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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. Faluszczyk:

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

502786/2021	Christine OP, Sr. Mary	3	Church of the Presentation of the Blessed Virgin Mary, Jamaica NY; Sisters of the Order of St. Dominic & The Roman Catholic Diocese of Brooklyn.	Clayton Barone
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STATE OF NEW YORK
SUPREME COURT: COUNTY OF KINGS

<p>CLAYTON BARONE,</p> <p style="text-align: center;">Plaintiff,</p> <p>vs.</p> <p>CHURCH OF THE PRESENTATION OF THE BLESSED VIRGIN MARY, IN THE VILLAGE OF JAMAICA, QUEENS CO., N.Y.; SISTERS OF THE ORDER OF ST. DOMINIC; THE ROMAN CATHOLIC DIOCESE OF BROOKLYN, NEW YORK.</p> <p style="text-align: center;">Defendants.</p>
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SUMMONS

Index No.:

Plaintiff designates the County of Kings as the place of trial. The basis of venue is that Defendant The Roman Catholic Diocese of Brooklyn, New York resides in KINGS COUNTY.

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. The basis for venue and jurisdiction in Supreme Court of the State of New York, County of Erie is the Defendants' residence.

DATED: New York, New York
February 3, 2021

Phillips & Paolicelli, LLP
Attorneys for Plaintiffs

/s/ James Plastiras
By: Diane Paolicelli
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TO:

**CHURCH OF THE PRESENTATION OF THE BLESSED VIRGIN MARY, IN THE
VILLAGE OF JAMAICA, QUEENS CO., N.Y.**

88-19 Parsons Boulevard, Jamaica, NY 11432

SISTERS OF THE ORDER OF ST. DOMINIC

555 Albany Avenue, Amityville, NY 11701

THE ROMAN CATHOLIC DIOCESE OF BROOKLYN, NEW YORK

310 Prospect Park West, Brooklyn, NY 11215

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STATE OF NEW YORK
SUPREME COURT: COUNTY OF KINGS

<p>CLAYTON BARONE,</p> <p style="text-align: center;">Plaintiff,</p> <p>vs.</p> <p>CHURCH OF THE PRESENTATION OF THE BLESSED VIRGIN MARY, IN THE VILLAGE OF JAMAICA, QUEENS CO., N.Y.; SISTERS OF THE ORDER OF ST. DOMINIC; THE ROMAN CATHOLIC DIOCESE OF BROOKLYN, NEW YORK.</p> <p style="text-align: center;">Defendants.</p>
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COMPLAINT

Index No.:

Plaintiff Clayton Barone, 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 Clayton Barone was repeatedly sexually and physically abused by Sister Mary Christine, a nun who was hired, retained, supervised, placed, directed and otherwise authorized to act by Defendants Church of the Presentation of the Blessed Virgin Mary, in the Village of Jamaica, Queens Co., N.Y., and Sisters of the Order of St. Dominic, and The Roman Catholic Diocese of Brooklyn, New York (collectively referred to herein as “Defendants”).
3. Plaintiff was approximately six to eight years old at the time of his abuse.
4. Despite years of refusal to publicly address rampant child abuse by priests and nuns, Diocese of Brooklyn recently published a long list clergy in their employ who were credibly accused of abusing children.

5. In fact, the Roman Catholic Church and Defendants have long known that substantial numbers of priests and nuns 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 and physical abuse by Sister Mary Christine, permitted the abuse to occur, failed to supervise Sister Mary Christine, failed to timely investigate her misconduct, failed to train minor students, parents, and/or adult staff about the risk of sexual abuse in their organization, to identify signs of abuse, and to report any suspicion that a minor may be getting abused, maltreated, or otherwise sexually abused, failed to warn minor students and parents of prior sexual and physical abuse by clergy members of minor students, acted to protect their own self-interest to the detriment of innocent children, and are otherwise responsible for Sister Mary Christine's sexual abuse of Plaintiff, and Plaintiff's consequential injuries and damages.

PARTIES

7. Plaintiff is an individual residing in New York County, New York.
8. Plaintiff was born in 1956.
9. Defendant The Roman Catholic Diocese of Brooklyn, New York (herein "the Diocese") is a New York not-for-profit corporation, organized pursuant to the laws of the State of New York, and which operated at all relevant times in Kings County, New York, with its principal place of business at 310 Prospect Park West, Brooklyn, NY 11215.

10. At all relevant times, the Diocese oversaw, managed, controlled, directed and operated parishes, churches and schools within the Diocese, including the Defendants Sisters of St. Dominic and Church of the Presentation of the Blessed Virgin Mary, in the Village of Jamaica, Queens Co. N.Y., and the Presentation of the Blessed Virgin Mary Elementary School, and its agents, representatives and employees.

