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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. Faluszczak:

NYS UCS Case Number	Alleged Perpetrator	Defendant #	Defendants	Plaintiff
950559/2020	Johnson, Mr. Stephen	8	Archdiocese of New York, The New York Foundling Hospital, Sisters of Charity of St. Vincent DePaul of New York, Rockland County Social Services, et al.	DOE, PC-39

STATE OF NEW YORK  
SUPREME COURT: COUNTY OF NEW YORK

PC-39 DOE,

Plaintiff,

vs.

**SUMMONS**

Index No.

ST. AGATHA HOME FOR CHILDREN a/k/a THE  
NEW YORK FOUNDLING and THE NEW YORK  
FOUNDLING HOSPITAL, THE NEW YORK  
FOUNDLING f/k/a THE NEW YORK  
FOUNDLING HOSPITAL, THE SISTERS OF  
CHARITY OF SAINT VINCENT DE PAUL OF  
NEW YORK, THE CATHOLIC CHARITIES OF  
THE ARCHDIOCESE OF NEW YORK,  
ARCHDIOCESE OF NEW YORK, ROCKLAND  
COUNTY, a municipal corporation, ROCKLAND  
COUNTY DEPARTMENT OF SOCIAL  
SERVICES, and STEPHEN JOHNSON a/k/a  
STEVE JOHNSON,

Defendants.

**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 plaintiff’s 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  
August 10, 2020

Phillips & Paolicelli, LLP  
*Attorneys for Plaintiffs*

/s/ Michael DeRuve  
By: Diane Paolocelli

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*pro-hac pending*  
*Attorneys for Plaintiff*

**TO:**

**ST. AGATHA HOME FOR CHILDREN a/k/a  
THE NEW YORK FOUNDLING and THE  
NEW YORK FOUNDLING HOSPITAL**  
135 Convent Road  
Nanuet, NY 10954

**THE NEW YORK FOUNDLING f/k/a THE NEW YORK FOUNDLING HOSPITAL**  
590 Avenue of the Americas  
New York, New York 10011

**THE SISTERS OF CHARITY OF SAINT VINCENT DE PAUL OF NEW YORK**  
6301 Riverdale Avenue  
Bronx, NY 10471

**THE CATHOLIC CHARITIES OF THE ARCHDIOCESE OF NEW YORK**  
1011 First Avenue  
New York, New York 10022

**ARCHDIOCESE OF NEW YORK**  
1011 First Avenue  
New York, New York 10022

**ROCKLAND COUNTY, a municipal corporation**

**ROCKLAND COUNTY DEPARTMENT OF SOCIAL SERVICES**  
50 Sanatorium Road

{00054175}

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Pomona, NY 10970

**STEPHEN JOHNSON a/k/a STEVE JOHNSON**

STATE OF NEW YORK  
SUPREME COURT: COUNTY OF NEW YORK

<p>PC-39 DOE,</p> <p style="text-align: center;">Plaintiff,</p> <p>vs.</p> <p>ST. AGATHA HOME FOR CHILDREN a/k/a THE NEW YORK FOUNDLING and THE NEW YORK FOUNDLING HOSPITAL, THE NEW YORK FOUNDLING f/k/a THE NEW YORK FOUNDLING HOSPITAL, THE SISTERS OF CHARITY OF SAINT VINCENT DE PAUL OF NEW YORK, THE CATHOLIC CHARITIES OF THE ARCHDIOCESE OF NEW YORK, ARCHDIOCESE OF NEW YORK, ROCKLAND COUNTY, a municipal corporation, ROCKLAND COUNTY DEPARTMENT OF SOCIAL SERVICES, and STEPHEN JOHNSON a/k/a STEVE JOHNSON,</p> <p style="text-align: center;">Defendants.</p>
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**COMPLAINT**

Index No.

Plaintiff, PC-39 Doe, by and through her undersigned attorneys, as and for her 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, PC-39 Doe, was a foster child when she was repeatedly sexually abused by Defendant Stephen Johnson a/k/a Steve Johnson, a counselor at a St. Agatha Home for Children in Suffern, New York, who was hired, retained, supervised, placed, directed, and otherwise authorized to act by Defendants, St. Agatha Home for Children a/k/a The New York Foundling and The New York Foundling Hospital, The New York Foundling f/k/a The New York Foundling Hospital, The Sisters of Charity of Saint Vincent De Paul of New York, The

Catholic Charities of the Archdiocese of New York, the Archdiocese of New York, Rockland County, and/or Rockland County Department of Social Services.

