

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. Faluszcak:

| <b>NYS UCS Case Number</b>  | <b>Alleged Perpetrator</b> | <b>Defendant #</b> | <b>Defendants</b>   | <b>Plaintiff</b> |
|-----------------------------|----------------------------|--------------------|---|------------------|
| <a href="#">950202/2020</a> | Heide, Fr. Herman L.       | 3                  | Archdiocese of New York & St. Joseph Church & School, Yorkville NY. | DOE, PC-2        |

STATE OF NEW YORK  
SUPREME COURT: COUNTY OF NEW YORK

|  |
|--|
| <p>PC-2 Doe,</p> <p style="text-align: center;">Plaintiff,</p> <p>-against-</p> <p>ARCHDIOCESE OF NEW YORK, CHURCH<br/>OF ST. JOSEPH OF YORKVILLE, and ST.<br/>JOSEPH'S SCHOOL – YORKVILLE,</p> <p style="text-align: center;">Defendants.</p> |
|--|

**SUMMONS**

Plaintiff designates the County of NEW YORK 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  
May 29, 2020

Phillips & Paolicelli, LLP  
*Attorneys for Plaintiffs*

*Michael DeRuve* <sup>ms</sup>

By: Diane Paolicelli  
Michael DeRuve  
747 Third Avenue, 6<sup>th</sup> Floor  
New York, New York 10027  
212-388-5100  
[dpaolicelli@p2law.com](mailto:dpaolicelli@p2law.com)  
[mderuve@p2law.com](mailto:mderuve@p2law.com)

**ARCHDIOCESE OF NEW YORK**

1011 1st Avenue  
New York, NY 10022

**CHURCH OF ST. JOSEPH OF YORKVILLE**

404 East 87th Street  
New York NY 10128-6030

**ST. JOSEPH'S SCHOOL – YORKVILLE**

420 East 87th St.  
New York, NY 10128

STATE OF NEW YORK  
SUPREME COURT: COUNTY OF NEW YORK

|  |
|--|
| <p>PC-2 Doe,</p> <p style="text-align: center;">Plaintiff,</p> <p>-against-</p> <p>ARCHDIOCESE OF NEW YORK, CHURCH<br/>OF ST. JOSEPH OF YORKVILLE, and ST.<br/>JOSEPH’S SCHOOL – YORKVILLE,</p> <p style="text-align: center;">Defendants.</p> |
|--|

**COMPLAINT**

Index No.:

Plaintiff PC-2 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-2 Doe was sexually abused and molested by Father Herman L. Heide (“Fr. Heide”), a priest hired, retained, supervised, placed, directed and otherwise authorized to act by Defendants, the Archdiocese of New York, Church of St. Joseph of Yorkville, and St. Joseph’s School – Yorkville (collectively herein “Defendants”).
3. Plaintiff was approximately 10 to 13 years old when Fr. Heide sexually abused him.
4. Despite years of refusal to publically address rampant child abuse by priests, Defendant the Archdiocese of New York recently published a long list of clergy in their employ who were credibly accused of molesting children. Fr. Heide, 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. Heide, permitted the abuse to occur, neglected to adequately supervise Fr. Heide, failed to timely investigate Fr. Heide'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. Heide's sexual abuse of Plaintiff and his consequential injuries and damages.

#### **PARTIES**

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

8. Plaintiff was born in 1957.

9. Defendant Archdiocese of New York ("Archdiocese") 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 New York County, New York, with its principal place of business at 45 Main Street, Suite 1010, Brooklyn, NY 11201.

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

11. At all relevant times, Defendant Church of St. Joseph of Yorkville (herein “St. Joseph’s Church”) was under the direct authority of the Defendant Archdiocese, and was and is a not-for-profit corporation organized pursuant to the laws of the State of New York, and located in New York County, at 404 East 87th Street, New York, NY 10128.

12. At all relevant times, Defendant Archdiocese oversaw, managed, controlled, directed and operated Defendant St. Joseph’s Church.

