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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
70145/2020E	Picard RJM, Sr. Therese	4	Archdiocese of New York, Church & School of St. John-Visitation, & US Province of the Religious of Jesus & Mary, Inc.	DOE, PC-21

STATE OF NEW YORK
SUPREME COURT: COUNTY OF BRONX

<p>PC-21 DOE,</p> <p style="text-align: center;">Plaintiff,</p> <p>vs.</p> <p>ARCHDIOCESE OF NEW YORK, CHURCH OF ST. JOHN n/k/a CHURCH OF ST. JOHN-VISITATION, ST. JOHN'S SCHOOL, and RELIGIOUS OF JESUS AND MARY a/k/a U.S. PROVINCE OF THE RELIGIOUS OF JESUS AND MARY, INC.,</p> <p style="text-align: center;">Defendants.</p>
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SUMMONS

Plaintiff designates the County of BRONX 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
November 10, 2020

Phillips & Paolicelli, LLP
Attorneys for Plaintiffs

/s/ Michael DeRuve
By: Diane Paolicelli
Michael DeRuve
747 Third Avenue, 6th Floor
New York, New York 10027
212-388-5100
dpaolicelli@p2law.com
mderuve@p2law.com

TO:

ARCHDIOCESE OF NEW YORK

1011 First Avenue
New York, NY 10022

CHURCH OF ST. JOHN-VISITATION

3021 Kingsbridge Ave
Bronx, New York 10463

ST. JOHN'S SCHOOL

3143 Kingsbridge Ave
Bronx, New York 10463

**RELIGIOUS OF JESUS AND MARY a/k/a U.S.
PROVINCE OF THE RELIGIOUS OF JESUS
AND MARY, INC.**

821 Varnum St. NE
Washington, DC 20017

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STATE OF NEW YORK
SUPREME COURT: COUNTY OF BRONX

<p>PC-21 DOE,</p> <p style="text-align: center;">Plaintiff,</p> <p>vs.</p> <p>ARCHDIOCESE OF NEW YORK, CHURCH OF ST. JOHN-VISITATION, ST. JOHN'S SCHOOL, and RELIGIOUS OF JESUS AND MARY a/k/a U.S. PROVINCE OF THE RELIGIOUS OF JESUS AND MARY, INC.</p> <p style="text-align: center;">Defendants.</p>
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COMPLAINT

Index No.:

Plaintiff PC-21 Doe, by and through her undersigned attorneys, as and for her 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-21 Doe was repeatedly sexually abused and assaulted by Sister Therese Picard (herein "Sr. Picard"), who was hired, retained, supervised, placed, directed and otherwise authorized to act by Defendants Archdiocese of New York ("Diocese), Church of St. John-Visitation ("St. John Church"), St. John's School, and Religious Of Jesus And Mary a/k/a U.S. Province Of The Religious Of Jesus And Mary, Inc. ("RJM")(herein collectively "Defendants").
3. From approximately 1976 to 1977, when Plaintiff was about thirteen years old, she was sexually abused by Sr. Picard on multiple occasions.

4. The abuse at issue took place while Plaintiff was an altar girl and student at the St. John Church and St. John's School in Bronx, NY where the abuser, Sr. Picard, was a nun.

5. Despite years of refusal to publically address rampant child abuse by its clergy members, including priests and nuns, Defendant Diocese recently published a long list clergy in their employ who were credibly accused of molesting children.

6. In fact, the Roman Catholic Church and Defendants have long known that substantial numbers of clergy members 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.

7. Not with standing 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 Sr. Picard, permitted the abuse to occur, failed to supervise Sr. Picard, failed to timely investigate Sr. Picard 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 Sr. Picard's sexual assault of Plaintiff, and Plaintiff's consequential injuries and damages.

PARTIES

8. Plaintiff is an individual residing in Westchester County, New York.

9. Plaintiff was born in 1964.

10. Defendant Diocese (herein "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 1011 First Avenue, New York, NY 10022.