3. Plaintiff was approximately 14-16 years old when she was sexually abused first beginning in or about 1980 through approximately 1983.

4. Defendant Johnson's sexual abuse of Plaintiff took place on the premises of a St. Agatha group home in Suffern, New York and elsewhere. The sexual abuse, which was extreme, and occurred on multiple and numerous occasions.

5. Defendants St. Agatha Home for Children a/k/a The New York Foundling and The New York Foundling Hospital, The New York Foundling f/k/a The New York Foundling Hospital, The Sisters of Charity of Saint Vincent De Paul of New York, The Catholic Charities of the Archdiocese of New York, and the Archdiocese of New York, Rockland County, and Rockland County Department of Social Services, carelessly, negligently, recklessly hired Defendant Johnson and permitted him to have unfettered access to Plaintiff; carelessly, negligently, and recklessly, failed to protect Plaintiff from sexual abuse by Johnson; permitted the abuse to occur; failed to monitor and supervise Johnson; failed to timely investigate Johnson's misconduct, even though it was open and obvious that Defendant Johnson behaved inappropriately with Plaintiff on the premises of the St. Agatha group home ; failed to train foster children, parents, and adult staff, including counselors, about the risk of sexual abuse in their group homes, how 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 Johnson's sexual abuse of Plaintiff, and Plaintiff's consequential injuries and damages.

**PARTIES**

6. Plaintiff is an individual residing in Nassau County, New York.

7. Plaintiff was born in 1966.

8. Defendant St. Agatha Home for Children a/k/a The New York Foundling and The New York Foundling Hospital (“St. Agatha”), was at all relevant times, a non-profit organization or entity, which includes but is not limited to civil corporations, decision making entities, officials, and employees, authorized to conduct business and was doing business at 135 Convent Road, Nanuet, NY 10954. St. Agatha’s mission was to be a home for orphans and neglected children. At all relevant times, St. Agatha owned, operated, and controlled small group homes in Rockland County, including Suffern, New York, which provided community-based care for children. Defendant St. Agatha was an “authorized agency” as defined in New York Social Services Law § 371. In 1977, St. Agatha merged into the New York Foundling and New York Foundling Hospital and continued to provide similar community-based care for children.

9. At all relevant times, Defendant St. Agatha was under the direct authority, control, and province of Defendants, The New York Foundling f/k/a The New York Foundling Hospital, The Sisters of Charity of Saint Vincent de Paul of New York, Catholic Charities of the Archdiocese of New York, and the Archdiocese of New York.

10. At all relevant times, Defendant The New York Foundling f/k/a The New York Foundling Hospital (“New York Foundling”) 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 590 Avenue of the Americas, New York, New York 10011. Defendant New York Foundling is an

“authorized agency” as defined in New York Social Services Law § 371. In or about 1977, Defendant New York Foundling merged with St. Agatha, a child services agency based in Nanuet, New York. New York Foundling is a citizen and resident of New York.

11. At all relevant times, Defendant New York Foundling was and still is under the direct authority, control, and province of Defendants The Sisters of Charity of Saint Vincent de Paul of New York, Catholic Charities of the Archdiocese of New York, and the Archdiocese of New York.

12. At all relevant times, Defendant, The Sisters of Charity of Saint Vincent de Paul of New York (“Sisters of Charity”), 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 6301 Riverdale Avenue, Bronx, NY 10471. Sisters of Charity is a citizen and resident of the State of New York.

13. At all relevant times, Defendant, Catholic Charities of the Archdiocese of New York (“Catholic Charities”) 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 1011 First Avenue, New York, New York 10022. Catholic Charities is a citizen and resident of New York.

14. At all relevant times, Defendant Catholic Charities was and still is under the direct authority, control, and province of Defendant Archdiocese of New York.

15. Defendant, Archdiocese of New York (“Archdiocese”) 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 1011 First Avenue, New York, New York 10022. Archdiocese is a citizen and resident of New York.

