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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.:

70066/2020E	Carroll, Fr. Patrick	3	Archdiocese of New York, Blessed Sacrament Church & School.	DOE, PC-17
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STATE OF NEW YORK
SUPREME COURT: COUNTY OF BRONX

<p>PC-17 DOE,</p> <p style="text-align: center;">Plaintiff,</p> <p>vs.</p> <p>THE ARCHDIOCESE OF NEW YORK, BLESSED SACRAMENT CHURCH, and BLESSED SACRAMENT CATHOLIC SCHOOL,</p> <p style="text-align: center;">Defendants.</p>
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SUMMONS

Plaintiff designates the County of BRONX as the place of trial. The basis of venue is the Defendant's county of residence pursuant to CPLR §503.

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' 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
July 17, 2020

Phillips & Paolicelli, LLP
Attorneys for Plaintiffs

/s/ Diane Paolicelli

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ARCHDIOCESE OF NEW YORK

1011 1st Avenue
New York, NY 10022

BLESSED SACRAMENT CHURCH

1170 Beach Avenue
Bronx, New York 10472

BLESSED SACRAMENT CATHOLIC SCHOOL

1160 Beach Avenue
Bronx, New York 10472

STATE OF NEW YORK
SUPREME COURT: COUNTY OF THE BRONX

<p>PC-17 DOE,</p> <p style="text-align: center;">Plaintiff,</p> <p>vs.</p> <p>THE ARCHDIOCESE OF NEW YORK, BLESSED SACRAMENT CHURCH, and BLESSED SACRAMENT CATHOLIC SCHOOL,</p> <p style="text-align: center;">Defendants.</p>
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COMPLAINT

Index No.:

Plaintiff PC-17 DOE, by and through his undersigned attorneys, as and for his 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 PC-17 DOE was repeatedly sexually abused and assaulted by Fr. Patrick Carroll, who was hired, retained, supervised, placed, directed and otherwise authorized to act by Defendants, The Archdiocese of New York, Blessed Sacrament Church, and Blessed Sacrament Catholic School (collectively "Defendants").
3. Plaintiff was about 10 years old when the abuse began and lasted for approximately three to four years.
4. 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.

5. 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. Carroll, permitted the abuse to occur, failed to supervise Fr. Carroll, failed to timely investigate Fr. Carroll's misconduct, failed to educate and train minors, altar boys, parents, 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 to report any suspicion that a minor may be getting abused, maltreated, groomed, or otherwise sexually abused, acted to protect their own self-interest to the detriment of innocent children, and are otherwise responsible for Fr. Carroll's sexual assault of Plaintiff, and Plaintiff's consequential injuries and damages.

PARTIES

6. Plaintiff is an individual residing in Kings County, New York.

7. Plaintiff was born in 1967.

8. 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.

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

10. At all relevant times, Defendant Blessed Sacrament Church was and still is a Roman Catholic Church, organized pursuant to the laws of the State of New York and located at 1170 Beach Avenue, Bronx, NY 10472.

11. At all relevant times, Defendant Blessed Sacrament Church was and still is under the direct authority, control and province of Defendant Archdiocese.

12. At all relevant times, Defendant Archdiocese owned the premises where Defendant Blessed Sacrament Church was located.

13. At all relevant times, Defendant Archdiocese oversaw, managed controlled, directed and operated Defendant Blessed Sacrament Church.

14. 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 Blessed Sacrament Church.

15. At all relevant times, Defendant Blessed Sacrament School was and still is a Roman Catholic school for boys, organized pursuant to the laws of the State of New York and located at 1160 Beach Avenue, Bronx, NY 10472.

16. At all relevant times, Defendant Blessed Sacrament School was and still is under the direct authority, control and province of Defendants Archdiocese and Blessed Sacrament Church.

17. At all relevant times, Defendants Archdiocese and Blessed Sacrament Church owned the premises where Defendant Blessed Sacrament School was located.

18. At all relevant times, Defendants Archdiocese and Blessed Sacrament Church oversaw, managed controlled, directed and operated Defendant Blessed Sacrament School.

19. At all relevant times, Defendant Archdiocese and Blessed Sacrament Church oversaw, managed, controlled, directed and assigned priests and other clergy to work in parishes, churches and schools of the Archdiocese, including Defendant Blessed Sacrament School.

FACTUAL ALLEGATIONS

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

21. From approximately 1972 through 1981 Plaintiff attended Blessed Sacrament School.

22. At all relevant times, Fr. Patrick Carroll (“Fr. Carroll”) was a Roman Catholic priest employed by Defendant Archdiocese.

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

24. During the time that Plaintiff was a student attending Defendant Blessed Sacrament School, Defendants assigned Fr. Carroll to be a priest and teacher at Defendants Blessed Sacrament Church and Blessed Sacrament School.