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

12. At all relevant times, Defendant St. John Church is a Roman Catholic Church, and not-for-profit corporation organized pursuant to the laws of the State of New York, and which operated at all relevant times in Bronx County, New York, with its principal place of business at 3021 Kingsbridge Avenue, Bronx, NY 10463.

13. At all relevant times, Defendant St. John Church was and still is under the direct ownership, authority, control, and/or province of the Diocese.

14. At all relevant times, Defendant St. John's School was and is Roman Catholic Church, and not-for-profit corporation organized pursuant to the laws of the State of New York, and which operates at all relevant times in Bronx County, New York, with its principal place of business at 3143 Kingsbridge Avenue, Bronx, NY 10463.

15. At all relevant times, RJM is a not-for-profit corporation organized pursuant to the laws of the State of New York, and which operated at all relevant times in Bronx County, New York, with its principal place of business at 821 Varnum St. NE, Washington, DC 20017.

16. At all relevant times, the Diocese, St. John Church, and RJM owned the premises where St. John's School was located.

17. At all relevant times, Defendants oversaw, managed controlled, directed and operated St. John's School.

18. At all relevant times, Defendants individually and collectively oversaw, managed, controlled, directed and assigned priests, nuns, brothers, and/or other clergy members to work in parishes, churches and schools of the Diocese, including St. John's School.

FACTUAL ALLEGATIONS

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

20. At all relevant times, Sr. Picard was a Roman Catholic nun employed by Defendants.

21. At all relevant times, Sr. Picard was under the direct supervision, employ, and control of the Defendants.

22. During the time that Plaintiff was a student and altar girl attending St. John Church and St. John's School, Defendants assigned Sr. Picard to be a nun at St. John Church and/or St. John's School.

23. By assigning Sr. Picard to the role of nun, Defendants gave Sr. Picard complete access to minors, including Plaintiff, and empowered her to discipline, punish, reprimand, chastise, expel and otherwise exercise complete authority over minors.

24. Sr. Picard's duties and responsibilities included supervising, interacting with, mentoring and counseling minor girls.

25. In the performance of their duties, Defendants authorized Sr. Picard to be alone with minor girls, including Plaintiff, and to have unfettered and unsupervised access to them on Defendants' property.

26. Defendants also authorized Sr. Picard to have physical contact with minor girls, in a manner consistent with providing counseling, educational and spiritual guidance, and leadership.

27. Defendants required students and parishioners, like Plaintiff, to accept instruction from Sr. Picard and other clergy and teachers, and to obey their instruction.

28. 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 Sr. Picard.

29. In approximately 1976 to 1977, when Plaintiff was about 13 years old, Sr. Picard, acting in her capacity as nun, and in furtherance of the business of Defendants, used her position to gain the trust and friendship of Plaintiff and so she could act on her sexual attraction to minor girls.

30. On multiple occasions, on the premises of St. John Church, including her room in the covenant, Sr. Picard engaged in unpermitted, forcible and harmful sexual contact with Plaintiff.

31. The sexual contact was in violation of Article 130 of New York Penal Law.

32. Plaintiff's relationship to Defendants as a vulnerable child, parishioner, and student, and the culture of the Catholic Church which Defendants endorsed, put pressure on Plaintiff not to report Sr. Picard's abuse.

33. Defendants knew or should have known that Sr. Picard was a danger to minor girls like Plaintiff before she sexually abused Plaintiff.

34. The Vatican and other church authorities addressed the problem of clergy sex abuse on countless occasions prior to Sr. Picard's abuse of Plaintiff, and communicated as much with all levels of Church hierarchy including bishops and other Diocesan leaders. As such, at all

relevant times, Defendants were well aware that errant sexual behavior by some clergy members was not only widespread but predictable.

35. Upon information and belief, not only were Defendants Diocese, St. John Church and St. John's School aware of sexual abuse of children, but it participated in covering up such heinous acts by moving errant priests, nuns, and clergy members, such as Sr. Picard, from assignment to assignment, thereby putting Plaintiff and other children in harm's way.