16. At all relevant times, Defendant Archdiocese oversaw, managed, controlled, directed, and operated parishes, churches, schools, group homes and charities within the Archdiocese, including Defendants St. Agatha, New York Foundling, Sisters of Charity, and Catholic Charities.

17. Defendant, Rockland County, is a municipal corporation, incorporated pursuant to the laws of the State of New York.

18. Defendant, Rockland County Department of Social Services (“Department of Social Services”), is authorized by New York law to care for children in foster care. Department of Social Services has a principal place of business located at 50 Sanatorium Road, Pomona, NY 10970. Department of Social Services is a citizen and resident of the State of New York.

19. At all relevant times, Defendant Stephen Johnson a/k/a Steve Johnson (“Johnson”) is and was, at all relevant times, an adult male over the age of 18 who was an employee and/or agent of the Defendants, St. Agatha, New York Foundling, Sisters of Charity, Catholic Charities, Archdiocese, Rockland County, and/or Department of Social Services.

20. Upon information and belief, Defendant Johnson is a resident of Monroe County, Tennessee.

### **FACTUAL ALLEGATIONS**

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

22. Upon information and belief, Plaintiff was determined to be a juvenile in need of placement in foster care by a judge, and placed in foster care in or about 1979 by Defendants Rockland County and Department of Social Services.

23. Upon information and belief, Defendants Rockland County and Department of Social Services, referred Plaintiff to Defendants St. Agatha and New York Foundling for foster care placement in approximately 1980.

24. In or about 1980, Plaintiff was placed in the custody, care, and control of Defendants St. Agatha and New York Foundling.

25. From on or about 1980 until 1982, Plaintiff resided at the Defendant St. Agatha group home in Suffern, New York.

26. At all relevant times, the St. Agatha group home was owned, operated, and/or controlled by Defendants St. Agatha, New York Foundling, Sisters of Charity, Catholic Charities, and/or Archdiocese.

27. From on or about 1980 to 1982, Plaintiff was one of approximately nine foster children, including both boys and girls, living at Defendant St. Agatha group home in Suffern, New York.

28. At all relevant times, there were approximately four to five counselors who were assigned to and worked at the St. Agatha group home in Suffern, New York.

29. At all relevant times, each of the counselors at the St. Agatha group home in Suffern, New York were employed by and/or served as agents of the Defendants, St. Agatha, New York Foundling, Sisters of Charity, Catholic Charities, Archdiocese, Rockland County, and/or Department of Social Services.

30. At all relevant times, it was the policy of Defendant St. Agatha group home to staff the group home with two counselors per day to monitor, interact with, supervise, and ensure the welfare and safety of the foster children, including Plaintiff.

31. At all relevant times, Defendant St. Agatha required two of its counselors be present on the premises 24 hours per day, 7 days per week, and 365 days per year.

32. At all relevant times, Defendant St. Agatha provided their counselors with their own rooms and lodging on the premises.

33. At all relevant times, Defendant Johnson was a counselor at the Defendant St. Agatha group home in Suffern, New York.

34. At all relevant times, Defendant Johnson was under the direct supervision, employ and control of the Defendants St. Agatha, New York Foundling, Sisters of Charity, Catholic Charities, Archdiocese, Rockland County, and/or Department of Social Services.

35. At all relevant times, Defendant Johnson's duties and responsibilities as a counselor and employee included caring for, monitoring, and supervising the Plaintiff and other foster children at Defendant St. Agatha group home.

36. Defendants St. Agatha, New York Foundling, Sisters of Charity, Catholic Charities, Archdiocese, Rockland County, and/or Department of Social Services authorized and allowed Defendant Johnson to supervise children, including Plaintiff, to be alone with them, and to have unfettered and unsupervised access to them on Defendants' property.

37. At all relevant times, Defendants St. Agatha, New York Foundling, Sisters of Charity, Catholic Charities, Archdiocese, Rockland County, and/or Department of Social Services authorized and permitted Defendant Johnson to conduct his duties on the premises, behind closed doors, and without supervision.