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

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

27. In the performance of their duties, Defendants authorized Fr. Carroll 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. Carroll 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. Carroll 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. Carroll.

31. In or around Plaintiff's fifth grade year at Defendant Blessed Sacrament School (approximately 1977-1978), Fr. Carroll, acting in his capacity as priest and teacher, and in furtherance of the business of Defendants, engaged in inappropriate grooming behavior with Plaintiff on church and school grounds. Additionally, under the guise that Fr. Carroll was bringing Plaintiff to the principal's office to be disciplined, Fr. Carroll instead brought Plaintiff into his room in the Church's rectory.

32. There, in the rectory, on multiple occasions, Fr. Carroll "disciplined" Plaintiff by engaging in unlawful, unpermitted, forcible and harmful sexual contact with Plaintiff.

33. Over the course of three to four years, approximately from 1977 to 1981, Fr. Carroll repeatedly induced Plaintiff's confidence and trust for the purpose of soliciting sexual favors and engaged in unpermitted, forcible and harmful sexual contact with Plaintiff on church and school grounds, including his room in the rectory, and other areas.

34. Fr. Carroll threatened to tell Plaintiff's family and friends about their interactions if he did not acquiesce to the above described sexual abuse in order to embarrass and shame Plaintiff.

35. Fr. Carroll also manipulated Plaintiff to think that no one would believe him if he did ever say anything. He also manipulated Plaintiff by saying that “angels were watching over them” and they were “doing right by God” when the abuse occurred in order to justify his horrific acts.

36. In addition to these direct threats and acts of manipulation, 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. Carroll’s abuse or his threats.

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

38. The Vatican and other church authorities addressed the problem of clergy sex abuse on countless occasions prior to Fr. Carroll’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.

39. 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.

40. 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. Carroll posed to Plaintiff.

41. Prior to the time of Plaintiff’s abuse by Fr. Carroll, 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.

42. The sexual abuse of Plaintiff by Fr. Carroll was foreseeable.

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

44. Defendants owed Plaintiff a reasonable duty of care because they affirmatively solicited children and parents to send their children to Blessed Sacrament 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. Carroll, 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. Carroll, to spend time with, interact with, and recruit children.

45. 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.

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

47. 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 limit of the lower courts of this State.

48. 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

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

50. Prior to the sexual abuse of Plaintiff, Defendants learned or should have learned that Fr. Carroll was not fit to work with or around children.

51. Defendants, by and through their agents, servants and/or employees, became aware, or should have become aware Fr. Carroll's propensity to commit sexual abuse and of the risk to Plaintiff's safety.

52. Defendants negligently retained Fr. Carroll with knowledge of Fr. Carroll's propensity for the type of behavior which resulted in Plaintiff's injuries.

53. At all relevant times Defendants had a duty to exercise due care in hiring, appointing, assigning, retention, supervision and direction of Fr. Carroll, 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. Carroll did not use this assigned position to injure minors by sexual assault, contact or abuse.

54. Defendants were negligent and failed to use reasonable care in hiring, appointing, assigning, and retention, of Fr. Carroll, failed to properly investigate his background and employment history, and/or hired, appointed and/or assigned him to Defendant Blessed Sacrament School, when Defendants knew or should have known of facts that would make him a danger to children; and Defendants were otherwise negligent.

55. Defendants were negligent and did not use reasonable care in their supervision and direction of Fr. Carroll, 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. Carroll posed a threat of sexual abuse to minors; allowed the misconduct describe above to occur and continue; failed to investigate Fr. Carroll's dangerous activities and remove him from their premises; and Defendants were otherwise negligent.

56. Fr. Carroll 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. Carroll.

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

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

59. As a direct and proximate result of Fr. Carroll's sexual abuse and misconduct, Plaintiff suffered grave injury including physical, psychological and emotional injury as described above.

60. 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

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

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. Carroll, 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. Carroll and giving him unfettered access to children, including Plaintiff, posed an unacceptable risk of harm to children.

64. 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.

65. 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

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

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

67. 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.

68. 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.

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

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

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

72. 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.

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

74. 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.

75. 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

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

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

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

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

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

81. 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

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

83. At all relevant times, Defendants owned, operated, and /or controlled the premises known as Blessed Sacrament School, including the areas where the sexual abuse of Plaintiff occurred.

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

85. 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.

86. 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. Carroll. Defendants thereby breached their duty of care of Plaintiff.

87. 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.

88. 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

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

90. 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.

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

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

93. 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.

94. 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*

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

96. 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.

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

98. 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.

99. 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

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

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

102. Defendants breached their statutory duty by willfully and knowingly failing to report reasonable suspicion of abuse by Fr. Carroll 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.

