Fr. Ansaldi's acts of child sexual abuse on other minors.

45. Defendants owed Plaintiff a reasonable duty of care because they affirmatively solicited children and parents to send their children to St. Joseph by-the-Sea High School; they undertook custody of minor children, including Plaintiff; they promoted their facilities and programs as being safe for children, they held out their agents, including Fr. Ansaldi, as safe to work with and around minor boys, they encouraged parents and children to spend time with their agents; and/or authorized their agents, including Fr. Ansaldi, to spend time with, interact with, and recruit children.

46. Defendants owed Plaintiff a heightened, fiduciary duty of care because they held themselves out as being able to provide a safe and secure environment for children, including Plaintiff; Plaintiff's parents entrusted Plaintiff to Defendants' care, and expected that Plaintiff would be safe and properly supervised in an environment free from harm and abuse; Plaintiff was a vulnerable minor, and unable to protect himself; and Defendants affirmatively assumed a position of empowerment over Plaintiff.

47. Defendants owed Plaintiff a duty to protect him from harm because Defendants' acts and omissions created a foreseeable risk of harm to Plaintiff.

48. As a result of the foregoing, Plaintiff has suffered and continues to suffer great physical and mental pain and anguish, severe and permanent emotional distress, psychological injuries, fear and anxiety; was prevented and will continue to be prevented from performing his normal daily activities; was and will continue to be deprived of the enjoyment of life's pleasures; has suffered and continues to suffer loss of spirituality; has suffered and will continue

to suffer loss of earnings and earning capacity; has incurred and will in the future incur expenses for medical and psychological treatment, and was otherwise damaged in an amount that exceeds the jurisdictional limits of lower courts in this State.

49. To the extent that any Defendants plead, or otherwise seek to rely upon Article 16 of the New York Civil Practice Law and Rules (CPLR) to have fault apportioned to another allegedly culpable party, Plaintiff expressly states that Defendants' conduct falls within one or more of the subdivisions of CPLR 1602.

FIRST CAUSE OF ACTION

NEGLIGENT HIRING, RETENTION, SUPERVISION, AND DIRECTION

50. Plaintiff repeats and re-alleges each and every allegation set forth above as if fully set forth herein.

51. At all relevant times Defendants had a duty to exercise due care in hiring, appointing, assigning, retention, supervision and direction of Fr. Ansaldi, so as to protect minor children, including Plaintiff, who were likely to come into contact with him, and/or under his influence or supervision, and to ensure that Fr. Ansaldi did not use this assigned position to injure minors by sexual assault, contact or abuse.

52. Defendants were negligent and failed to use reasonable care in hiring, appointing, assigning, and retention, of Fr. Ansaldi, failed to properly investigate his background and employment history, and/or hired, appointed and/or assigned him to Defendant St. Joseph by-the-Sea High School, when Defendants knew or should have known of facts that would make him a danger to children; and Defendants were otherwise negligent.

53. Defendants were negligent and did not use reasonable care in their supervision and direction of Fr. Ansaldi, failed to monitor his activities, failed to oversee the manner in

which he carried out the duties to which Defendants assigned him, even though they knew or should have known that Fr. Ansaldi posed a threat of sexual abuse to minors; allowed the misconduct describe above to occur and continue; failed to investigate Fr. Ansaldi's dangerous activities and remove him from their premises; and Defendants were otherwise negligent.

54. Fr. Ansaldi would not have been in a position to sexually abuse Plaintiff had Defendants not been negligent in the hiring, retention, supervision, and direction of Fr. Ansaldi.

55. At all relevant times, Fr. Ansaldi acted in the course and scope of his employment with Defendants.

56. Defendants' aforesaid actions were willful, wanton, malicious, reckless, and/or outrageous in their disregard for the rights and safety of Plaintiff.

57. Plaintiff suffered grave injury as a result of Fr. Ansaldi's sexual abuse and misconduct, including physical, psychological and emotional injury as described above.

58. By the reason of the foregoing, Defendants are liable to Plaintiff for compensatory and punitive damages, in an amount to be determined at trial, together with interest and costs.

SECOND CAUSE OF ACTION

NEGLIGENT, RECKLESS, AND WILLFUL MISCONDUCT

59. Plaintiff repeats and re-alleges each and every allegation set forth above as if fully set forth herein.

60. Defendants were negligent and did not use reasonable care in their training, if any, of minor students and/or parents about the risk of sexual abuse in their institution and facilities, to identify signs of sexual abuse, grooming behaviors, or sexual predators, and to

report any suspicion that a minor may be getting abused, maltreated, groomed, or otherwise sexually abused.

