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Summons & Complaints relying on the research of James G. Faluszczak:

NYS UCS Case Number	Alleged Perpetrator	Defendant #	Defendants	Plaintiff
512833/2020	Magee, Br. Finian & "Brother Stephen"	4	Diocese of Rockville Centre, St. Joseph Church & School, Franciscan Brothers of Brooklyn.	DOE, PC-12

STATE OF NEW YORK
SUPREME COURT: COUNTY OF KINGS

<p>PC-12 DOE,</p> <p style="text-align: center;">Plaintiff,</p> <p>vs.</p> <p> DIOCESE OF ROCKVILLE CENTRE, ST JOSEPH CATHOLIC SCHOOL, ST. JOSEPH ROMAN CATHOLIC CHURCH, FRANCISCAN BROTHERS, INC. (d/b/a FRANCISCAN BROTHERS OF BROOKLYN), </p> <p style="text-align: center;">Defendants.</p>

Index No.

SUMMONS

Plaintiff designates the County of Kings as the place of trial. The basis of venue is Defendant FRANCISCAN BROTHERS, INC. (d/b/a FRANCISCAN BROTHERS OF BROOKLYN) principal place of business.

TO THE ABOVE NAMED DEFENDANTS:

You are hereby summoned to answer in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not to 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: July 20, 2020
New York, New York

PHILLIPS & PAOLICELLI, LLP
Attorneys for Plaintiffs

/s/ Yitzchak Fogel
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212-388-5100

To:

DIOCESE OF ROCKVILLE CENTRE
50 N PARK AVE
ROCKVILLE CENTRE, NY 11571

ST. JOSEPH CATHOLIC SCHOOL
39 N CARLL AVE
BABYLON, NY 11702

ST. JOSEPH ROMAN CATHOLIC CHURCH
39 N CARLL AVE
BABYLON, NY 11702

FRANCISCAN BROTHERS, INC.
(d/b/a FRANCISCAN BROTHERS OF BROOKLYN)
135 REMSEN STREET
BROOKLYN, NY 11201

STATE OF NEW YORK
SUPREME COURT: COUNTY OF KINGS

<p>PC-12 DOE,</p> <p style="text-align: center;">Plaintiff,</p> <p>vs.</p> <p>DIOCESE OF ROCKVILLE CENTRE, ST JOSEPH CATHOLIC SCHOOL, ST. JOSEPH ROMAN CATHOLIC CHURCH, FRANCISCAN BROTHERS, INC. (d/b/a FRANCISCAN BROTHERS OF BROOKLYN),</p> <p style="text-align: center;">Defendants.</p>

COMPLAINT

Index No.:

Plaintiff PC-12 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 PC-12 Doe was repeatedly sexually abused and assaulted by the person known as "Brother Stephen," who is believed to be Fr. Anthony Sclafani, and Fr. Finian (Robert) Magee, deceased, who were hired, retained, supervised, placed, directed, and otherwise authorized to act by Defendants Diocese of Rockville Center, St. Joseph Catholic School, St. Joseph Roman Catholic Church, and Franciscan Brothers, Inc., (d/b/a Franciscan Brothers of Brooklyn).
3. Plaintiff was about 7 - 14 years old at the time of his abuse.
4. 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 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.

5. 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 Frs. Sclafani and Magee, permitted the abuse to occur, failed to supervise Frs. Sclafani and Magee, failed to timely investigate Frs. Sclafani and Magee's misconduct, acted to protect their own self-interest to the detriment of innocent children, and are otherwise responsible for Frs. Sclafani and Magee's sexual assault of Plaintiff, and Plaintiff's consequential injuries and damages.

PARTIES

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

7. Plaintiff was born in 1962.

8. Defendant The Diocese of Rockville Centre ("Diocese") is, and at all relevant times was, a non-profit organization or entity, which includes but is not limited to civil corporations, decision-making entities, officials, and employees, authorized to conduct business and doing business at 50 N Park Ave, Rockville Centre, NY 11571.

