



## Gerard Green Assignment History

Year	Assignment	Location
1956	Ordination	Buffalo, NY
1956-57	Missionary, Sacred Heart Church & Mission	Angelica, NY Birdsall, NY
1957-59	Parochial Vicar, St. Aloysius Gonzaga Church & School	Cheektowaga, NY
1959-60	Parochial Vicar, Immaculate Heart of Mary Church & School	Buffalo, NY
1960-74	Faculty, Bishop Turner High School Residence: Immaculate Heart of Mary C&S	Buffalo, NY Buffalo, NY
1974-75	Administrator, St. Barnabas Church & School	Depew, NY
1975-89	Pastor, St. Barnabas Church & School	Depew, NY
1989-99	Pastor, SS. Peter & Paul Church & School	Hamburg, NY
1999-2012	Retired to a private residence	Angola, NY
August 14, 2012	Deceased	

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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
810357/2020	Green, Msgr. Gerard et al	3	Blessed Mother Theresa Parish, St. Martha Parish & St. Benedict Parish.	PB-32 Doe

STATE OF NEW YORK  
SUPREME COURT: COUNTY OF ERIE

<p>PB- 32 Doe,</p> <p style="text-align: center;">Plaintiff,</p> <p>vs.</p> <p>BLESSED MOTHER THERESA PARISH f/k/a ST. AUGUSTINE PARISH, ST. MARTHA PARISH f/k/a ST. BARNABAS CHURCH and OUR LADY OF THE BLESSED SACRAMENT CHURCH, and SAINT BENEDICT PARISH ,</p> <p style="text-align: center;">Defendants.</p>
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**SUMMONS**

Index No.:

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  
September 18, 2020

**PHILLIPS & PAOLICELLI, LLP**

/s/ Yitzchak Fogel  
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**BLESSED MOTHER THERESA PARISH f/k/a ST. AUGUSTINE PARISH**

496 Terrace Blvd,  
Depew, NY 14043

**ST. MARTHA PARISH f/k/a ST. BARNABAS CHURCH and OUR LADY OF THE  
BLESSED SACRAMENT CHURCH**

10 French Rd.,  
Depew, NY 14043

**SAINT BENEDICT PARISH**

13 Eggert Rd,  
Buffalo, NY 14226

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STATE OF NEW YORK  
SUPREME COURT: COUNTY OF ERIE

<p>PB-32 DOE,</p> <p style="text-align: center;">Plaintiff,</p> <p>vs.</p> <p>BLESSED MOTHER THERESA PARISH f/k/a ST. AUGUSTINE PARISH, ST. MARTHA PARISH f/k/a ST. BARNABAS CHURCH and OUR LADY OF THE BLESSED SACRAMENT CHURCH, and SAINT BENEDICT PARISH,</p> <p style="text-align: center;">Defendants.</p>
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**COMPLAINT**

Index No.:

Plaintiff PB-32 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-32 Doe was repeatedly sexually abused and assaulted by Msgr. Gerard Green (“Msgr. Green”), Fr. Brian Hatrick (“Fr. Hatrick”), and Fr. Edwin Fagowski (“Fr. Fagowski”) – all clergy who were hired, retained, supervised, placed, directed and otherwise authorized to act by Defendants in conjunction with the Diocese of Buffalo, N.Y., (“Diocese of Buffalo” or “Diocese”).
3. Plaintiff was approximately 15 years old at the time his abuse began, in or about 1977.
4. Despite years of refusal to publically address rampant child abuse by priests and nuns, The Diocese of Buffalo recently published a long list clergy in their employ who were

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credibly accused of molesting children. This list contains Fr. Hatrick and Msgr Green, two clergy members who abused Plaintiff.

5. In fact, the Roman Catholic Church, the Diocese of Buffalo, 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 abuse by their employees, permitted the abuse to occur, failed to supervise their employees, failed to timely investigate their employees' misconduct, failed to train minor parishioners, parents, clergy members and/or adult staff about the risk of sexual abuse in their institution, 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 their employees' sexual assault of Plaintiff, and Plaintiff's consequential injuries and damages.

