



Bernard Czechowicz “Fr. Ben” Czechowicz Assignment History

Year	Assignment	Location
1954	Ordained to the Priesthood	Buffalo NY
1954-55	Missionary, St. Mary Church	East Arcade NY
1955-56	Assistant, SS Peter & Paul Church & School, and Mission, St. Joseph Church	Jamestown NY
1956-58	Assistant, St. Michael the Archangel Church & School	Lackawanna NY
1958-62	Assistant, St. Joachim Church & School	Buffalo NY
1962-65	Assistant, St. Stephen Church & School	Buffalo NY
1965-66	Assistant, St. Bartholomew Church & School	Buffalo NY
1966-78	Chaplain, Meyer Memorial Hospital Today, the Erie County Medical Center	Buffalo NY
1978-95	Pastor, Queen of Peace Church & School	Buffalo NY
1995-96	Retired to private residence	Port Orange FL
1996-99	Retired to private residence	Daytona Beach FL
1999-2000	Retired to private residence	Hamburg NY
2000-2001	Retired, Sheehan Residence for Priests	Buffalo NY
2001-2003	Retired to private residence	Blasdell NY
2003-2006	Retired, Father Baker Manor	Orchard Park NY
2006	Died, July 7, 2006	

For research purposes only. Courtesy of New York State Unified Court System eTrack.
Available here: <https://iapps.courts.state.ny.us/webcivil/etrackLogin>



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
809987/2021	Czechowicz, Fr. Bernard J.	7	Queen of Peace RC Parish et al & Erie County Medical Center.	DOE, PB-51

STATE OF NEW YORK
SUPREME COURT: COUNTY OF ERIE

<p>PB-51 DOE,</p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>QUEEN OF PEACE ROMAN CATHOLIC CHURCH f/k/a ST. JOHN GUALBERT PARISH, QUEEN OF PEACE SCHOOL f/k/a ST. JOHN GUALBERT PARISH, ST. MARY'S CHURCH, SS PETER & PAUL ROMAN CATHOLIC CHURCH, ST. MICHAEL THE ARCHANGEL ROMAN CATHOLIC CHURCH, ST. TERESA'S CHURCH F/K/A ST. CLARE PARISH F/K/A ST. STEPHEN CHURCH, BLESSED TRINITY CHURCH F/K/A ST. BARTHOLOMEW CHURCH, ERIE COUNTY MEDICAL CENTER,</p> <p style="text-align: center;">Defendants.</p>

SUMMONS

Plaintiff designates the County of Erie 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 22, 2021

Phillips & Paolicelli, LLP
Attorneys for Plaintiffs

/s/ Michael DeRuve
By: Diane Paolicelli
Michael DeRuve
747 Third Avenue, 6th Floor
New York, New York 10027

212-388-5100
dpaolicelli@p2law.com
mderuve@p2law.com

-and-

Paul Barr
Fanizzi & Barr, P.C.
pbarr@fanizziandbarr.com
2303 Pine Ave
Niagara Falls, NY 14301
716-284-8888
Attorneys for Plaintiff

TO:

QUEEN OF PEACE ROMAN CATHOLIC CHURCH f/k/a ST. JOHN GUALBERT
PARISH
83 Gualbert Avenue
Cheektowaga, NY 14211

QUEEN OF PEACE SCHOOL f/k/a ST. JOHN GUALBERT PARISH
83 Gualbert Avenue
Cheektowaga, NY 14211

ST. MARY'S CHURCH
6785 East Arcade Road
Arcade, NY 14009

SS PETER & PAUL ROMAN CATHOLIC CHURCH
508 Cherry Street
Jamestown, NY 14701

ST. MICHAEL THE ARCHANGEL ROMAN CATHOLIC CHURCH
144 Warsaw Street
Lackawanna, NY 14218

ST. TERESA'S CHURCH F/K/A ST. CLARE PARISH F/K/A ST. STEPHEN
CHURCH, BLESSED TRINITY CHURCH F/K/A ST. BARTHOLOMEW
CHURCH
317 Leroy Avenue
Buffalo, NY 14214