36. Defendants owed Plaintiff a duty of reasonable care because they had superior knowledge about the risks their facilities posed to minor children, the risk of abuse in general, and the risks that Sr. Picard posed to Plaintiff.

37. Prior to the time of Plaintiff's abuse by Sr. Picard, 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.

38. The sexual abuse of Plaintiff by Sr. Picard was foreseeable.

39. Prior to the time of Plaintiff's abuse by Sr. Picard, Defendants knew or should have known of Sr. Picard's acts of child sexual abuse on other minors.

40. Defendants owed Plaintiff a reasonable duty of care because they affirmatively solicited children and parents to send their children to St. John Church and/or St. John's School; 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 Sr. Picard, 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 Sr. Picard, to spend time with, interact with, and recruit children.

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41. Defendants owed Plaintiff a heightened, fiduciary duty of care because they held themselves out as being able to provide a safe and secure environment for children, including Plaintiff; Plaintiff's parents entrusted Plaintiff to Defendants' care, and expected that Plaintiff would be safe and properly supervised in an environment free from harm and abuse; Plaintiff was a vulnerable minor, and unable to protect herself; and Defendants affirmatively assumed a position of empowerment over Plaintiff.

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

43. As a result of the foregoing, Plaintiff has suffered and continues to suffer great physical and mental pain and anguish, severe and permanent emotional distress, psychological injuries, fear and anxiety; was prevented and will continue to be prevented from performing her 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 monetary limits of all courts of lower jurisdiction.

44. To the extent that any Defendants plead, or otherwise seek to rely upon Article 16 of the New York Civil Practice Law and Rules (CPLR) to have fault apportioned to another allegedly culpable party, Plaintiff expressly states that Defendants' conduct falls within one or more of the subdivisions of CPLR 1602.

FIRST CAUSE OF ACTION**NEGLIGENT HIRING, RETENTION, SUPERVISION, AND DIRECTION**

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

46. Prior to the sexual abuse of Plaintiff, Defendants learned or should have learned that Sr. Picard was not fit to work with or around children.

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

48. Defendants negligently retained Sr. Picard with knowledge of Sr. Picard's propensity for the type of behavior which resulted in Plaintiff's injuries.

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

50. Defendants were negligent and failed to use reasonable care in hiring, appointing, assigning, and retention, of Sr. Picard, failed to properly investigate her background and employment history, and/or hired, appointed and/or assigned her to St. John Church and/or St. John's School, when Defendants knew or should have known of facts that would make her a danger to children; and Defendants were otherwise negligent.

51. Defendants were negligent and did not use reasonable care in their supervision and direction of Sr. Picard, failed to monitor her activities, failed to oversee the manner in which

he carried out the duties to which Defendants assigned her, even though they knew or should have known that Sr. Picard posed a threat of sexual abuse to minors; allowed the misconduct describe above to occur and continue; failed to investigate Sr. Picard's dangerous activities and remove her from their premises; and Defendants were otherwise negligent.

52. Sr. Picard would not have been in a position to sexually abuse Plaintiff had Defendants not been negligent in the hiring, retention, supervision, and direction of Sr. Picard.

53. At all relevant times, Sr. Picard acted in the course and scope of her employment with Defendants.

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

55. As a proximate and direct result of Sr. Picard's sexual abuse and Defendant's misconduct, Plaintiff suffered grave injury, including physical, psychological and emotional injury as described above.

56. By the reason of the foregoing, Defendants are liable to Plaintiff for compensatory and punitive damages, in an amount that exceeds the monetary limits of all courts of lower jurisdiction, to be determined at trial, together with interest and costs.

SECOND CAUSE OF ACTION

NEGLIGENT, RECKLESS, AND WILLFUL MISCONDUCT

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

58. 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 Sr. Picard, 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.

59. Defendants knew or should have known this representation was false and that employing Sr. Picard and giving her unfettered access to children, including Plaintiff, posed an unacceptable risk of harm to children.