38. Plaintiff first met Defendant Johnson shortly after she began living at Defendant St. Agatha group home.

39. Beginning in or about 1980, when Plaintiff was approximately 14 years old, Defendant Johnson, acting in the course and scope of his employment with Defendants St. Agatha, New York Foundling, Sisters of Charity, Catholic Charities, Archdiocese, Rockland County, and/or Department of Social Services, singled Plaintiff out for special attention, compliments, and other “grooming” behaviors aimed at promoting a sexual relationship with her.

40. Thereafter, on multiple occasions on the premises of Defendant St. Agatha group home, and elsewhere, Defendant Johnson engaged in unpermitted, coercive, and harmful sexual contact with Plaintiff.

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

42. Defendant Johnson’s grooming behaviors and unlawful sexual contact with Plaintiff at the St. Agatha group in Suffern, New York home was open and obvious to Defendants.

43. Defendant Johnson manipulated and coerced Plaintiff, a vulnerable adolescent, to acquiesce in his continued sexual abuse and misconduct and to not report him to anyone.

44. In addition, Plaintiff’s relationship to Defendants St. Agatha, New York Foundling, Sisters of Charity, Catholic Charities, Archdiocese, Rockland County, and/or Department of Social Services as a vulnerable child and foster child, put pressure on Plaintiff not to report Defendant Johnson’s sexual abuse.

45. Defendants St. Agatha, New York Foundling, Sisters of Charity, Catholic Charities, Archdiocese, Rockland County, and/or Department of Social Services knew or should

have known that Defendant Johnson was a danger to minors, like Plaintiff, before he sexually abused Plaintiff.

46. Upon information and belief, shortly after Defendant Johnson's unlawful sexual abuse of Plaintiff began, other counselors and staff members at St. Agatha became aware of Defendant Johnson's unlawful sexual abuse of Plaintiff, and did not report it to Rockland County or the authorities.

47. Defendants St. Agatha, New York Foundling, Sisters of Charity, Catholic Charities, Archdiocese, Rockland County, and/or Department of Social Services knew or should have known that Defendant Johnson was not qualified to perform his duties as a counselor at St. Agatha.

48. Defendants St. Agatha, New York Foundling, Sisters of Charity, Catholic Charities, Archdiocese, Rockland County, and/or Department of Social Services knew or should have known that allowing Defendant Johnson to have unsupervised and unlimited access with children, particularly vulnerable children like Plaintiff who were in need of support, posed an unacceptable risk of child sexual abuse.

49. Prior to the time of Plaintiff abuse by Defendant Johnson, Defendants St. Agatha, New York Foundling, Sisters of Charity, Catholic Charities, Archdiocese, Rockland County, and/or Department of Social Services knew or should have known that there was a specific danger of child sex abuse for children in their institutions, programs, and group homes.

50. Upon information and belief, in or about 1981, Defendant Johnson was terminated by Defendants St. Agatha, New York Foundling, Sisters of Charity, Catholic Charities, Archdiocese, Rockland County, and/or Department of Social Services.

51. Upon information and belief, one of the reasons Defendants terminated Defendant Johnson was his unlawful sexual abuse of Plaintiff.

52. In or about the summer of 1982, Plaintiff was released from St Agatha's and re-assigned to the care and custody of foster parents.

53. Defendant Johnson continued to engage in unpermitted, non-consensual, and harmful sexual contact with the Plaintiff until 1983.

54. The sexual abuse of Plaintiff by Defendant Johnson was foreseeable.

55. At all relevant times, Defendants St. Agatha, New York Foundling, Sisters of Charity, Catholic Charities, Archdiocese, Rockland County and/or Department of Social Services were responsible for providing protection and safety and to insure the well-being of children by providing foster care services for children who needed the same.

56. At all relevant times, Defendants St. Agatha, New York Foundling, Sisters of Charity, Catholic Charities, Archdiocese, Rockland County, and/or Department of Social Services were in a special relationship of parents patriae with children within its territory, including Plaintiff who was determined to be in the need of foster care.

57. At all relevant times, Defendants St. Agatha, New York Foundling, Sisters of Charity, Catholic Charities, Archdiocese, Rockland County and/or Department of Social Services had a non-delegable duty to use reasonable care in the investigation, licensing, supervision and/or monitoring of foster care facilities and group homes and/or to develop or implement programs, guidelines, procedures and/or training to prevent the sexual abuse of foster children placed within foster care facilities and group homes.

