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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:

| <b>NYS UCS Case Number</b> | <b>Alleged Perpetrator</b> | <b>Defendant #</b> | <b>Defendants</b>   | <b>Plaintiff</b> |
|----------------------------|----------------------------|--------------------|---|------------------|
| 501853/2020                | Ferro, Fr. Robert A.       | 3                  | Roman Catholic Diocese of Brooklyn, St. Thomas the Apostle R.C. Church & St. Thomas the Apostle R.C. Academy, Woodhaven NY. | J.B.             |

STATE OF NEW YORK  
SUPREME COURT: COUNTY OF KINGS

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| <p>J.B.,</p> <p style="text-align: center;">Plaintiff,</p> <p>-against-</p> <p>THE ROMAN CATHOLIC DIOCESE OF<br/>BROOKLYN, NEW YORK, ST. THOMAS<br/>THE APOSTLE R.C. CHURCH, and<br/>ST. THOMAS THE APOSTLE R.C.<br/>ACADEMY,</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 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  
              January 23, 2020

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*Attorneys for Plaintiffs*



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87-49 87th Street  
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STATE OF NEW YORK  
SUPREME COURT: COUNTY OF KINGS

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|---|
| <p>J. B.,</p> <p style="text-align: center;">Plaintiff,</p> <p>vs.</p> <p>THE ROMAN CATHOLIC DIOCESE OF<br/>BROOKLYN, NEW YORK, ST. THOMAS<br/>THE APOSTLE R.C. CHURCH, and<br/>ST. THOMAS THE APOSTLE R.C.<br/>ACADEMY,</p> <p style="text-align: center;">Defendants.</p> |
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**COMPLAINT**

Index No.

Plaintiff, J. B., 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. B., was repeatedly sexually abused and assaulted by Father Robert A. Ferro ("Fr. Ferro") who was hired, retained, supervised, placed, directed, and otherwise authorized to act by Defendants, The Roman Catholic Diocese of Brooklyn, New York; St. Thomas the Apostle R.C. Church; and St. Thomas the Apostle R.C. Academy.
3. Plaintiff was about 13 – 17 years old at the time of his abuse.
4. Despite years of refusal to publically address rampant child abuse by priests and nuns, The Diocese of Brooklyn recently published a long list clergy in their employ who were credibly accused of molesting children. Father Robert Ferro, the same priest who abused Plaintiff, was named in their list.

5. 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 Roman Catholic 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 the Plaintiff from sexual abuse by Fr. Ferro, permitted the abuse to occur, failed to supervise Fr. Ferro, failed to timely investigate Fr. Ferro'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 innocent children, and are otherwise responsible for Fr. Ferro's sexual assault of Plaintiff, and Plaintiff's consequential injuries and damages.

#### PARTIES

7. Plaintiff is an individual residing in Nassau County, New York.
8. Plaintiff was born in 1959.
9. Defendant, The Roman Catholic Diocese of Brooklyn, New York ("Diocese") 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, employees, authorized to conduct business and doing business at 310 Prospect Park West, Brooklyn, NY 11215.

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

11. At all relevant times, Defendant St. Thomas the Apostle R.C. Church (“Church”) was and still is a Roman Catholic church, organized pursuant to the laws of the State of New York and located at 87-19 88th Avenue, Woodhaven, NY 11421.

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

13. At all relevant times, Defendant Diocese owned the premises where Defendant Church was located.

14. At all relevant times, Defendant Diocese oversaw, managed, controlled, directed, and operated Defendant Church.

15. At all relevant times, Defendant St. Thomas the Apostle R.C. Academy (“Academy”) was and still is a Roman Catholic elementary school which teaches students up until 8th grade, organized pursuant to the laws of the State of New York and located at 87-49 87th Street, Woodhaven, NY 11421.

16. At all relevant times, Defendant Academy was and still is under the direct authority, control, and province of Defendant Diocese.