#### **PARTIES**

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

8. Plaintiff was born in 1961.

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9. At all relevant times, Defendant St. Augustine Parish (hereinafter “St. Augustine”) was 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 496 Terrace Boulevard, Depew, NY 14043.

10. In or about 2009, St. Augustine merged with another parish to form Blessed Mother Teresa Parish (“Blessed Mother Teresa”). Upon information and belief, Blessed Mother Teresa Parish assumed some or all of the liabilities and/or assets of St. Augustine.

11. Defendant Blessed Mother Teresa 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 496 Terrace Boulevard, Depew, NY 14043.

12. At all relevant times, Defendant St. Barnabas Church (herein “St. Barnabas”) was 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 2049 George Urban Boulevard, Depew, NY 14043.

13. At all relevant times, Defendant Our Lady of the Blessed Sacrament Church (herein “Blessed Sacrement”) was 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 10 French Road, Depew, NY 14043.

14. In or about 2011, St. Barnabas merged with Our Lady of the Blessed Sacrament Church to form St. Martha Parish. Upon information and belief, St. Martha assumed some or all of the liabilities and/or assets of St. Barnabas and Blessed Sacrament.

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15. Defendant St. Martha Parish (“St. Martha”) is/was 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 10 French Road, Depew, NY 14043.

16. At all relevant times, Defendant Saint Benedict Parish (herein “St. Benedict”) 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 1317 Eggert Rd, Buffalo, NY 14226.

17. At all relevant times, Defendants were and still are under the direct authority, control and province of the Diocese of Buffalo.

#### **FACTUAL ALLEGATIONS**

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

19. At all relevant times, Plaintiff was a parishioner of St. Barnabas.

20. At all relevant times, Msgr. Green was Roman Catholic priest employed by and under the direct supervision and control of one or more of the Defendants, in conjunction with the Diocese of Buffalo. His assigned duties included serving as monsignor. His duties also included interacting with, mentoring and counseling children.

21. At all relevant times Fr. Fagowski was a Roman Catholic priest employed by and under the direct supervision and control of one or more of the Defendants,, in conjunction with the Diocese of Buffalo. His assigned duties included interacting with, mentoring and counseling children.

22. At all relevant times Fr. Hatrick was a Roman Catholic priest employed by and under the direct supervision and control of one or more of the Defendants, in conjunction with

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the Diocese of Buffalo. His assigned duties included interacting with, mentoring and counseling children.

23. Upon information and belief, at all relevant times, all or some of the Defendants, individually and/or collectively, assigned, directed or otherwise permitted priests, including Fr. Fagowski, Fr. Hatrick and Msgr. Green, to work at and/or reside at summer camps located in or around western New York. At all relevant times Defendants authorized Msgr. Green, Fr. Fagowski, and Fr. Hatrick to be alone with children, including Plaintiff, and to have unfettered and unsupervised access to them.

24. Defendants authorized Msgr. Green, Fr. Fagowski, and Fr. Hatrick to have physical contact with minors, in a manner consistent with providing discipline, counseling, educational and spiritual guidance, and leadership.

25. Msgr. Green, Fr. Fagowski and Fr. Hatrick used their positions as priests to groom Plaintiff and obtain Plaintiff's trust, in order to satisfy their own sexual appetites.

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

27. In or about 1977 or 1978, when Plaintiff was a high school student, Fr. Fagowski engaged in unpermitted, forcible and harmful sexual contact with Plaintiff.

28. The abuse by Fr. Fagowski occurred in the rectory of St. Augustine.

29. In or about 1978-1979, Msgr. Green engaged in unpermitted, forcible and harmful sexual contact with Plaintiff on numerous occasions.

30. The abuse by Fr. Green, took place at various camps in western New York affiliated with one or more of the Defendants.