11. At all relevant times, Defendant Church of the Presentation of the Blessed Virgin Mary, in the Village of Jamaica, Queens Co., N.Y. (herein "Church of the Presentation") is a Roman Catholic Church, organized pursuant to the laws of the State of New York, and which operates at all relevant times in Queens County, New York, with its principal place of business at 88-19 Parsons Boulevard, Jamaica, NY 11432

12. At all relevant times, Defendant Church of the Presentation was and still is under the direct authority, control and province of the Diocese.

13. At all relevant times, Defendant Sisters of the Order of St. Dominic was and is a New York not-for-profit corporation, organized pursuant to the laws of the State of New York, and which operated at all relevant times in Suffolk County, New York, with its principal place of business at 555 Albany Avenue, Amityville, NY 11701.

14. At all relevant times, Defendant Sisters of the Order of St. Dominic was and still is under the direct authority, control and province of the Diocese.

15. At all relevant times, Church of the Presentation owned the premises at 88-19 Parsons Ave. in Jamaica, Queens, where the Presentation of the Blessed Virgin Mary Elementary School was formerly located.

16. At all relevant times, the Diocese, Church of the Presentation, and Sisters of St. Dominic oversaw, managed controlled, directed and operated Presentation of the Blessed Virgin Mary Elementary School.

17. At all relevant times, the Diocese, Church of the Presentation, and Sisters of St. Dominic oversaw, managed, controlled, directed and assigned priests, nuns and other clergy to work in parishes, churches and schools of the Diocese, including Presentation of the Blessed Virgin Mary Elementary School in Jamaica, Queens.

18. To the extent that any of the above parties were different entities, corporations, or organizations in the 1960's, during which time Sister Mary Christine used her position to sexually abuse Plaintiff, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

19. To the extent that any of the above parties is a successor to a different entity, corporation, or organization which existed during the period of time when Sister Mary Christine used her position to sexually abuse Plaintiff, such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

FACTUAL ALLEGATIONS

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

21. Plaintiff attended Presentation of the Blessed Virgin Mary Elementary School in Jamaica, Queens, and was enrolled in the second grade, in approximately 1963 to 1964.

22. At all relevant times, Plaintiff's teacher, Sister Mary Christine was a Roman Catholic nun belonging to the Sisters of St. Dominic, and employed by the Defendants.

23. At all relevant times, Sister Mary Christine was under the direct supervision, employ, and control of the Defendants.

24. During the time that Plaintiff was a student attending Presentation of the Blessed Virgin Mary Elementary School, Defendants assigned Sister Mary Christine to be a teacher at that school. Assigning Sister Mary Christine to the role of nun and teacher, Defendants gave Sister Mary Christine complete access to minors, including Plaintiff, and empowered her to discipline, punish, reprimand, chastise, expel and otherwise exercise complete authority over minors.

25. Sister Mary Christine's duties and responsibilities included teaching, supervising, interacting with, mentoring and counseling minors.

26. In the performance of their duties, Defendants authorized Sister Mary Christine to be alone with minors, including Plaintiff, and to have unfettered and unsupervised access to them on Defendants' property.

27. Defendants also authorized Sister Mary Christine to have physical contact with minors, in a manner consistent with providing discipline, counseling, educational and spiritual guidance, and leadership.

28. Defendants required students, like Plaintiff, to accept discipline and instruction from nuns and other clergy and teachers, and to obey their instruction.

29. 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 Sister Mary Christine.

30. From approximately September 1963 to September of 1964, during Plaintiff's second grade year at Presentation of the Blessed Virgin Mary Elementary School, Sister Mary Christine, acting in her capacity as nun and teacher, repeatedly engaged in unlawful, unpermitted, forcible sexual contact with Plaintiff.

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31. Sister Mary Christine's conduct was in violation of Article 130 of New York's Penal Code.

32. Plaintiff was threatened verbally and physically not to come forward about the sexual abuse he suffered by Sister Mary Christine.

33. Further, 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 Sister Mary Christine's abuse.

34. Defendants knew or should have known that Sister Mary Christine was a danger to minors like Plaintiff before she sexually abused Plaintiff.

35. The Vatican and other church authorities addressed the problem of clergy sex abuse on countless occasions prior to Sister Mary Christine'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, nuns, and other clergy members was not only widespread but predictable.

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

37. 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 Sister Mary Christine posed to Plaintiff.

38. Prior to the time of Plaintiff's abuse by Sister Mary Christine, Defendants knew or should have known of numerous acts of sexual assault committed by clergy members within

the Diocese 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.

39. The sexual and physical abuse of Plaintiff by Sister Mary Christine was foreseeable.

40. Prior to the time of Plaintiff's abuse by Sister Mary Christine, Defendants knew or should have known of Sister Mary Christine's acts of child sexual abuse on other minors.