61. Defendants were negligent and did not use reasonable care in their training, if any, of clergy members and/or adult staff about the risk of sexual abuse in their institution and facilities, to identify signs of sexual abuse, grooming behaviors, or sexual predators, and their statutory duty to report any suspicion that a minor may be getting abused, maltreated, groomed, or otherwise sexually abused.

62. At all relevant times, Defendants affirmatively and/or impliedly represented to minor children, their families and the general public that clergy working in the Archdiocese, including Fr. Ansaldi, did not pose a risk and/or that they did not have a history of sexually abusing children, and that children, including Plaintiff, would be safe in their care.

63. Defendants knew or should have known this representation was false and that employing Fr. Ansaldi and giving him unfettered access to children, including Plaintiff, posed an unacceptable risk of harm to children.

64. Defendant Archdiocese maintained a policy and practice of covering up criminal activity committed by clergy members within the Archdiocese.

65. Over the decades, this "cover-up" policy and practice of the Archdiocese resulted in the sexual assault of untold numbers of children, and put numerous other children at risk of sexual assault.

66. Defendant Archdiocese failed to report multiple allegations of sexual abuse by its employees, agents and representatives, to the proper authorities, thereby putting children at risk of sexual assault.

67. Upon information and belief, Defendants covered up acts of abuse by Fr. Ansaldi, and concealed facts concerning Fr. Ansaldi's sexual misconduct from Plaintiff and his family.

68. It was not until April 2019 that Defendant Archdiocese publicly named Fr. Ansaldi as having been accused of sexual assault of a minor. Abuse by Fr. Ansaldi was determined to be eligible for compensation under the IRCP.

69. By failing to disclose the identities, histories and information about sexually abusive clergy in their employ, including Fr. Ansaldi, Defendants unreasonably deprived the families of children entrusted to their care, including Plaintiff, of the ability to protect their children.

70. Defendants failed to warn Plaintiff and his parents that Fr. Ansaldi posed a risk of child sexual assault.

71. The conduct of Defendants as described herein was done with utter disregard as to the potential profound injuries which would ensue, and with depraved indifference to the health and well-being of children, and to the fact that Defendants were knowingly subjecting children in their charge, including Plaintiff, to sexual crimes.

72. Defendants' aforesaid actions were negligent, reckless, willful and wonton in their disregard for the rights and safety of children, including Plaintiff.

73. As a direct and proximate result of Defendants' misconduct, Plaintiff suffered grave injury, including the physical, psychological and emotional injury and damages as described above.

74. By the reason of the foregoing, Defendants are liable to Plaintiff for compensatory and punitive damages, in an amount to be determined at trial, together with interest and costs.

THIRD CAUSE OF ACTION

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

75. Plaintiff repeats and re-alleges each and every allegation set forth above as if fully set forth herein.

76. The sexual abuse of Plaintiff was extreme and outrageous conduct, beyond all possible bounds of decency, atrocious and intolerable in a civilized world.

77. Defendants' aforesaid negligent, grossly negligent and reckless misconduct, endangered Plaintiff's safety and caused him to fear for his own safety.

78. Defendants knew or disregarded the substantial probability that Fr. Ansaldi would cause severe emotional distress to Plaintiff.

79. As a direct and proximate result of Defendants' foregoing misconduct, Plaintiff suffered severe emotional distress including psychological and emotional injury as described above.

80. By the reason of the foregoing, Defendants are liable to Plaintiff for compensatory and punitive damages in an amount to be determined at trial, plus interest and costs.

FOURTH CAUSE OF ACTION

PREMISES LIABILITY

81. Plaintiff repeats and re-alleges each and every allegation set forth above as if fully set forth herein.

82. At all relevant times, Defendants owned, operated, and /or controlled the premises known as St. Joseph by-the-Sea High School, including the areas where the sexual abuse of Plaintiff occurred.

83. At all relevant times, Plaintiff was rightfully present at the aforementioned premises.

84. Defendants had a duty to see that the premises at which Plaintiff was rightfully present were in a reasonably safe condition for the intended use by students, like Plaintiff, whose presence was reasonably anticipated.