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

10. At all relevant times, Defendant St. Joseph Catholic School was a Roman Catholic school organized pursuant to the laws of the State of New York and located at 39 N.

Carll Ave, Babylon, NY 11702. Upon information and belief, the school is no longer in existence.

11. At all relevant times, Defendant St. Joseph Roman Catholic Church was and still is a Roman Catholic parish and school, organized pursuant to the laws of the State of New York and located at 39 N. Carll Ave, Babylon, NY 11702.

12. At all relevant times, Defendant St. Joseph School was and still is under the direct authority, control and province of St. Joseph Roman Catholic Church.

13. At all relevant times, Defendant St. Joseph Roman Catholic Church owned the premises where Defendant St. Joseph School was located.

14. At all relevant times, Defendant St. Joseph Roman Catholic Church oversaw, managed, controlled, directed and operated Defendant St. Joseph School.

15. At all relevant times, Defendant St. Joseph Roman Catholic 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 School.

16. At all relevant times, Defendants St. Joseph School and St. Joseph Roman Catholic Church (hereinafter collectively "St. Joseph"), was and still is under the direct authority, control and province of Defendant Diocese.

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

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

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

20. At all relevant times, Defendant Franciscan Brothers, Inc., (d/b/a Franciscan Brothers of Brooklyn) (hereinafter “Franciscan Brothers”), was and still is a not for profit corporation, organized pursuant to the laws of the State of New York and located at 135 Remsen Street, Brooklyn, NY 11201.

21. At all relevant times, Defendant Franciscan Brothers employed, oversaw, managed, controlled, directed, and supervised Frs. Sclafani and Magee.

22. At all relevant times, Fr. Anthony Sclafani, and Finian (Robert) Magee were Roman Catholic priests employed by the Defendants.

FACTUAL ALLEGATIONS

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

24. From approximately 1969 through 1975 Plaintiff attended school at St. Joseph.

25. At all relevant times, Frs. Sclafani and Magee were under the direct supervision, employ, and control of the Defendants.

26. During the time that Plaintiff was a student attending classes at Defendant St. Joseph, Defendants assigned Frs. Sclafani and Magee to teach children at Defendant St. Joseph.

27. By assigning Frs. Sclafani and Magee to teach and supervise children, Defendants gave Frs. Sclafani and Magee complete access to minors, including Plaintiff, and empowered them to exercise complete authority over minors.

28. Frs. Sclafani and Magee’s duties and responsibilities included teaching, supervising, interacting with, mentoring, and counseling minor boys.

29. In the performance of their duties, Defendants authorized Frs. Sclafani and Magee to be alone with minor boys, including Plaintiff, and to have unfettered and unsupervised access to them on Defendants' property.

30. Defendants also authorized Frs. Sclafani and Magee to have physical contact with minor boys, in a manner consistent with providing discipline, counseling, educational and spiritual guidance, and leadership.

31. Defendants required students, like Plaintiff, to accept discipline and instruction from Frs. Sclafani and Magee and other clergy and teachers, and to obey their instructions.

32. 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 Frs. Sclafani and Magee.

33. During Plaintiff's time from second to fifth grades of school (approximately 1969-1973), Plaintiff attended classes at Defendant St. Joseph. Fr. Sclafani, acting in his capacity as a priest/teacher, and in furtherance of the business of Defendants, singled Plaintiff out for sexual abuse.

34. There, in a room on church/school premises, on multiple occasions, Fr. Sclafani sexually abused Plaintiff by engaging in unpermitted, forcible and harmful sexual contact with Plaintiff.

35. Fr. Sclafani threatened Plaintiff to ensure Plaintiff stayed silent about the abuse.

36. In addition to these threats, Plaintiff's relationship to Defendants as a vulnerable child and student, and the culture of the Catholic Church which Defendants endorsed, put pressure on Plaintiff not to report Fr. Sclafani's abuse or his threats.