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31. In or about 1978 or 1979, Fr. Hatrick engaged in unpermitted, forcible and harmful sexual contact with Plaintiff. Using his position of power and influence as a priest, Fr. Hatrick induced Plaintiff to take a trip alone with him to an out of state baseball game. Fr. Hatrick sexually abused Plaintiff during that trip.

32. Defendants authorized Msgr. Green, Fr. Fagowski, Fr. Hatrick, in the performance of their duties, to be alone with minor boys, including Plaintiff, and to have unfettered and unsupervised access to them on Defendants' property.

33. Defendants required parishioners and students, like Plaintiff, to accept and obey guidance, discipline, and instruction from clergy members.

34. 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 Msgr. Green, Fr. Fagowski, and Fr. Hatrick.

35. 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 immediately report the sexual abuse.

36. Defendants knew or should have known that their employees posed a danger to minor boys like Plaintiff before they sexually abused Plaintiff.

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

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38. 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 Msgr. Green, Fr. Fagowski, and Fr. Hatrick posed to Plaintiff.

39. Prior to the time of Plaintiff's abuse by Msgr. Green, Fr. Fagowski, and Fr. Hatrick, 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.

40. The sexual abuse of Plaintiff by Msgr. Green, Fr. Fagowski, Fr. Hatrick, was foreseeable.

41. Prior to the time of Plaintiff's abuse by Msgr. Green, Fr. Fagowski, and Fr. Hatrick, Defendants knew or should have known of Msgr. Green's, Fr. Fagowski's, and Fr. Hatrick's acts of child sexual abuse on other minors.

42. Defendants owed Plaintiff a reasonable duty of care because they affirmatively solicited children and parents to send their children to Defendants; 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 Msgr. Green, Fr. Fagowski, and Fr. Hatrick, 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 Msgr. Green, Fr. Fagowski, and Fr. Hatrick, to spend time with, interact with, and recruit children.

43. 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

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was a vulnerable minor, and unable to protect himself; and Defendants affirmatively assumed a position of empowerment over Plaintiff.

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

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

46. 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**

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

48. Prior to the sexual abuse of Plaintiff, Defendants learned or should have learned that Msgr. Green, Fr. Fagowski, and Fr. Hatrick were not fit to work with or around children.

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

50. Defendants negligently retained Fr. Labelle with knowledge of Msgr. Green's, Fr. Fagowski's, and Fr. Hatrick's propensity for the type of behavior which resulted in Plaintiff's injuries.

51. At all relevant times Defendants had a duty to exercise due care in hiring, appointing, assigning, retention, supervision and direction of Msgr. Green, Fr. Fagowski, and Fr. Hatrick, 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 Msgr. Green, Fr. Fagowski, and Fr. Hatrick, did not use their assigned positions to injure minors by sexual assault, contact or abuse.

52. Defendants were negligent and failed to use reasonable care in hiring, appointing, assigning, and retention, of Msgr. Green, Fr. Fagowski, and Fr. Hatrick, failed to properly investigate their background and employment history, and/or hired, appointed and/or assigned them to their respective positions when Defendants knew or should have known of facts that would make these individuals a danger to children; and Defendants were otherwise negligent.

53. Defendants were negligent and did not use reasonable care in their supervision and direction of Msgr. Green, Fr. Fagowski, and Fr. Hatrick, failed to monitor their activities, and failed to oversee the manner in which they carried out the duties to which Defendants assigned them, even though they knew or should have known that Msgr. Green, Fr. Fagowski, and Fr. Hatrick, posed a threat of sexual abuse to minors; allowed the misconduct describe above to occur and continue; failed to investigate Msgr. Green, Fr. Fagowski, and Fr. Hatrick's

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collective dangerous activities and remove them from their premises; and Defendants were otherwise negligent.

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

55. At all relevant times, Msgr. Green, Fr. Fagowski, and Fr. Hatrick acted in the course and scope of their employment with Defendants.