85. Defendants willfully, recklessly, and negligently failed to provide a reasonably safe premises that was free from the presence of sexual predators and/or the assault by the occupants of the premises, including Fr. Ansaldi. Defendants thereby breached their duty of care of Plaintiff.

86. As a direct and proximate result of Defendants' misconduct, Plaintiff suffered grave injury, including the physical, psychological, and emotional injury and damages as described above.

87. By reason of the foregoing, Defendants are liable to Plaintiff for compensatory and punitive damages in an amount to be determined at trial, plus interest and costs.

FIFTH CAUSE OF ACTION

BREACH OF FIDUCIARY DUTY

88. Plaintiff repeats and re-alleges each and every allegation set forth above as if fully set forth herein.

89. At all relevant times, there existed a fiduciary relationship of trust, confidence and reliance between Plaintiff and each Defendant. The entrustment of Plaintiff to the care and supervision of the Defendants while Plaintiff was a vulnerable child, imposed upon Defendants fiduciary duty to act in the best interests of Plaintiff.

90. Defendants were entrusted with the well-being, care, and safety of Plaintiff, which Defendants had a fiduciary duty to protect.

91. By reason of the foregoing, Defendants breached their fiduciary duties to Plaintiff.

92. As a direct and proximate result of Defendants' foregoing breach, Plaintiff suffered grave injury, including the physical, psychological and emotional injury and damages as described above.

93. By reason of the foregoing, Defendants are liable to Plaintiff for compensatory and punitive damages in an amount to be determined at trial, plus interest and costs.

SIXTH CAUSE OF ACTION

BREACH OF DUTY *IN LOCO PARENTIS*

94. Plaintiff repeats and re-alleges each and every allegation set forth above as if fully set forth herein.

95. At all relevant times, Plaintiff was a vulnerable child entrusted to Defendants care, and was under the supervision and control of Defendants, such that Defendants owed him a duty to act *in loco parentis* and to prevent foreseeable injuries.

96. By reason of the foregoing, Defendants breached their duties to act *in loco parentis*.

97. As a direct and proximate result of Defendants' foregoing breach, Plaintiff suffered grave injury, including the physical, psychological and emotional injury and damages as described above.

98. By reason of the foregoing, Defendants are liable to Plaintiff for compensatory and punitive damages in an amount to be determined at trial, plus interest and costs.

SEVENTH CAUSE OF ACTION

BREACH OF STATUTORY DUTIES TO REPORT

99. Plaintiff repeats and re-alleges each and every allegation set forth above as if fully set forth herein

100. Pursuant to N.Y. Soc. Serv. Law §§ 413 and 420 and N.Y. Education Law § 23-b, Defendants had a statutory duty to report reasonable suspicion of abuse of children in their care.

101. Defendants breached their statutory duty by failing to report reasonable suspicion of abuse by Fr. Ansaldi of children in their care.

102. As a direct and proximate result of Defendants' foregoing breaches, Plaintiff suffered grave injury, including the physical, psychological and emotional injury and damages as described above.

103. By reason of the foregoing, Defendants are liable to Plaintiff for compensatory and punitive damages in an amount to be determined at trial, plus interest and costs.

WHEREFORE, Plaintiff prays for judgment as follows:

- a. Awarding Plaintiff compensatory damages for his injuries, in an amount to be determined at trial;
- b. Awarding Plaintiff punitive damages for his injuries, in an amount to be determined at trial;
- c. Awarding Plaintiff prejudgment interest, to the extent available by law;
- d. Awarding Plaintiffs costs and disbursements and attorneys' fees to the extent available by law; and
- e. Awarding such other and further relief as this Court may deem just and proper.

JURY TRIAL DEMANDED

104. Plaintiff demands a trial by jury of all issues triable by jury in this action.

Dated: February 26, 2020

Yours, etc.

PHILLIPS & PAOLICELLI, LLP



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STATE OF NEW YORK
SUPREME COURT: COUNTY OF THE BRONX

<p>J. N.,</p> <p style="text-align: center;">Plaintiff,</p> <p>vs.</p> <p>THE ARCHDIOCESE OF NEW YORK and CARDINAL HAYES HIGH SCHOOL,</p> <p style="text-align: center;">Defendants.</p>
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Index No.