37. At a later time, when Fr. Sclafani was teaching elsewhere for the Diocese, Fr. Sclafani arranged for Plaintiff to visit him. During these visits, Fr. Sclafani engaged in unpermitted, forcible and harmful sexual contact with Plaintiff.

38. During Plaintiff's time in sixth grade (approximately 1973-1974) at Defendant St. Joseph. Fr. Magee, acting in his capacity as Plaintiff's sixth grade priest/teacher, and in furtherance of the business of Defendants, singled Plaintiff out for sexual abuse.

39. There, in a room or closet on church/school premises, on multiple occasions, Fr. Magee sexually abused Plaintiff by engaging in unpermitted, forcible and harmful sexual contact with Plaintiff.

40. Fr. Magee threatened Plaintiff to ensure Plaintiff stayed silent about the abuse.

41. In addition to these threats, Plaintiff's relationship to Defendants as a vulnerable child and student, and the culture of the Catholic Church which Defendants endorsed, put pressure on Plaintiff not to report Fr. Sclafani's abuse or his threats.

42. Defendants knew or should have known that Frs. Sclafani and Magee were a danger to minor boys like Plaintiff before they sexually abused Plaintiff.

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

44. Upon information and belief, not only were Defendants aware of sexual abuse of children, but they 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.

45. 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 Frs. Sclafani and Magee posed to Plaintiff.

46. Prior to the time of Plaintiff's abuse by Frs. Sclafani and Magee, 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.

47. The sexual abuse of Plaintiff by Frs. Sclafani and Magee was foreseeable.

48. Prior to the time of Plaintiff's abuse by Frs. Sclafani and Magee, Defendants knew or should have known of Frs. Sclafani and Magee's acts of child sexual abuse on other minors.

49. Defendants owed Plaintiff a reasonable duty of care because they affirmatively solicited children and parents to send their children to St. Joseph; 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 Frs. Sclafani and Magee, 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 Frs. Sclafani and Magee, to spend time with, interact with, and recruit children.

50. 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.

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

52. 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 limits of all courts of limited jurisdiction.

53. 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.

COUNT I

NEGLIGENT HIRING, RETENTION, SUPERVISION, AND DIRECTION

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

55. Prior to the sexual abuse of Plaintiff, Defendants learned or should have learned that Frs. Sclafani and Magee were not fit to work with or around children.

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

57. Defendants negligently retained Frs. Sclafani and Magee with knowledge of Fr. Sclafani and Fr. Magee's propensity for the type of behavior which resulted in Plaintiff's injuries.

58. At all relevant times Defendants had a duty to exercise due care in hiring, appointing, assigning, retention, supervision and direction of Frs. Sclafani and Magee, so as to protect minor children, including Plaintiff, who were likely to come into contact with them, and/or under their influence or supervision, and to ensure that Frs. Sclafani and Magee did not use their assigned positions to injure minors by sexual assault, contact, or abuse.

59. Defendants were negligent and failed to use reasonable care in hiring, appointing, assigning, and retention of Frs. Sclafani and Magee, failed to properly investigate their backgrounds and employment histories, and/or hired, appointed, and/or assigned them to Defendant St. Joseph when Defendants knew or should have known of facts that would make them a danger to children; and Defendants were otherwise negligent.

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

61. Frs. Sclafani and Magee would not have been in a position to sexually abuse Plaintiff had Defendants not been negligent in the hiring, retention, supervision, and direction of Frs. Sclafani and Magee.

62. At all relevant times, Frs. Sclafani and Magee acted in the course and scope of their employment with Defendants.

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

64. Plaintiff suffered grave injury as a direct result of Frs. Sclafani and Magee's sexual abuse and misconduct, including physical, psychological and emotional injury as described above.

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

66. 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.