17. At all relevant times, Defendant Diocese owned the premises where Defendant Academy was located.

18. At all relevant times, Defendant Diocese oversaw, managed, controlled, directed, and operated Defendant Academy.

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

**FACTUAL ALLEGATIONS**

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

21. In or about 1973, Plaintiff attended Defendant Academy.

22. At all relevant times, Plaintiff was a parishioner of Defendant Church.

23. At all relevant times, Fr. Ferro was a Roman Catholic priest employed by Defendant Diocese.

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

25. In or about 1973, while Plaintiff attended Defendant Academy, Plaintiff worked at the Defendant Academy after school hours, performing duties such as cleaning the gymnasium and other areas of the school.

26. In or about 1973, while Plaintiff attended Defendant Academy, Fr. Ferro was assigned to supervise and/or monitor the work performed by Plaintiff and other minor boys at the Defendant Academy.

27. During the time Plaintiff attended Defendant Academy, Fr. Ferro's duties and responsibilities included supervising, interacting with, mentoring, and counseling minor boys, including Plaintiff.

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

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

30. In or about 1973, while Plaintiff attended Defendant Academy, Fr. Ferro singled out Plaintiff and engaged in inappropriate grooming behavior on Defendants' property and elsewhere. Fr. Ferro, among other things, took steps to make Plaintiff feel special and promoted himself as a mentor and guide in order to lull Plaintiff into a false sense of trust.

31. On multiple occasions in or about 1973 while Plaintiff attended Defendant Academy, Fr. Ferro engaged in unpermitted, forcible, and harmful sexual contact with Plaintiff in the rectory located on Defendants' property and elsewhere.

32. From approximately 1973 through 1977, Fr. Ferro continued engaging in unpermitted, forcible, and harmful sexual contact with Plaintiff in the rectory located on Defendants' property and elsewhere.

33. During all relevant times, Defendants knew or should have known that Fr. Ferro was a danger to minor children like Plaintiff before he sexually abused Plaintiff.

34. The Vatican and other Roman Catholic church authorities addressed the problem of clergy sex abuse on countless occasions prior to Fr. Ferro'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 Diocese 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. Ferro posed to Plaintiff.

37. Prior to the time of Plaintiff's abuse by Fr. Ferro, Defendants knew or should have known of numerous acts of sexual assault committed by clergy members within the Defendant 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.

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

39. Prior to the time of Plaintiff's abuse by Fr. Ferro, Defendants knew or should have known of Fr. Ferro's acts of child 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 Defendant Academy; 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. Ferro, 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. Ferro, 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 and will continued 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 the lower courts of this State.

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.

### **FIRST CAUSE OF ACTION**

#### **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. Ferro, 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. Ferro 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. Ferro, failed to properly investigate his background and employment history, and/or hired, appointed and/or assigned him to Defendant Church and/or Defendant Academy, 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. Ferro, 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. Ferro posed a threat of sexual abuse to minors; allowed the misconduct described above to occur and continue; failed to investigate Fr. Ferro's dangerous activities and remove him from their premises; and Defendants were otherwise negligent.

49. Fr. Ferro 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. Ferro.

50. At all relevant times, Fr. Ferro 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. Ferro'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

interests and costs in an amount that exceeds the jurisdictional limits of the lower courts of this State.

**SECOND CAUSE OF ACTION**

**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. Defendants were negligent and did not use reasonable care in their training, if any, of minors 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.

56. 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.

57. 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 Fr. Ferro, 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.

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

59. Defendant Diocese maintained a policy and practice of covering up criminal activity by clergy members within the Diocese.

60. 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.

61. Defendant Diocese 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.

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

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

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

65. 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.

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

67. 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.

68. 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 limits of the lower courts of this State.

**THIRD CAUSE OF ACTION**

**NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

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

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

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

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

73. As a direct and proximate result of Defendants' foregoing misconduct, Plaintiff suffered severe emotional distress including psychological and emotional injury 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, plus interests and costs in an amount that exceeds the jurisdictional limits of the lower courts of this State.

**FOURTH CAUSE OF ACTION****PREMISES LIABILITY**

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

76. At all relevant times, Defendants owned, operated, and/or controlled the premises known as St. Thomas the Apostle Academy and St. Thomas the Apostle Church, including the areas where the sexual abuse of Plaintiff occurred.