ERIE COUNTY MEDICAL CENTER
462 Grider Street
Buffalo, NY 14215

STATE OF NEW YORK
SUPREME COURT: COUNTY OF ERIE

<p>PB-51 DOE,</p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>QUEEN OF PEACE ROMAN CATHOLIC CHURCH f/k/a ST. JOHN GUALBERT PARISH, QUEEN OF PEACE SCHOOL f/k/a ST. JOHN GUALBERT PARISH, ST. MARY’S CHURCH, SS PETER & PAUL ROMAN CATHOLIC CHURCH, ST. MICHAEL THE ARCHANGEL ROMAN CATHOLIC CHURCH, ST. TERESA’S CHURCH F/K/A ST. CLARE PARISH F/K/A ST. STEPHEN CHURCH, BLESSED TRINITY CHURCH F/K/A ST. BARTHOLOMEW CHURCH, ERIE COUNTY MEDICAL CENTER,</p> <p style="text-align: center;">Defendants.</p>

COMPLAINT

Index No.:

Plaintiff PB-51 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 PB-51 Doe was repeatedly sexually abused and assaulted by Father Bernard J. Czechowicz (herein “Fr. Czechowicz”), who was hired, retained, supervised, placed, directed and otherwise authorized to act by Defendant Queen of Peace Roman Catholic Church (“Queen of Peace Church”), in conjunction with the Diocese of Buffalo, N.Y. (“Diocese of Buffalo” or “Buffalo Diocese” or “Diocese”) and other parishes.

3. In approximately 1982, when Plaintiff was about twelve years old, he was abused by Fr. Czechowicz.

4. The abuse at issue took place while Plaintiff was an altar boy, parishioner, and student at Queen of Peace Church and Queen of Peace School in Buffalo, NY where the abuser, Fr. Czechowicz was a priest.¹

5. Despite years of refusal to publically address rampant child abuse by priests, The Diocese of Buffalo recently published a long list clergy in their employ who were credibly accused of molesting children.

6. In fact, the Roman Catholic Church and Defendant 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. Czechowicz, permitted the abuse to occur, failed to supervise Fr. Czechowicz, failed to timely investigate Fr. Czechowicz's misconduct, failed to educate and train minors, 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

¹ There is at least one other CVA complaint against Queen of Peace Church and/or Queen of Peace School, which alleges abuse that predates Plaintiff's abuse. See William Young v. Archdiocese of N.Y., et al., Index No. 950015/2019.

innocent children, and are otherwise responsible for Fr. Czechowicz's sexual assault of Plaintiff, and Plaintiff's consequential injuries and damages.

PARTIES

8. Plaintiff is an individual residing in Erie County.

9. Plaintiff was born in 1970.

10. At all relevant times, Defendant Queen of Peace Roman Catholic Church (herein "Queen of Peace Church") was a Roman Catholic Church, and not-for-profit corporation organized pursuant to the laws of the State of New York, and which operated at all relevant times in Erie County, New York, with its principal place of business at 1955 Genesee St, Buffalo, NY 14211.

11. At all relevant times, Defendant Queen of Peace School was a Roman Catholic School, and not-for-profit corporation organized pursuant to the laws of the State of New York, and which operated at all relevant times in Erie County, New York, with its principal place of business at 1955 Genesee Street, Buffalo, NY 14211.

12. On or about 2007, Queen of Peace Church and Queen of Peace School merged with and adopted the name of the St. John Gualbert Parish of Cheektowaga, NY., a Roman Catholic Church, organized pursuant to the laws of the State of New York. It is operated in Erie County, New York, with its principal place of business at 83 Gualbert Avenue, Cheektowaga, NY 14211. Upon information and belief, Defendant St. John Gualbert Parish assumed some or all of the liabilities and/or assets of Defendants Queen of Peace Church and Queen of Peace School.