COUNT II

NEGLIGENT, RECKLESS, AND WILLFUL MISCONDUCT

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

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

including Frs. Sclafani and Magee, 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.

69. Defendants knew or should have known this representation was false and that employing Frs. Sclafani and Magee and giving them unfettered access to children, including Plaintiff, posed an unacceptable risk of harm to children.

70. Defendants were negligent and did not use reasonable care in their training, if any, of minors about the risk of sexual abuse in their institution or facilities, to identify signs of sexual abuse, grooming behaviors, and sexual predators, and to report suspicions that a minor was abused, maltreated, groomed, and/or otherwise sexually abused.

71. Defendants were negligent and did not use reasonable care in their training, if any, of adult staff about the risk of sexual abuse in their institution or facilities, to identify signs of sexual abuse, grooming behaviors, and sexual predators, and their statutory duty to report suspicions that a minor was abused, maltreated, groomed, and/or otherwise sexually abused.

72. 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.

73. Defendants carelessly, negligently and recklessly failed to have in place an appropriate policy and/or practice to monitor, supervise or oversee Frs. Sclafani and Magee's interactions with minor students such as Plaintiff, in order to keep them safe from sexual abuse. Defendant Diocese maintained a policy and practice of covering up criminal activity committed by clergy members within the Diocese.

74. Defendants were negligent and did not use reasonable care in their training, if any, of minors and/or parents about the risk of sexual abuse in their institution and facilities, to

identify signs of sexual abuse, grooming behaviors, or sexual predators, and to report any suspicion that a minor may be getting abused, maltreated, groomed, or otherwise sexually abused.

75. Defendants were negligent and did not use reasonable care in their training, if any, of clergy members and/or adult staff about the risk of sexual abuse in their institution and facilities, to identify signs of sexual abuse, grooming behaviors, or sexual predators, and their statutory duty to report any suspicion that a minor may be getting abused, maltreated, groomed, or otherwise sexually abused.

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

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

78. Defendant Diocese failed to report multiple allegations of sexual abuse by its employees, agents, and representatives, to the proper authorities, thereby putting children at risk of sexual assault.

79. Upon information and belief, Defendants covered up acts of abuse by Frs. Sclafani and Magee, and concealed facts concerning Frs. Sclafani and Magee’s sexual misconduct from Plaintiff and his family.

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

81. Defendants failed to warn Plaintiff and his parents that Frs. Sclafani and Magee posed a risk of child sexual assault.

82. 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.

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

84. 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.

85. 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.

COUNT III

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

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

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

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

89. Defendants knew or disregarded the substantial probability that Frs. Sclafani and Magee would cause severe emotional distress to Plaintiff.

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

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

COUNT IV

PREMISES LIABILITY

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

93. At all relevant times, Defendants owned, operated, and /or controlled the premises known as St. Joseph, including the areas where the sexual abuse of Plaintiff occurred.

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

95. 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.

96. Defendants willfully, recklessly, and negligently failed to provide reasonably safe premises free from the presence of sexual predators and/or the assault by the occupants of the premises, including Frs. Sclafani and Magee. Defendants thereby breached their duty of care of Plaintiff.

97. 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.

98. 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 costs.

COUNT V

BREACH OF FIDUCIARY DUTY

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

100. 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.

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

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

103. 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.

104. 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 costs.

COUNT VI

BREACH OF DUTY IN LOCO PARENTIS

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

106. 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.

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

108. 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.

109. 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 costs.

COUNT VII

BREACH OF STATUTORY DUTIES TO REPORT

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

111. 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.

112. Defendants breached their statutory duty by willfully and knowingly failing to report reasonable suspicion of abuse by Frs. Sclafani and Magee of children in their care.

113. As a direct and proximate result of Defendants' foregoing breaches, Plaintiff suffered grave injury, including 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 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

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

Dated: July 20, 2020

Yours, etc.

PHILLIPS & PAOLICELLI, LLP

/s/ Yitzchak Fogel

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