SUMMONS

TO THE ABOVE NAMED DEFENDANTS:

You are hereby summoned to answer in this action and to serve a copy of your answer, or, if the complaint is not served with 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: September 11, 2019
New York, New York

PHILLIPS & PAOLICELLI, LLP
Attorneys for Plaintiffs



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Michael J. DeRuve
747 Third Ave., 6th Fl.
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ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK
1011 1st Ave.
New York, NY 10022

CARDINAL HAYES HIGH SCHOOL
650 Grand Concourse
Bronx, NY 10451

{00046004}

STATE OF NEW YORK
SUPREME COURT: COUNTY OF THE BRONX

<p>J. N.,</p> <p style="text-align: center;">Plaintiff,</p> <p>vs.</p> <p>THE ARCHDIOCESE OF NEW YORK, and CARDINAL HAYES HIGH SCHOOL,</p> <p style="text-align: center;">Defendants.</p>

COMPLAINT

Index No.:

Plaintiff J. N., by and through his undersigned attorneys, as and for his Verified Complaint, alleges as follows:

NATURE OF THE ACTION

1. This action is brought pursuant to the Child Victims Act, codified at CPLR 214-g.
2. Plaintiff J. N. was repeatedly sexually abused and assaulted by two priests, Fr. Joseph Ansaldi and Fr. John W. Lennon, both of whom were hired, retained, supervised, placed, directed and otherwise authorized to act by Defendants, The Archdiocese of New York, and Cardinal Hayes High School.
3. Plaintiff was about 16 – 17 years old at the time of his abuse.
4. Despite years of refusal to publically address rampant child abuse by priests, Defendant The Archdiocese of New York recently published a long list clergy in their employ who were credibly accused of molesting children. The list includes Fr. Ansaldi and Fr. Lennon, both of whom are now deceased.

5. In fact, the Roman Catholic Church and Defendants have long known that substantial numbers of priests throughout history, and up to and including the present day, violate their vows or promises of celibacy and otherwise misbehave by soliciting sexual contact with parishioners and others, in particular with children like Plaintiff, who are entrusted to their spiritual care and guidance. Official Church documents dealing with this unspeakable misconduct span the centuries, many of which were and are well known to Defendants.

6. Notwithstanding this knowledge, and the fiduciary duty and relationship of trust owed to parishioners and their children, Defendants negligently, recklessly, and willfully failed to protect Plaintiff from sexual abuse by Fr. Ansaldi and Fr. Lennon, permitted the abuse to occur, failed to supervise Fr. Ansaldi and Fr. Lennon, failed to timely investigate Fr. Ansaldi's and Fr. Lennon's misconduct, acted to protect their own self-interest to the detriment of innocent children, and are otherwise responsible for Fr. Ansaldi's and Fr. Lennon's sexual assault of Plaintiff, and Plaintiff's consequential injuries and damages.

PARTIES

7. Plaintiff is an individual residing in Westchester County, New York.

8. Plaintiff was born in 1959.

9. Defendant The Archdiocese of New York ("Archdiocese") is, and at all relevant times was, a non-profit organization or entity, which includes but is not limited to civil corporations, decision-making entities, officials, and employees, authorized to conduct business and doing business at 1101 First Avenue, New York, NY 10022.

10. At all relevant times, Defendant Archdiocese oversaw, managed, controlled, directed and operated parishes, churches and schools within the Archdiocese.

11. At all relevant times, Defendant Cardinal Hayes High School was and still is a Roman Catholic High School for boys, organized pursuant to the laws of the State of New York and located at 650 Grand Concourse, The Bronx, NY 10451.

12. At all relevant times, Defendant Cardinal Hayes High School was and still is under the direct authority, control and province of Defendant Archdiocese.

13. At all relevant times, Defendant Archdiocese owned the premises where Defendant Cardinal Hayes was located.

14. At all relevant times, Defendant Archdiocese oversaw, managed controlled, directed and operated Defendant Cardinal Hayes High School.

15. At all relevant times, Defendant Archdiocese oversaw, managed, controlled, directed and assigned priests and other clergy to work in parishes, churches and schools of the Archdiocese, including Defendant Cardinal Hayes High School.

FACTUAL ALLEGATIONS

16. Plaintiff repeats and realleges all preceding paragraphs of this Complaint.

17. From approximately 1973 through 1977 Plaintiff attended Cardinal Hayes High School.

18. At all relevant times, Fr. Joseph Ansaldi ("Fr. Ansaldi") was a Roman Catholic priest employed by Defendant Archdiocese.