13. At all relevant times, Defendant Archdiocese owned the premises where Defendant St. Joseph’s Church is located.

14. At all relevant times, Defendant St. Joseph’s School – Yorkville (herein “St. Joseph’s School”) was and is a Roman Catholic School, organized pursuant to the laws of the State of New York and located at 420 East 87<sup>th</sup> Street, New York, NY 10128.

15. At all relevant times, Defendant St. Joseph’s School was and still is under the direct authority, control and province of the Diocese and St. Joseph’s Church.

16. At all relevant times, the Diocese and St. Joseph’s Church owned the premises where Defendant St. Joseph’s School is located.

17. At all relevant times, the Diocese and St. Joseph’s Church oversaw, managed, controlled, directed and operated Defendant St. Joseph’s School.

18. At all relevant times, the Diocese and St. Joseph’s Church oversaw, managed, controlled, directed and assigned priests and other clergy to work in parishes, churches and schools of the Diocese, including Defendant St. Joseph’s School.

19. Father Herman Heide (“Fr. Heide”) was a Roman Catholic Priest from 1941 to 1997. He served at St. Joseph’s Church and St. Joseph’s School in the 1940s, 1950s, and 1960s.

20. At all relevant times, Defendants assigned Fr. Heide to St. Joseph’s Church and St. Joseph’s School and oversaw, managed, controlled, and directed his duties and conduct.

**FACTUAL ALLEGATIONS**

21. At all relevant times, Plaintiff was a parishioner, student and altar boy of Defendants St. Joseph’s School and St. Joseph’s Church.

22. At all relevant times, Fr. Heide was a Roman Catholic priest employed by Defendants.

23. At all relevant times, Fr. Heide was under the direct supervision and control of the Defendants. His assigned duties included, *inter alia*, serving as a priest and as pastor. His duties included interacting with, mentoring and counseling children, including altar boys, attending Defendant St. Joseph’s School and St. Joseph’s Church.

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

25. Defendants authorized Fr. Heide to have contact with minors, in a manner consistent with providing instruction, counseling, educational and spiritual guidance, and leadership.

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

27. 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.

28. From approximately 1967 - 1969, starting when Plaintiff was about 10 years old, Fr. Heide engaged in unpermitted, forcible and harmful sexual contact with Plaintiff, and otherwise sexually abused him. This sexual abuse took place on the premises of Defendant St. Joseph's School.

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

30. 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. Heide.

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

32. 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. Over the centuries, various Popes passed Church decrees and legislation condemning such offenses, including a clerical crime known as "solicitation," engaging in sexual contact with an adult or a child during administration of the sacrament of confession.

33. As such, at all relevant times, Defendants were well aware that errant sexual behavior by some priests was not only widespread but predictable.

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



35. 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 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.

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

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

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

39. Defendants owed Plaintiff a reasonable duty of care because they affirmatively solicited parishioners and others to send their children to St. Joseph's Church and St. Joseph's School; 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. Heide, 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. Heide to spend time with, interact with, and recruit children.

40. 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.

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

42. 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 in an amount that exceeds the jurisdictional limits of lower courts in this State.

43. 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**

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

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

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

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

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

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

50. Defendants negligently retained Fr. Heide with knowledge of Fr. Heide'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 its clergy, including Fr. Heide, 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. Heide did not use his assigned position 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 Fr. Heide, failed to properly investigate his background and employment history, and/or hired, appointed and/or assigned Fr. Heide to Defendants St. Joseph's Church and St. Joseph's School when Defendants knew or should have known of facts that would make him 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 Fr. Heide, 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. Heide posed a threat of sexual abuse to minors; allowed the misconduct

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

54. Fr. Heide 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. Heide.

55. At all relevant times, Fr. Heide acted in the course and scope of his 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 the foregoing sexual abuse and misconduct, Plaintiff suffered grave injury, including physical, psychological and emotional injury as described above.

58. 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 jurisdictional 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**

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 working in the Archdiocese, including Fr. Heide, 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.

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

62. 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.

63. 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.

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

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

66. 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.

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

68. 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.

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

70. 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.

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

72. 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.