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

57. As a direct and proximate result of Msgr. Green, Fr. Fagowski, and Fr. Hatrick's sexual abuse and Defendants' misconduct, Plaintiff suffered grave injury, including physical, psychological and emotional injury as described above.

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

## **SECOND CAUSE OF ACTION**

### **NEGLIGENT, RECKLESS, AND WILLFUL MISCONDUCT**

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

60. At all relevant times, Defendants affirmatively and/or impliedly represented to minor children, their families and the general public that clergy, including Msgr. Green, Fr. Fagowski, and Fr. Hatrick 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.

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61. Defendants knew or should have known this representation was false and that employing clergy, including Msgr. Green, Fr. Fagowski, and Fr. Hatrick, and giving them unfettered access to children, including Plaintiff, posed an unacceptable risk of harm to children.

62. Upon information and belief, Defendants covered up acts of abuse by Msgr. Green, Fr. Fagowski, and Fr. Hatrick and concealed facts concerning Msgr. Green, Fr. Fagowski, and Fr. Hatrick's sexual misconduct from Plaintiff and his family.

63. 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.

64. 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.

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

66. Defendants failed to warn Plaintiff and his parent that Msgr. Green, Fr. Fagowski, and Fr. Hatrick posed a risk of child sexual assault.

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67. 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.

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

69. 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.

70. By the reason of the foregoing, Defendants are liable to Plaintiff for compensatory and punitive damages, in an amount to be determined at trial, in an amount that exceeds the jurisdictional limit of the lower courts of this State, together with interest and costs.

### **THIRD CAUSE OF ACTION**

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

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

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

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

74. Defendants knew or disregarded the substantial probability that Msgr. Green, Fr. Fagowski, And Fr. Hatrick would cause severe emotional distress to Plaintiff.

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

76. By the reason of the foregoing, Defendants are liable to Plaintiff for compensatory and punitive damages in an amount that exceeds the jurisdictional limit of the lower courts of this State, plus interest and costs.

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

##### **PREMISES LIABILITY**

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

78. At all relevant times, Defendants owned, operated, and /or controlled the premises known as St. Augustine and St. Stephen's School, including the areas where the sexual abuse of Plaintiff occurred.

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

80. 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 parishioners, like Plaintiff, whose presence was reasonably anticipated.

81. Defendants knowingly, willfully, recklessly, and/or 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 Msgr. Green, Fr. Fagowski, and Fr. Hatrick. Defendants thereby breached their duty of care of Plaintiff.

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82. 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.

83. By reason of the foregoing, Defendants are liable to Plaintiff for compensatory and punitive damages in an amount that exceeds the jurisdictional limit of the lower courts of this State, plus interest and costs.

**FIFTH CAUSE OF ACTION**

**BREACH OF FIDUCIARY DUTY**

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

85. 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.

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

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

88. 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.

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89. By reason of the foregoing, Defendants are liable to Plaintiff for compensatory and punitive damages in an amount that exceeds the jurisdictional limit of the lower courts of this State, plus interest and costs.

**SIXTH CAUSE OF ACTION**

**BREACH OF DUTY IN LOCO PARENTIS**

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

91. 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.

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

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

94. By reason of the foregoing, Defendants are liable to Plaintiff for compensatory and punitive damages in an amount that exceeds the jurisdictional limit of the lower courts of this State, plus interest and costs.

**SEVENTH CAUSE OF ACTION**

**BREACH OF STATUTORY DUTIES TO REPORT**

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

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

97. Defendants breached their statutory duty by failing to report reasonable suspicion of abuse by Msgr. Green, Fr. Fagowski, And Fr. Hatrickof children in their care.

98. 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.

99. By reason of the foregoing, Defendants are liable to Plaintiff for compensatory and punitive damages in an amount that exceeds the jurisdictional limit of the lower courts of this State, plus interest and costs.

**WHEREFORE**, Plaintiff prays for judgment as follows:

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

**JURY TRIAL DEMANDED**

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

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Dated: July 7, 2020

Yours, etc.

**PHILLIPS & PAOLICELLI, LLP**

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