19. At all relevant times, Fr. Ansaldi was under the direct supervision, employ and control of the Defendants.

20. At all relevant times, Fr. John W. Lennon ("Fr. Lennon") was a Roman Catholic priest employed by Defendant Archdiocese.

21. At all relevant times Fr. Lennon was under the direction supervision, employ and control of Defendants.

22. During the time that Plaintiff was a student attending Defendant Cardinal Hayes High School, Defendants assigned Fr. Ansaldi to be the Dean of Discipline at Defendant Cardinal Hayes High School.

23. By assigning Fr. Ansaldi to the role of Dean of Discipline, Defendants gave Fr. Ansaldi complete access to minors, including Plaintiff, and empowered him to discipline, punish, reprimand, chastise, expel and otherwise exercise complete authority over minors.

24. Fr. Ansaldi's duties and responsibilities included supervising, interacting with, mentoring and counseling minor boys.

25. During the time that Plaintiff was a student attending Defendant Cardinal Hayes High School, Fr. Lennon was a teacher at the school, as well as an administrator and athletics moderator, assigned, *inter alia*, to oversee minor boys in certain sports activities.

26. Fr. Lennon's duties and responsibilities included supervising, interacting with, mentoring and counseling minor boys.

27. In the performance of their duties Defendants authorized Fr. Ansaldi and Fr. Lennon to be alone with minor boys, including Plaintiff, and to have unfettered and unsupervised access to them on Defendants' property.

28. Defendants also authorized Fr. Ansaldi and Fr. Lennon to have physical contact with minor boys, in a manner consistent with providing discipline, counseling, educational and spiritual guidance, and leadership.

29. Defendants required students, like Plaintiff, to accept discipline and instruction from Fr. Ansaldi, Fr. Lennon, and other clergy and teachers, and to obey their instruction.

30. Plaintiff was raised as a Catholic, and at all relevant times had developed a reverence, respect and/or fear for the Catholic Church and its clergy, including Fr. Ansaldi and Fr. Lennon.

31. During Plaintiff's sophomore and junior years at Defendant Cardinal Hayes High School (approximately 1975-1976), Fr. Ansaldi, acting in his capacity as Dean of Discipline, and in furtherance of the business of Defendants, singled Plaintiff out for what her called "special detention," and required Plaintiff to report to his office on multiple occasions.

32. There, in the Dean of Discipline's office on school premises, on approximately a dozen separate occasions, Fr. Ansaldi engaged in unpermitted, forcible and harmful sexual contact with Plaintiff.

33. Fr. Ansaldi exacerbated this unspeakable abuse by telling Plaintiff in words or substance that "God wanted" him to sexually abuse Plaintiff in this way because Plaintiff was "evil" and lacked "discipline."

34. At some point during 1975-76, Fr. Lennon joined Fr. Ansaldi in the sessions of sexual misconduct in the Dean of Discipline's office, and both priests, in the presence of the other and simultaneously, engaged in unpermitted, forcible and harmful sexual contact with Plaintiff.

35. Fr. Ansaldi and Fr. Lennon repeatedly, and cruelly, explained their mistreatment of Plaintiff as "discipline," which he deserved.

36. Fr. Ansaldi and Fr. Lennon each threatened Plaintiff with expulsion from the school if Plaintiff disclosed their sexual abuse to anyone.

37. In addition to these direct threats, Plaintiff's relationship to Defendants as a vulnerable child and student, and the culture of the Catholic church which Defendants endorsed,

put pressure on Plaintiff not to report Fr. Ansaldi's and Fr. Lennon's abuse or their threats of expulsion.

38. Defendants knew or should have known that Fr. Ansaldi and Father Lennon were dangers to minor boys like Plaintiff, before these priests sexually abused Plaintiff.

39. The Vatican and other church authorities addressed the problem of clergy sex abuse on countless occasions prior to Fr. Ansaldi's and Fr. Lennon's abuse of Plaintiff, and communicated as much with all levels of Church hierarchy including bishops and other Diocesan leaders. As such, at all relevant times, Defendants were well aware that errant sexual behavior by some priests was not only widespread but predictable.

40. Upon information and belief, not only was Defendant Archdiocese aware of sexual abuse of children, but it participated in covering up such heinous acts by moving errant priests and clergy members from assignment to assignment, thereby putting children in harm's way.