13. At all relevant times, the Diocese and Queen of Peace Church owned the premises where Queen of Peace School was located.

14. At all relevant times, Defendants oversaw, managed controlled, directed and operated Queen of Peace School.

15. At all relevant times, Defendant St. Mary's Church was and is a Roman Catholic Church, organized pursuant to the laws of the State of New York, and which operated at all relevant times in Wyoming County, New York, with its principal place of business at 6785 East Arcade Road, Arcade, NY 14009. At all relevant and material times, the Roman Catholic Bishop of Buffalo, New York was the President of St. Mary's Church, and the Roman Catholic Vicar General of Buffalo, New York was the Vice-President of St. Mary's Church.

16. At all relevant times, Defendant SS Peter & Paul Roman Catholic Church was and is a Roman Catholic Church, organized pursuant to the laws of the State of New York, and which operated at all relevant times in Chautauqua County, New York, with its principal place of business at 508 Cherry Street, Jamestown, NY 14701. At all relevant and material times, the Roman Catholic Bishop of Buffalo, New York was the President of SS Peter & Paul Roman Catholic Church, and the Roman Catholic Vicar General of Buffalo, New York was the Vice-President of SS Peter & Paul Roman Catholic Church.

17. At all relevant times, Defendant St. Michael the Archangel Roman Catholic Church was and is a Roman Catholic Church, organized pursuant to the laws of the State of New York, and which operated at all relevant times in Erie County, New York, with its principal place of business at 144 Warsaw Street, Lackawanna, NY 14218. At all relevant and material times, the Roman Catholic Bishop of Buffalo, New York was the President of St. Michael the Archangel Roman Catholic Church, and the Roman Catholic Vicar General of Buffalo, New York was the Vice-President of St. Michael the Archangel Roman Catholic Church.

18. At all relevant times, Defendant St. Stephen Church (herein “St. Stephen”) was a Roman Catholic Church, and not-for-profit corporation organized pursuant to the laws of the State of New York, and which operated at all relevant times in Erie County, New York, with its principal place of business at 1657 Abbott Road, Buffalo, NY 14218.

19. On or about 2007, St. Stephen Church merged with and adopted the name of the St. Clare Parish of Buffalo, NY., a Roman Catholic Church, organized pursuant to the laws of the State of New York. It was operated in Erie County, New York, with its principal place of business at 193 Elk Street, Buffalo, NY 14210. Upon information and belief, Defendant St. Clare Parish assumed some or all of the liabilities and/or assets of Defendant St. Stephen Church.

20. On or about 2016, St. Clare Church merged with and adopted the name of the Saint Teresa’s Church of Buffalo, NY., a Roman Catholic Church, organized pursuant to the laws of the State of New York. It is operated in Erie County, New York, with its principal place of business at 1974 Seneca Street, Buffalo, NY 14210. Upon information and belief, Defendant Saint Teresa’s Church assumed some or all of the liabilities and/or assets of Defendants St. Clare Parish and St. Stephen Church.

21. At all relevant times, Defendant St. Bartholomew Church was a Roman Catholic Church, and not-for-profit corporation organized pursuant to the laws of the State of New York, and which operated at all relevant times in Erie County, New York, with its principal place of business at 359 Grider Street, Buffalo, NY 14215.

22. On or about 1993, St. Bartholomew Church merged with St. Vincent de Paul Church and adopted the name of the Blessed Trinity Church of Buffalo, NY., a Roman Catholic Church, organized pursuant to the laws of the State of New York. It is operated in Erie County, New York, with its principal place of business at 317 Leroy Avenue, Buffalo, NY 14214. Upon

information and belief, Defendant Blessed Trinity Church assumed some or all of the liabilities and/or assets of Defendant St. Bartholomew Church.

23. At all relevant times, Defendant Erie County Medical Center was a hospital organized pursuant to the laws of the State of New York. It was and is operated in Erie County, New York, with its principal place of business at 462 Grider Street, Buffalo, NY 14215.