73. 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 jurisdictional 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**

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

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

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

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

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

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

**FOURTH CAUSE OF ACTION**

**PREMISES LIABILITY**

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

81. At all relevant times, Defendants owned, operated, and/or controlled the premises of Defendants St. Joseph's Church and St. Joseph's School, including the areas where the sexual abuse of Plaintiff occurred.

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

83. 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.

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

85. 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.

86. 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 jurisdictional 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**

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

88. 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.

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



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

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 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 jurisdictional 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***

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

94. 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.

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

96. 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.

97. 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 jurisdictional 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**

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, 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 willfully failing to report reasonable suspicion of abuse by Fr. Heide of children in their care.

101. 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.

102. 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 jurisdictional 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:

{00050562}

17

- 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**

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

Dated: New York, New York

May 29, 2020

Phillips & Paolicelli, LLP  
*Attorneys for Plaintiffs*

Michael DeRuve<sup>m3</sup>

By: Diane Paolicelli  
Michael DeRuve  
747 Third Avenue, 6<sup>th</sup> Floor  
New York, New York 10027  
212-388-5100  
[dpaolicelli@p2law.com](mailto:dpaolicelli@p2law.com)  
[mderuve@p2law.com](mailto:mderuve@p2law.com)

STATE OF NEW YORK  
SUPREME COURT: COUNTY OF NEW YORK

|  |
|--|
| <p>PC-2 DOE,</p> <p style="text-align: center;">Plaintiff,</p> <p>vs.</p> <p>ARCHDIOCESE OF NEW YORK, CHURCH<br/>OF ST. JOSEPH OF YORKVILLE, and ST.<br/>JOSEPH'S SCHOOL – YORKVILLE,</p> <p style="text-align: center;">Defendants.</p> |
|--|

Index No.:

**STIPULATION**

**WHEREAS** Plaintiff has filed this action pursuant to the Child Victims Act and has done so using the pseudonym “PC-2 DOE” and the caption “PC-2 DOE v. ARCHDIOCESE OF NEW YORK, CHURCH OF ST. JOSEPH OF YORKVILLE, and ST. JOSEPH’S SCHOOL – YORKVILLE”; and

**WHEREAS**, although under the law the ARCHDIOCESE OF NEW YORK, CHURCH OF ST. JOSEPH OF YORKVILLE, and ST. JOSEPH’S SCHOOL – YORKVILLE may object to Plaintiff’s use of a pseudonym, the undersigned Defendants agree to waive such objections pursuant to the terms set forth in this Stipulation;

Accordingly,

**IT IS HEREBY STIPULATED AND AGREED** by and between the undersigned, that Defendants consent to permit Plaintiff to proceed under the pseudonym “PC-2 DOE” as used in the above caption; and

**IT IS FURTHER HEREBY STIPULATION AND AGREED** by and between the undersigned, that the Parties will comply with the terms and conditions of section III of Case Management Order No. 1 issued by Hon. George J. Silver, D.C.A.J., dated February 24, 2020.

IT IS FURTHER STIPULATED AND AGREED, by and between counsel for the respective parties, that counsels' signatures on this Stipulation via facsimile or email, and in counterpart, shall be deemed good and sufficient for all purposes. This Stipulation may be electronically filed with the Clerk of the Court without further notice.

Dated: June 22, 2020

**PHILLIPS & PAOLICELLI, LLP**

By: 

Diane Paolicelli  
Michael DeRuve  
747 Third Avenue, 6<sup>th</sup> Floor  
New York, NY 10017  
Phone: (212) 388-5100  
dpaolicelli@p2law.com  
mderuve@p2law.com

*Attorneys for Plaintiff*

**LEAHEY AND JOHNSON, P.C.**

By: 

Joanne Filiberti  
120 Wall Street  
New York, New York 10005  
jfiliberti@leaheyandjohnson.com

*Attorneys for Defendants for the purpose of this Stipulation only*

ARCHDIOCESE OF NEW YORK,  
CHURCH OF ST. JOSEPH OF  
YORKVILLE, AND ST. JOSEPH'S  
SCHOOL – YORKVILLE

SO ORDERED

\_\_\_\_\_  
J.S.C.