41. Defendants owed Plaintiff a duty of reasonable care because they had superior knowledge about the risks their facilities posed to minor children, the risk of abuse in general, and the risks that Fr. Ansaldi and Fr. Lennon posed to Plaintiff.

42. Prior to the time of Plaintiff's abuse by Fr. Ansaldi and Fr. Lennon, Defendants knew or should have known of numerous acts of sexual assault committed by clergy members within the Archdiocese and elsewhere in the Roman Catholic church, and knew that there was a specific danger of child sex abuse for children in their institutions and programs.

43. The sexual abuse of Plaintiff by Fr. Ansaldi was foreseeable.

44. The sexual abuse of Plaintiff by Fr. Lennon was foreseeable.

45. Prior to the time of Plaintiff's abuse by Fr. Ansaldi and Fr. Lennon, Defendants knew or should have known of Fr. Ansaldi's and Fr. Lennon's acts of child sexual abuse on other minors.

46. Defendants owed Plaintiff a reasonable duty of care because they affirmatively solicited children and parents to send their children to Cardinal Hayes High School; they undertook custody of minor children, including Plaintiff; they promoted their facilities and programs as being safe for children, they held out their agents, including Fr. Ansaldi and Fr. Lennon, as safe to work with and around minor boys, they encouraged parents and children to spend time with their agents; and/or authorized their agents, including Fr. Ansaldi and Fr. Lennon, to spend time with, interact with, and recruit children.

47. Defendants owed Plaintiff a heightened, fiduciary duty of care because they held themselves out as being able to provide a safe and secure environment for children, including Plaintiff; Plaintiff's parents entrusted Plaintiff to Defendants' care, and expected that Plaintiff would be safe and properly supervised in an environment free from harm and abuse; Plaintiff was a vulnerable minor, and unable to protect himself; and Defendants affirmatively assumed a position of empowerment over Plaintiff.

48. Defendants owed Plaintiff a duty to protect him from harm because Defendants' acts and omissions created a foreseeable risk of harm to Plaintiff.

49. As a result of the foregoing, Plaintiff has suffered and continues to suffer great physical and mental pain and anguish, severe and permanent emotional distress, psychological injuries, fear and anxiety; was prevented and will continue to be prevented from performing his normal daily activities; was and will continue to be deprived of the enjoyment of life's pleasures; has suffered and continues to suffer loss of spirituality; has suffered and will continue

to suffer loss of earnings and earning capacity; has incurred and will in the future incur expenses for medical and psychological treatment, and was otherwise damaged.

50. To the extent that any Defendants plead, or otherwise seek to rely upon Article 16 of the New York Civil Practice Law and Rules (CPLR) to have fault apportioned to another allegedly culpable party, Plaintiff expressly states that Defendants' conduct falls within one or more of the subdivisions of CPLR 1602.

COUNT I

NEGLIGENT HIRING, RETENTION, SUPERVISION, AND DIRECTION

51. Plaintiff repeats and realleges each and every allegation set forth above as if fully set forth herein.

52. At all relevant times Defendants had a duty to exercise due care in hiring, appointing, assigning, retention, supervision and direction of Fr. Ansaldi and Fr. Lennon, so as to protect minor children, including Plaintiff, who were likely to come into contact with, and/or under the influence or supervision of these individuals, and to ensure that Fr. Ansaldi and Fr. Lennon did not use their assigned positions to injure minors by sexual assault, contact or abuse.

53. Defendants were negligent and failed to use reasonable care in hiring, appointing, assigning, and retention, of Fr. Ansaldi and Fr. Lennon, failed to properly investigate their backgrounds and employment history, and/or hired, appointed and/or assigned them to Defendant Cardinal Hayes High School, when Defendants knew or should have known of facts that would make them a danger to children; and Defendants were otherwise negligent.

54. Defendants were negligent and did not use reasonable care in their supervision and direction of Fr. Ansaldi and Fr. Lennon, failed to monitor their activities, failed to oversee

the manner in which they carried out the duties to which Defendants assigned them, even though they knew or should have known that Fr. Ansaldi and Fr. Lennon posed a threat of sexual abuse to minors; allowed the misconduct describe above to occur and continue; failed to investigate Fr. Ansaldi and Fr. Lennon's dangerous activities and remove them from their premises; and Defendants were otherwise negligent.