60. Defendants were negligent and did not use reasonable care in their training, if any, of minor student, 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.

61. 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.

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

63. Over the decades, their “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.

64. 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.

65. Upon information and belief, Defendants covered up acts of abuse by Sr. Picard, and concealed facts concerning Sr. Picard's sexual misconduct from Plaintiff and her family.

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

67. Defendants failed to warn Plaintiff and her parents that Sr. Picard posed a risk of child sexual assault.

68. 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.

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

70. As a direct and proximate result of Sr. Picard and Defendants' misconduct, Plaintiff suffered grave injury, including the physical, psychological and emotional injury and damages as described above.

71. By the reason of the foregoing, Defendants are liable to Plaintiff for compensatory and punitive damages, in an amount that exceeds the monetary limits of all courts of lower jurisdiction, to be determined at trial, together with interest and costs.

THIRD CAUSE OF ACTION

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

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

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

74. Defendants' aforesaid negligent, grossly negligent and reckless misconduct, endangered Plaintiff's safety and caused her to fear for her own safety.

75. Defendants knew or disregarded the substantial probability that Sr. Picard would cause severe emotional distress to Plaintiff.

76. As a direct and proximate result of Sr. Picard's sexual abuse and Defendant's misconduct, Plaintiff suffered severe emotional distress including psychological and emotional injury as described above.

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

FOURTH CAUSE OF ACTION

PREMISES LIABILITY

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

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

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

81. 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.

82. Defendants knowingly and willfully failed to provide a reasonably safe premises that was free from the presence of sexual predators and/or the assault by the occupants of the premises, including Sr. Picard. Defendants thereby breached their duty of care of Plaintiff.

83. As a direct and proximate result of Sr. Picard's sexual abuse and Defendant's misconduct, Plaintiff suffered grave injury, including the physical, psychological, and emotional injury and damages as described above.

84. By the reason of the foregoing, Defendants are liable to Plaintiff for compensatory and punitive damages, in an amount that exceeds the monetary limits of all courts of lower jurisdiction, to be determined at trial, together with interest and costs.

FIFTH CAUSE OF ACTION

BREACH OF FIDUCIARY DUTY

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

86. 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.

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

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

89. As a direct and proximate result of Sr. Picard's sexual abuse and Defendant's misconduct, Plaintiff suffered grave injury, including the physical, psychological and emotional injury and damages as described above.

90. By the reason of the foregoing, Defendants are liable to Plaintiff for compensatory and punitive damages, in an amount that exceeds the monetary limits of all courts of lower jurisdiction, to be determined at trial, together with interest and costs.

SIXTH CAUSE OF ACTION

BREACH OF DUTY IN LOCO PARENTIS

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

92. 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 her a duty to act *in loco parentis* and to prevent foreseeable injuries.

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

94. As a direct and proximate result of Sr. Picard's sexual abuse and Defendant's 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 that exceeds the monetary limits of all courts of lower jurisdiction, to be determined at trial, together with interest and costs.

SEVENTH CAUSE OF ACTION**BREACH OF STATUTORY DUTIES TO REPORT**

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

97. 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.

98. Defendants breached their statutory duty by knowingly and/or willingly failing to report reasonable suspicion of abuse by Sr. Picard of children in their care.

99. As a direct and proximate result of Sr. Picard's sexual abuse and Defendant's misconduct, Plaintiff suffered grave injury, including the physical, psychological and emotional injury and damages as described above.

100. By the reason of the foregoing, Defendants are liable to Plaintiff for compensatory and punitive damages, in an amount that exceeds the monetary limits of all courts of lower jurisdiction, to be determined at trial, together with interest and costs.

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

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

Dated: November 10, 2020

Yours, etc.

PHILLIPS & PAOLICELLI, LLP

/s/ Michael DeRuve

By: Diane Paolicelli
Michael DeRuve
747 Third Avenue, 6th Floor
New York, New York 10027
212-388-5100
dpaolicelli@p2law.com
mderuve@p2law.com