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

78. 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 and parishioners, like Plaintiff, whose presence was reasonably anticipated.

79. 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. Ferro. Defendants thereby breached their duty of care of Plaintiff.

80. 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.

81. By reason of the foregoing, Defendants are liable to Plaintiff for compensatory and punitive damages in an amount to be determined at trial, plus interests and costs in an amount that exceeds the jurisdictional limits of the lower courts of this State.

**FIFTH CAUSE OF ACTION**

**BREACH OF FIDUCIARY DUTY**

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

83. 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 a fiduciary duty to act in the best interests of Plaintiff.

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

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

86. 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.

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 interests and costs in an amount that exceeds the jurisdictional limits of the lower courts of this State.

**SIXTH CAUSE OF ACTION****BREACH OF DUTY IN LOCO PARENTIS**

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



89. 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.

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

91. 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.

92. By reason of the foregoing, Defendants are liable to Plaintiff for compensatory and punitive damages in an amount to be determined at trial, plus interests and costs in an amount that exceeds the jurisdictional limits of the lower courts of this State.

#### SEVENTH CAUSE OF ACTION

#### BREACH OF STATUTORY DUTIES TO REPORT

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

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

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

96. 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.

97. By reason of the foregoing, Defendants are liable to Plaintiff for compensatory and punitive damages in an amount to be determined at trial, plus interests and costs in an amount that exceeds the jurisdictional limits of the lower courts 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**

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

Dated: January 23, 2020

Yours, etc.

**PHILLIPS & PAOLICELLI, LLP**




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**SAINT THOMAS THE APOSTLE R.C. CHURCH**

87-18 88th Avenue,  
Woodhaven, NY 11421

STATE OF NEW YORK  
SUPREME COURT: COUNTY OF KINGS

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| <p>PC-36 Doe,</p> <p style="text-align: center;">Plaintiff,</p> <p>-against-</p> <p>ROMAN CATHOLIC DIOCESE OF<br/>BROOKLYN and SAINT THOMAS THE<br/>APOSTLE R.C. CHURCH,</p> <p style="text-align: center;">Defendants.</p> |
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**COMPLAINT**

Index No.:

Plaintiff PC-36 Doe, by his undersigned attorneys, for his Complaint, alleges on personal knowledge as to himself and on information and belief as to other matters, 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-36 Doe was sexually abused and molested by Father Robert Ferro (“Fr. Ferro”) – a priest hired, retained, supervised, placed, directed and otherwise authorized to act by Defendants, the Diocese of Brooklyn and The Church of Saint Thomas the Apostle.
3. Plaintiff was approximately 14 to 15 years old when Fr. Ferro sexually abused him.
4. Despite years of refusal to publically address rampant child abuse by priests, Defendant the Diocese of Brooklyn recently published a long list of clergy in their employ who were credibly accused of molesting children. Fr. Ferro, the priest who molested Plaintiff, was included in this list.

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, in particular 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. Ferro, permitted the abuse to occur, neglected to adequately supervise Fr. Ferro, failed to timely investigate Fr. Ferro'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 innocent children, and are otherwise responsible for Fr. Ferro's sexual abuse of Plaintiff and his consequential injuries and damages.

#### **PARTIES**

7. Plaintiff is an individual who resides in Nassau County, New York.

8. Plaintiff was born in 1961.

9. Defendant Roman Catholic Diocese of Brooklyn, NY ("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 45 Main Street, Suite 1010, Brooklyn, NY 11201.

10. At all relevant times the Diocese oversaw, managed, controlled, directed and operated parishes, churches and schools for minor children within the Diocese.

11. At all relevant times, Defendant Saint Thomas the Apostle RC Church (“St. Thomas the Apostle”) was under the direct authority of the Defendant Diocese, and was a not-for-profit corporation organized pursuant to the laws of the State of New York, and located in Queens County, at 87-18 88th Avenue, Woodhaven, NY 11421.

12. At all relevant times, Defendant Diocese oversaw, managed, controlled, directed and operated Defendant St. Thomas the Apostle.