58. At all relevant times, Defendants Rockland County and Department of Social Services provided child welfare, child protective and childcare services by contracting with private not-for-profit organizations to render foster care services.

59. Defendants Rockland County and Department of Social Services is legally responsible for the acts, omissions, and negligence of the entities with which it contracts to render foster care services.

60. At all relevant times, Defendants St. Agatha, New York Foundling, Sisters of Charity, Catholic Charities, Archdiocese, Rockland County, and/or Department of Social Services were the legal guardian of Plaintiff and owed Plaintiff a duty of reasonable care to protect her from foreseeable harm.

61. Defendants St. Agatha, New York Foundling, Sisters of Charity, Catholic Charities, Archdiocese, Rockland County, and/or Department of Social Services owed Plaintiff a reasonable duty of care because they undertook custody of foster children, including Plaintiff; they promoted their foster care facilities and programs as being safe for children, they held out their agents, including Defendant Johnson as safe to work with and around children, and/or authorized their agents including Defendant Johnson to provide professional services to children.

62. Defendants St. Agatha, New York Foundling, Sisters of Charity, Catholic Charities, Archdiocese, Rockland County, and/or Department of Social Services 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 was a vulnerable minor, and unable to protect herself; and Defendants affirmatively assumed a position of empowerment over Plaintiff.

63. Defendants St. Agatha, New York Foundling, Sisters of Charity, Catholic Charities, Archdiocese, Rockland County, and/or Department of Social Services owed Plaintiff a duty to protect her from harm because Defendants' acts and omissions created a foreseeable risk of harm to Plaintiff.

64. At all times relevant, there were substantial and systemic flaws and deficiencies in the foster care system designed and/or implemented by Defendants St. Agatha, New York Foundling, Sisters of Charity, Catholic Charities, Archdiocese, Rockland County, and/or Department of Social Services.

65. 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.

66. 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.

67. Pursuant to the Child Victims Act, a notice of claim is not a prerequisite to the filing of this action.

**AS AND FOR A FIRST CAUSE OF ACTION**

**NEGLIGENT HIRING, RETENTION, SUPERVISION, AND DIRECTION**



**(Against Defendants St. Agatha, New York Foundling, Sisters of Charity, Catholic Charities, Archdiocese, Rockland County, and Department of Social Services)**

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

69. Prior to the sexual abuse of Plaintiff, Defendants learned or should have learned that Defendant Johnson was not fit to work with or around children.

70. Defendants negligently retained Defendant Johnson with knowledge of his propensity for the type of behavior which resulted in Plaintiff's injuries.

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

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

73. Defendants were negligent and did not use reasonable care in their supervision and direction of Defendant Johnson, 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 Defendant Johnson posed a threat of sexual abuse to minors; allowed the misconduct described above to occur and continue; failed to investigate Defendant Johnson's

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

74. Defendant Johnson would not have been in a position to sexually abuse Plaintiff had Defendants not been negligent in the hiring, retention, supervision, and direction of Defendant Johnson.

75. At all relevant times, Defendant Johnson acted in the course and scope of his employment and/or agency with Defendants.

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

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

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

**AS AND FOR A SECOND CAUSE OF ACTION**

**NEGLIGENT, RECKLESS, AND WILLFUL MISCONDUCT**

**(Against Defendants St. Agatha, New York Foundling, Sisters of Charity, Catholic Charities, Archdiocese, Rockland County, and Department of Social Services)**

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

80. Defendants were negligent and did not use reasonable care in maintaining their facilities, in assigning Plaintiff to St. Agatha, in failing to keep Plaintiff safe from sexual abuse

while assigned and living at St. Agatha, in failing to properly supervise Plaintiff and protect here well-being; in failing to monitor Plaintiff's interaction with Defendant Johnson while she was a resident at St. Agatha, in their training, if any, of minors about the risk of sexual abuse in their institution, facilities, and group homes, 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, and Defendants were otherwise negligent.

81. Defendants were negligent and did not use reasonable care in their training, if any, of counselors and/or adult staff about the risk of sexual abuse in their institution, facilities, and group homes, 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.