55. Fr. Ansaldi and Fr. Lennon would not have been in a position to sexually abuse Plaintiff had Defendants not been negligent in the hiring, retention, supervision, and direction of these employees.

56. At all relevant times, Fr. Ansaldi and Fr. Lennon acted in the course and scope of their employment with Defendants.

57. Defendants' aforesaid actions were willful, wanton, malicious, reckless, and/or outrageous in their disregard for the rights and safety of Plaintiff.

58. Plaintiff suffered grave injury as a result of Fr. Ansaldi's and Fr. Lennon's sexual abuse and misconduct, including physical, psychological and emotional injury as described above.

59. By the reason of the foregoing, Defendants are liable to Plaintiff for compensatory and punitive damages, in an amount to be determined at trial, together with interest and costs.

COUNT II

NEGLIGENT, RECKLESS, AND WILLFUL MISCONDUCT

60. Plaintiff repeats and realleges each and every allegation set forth above as if fully set forth herein.

61. At all relevant times, Defendants affirmatively and/or impliedly represented to minor children, their families and the general public that clergy working in the Archdiocese, including Fr. Ansaldi and Fr. Lennon, did not pose a risk and/or that they did not have a history of sexually abusing children, and that children, including Plaintiff, would be safe in their care.

62. Defendants knew or should have known this representation was false and that employing Fr. Ansaldi and Fr. Lennon and giving them unfettered access to children, including Plaintiff, posed an unacceptable risk of harm to children.

63. Defendant Archdiocese maintained a policy and practice of covering up criminal activity committed by clergy members within the Archdiocese.

64. Over the decades, this “cover-up” policy and practice of the Archdiocese resulted in the sexual assault of untold numbers of children, and put numerous other children at risk of sexual assault.

65. Defendant Archdiocese failed to report multiple allegations of sexual abuse by its employees, agents and representatives, to the proper authorities, thereby putting children at risk of sexual assault.

66. Upon information and belief, Defendants covered up acts of abuse by Fr. Ansaldi and Fr. Lennon, and concealed facts concerning Fr. Ansaldi’s and Fr. Lennon’s sexual misconduct from Plaintiff and his family.

67. It was not until April, 2019 that Defendant Archdiocese publicly admitted that Fr. Lennon had been credibly accused of sexually abusing a minor, and removed from his ministry.

68. It was not until April, 2019 that Defendant Archdiocese publicly named Fr. Ansaldi as having been accused of sexual assault of a minor, and determined to be eligible for compensation under the IRCP.

69. By failing to disclose the identities, histories and information about sexually abusive clergy in their employ, including Fr. Ansaldi and Fr. Lennon, Defendants unreasonably deprived the families of children entrusted to their care, including Plaintiff, of the ability to protect their children.

70. Defendants failed to warn Plaintiff and his parents that Fr. Ansaldi and Father Lennon posed a risk of child sexual assault.

71. The conduct of Defendants as described herein was done with utter disregard as to the potential profound injuries which would ensue, and with depraved indifference to the health and well-being of children, and to the fact that Defendants were knowingly subjecting children in their charge, including Plaintiff, to sexual crimes.

72. Defendants' aforesaid actions were negligent, reckless, wilfull and wonton in their disregard for the rights and safety of children, including Plaintiff.

73. As a direct and proximate result of Defendants' misconduct, Plaintiff suffered grave injury, including the physical, psychological and emotional injury and damages as described above.

74. By the reason of the foregoing, Defendants are liable to Plaintiff for compensatory and punitive damages, in an amount to be determined at trial, together with interest and costs.

COUNT III

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

75. Plaintiff repeats and realleges each and every allegation set forth above as if fully set forth herein.

76. The sexual abuse of Plaintiff was extreme and outrageous conduct, beyond all possible bounds of decency, atrocious and intolerable in a civilized world.

77. Defendants' aforesaid negligent, grossly negligent and reckless misconduct, endangered Plaintiff's safety and caused him to fear for his own safety.

78. Defendants knew or disregarded the substantial probability that Ansaldi and/or Lennon would cause severe emotional distress to Plaintiff.

79. As a direct and proximate result of Defendants' foregoing misconduct, Plaintiff suffered severe emotional distress including psychological and emotional injury as described above.

80. By the reason of the foregoing, Defendants are liable to Plaintiff for compensatory and punitive damages in an amount to be determined at trial, plus interest and costs.