24. At all relevant times, Defendants individually and collectively oversaw, managed, controlled, directed and assigned priests, brothers, and other clergy to work in parishes, churches and schools of the Diocese, including Queen of Peace School.

FACTUAL ALLEGATIONS

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

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

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

Father Bernard Czechowicz

28. Defendant Fr. Czechowicz was ordained a Roman Catholic priest in approximately 1954. From approximately 1954 to approximately 1955, Fr. Czechowicz served as a Missionary at Defendant St. Mary's Church. From approximately 1955 to approximately 1956, Fr. Czechowicz served as Assistant Priest at Defendant SS Peter & Paul Church. From approximately 1956 to approximately 1958, Fr. Czechowicz served as an Assistant Priest at Defendant St. Michael the Archangel Roman Catholic Church. From approximately 1958 to approximately 1962, Fr. Czechowicz served as an Assistant Priest at St. Joachim Church. From

approximately 1962 to approximately 1965, Fr. Czechowicz served as an Assistant Priest at Defendant St. Stephen Church. From approximately 1965 to approximately 1966, Fr. Czechowicz served as an Assistant Priest at St. Bartholomew Church. From approximately 1966 to approximately 1978, Fr. Czechowicz served as Chaplain at Defendant Erie County Medical Center. From approximately 1978 to approximately 1995, Fr. Czechowicz served as Pastor at Defendant Queen of Peace Church and School, where Plaintiff and his family were parishioners. Fr. Czechowicz retired in 1995. These Defendants each negligently retained Czechowicz with knowledge of his propensity for the type of behavior which resulted in Plaintiff's injuries.

29. Prior to Fr. Czechowicz being assigned to Defendants St. Mary's Church, SS Peter & Paul Church, St. Michael the Archangel RC Church, St. Stephen Church, St. Bartholomew Church, Erie County Medical Center, and Queen of Peace Church and School, Defendants and their respective executive officers should have known it was not safe to allow Fr. Czechowicz to have unsupervised contact with minor children, in that Fr. Czechowicz posed a sexual danger to minor children. The Roman Catholic Bishop and Vicar General of Buffalo concealed the information about the danger Fr. Czechowicz posed to minor children, in order that the Roman Catholic Bishop and Vicar General of Buffalo could assign Fr. Czechowicz to work at parishes, including Defendants St. Mary's Church, SS Peter & Paul Church, St. Michael the Archangel RC Church, St. Stephen Church, St. Bartholomew Church, Erie County Medical Center, and Queen of Peace Church and School, aided and abetted the Roman Catholic Bishop and Vicar General of Buffalo in concealing the information about the danger Fr. Czechowicz posed to minor children.

Plaintiff's Abuse By Fr. Czechowicz

30. At all relevant times, Fr. Czechowicz was a Roman Catholic priest employed by Defendants.

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

32. During the time that Plaintiff was a student, parishioner, and altar boy attending Queen of Peace Church and Queen of Peace School, Defendants assigned Fr. Czechowicz to be a priest at Queen of Peace Church and/or Queen of Peace School.

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

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

35. In the performance of his duties, Defendants Queen of Peace Church and Queen of Peace School authorized Fr. Czechowicz to be alone with minor boys, including Plaintiff, and to have unfettered and unsupervised access to them on Defendants' property.

36. Defendants Queen of Peace Church and Queen of Peace School also authorized Fr. Czechowicz to have physical contact with minor boys, in a manner consistent with providing counseling, educational and spiritual guidance, and leadership.

37. Defendants Queen of Peace Church and Queen of Peace School required parishioners, like Plaintiff, to accept instruction from Fr. Czechowicz and other clergy and teachers, and to obey their instruction.

38. 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. Czechowicz.

39. In approximately 1982, when Plaintiff was about 12 years old, Fr. Czechowicz, acting in his capacity as priest, and in furtherance of the business of Defendants, used his position to gain the trust and friendship of Plaintiff and his family so he could act on his sexual attraction to minor boys.