13. At all relevant times, Defendant Diocese owned the premises where Defendant St. Thomas the Apostle is located.

14. At all relevant times, Defendant Diocese oversaw, managed, controlled, directed and assigned priests, including Fr. Ferro, to work in parishes, churches and schools that were under the authority of the Diocese, including St. Thomas the Apostle.

15. At all relevant time, Defendants assigned Fr. Ferro to St. Thomas the Apostle and oversaw, managed, controlled, and directed his duties and conduct.

### **FACTUAL ALLEGATIONS**

16. At all relevant times, Plaintiff was a parishioner and altar boy of Defendant St. Thomas the Apostle.

17. At all relevant times, Fr. Ferro was a Roman Catholic priest employed by Defendant Diocese and Defendant St. Thomas the Apostle.

18. At all relevant times, Fr. Ferro was under the direct supervision and control of the Defendant Diocese and St. Thomas the Apostle. His assigned duties included, *inter alia*, interacting with, mentoring and counseling children, including altar boys, such as Plaintiff./



19. At all relevant times Defendants authorized Fr. Ferro to be alone with children, including Plaintiff, and to have unfettered and unsupervised access to them.

20. Defendants required parishioners, like Plaintiff, to accept instruction from clergy in their employ, including Fr. Ferro, and to obey their orders.

21. Plaintiff was raised as a Roman Catholic, and at all relevant times had developed a reverence and respect for the Catholic Church and its clergy.

22. In or about 1973, when Plaintiff was about 12 or 13 years of age, and approximately in the 7<sup>th</sup> grade, Fr. Ferro singled out Plaintiff and engaged in inappropriate grooming behavior with him on Defendants' property. Fr. Ferro, among other things, took steps to make Plaintiff feel special and promoted himself as a mentor and guide in order to lull Plaintiff into a false sense of trust, so that he could later exploit Plaintiff for sexual favors.

23. Thereafter, when Plaintiff was approximately 14 to 15 years old, in or about 1975 - 1976, Fr. Ferro engaged in unpermitted, coerced and harmful sexual contact with Plaintiff, and otherwise sexually abused him. This sexual abuse, which was repeated, took place on the premises of Defendant St. Thomas the Apostle.

24. The conduct alleged herein would constitute a sexual offense as defined in article one hundred thirty of the penal law.

25. Plaintiff's relationship to Defendants as a vulnerable child and parishioner, and the culture of the Catholic Church which Defendants endorsed, put pressure on Plaintiff not to report the sexual molestation and abuse he endured at the hands of Fr. Ferro.

26. Defendants knew or should have known that Fr. Ferro was a danger to minor boys like Plaintiff, before the sexual abuse of Plaintiff began.

27. The Vatican and other church authorities addressed the problem of clergy sex abuse on countless occasions prior to the 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.

28. Upon information and belief, not only was Defendant Diocese 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.

29. Prior to the time of Plaintiff's abuse 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 at St. Thomas the Apostle, and knew that there was a specific danger of child sex abuse for children in their institutions and programs.

30. The sexual abuse of Plaintiff described above was foreseeable.

31. Prior to the time of Plaintiff's abuse by Fr. Ferro, Defendants knew or should have known of other acts of child sexual abuse by Fr. Ferro.

32. 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 by clergy in general, and the risks that Fr. Ferro posed to Plaintiff.

33. Defendants owed Plaintiff a reasonable duty of care because they affirmatively solicited parishioners and others to send their children to St. Thomas the Apostle; they undertook custody of minor children, including Plaintiff; they recruited minor boys, including Plaintiff, to serve as altar boys; they promoted their facilities and programs as being safe for children, they held out their agents, including Fr. Ferro, 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 Fr. Ferro to spend time with, interact with, and recruit children.

34. 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.

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

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

37. To the extent that any Defendant pleads, or otherwise seeks 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**

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

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

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

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

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

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

44. Defendants were negligent and did not use reasonable care in their supervision and direction of Fr. Ferro, 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. Ferro posed a threat of sexual abuse to minors; allowed the misconduct

described above to occur; failed to investigate Fr. Ferro's dangerous activities and remove him from their premises; and Defendants were otherwise negligent.