82. Defendants were negligent and failed to protect the Plaintiff from Defendant Johnson when Defendants knew or should have known of the Defendant Johnson's unacceptable risk of harm to children and his unlawful sexual relationship Plaintiff.

83. Defendants were negligent and failed to enact and/or enforce policies and safeguards designed to prevent and protect against sexual abuse of foster children by its counsellors, agents and representatives, including Defendant Johnson's sexual abuse of Plaintiff.

84. At all relevant times, Defendants affirmatively and/or impliedly represented to minor children, their families, and the general public that counselors and staff working at the St. Agatha group home in Suffern, New York, including Defendant Johnson, did not pose a risk of sexual abuse and/or that they did not have a history of sexually abusing children, and that children, including Plaintiff, would be safe in their care.

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

86. Defendants carelessly, negligently, and recklessly failed to have in place an appropriate policy and/or practice for making hiring and assignment decisions, so as to protect vulnerable children in their care from sexual abuse.

87. Defendants carelessly, negligently, and recklessly failed to have in place an appropriate policy and/or practice to monitor, supervise, or oversee Defendant Johnson's interactions with minors such as Plaintiff, in order to keep them safe from sexual abuse.

88. Defendant Archdiocese maintained a policy and practice of covering up sexual abuse by priests and other employees and agents within the Archdiocese.

89. 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.

90. Over the years, Defendant Archdiocese 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.

91. Upon information and belief, Defendants concealed or covered up the sexual abuse of Plaintiff by Defendant Johnson, and concealed facts concerning Defendant Johnson's sexual misconduct from the appropriate authorities, Plaintiff and her family.

92. 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.

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

94. 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.

95. 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.

**AS AND FOR A THIRD CAUSE OF ACTION**

**NEGLIGENCE, RECKLESS, AND WILLFUL MISCONDUCT**

**(Against Defendants Rockland County and Department of Social Services)**

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

97. Defendants, Rockland County and Department of Social Services, were negligent and failed to protect Plaintiff from repeated sexual abuse, sexual assault, and sexual contact committed by Defendant Johnson; failed to adequately and properly and completely investigate Defendant Johnson's sexual abuse of Plaintiff; failed to remove Plaintiff from the care, custody and control of the St. Agatha group home when they knew or should have known of the sexual abuse of Plaintiff; failed to establish policies and procedures that were adequate to protect the health, safety and welfare of children and protect them from sexual abuse; failed to implement

and enforce policies and procedures that were adequate to protect the health, safety and welfare of foster children and protect them from sexual abuse; failed to make any inquiry into the background of the St. Agatha group home counselors before engaging Defendants St. Agatha, New York Foundling, Sisters of Charity, Catholic Charities, and/or Archdiocese to perform foster care activities when they knew or should have known that Defendant Johnson had a propensity to sexually abuse children; failed to adequately monitor and supervise Plaintiff; and failed to report the sexual abuse of Plaintiff to law enforcement.

98. 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.

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

100. 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.

101. 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.

**AS AND FOR A FOURTH CAUSE OF ACTION**

**NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

**(Against Defendants St. Agatha, New York Foundling, Sisters of Charity, Catholic Charities, Archdiocese, Rockland County, and Department of Social Services)**

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

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

104. Defendants St. Agatha, New York Foundling, Sisters of Charity, Catholic Charities, Archdiocese, Rockland County, and/or Department of Social Services aforesaid negligent, grossly negligent, and reckless misconduct, endangered Plaintiff's safety and caused her to fear for her own safety.

105. Defendants St. Agatha, New York Foundling, Sisters of Charity, Catholic Charities, Archdiocese, Rockland County, and/or Department of Social Services knew or disregarded the substantial probability that Defendant Johnson would cause severe emotional distress to Plaintiff.

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

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

**AS AND FOR A FIFTH CAUSE OF ACTION**

**PREMISES LIABILITY**

**(Against Defendants St. Agatha, Archdiocese, Catholic Charities, New York Foundling, and Sisters of Charity)**

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

109. At all relevant times, Defendants owned, operated, and/or controlled the premises known as the St. Agatha group home in Suffern, New York, including the areas where the Defendant Johnson sexually abused Plaintiff.

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

111. 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 children, like Plaintiff, whose presence was reasonably anticipated.