40. On multiple occasions, on the premises of Queen of Peace Church and Queen of Peace School, Fr. Czechowicz engaged in unpermitted, forcible and harmful sexual contact with Plaintiff.

41. The sexual contact was in violation of Article 130 of New York Penal Law.

42. Plaintiff's relationship to Defendants as a vulnerable child, altar boy, and student, and the culture of the Catholic Church which Defendants endorsed, put pressure on Plaintiff not to report Fr. Czechowicz's abuse.

43. Defendants St. Mary's Church, SS Peter & Paul Church, St. Michael the Archangel RC Church, St. Stephen Church, St. Bartholomew Church, Erie County Medical Center, and Queen of Peace Church and School knew or should have known that Fr. Czechowicz was a danger to minor boys like Plaintiff before he sexually abused Plaintiff.

44. The Vatican and other church authorities addressed the problem of clergy sex abuse on countless occasions prior to Fr. Czechowicz'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 St. Mary's Church, SS Peter & Paul Church, St. Michael the Archangel RC Church, St. Stephen Church, St. Bartholomew Church, Erie County Medical

Center, and Queen of Peace Church and School were well aware that errant sexual behavior by some priests was not only widespread but predictable.

45. Upon information and belief, not only were Defendants St. Mary's Church, SS Peter & Paul Church, St. Michael the Archangel RC Church, St. Stephen Church, St. Bartholomew Church, Erie County Medical Center, and Queen of Peace Church and School aware of sexual abuse of children, but they participated in covering up such heinous acts by moving errant priests and clergy members, such as Fr. Czechowicz from assignment to assignment, thereby putting Plaintiff and other children in harm's way.

46. Defendants St. Mary's Church, SS Peter & Paul Church, St. Michael the Archangel RC Church, St. Stephen Church, St. Bartholomew Church, Erie County Medical Center, and Queen of Peace Church and School 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. Czechowicz posed to Plaintiff.

47. Prior to the time of Plaintiff's abuse by Fr. Czechowicz, Defendants St. Mary's Church, SS Peter & Paul Church, St. Michael the Archangel RC Church, St. Stephen Church, St. Bartholomew Church, Erie County Medical Center, and Queen of Peace Church and School 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.

48. The sexual abuse of Plaintiff by Fr. Czechowicz was foreseeable.

49. Prior to the time of Plaintiff's abuse by Fr. Czechowicz, Defendants St. Mary's Church, SS Peter & Paul Church, St. Michael the Archangel RC Church, St. Stephen Church, St.

Bartholomew Church, Erie County Medical Center, and Queen of Peace Church and School knew or should have known of Fr. Czechowicz's acts of child sexual abuse on other minors.

50. Defendants owed Plaintiff a reasonable duty of care because they affirmatively solicited children and parents to send their children to Queen of Peace Church and/or Queen of Peace 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. Czechowicz, 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. Czechowicz, to spend time with, interact with, and recruit children.

51. 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.

52. 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.

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

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

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

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

57. As a direct and proximate result of Fr. Czechowicz's sexual abuse and Defendant's misconduct, Plaintiff suffered severe emotional distress including psychological and emotional injury as described above.

58. 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.

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

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

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

62. 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 monetary limits of all courts of lower jurisdiction.

63. 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

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

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

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

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

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

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

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

71. Fr. Czechowicz 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. Czechowicz.

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

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

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

75. By the reason of the foregoing, Defendants are liable to Plaintiff for compensatory and punitive damages, in an amount that exceeds the monetary limits of all courts of lower jurisdiction, to be determined at trial, together with interest and costs.

SECOND CAUSE OF ACTION

NEGLIGENT, RECKLESS, AND WILLFUL MISCONDUCT

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

77. At all relevant times, Defendants affirmatively and/or impliedly represented to minor children, their families and the general public that clergy working in the Buffalo Diocese, including Fr. Czechowicz, 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.

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

79. Defendants were negligent and did not use reasonable care in their training, if any, of minor parishioners and 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.