45. Fr. Ferro 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. Ferro.

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

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

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

49. By the reason of the foregoing, Defendants are jointly and severally liable to Plaintiff for compensatory and punitive damages, in an amount to be determined at trial that exceeds the monetary limits of all lower courts that would otherwise have jurisdiction over this matter, together with interest and costs.

## SECOND CAUSE OF ACTION

### NEGLIGENT, RECKLESS, AND WILLFUL MISCONDUCT

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

51. 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.

52. 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.

53. 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 Fr. Ferro, did not pose a risk and/or that he did not have a history of sexually abusing children, and that children, including Plaintiff, would be safe in his care.

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

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

56. 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 abuse.

57. Defendants failed to report multiple allegations of sexual abuse by their employees, agents and representatives, to the proper authorities, thereby putting children at risk of sexual assault.

58. Upon information and belief, Defendants covered up acts of abuse by Fr. Ferro, and concealed facts concerning his sexual misconduct from Plaintiff and his family.

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

60. Defendants failed to warn Plaintiff and his parents that Fr. Ferro posed a risk of child sexual abuse

61. 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.

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

63. 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.

64. By the reason of the foregoing, Defendants are jointly and severally liable to Plaintiff for compensatory and punitive damages, in an amount to be determined at trial that exceeds the monetary limits of all lower courts that would otherwise have jurisdiction over this matter, together with interest and costs.

### **THIRD CAUSE OF ACTION**

#### **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

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

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

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

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

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

70. By the reason of the foregoing, Defendants are jointly and severally liable to Plaintiff for compensatory and punitive damages, in an amount to be determined at trial that exceeds the monetary limits of all lower courts that would otherwise have jurisdiction over this matter, together with interest and costs.

#### **FOURTH CAUSE OF ACTION**

##### **PREMISES LIABILITY**

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

72. At all relevant times, Defendants owned, operated, and /or controlled the premises of Defendant St. Thomas the Apostle, including the areas where the sexual abuse of Plaintiff occurred.

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



74. 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.

75. Defendants willfully, recklessly, and negligently failed to provide reasonably safe premises that were free from the presence of sexual predators and/or sex abuse by the occupants of the premises, including Fr. Ferro. Defendants thereby breached their duty of care to Plaintiff.

76. 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.

77. By the reason of the foregoing, Defendants are jointly and severally liable to Plaintiff for compensatory and punitive damages, in an amount to be determined at trial that exceeds the monetary limits of all lower courts that would otherwise have jurisdiction over this matter, together with interest and costs.

**FIFTH CAUSE OF ACTION**

**BREACH OF FIDUCIARY DUTY**

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

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

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

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

82. 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.

83. By the reason of the foregoing, Defendants are jointly and severally liable to Plaintiff for compensatory and punitive damages, in an amount to be determined at trial that exceeds the monetary limits of all lower courts that would otherwise have jurisdiction over this matter, together with interest and costs.

**SIXTH CAUSE OF ACTION**

**BREACH OF DUTY *IN LOCO PARENTIS***

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

85. 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.

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

87. 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.

88. By the reason of the foregoing, Defendants are jointly and severally liable to Plaintiff for compensatory and punitive damages, in an amount to be determined at trial that

exceeds the monetary limits of all lower courts that would otherwise have jurisdiction over this matter, together with interest and costs.

**SEVENTH CAUSE OF ACTION**

**BREACH OF STATUTORY DUTIES TO REPORT**

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

90. 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.

91. Defendants breached their statutory duty by knowingly and willfully failing to report reasonable suspicion of abuse by Fr. Ferro of children in their care.

92. 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.

93. By the reason of the foregoing, Defendants are jointly and severally liable to Plaintiff for compensatory and punitive damages, in an amount to be determined at trial that exceeds the monetary limits of all lower courts that would otherwise have jurisdiction over this matter, 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**

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

Dated: New York, New York

July 29, 2020

Phillips & Paolicelli, LLP  
*Attorneys for Plaintiffs*

/s/ Diane Paolicelli

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