112. Defendants willfully, recklessly, and negligently failed to provide a reasonably safe premises that was free from the presence of sexual predators and/or the sexual contact by the occupants of the premises, including Defendant Johnson. Defendants thereby breached their duty of care of Plaintiff.

113. 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.

114. 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.

**AS AND FOR A SIXTH CAUSE OF ACTION**

**BREACH OF FIDUCIARY DUTY**

**(Against Defendants St. Agatha, New York Foundling, Sisters of Charity, Catholic Charities, Archdiocese, Rockland County, and Department of Social Services)**

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



116. 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.

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

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

119. 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.

120. 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.

**AS AND FOR A SEVENTH CAUSE OF ACTION**

**BREACH OF DUTY IN LOCO PARENTIS**

**(Against Defendants St. Agatha, New York Foundling, Sisters of Charity, Catholic Charities, Archdiocese, Rockland County, and Department of Social Services)**

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

122. At all relevant times, Plaintiff was a vulnerable foster child entrusted to Defendants care, custody, and control and was under the supervision and control of Defendants, such that Defendants owed her a duty to act *in loco parentis* and to prevent foreseeable injuries.

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

124. 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.

125. 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.

**AS AND FOR AN EIGHTH CAUSE OF ACTION**

**BREACH OF STATUTORY DUTIES TO REPORT**

**(Against Defendants St. Agatha, New York Foundling, Sisters of Charity, Catholic Charities, Archdiocese, Rockland County, and Department of Social Services)**

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

127. 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.

128. Defendants breached their statutory duty by failing to report reasonable suspicion Defendant Johnson's sexual abuse of Plaintiff.

129. 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.

130. 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.

**AS AND FOR A NINTH CAUSE OF ACTION**

**BATTERY**

**(Against Defendant Stephen Johnson)**

132. Plaintiff repeats and realleges each and every allegation set forth above as if fully set forth herein.

133. Defendant Johnson with intent to do so, engaged in sexual and unlawful acts with Plaintiff which amounted to a series of harmful and offensive contacts to Plaintiff's person.

134. At all relevant times, Plaintiff was a minor and did not consent to these sexual and unlawful acts.

135. As a direct and proximate result of Defendant Johnson's sexual and unlawful acts, Plaintiff suffered grave injury, including the physical, psychological and emotional injury and damages as described above.

136. By reason of the foregoing, Defendant is 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.

**AS AND FOR A TENTH CAUSE OF ACTION**

**ASSAULT**

**(Against Defendant Stephen Johnson)**

137. Plaintiff repeats and realleges each and every allegation set forth above as if fully set forth herein.

138. Defendant Johnson, with intent to do so, engaged in sexual and unlawful acts with Plaintiff, which created a reasonable apprehension in Plaintiff of immediate harm or offensive contact to Plaintiff's person.

139. At all relevant times, Plaintiff was a minor and did not consent to these sexual and unlawful acts.

140. As a direct and proximate result of Defendant Johnson's sexual and unlawful acts, Plaintiff suffered grave injury, including the physical and psychological and emotional injury and damages as described above.

141. By reason of the foregoing, Defendant is 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.

**AS AND FOR AN ELEVENTH CAUSE OF ACTION**

**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

**(Against Defendant Stephen Johnson)**

142. Plaintiff repeats and realleges each and every allegation set forth above as if fully set forth herein.

143. Defendant Johnson engaged in sexual and unlawful acts with Plaintiff with intent to cause, or with reckless disregard for the probability of causing, Plaintiff to suffer severe emotional distress.

144. Defendant Johnson's conduct was both extreme and outrageous in character, beyond all possible bounds of decency, atrocious, and intolerable in a civilized world.

145. Defendant Johnson committed these sexual and unlawful acts maliciously, fraudulently, and oppressively with the wrongful intention of injuring Plaintiff and in disregard to Plaintiff's rights.

146. As a direct and proximate result of Defendant Johnson's conduct, Plaintiff suffered severe emotional distress including psychological and emotional injury as described above.

147. By reason of the foregoing, Defendant is 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 her injuries, in an amount to be determined at trial;
- b. Awarding Plaintiff punitive damages for her 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**

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

Dated: August 10, 2020

Yours, etc.

**PHILLIPS & PAOLICELLI, LLP**

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