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

81. The Diocese of Buffalo maintained a policy and practice of covering up criminal activity committed by clergy members within the Archdiocese.

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

83. The Diocese of Buffalo 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.

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

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

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

87. 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.

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

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

90. By the reason of the foregoing, Defendants are liable to Plaintiff for compensatory and punitive damages, in an amount that exceeds the monetary limits of all courts of lower jurisdiction, to be determined at trial, together with interest and costs.

THIRD CAUSE OF ACTION

PREMISES LIABILITY

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

92. At all relevant times, Defendants Queen of Peace Church and Queen of Peace School owned, operated, and /or controlled the premises known as Queen of Peace Church and Queen of Peace School, including the areas where the sexual abuse of Plaintiff occurred.

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

94. 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.

95. Defendants knowingly and willfully 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. Czechowicz. Defendants thereby breached their duty of care of Plaintiff.

96. As a direct and proximate result of Fr. Czechowicz's sexual abuse and Defendant's misconduct, Plaintiff suffered grave injury, including the physical, psychological, and emotional injury and damages as described above.

97. By the reason of the foregoing, Defendants are liable to Plaintiff for compensatory and punitive damages, in an amount that exceeds the monetary limits of all courts of lower jurisdiction, to be determined at trial, together with interest and costs.

FOURTH CAUSE OF ACTION

BREACH OF STATUTORY DUTIES TO REPORT

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

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

100. Defendants breached their statutory duty by knowingly and/or willingly failing to report reasonable suspicion of abuse by Fr. Czechowicz of children in their care.

101. As a direct and proximate result of Fr. Czechowicz's sexual abuse and Defendant's misconduct, Plaintiff suffered grave injury, including the physical, psychological and emotional injury and damages as described above.

102. By the reason of the foregoing, Defendants are liable to Plaintiff for compensatory and punitive damages, in an amount that exceeds the monetary limits of all courts of lower jurisdiction, to be determined at trial, together with interest and costs.

FIFTH CAUSE OF ACTION

AIDING AND ABETTING FRAUD

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

104. The Roman Catholic Bishop and Vicar General of Buffalo fraudulently concealed from the parishioners of Defendant information that would have shown that Fr. Czechowicz was a danger to minor children.

105. Defendant had information that would have shown Fr. Czechowicz was a danger to minor children. Defendant assisted the Roman Catholic Bishop and Vicar General of Buffalo in fraudulently concealing information from the parishioners about the danger Fr. Czechowicz posed to parishioners.

106. If the information about the danger Fr. Czechowicz posed to minors had not been concealed from parishioners, Fr. Czechowicz could not have been assigned to the institutions where he sexually assaulted, sexually abused, and/or had sexual contact with the Plaintiff.

107. To assist Buffalo's Roman Catholic Bishop and Vicar General in fraudulently concealing the information about Fr. Czechowicz, Defendant failed to disclose Fr. Czechowicz's propensity to sexually abuse minors, and intentionally concealed knowledge of Fr. Czechowicz's inappropriate and unlawful sexual activities, knowing that minor children, including Plaintiff, in other parishes where Fr. Czechowicz was assigned would rely upon this material omission.

108. As a direct and proximate result of the foregoing misconduct, Plaintiff has suffered and will continue to suffer the injuries and damages described herein.

109. By reason of the foregoing, Defendant are liable to the Plaintiff, jointly, severally and/or in the alternative liable to the Plaintiff for compensatory damages and for punitive damages, together with 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

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

Dated: July 22, 2021

Yours, etc.

PHILLIPS & PAOLICELLI, LLP

/s/ Michael DeRuve

By:

Diane Paolicelli

Michael DeRuve

747 Third Avenue, 6th Floor

New York, New York 10027

212-388-5100

dpaolicelli@p2law.com

mderuve@p2law.com

-and-

Paul Barr

Fanizzi & Barr, P.C.

pbarr@fanizziandbarr.com

2303 Pine Ave

Niagara Falls, NY 14301

716-284-8888

Attorneys for Plaintiff