41. Defendants owed Plaintiff a reasonable duty of care because they affirmatively solicited children and parents to send their children to Presentation of the Blessed Virgin Mary Elementary 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 Sister Mary Christine, as safe to work with and around minors, they encouraged parents and children to spend time with their agents; and/or authorized their agents, including Sister Mary Christine, to spend time with, interact with, and recruit children.

42. 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.

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

44. 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 court of this State.

45. 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

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

47. Prior to the sexual abuse of Plaintiff, Defendant learned or should have learned that Sister Mary Christine was not fit to work with or around children.

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

49. Defendants negligently retained Sister Mary Christine with knowledge of Sister Mary Christine's propensity for the type of behavior which resulted in Plaintiff's injuries.

50. At all relevant times Defendants had a duty to exercise due care in hiring, appointing, assigning, retention, supervision and direction of Sister Mary Christine, so as to

protect minor children, including Plaintiff, who were likely to come into contact with her, and/or under her influence or supervision, and to ensure that Sister Mary Christine did not use this assigned position to injure minors by sexual assault, contact, or abuse.

51. Defendants were negligent and failed to use reasonable care in hiring, appointing, assigning, and retention, of Sister Mary Christine, failed to properly investigate her background and employment history, and/or hired, appointed and/or assigned her to Presentation of the Blessed Virgin Mary Elementary School, when Defendants knew or should have known of facts that would make her a danger to children; and Defendants were otherwise negligent.

52. Defendants were negligent and did not use reasonable care in their supervision and direction of Sister Mary Christine, failed to monitor her activities, failed to oversee the manner in which she carried out the duties to which Defendants assigned her, even though they knew or should have known that she posed a threat of sexual abuse to minors; allowed the misconduct described above to occur and continue; failed to investigate her dangerous activities and remove her from their premises; and Defendants were otherwise negligent.

53. Sister Mary Christine would not have been in a position to sexually abuse Plaintiff had Defendants not been negligent in the hiring, retention, supervision, and direction of Sister Mary Christine.

54. At all relevant times, Sister Mary Christine acted in the course and scope of her employment with Defendants.

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

56. Plaintiff suffered grave injury as a result of Defendants' misconduct, including physical, psychological and emotional injury as described above.

57. 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 in an amount that exceeds the jurisdictional limit of the lower court of this State.

SECOND CAUSE OF ACTION

NEGLIGENT, RECKLESS, AND WILLFUL MISCONDUCT

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

59. Defendants were negligent and did not use reasonable care in their training, if any, of minor students and/or their parents about the risk of sexual abuse in their institution and facilities, to identify signs of abuse, and to report any suspicion that a minor may be getting abused, maltreated, groomed, or otherwise sexually abused.

60. 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 abuse, and their duty to report any suspicion that a minor may be getting abused, maltreated, groomed, or otherwise sexually abused.

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 Diocese, including Sister Mary Christine, 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 Sister Mary Christine and giving her unfettered access to children, including Plaintiff, posed an unacceptable risk of harm to children.

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

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

65. Defendants 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 Sister Mary Christine, and concealed facts concerning Sister Mary Christine’s misconduct from Plaintiff and his family.

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

68. Defendants failed to warn Plaintiff and his parents that Sister Mary Christine posed a risk of child sexual assault.

69. 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.

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

71. 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.

72. 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 cost in an amount that exceeds the jurisdictional limit of the lower court of this State.

THIRD CAUSE OF ACTION

NEGLIGENT AND RECKLESS INFLICTION OF EMOTIONAL DISTRESS

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

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

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

76. Defendants knew or disregarded the substantial probability that Sister Mary Christine would cause severe emotional distress to Plaintiff.

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

78. 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 in an amount that exceeds the jurisdictional limit of the lower court of this State.

FOURTH CAUSE OF ACTION**PREMISES LIABILITY****(ONLY AS TO DEFENDANT CHURCH OF PRESENTATION)**

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

80. At all relevant times, Defendants individually and/or collectively owned, operated, and /or controlled the premises known or formerly known as Presentation of the Blessed Virgin Mary Elementary School, including the areas where the sexual abuse of Plaintiff occurred.

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

82. 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.

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

84. 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.

85. 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 in an amount that exceeds the jurisdictional limit of the lower court of this State.

FIFTH CAUSE OF ACTION

BREACH OF FIDUCIARY DUTY

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

87. 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.

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

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

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 in an amount that exceeds the jurisdictional limit of the lower court of this State.

SIXTH CAUSE OF ACTION

BREACH OF DUTY IN LOCO PARENTIS

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

93. 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.

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

95. 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.

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 in an amount that exceeds the jurisdictional limit of the lower court of this State.

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: February 3, 2021

Yours, etc.

PHILLIPS & PAOLICELLI, LLP

 /s/ James Plastiras
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