COUNT IV

PREMISES LIABILITY

81. Plaintiff repeats and realleges each and every allegation set forth above as if fully set forth herein.

82. At all relevant times, Defendants owned, operated, and /or controlled the premises known as Cardinal Hayes High School, including the areas where the sexual abuse of Plaintiff occurred.

83. At all relevant times, Plaintiff was rightfully present at the aforementioned premises.

84. Defendants had a duty to see that the premises at which Plaintiff was rightfully present were in a reasonably safe condition for the intended use by students, like Plaintiff, whose presence was reasonably anticipated.

85. Defendants willfully, recklessly, and negligently failed to provide a reasonably safe premises that was free from the presence of sexual predators and/or the assault by the occupants of the premises, including Fr. Ansaldi and Fr. Lennon. Defendants thereby breached their duty of care of Plaintiff.

86. As a direct and proximate result of Defendants' misconduct, Plaintiff suffered grave injury, including the physical, psychological and emotional injury and damages as described above.

87. By reason of the foregoing, Defendants are liable to Plaintiff for compensatory and punitive damages in an amount to be determined at trial, plus interest and costs.

COUNT V

BREACH OF FIDUCIARY DUTY

88. Plaintiff repeats and realleges each and every allegation set forth above as if fully set forth herein.

89. At all relevant times, there existed a fiduciary relationship of trust, confidence and reliance between Plaintiff and each Defendant. The entrustment of Plaintiff to the care and supervision of the Defendants while Plaintiff was a vulnerable child, imposed upon Defendants fiduciary duty to act in the best interests of Plaintiff.

90. Defendants were entrusted with the well-being, care, and safety of Plaintiff, which Defendants had a fiduciary duty to protect.

91. By reason of the foregoing, Defendants breached their fiduciary duties to Plaintiff.

92. As a direct and proximate result of Defendants' foregoing breach, Plaintiff suffered grave injury, including the physical, psychological and emotional injury and damages as described above.

93. By reason of the foregoing, Defendants are liable to Plaintiff for compensatory and punitive damages in an amount to be determined at trial, plus interest and costs.

COUNT VI

BREACH OF DUTY IN LOCO PARENTIS

94. Plaintiff repeats and realleges each and every allegation set forth above as if fully set forth herein.

95. At all relevant times, Plaintiff was a vulnerable child entrusted to Defendants care, and was under the supervision and control of Defendants, such that Defendants owed him a duty to act *in loco parentis* and to prevent foreseeable injuries.

96. By reason of the foregoing, Defendants breached their duties to act *in loco parentis*.

97. As a direct and proximate result of Defendants' foregoing breach, Plaintiff suffered grave injury, including the physical, psychological and emotional injury and damages as described above.

98. By reason of the foregoing, Defendants are liable to Plaintiff for compensatory and punitive damages in an amount to be determined at trial, plus interest and costs.

COUNT VII

BREACH OF STATUTORY DUTIES TO REPORT

99. Plaintiff repeats and realleges each and every allegation set forth above as if fully set forth herein

100. Pursuant to N.Y. Soc. Serv. Law §§ 413 and 420, Defendants had a statutory duty to report reasonable suspicion of abuse of children in their care.

101. Defendants breached their statutory duty by failing to report reasonable suspicion of abuse by Fr. Ansaldi of children in their care.

102. Defendants breached their statutory duty by failing to report reasonable suspicion of abuse by Fr. Lennon of children in their care.

103. As a direct and proximate result of Defendants' foregoing breaches, Plaintiff suffered grave injury, including the physical, psychological and emotional injury and damages as described above.

104. By reason of the foregoing, Defendants are liable to Plaintiff for compensatory and punitive damages in an amount to be determined at trial, plus interest and costs.

WHEREFORE, Plaintiff prays for judgment as follows:

- a. Awarding Plaintiff compensatory damages for his injuries, in an amount to be determined at trial;
- b. Awarding Plaintiff punitive damages for his injuries, in an amount to be determined at trial;
- c. Awarding Plaintiff prejudgment interest, to the extent available by law;
- d. Awarding Plaintiff's costs and disbursements and attorneys' fees to the extent available by law; and
- e. Awarding such other and further relief as this Court may deem just and proper.

JURY TRIAL DEMANDED

105. Plaintiff demands a trial by jury of all issues triable by jury in this action.

Dated: New York, New York

Dated: September 11, 2019

Yours, etc.

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