

For research purposes only. Courtesy of New York State Unified Court System eTrack.
Available here: <https://iapps.courts.state.ny.us/webcivil/etrackLogin>



Summons & Complaints and all public documents subsequently completed and filed by Phillips & Paolicelli LLP. Address: 747 3rd Ave 6th floor, New York, NY 10017. Phone: (212) 388-5100.

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

NYS UCS Case Number	Alleged Perpetrator	Defendant #	Defendants	Plaintiff
950696/2020	Pipala, Fr. Edward	8	Archdiocese of New York, Sacred Heart Church & School, Moore Catholic HS, St. Joseph Catholic Church & St. Margaret Mary Church & School et al.	DOE, PC-46

Kevin Conway
Cooney & Conway.
kconway@cooneyconway.com
120 N LaSalle Street, Ste. 3000
Chicago, Illinois 60602
312-814-0110
Pro-Hac Pending

Attorneys for Plaintiff

THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK

1011 First Avenue,
New York, New York 10022

SACRED HEART CHURCH

26 Still Road,
Monroe, NY 10950.

SACRED HEART SCHOOL

26 Still Road,
Monroe, NY 10924

MOORE CATHOLIC HIGH SCHOOL

100 Merrill Avenue, Staten Island, NY 10314

ST. JOSEPH CHURCH

10 Croton Falls Road, Mahopac, NY 10541

ST. JOSEPH'S CATHOLIC CHURCH

95 Plum Brook Road, Somers, NY 10589

ST. MARGARET MARY CHURCH

1914 Morris Avenue, Bronx, NY 10453.

ST. MARGARET MARY SCHOOL

121 East 177th Street, Bronx, NY 10453

{00055989}

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

<p>PC-46 DOE</p> <p style="text-align: center;">Plaintiff,</p> <p>vs.</p> <p>THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, SACRED HEART CHURCH, SACRED HEART SCHOOL, MOORE CATHOLIC HIGH SCHOOL, ST. JOSEPH CHURCH, ST. JOSEPH’S CATHOLIC CHURCH, ST. MARGARET MARY CHURCH, and ST. MARGARET MARY SCHOOL,</p> <p style="text-align: center;">Defendants.</p>
--

COMPLAINT

Index No.:

NOW COMES Plaintiff, by and through his attorneys, Phillips and Paolicelli, as and for his 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-46 DOE and his family were devout Roman Catholics and were members of the Sacred Heart Church parish, as relevant here, between the years of 1986 and 1987.
3. At that time, Sacred Heart Church hired and employed Father Edward Pipala (“Fr. Pipala”) as a pastor following the Roman Catholic Archdiocese of New York (“Archdiocese”) appointment, and gave him unrestricted and unsupervised access to minor children, including Plaintiff.
4. Plaintiff, was approximately 10–11 years old in, the winter of 1986–1987.

5. In the winter of 1986–87 on a Sacred Heart Church and/or Sacred Heart School-sanctioned youth trip, Fr. Pipala sexually assaulted plaintiff in a condo in Seaside Heights, New Jersey.

6. To date, there have been numerous complaints against the Defendants, and others, relating to Fr. Pipala’s heinous and systematic acts of sexual abuse against young men and children in his parishes and schools. Prior to plaintiff’s abuse Fr. Pipala was sent for counseling by his superiors in the Archdiocese after sexually abusing minor children. He was then allowed to contact and be in the presence of minor children, even though he was a known sexual predator to the archdiocese while not known to be a sexual predator to the public or to those minor children and their families that he interacted with.

7. At the time of Plaintiff’s abuse, the Archdiocese, Sacred Heart Church, Sacred Heart School, Moore Catholic High School (“Moore School”), St. Joseph Church and/or St. Joseph’s Catholic Church, St. Margaret Mary Church (“Margaret Church”) and/or St. Margaret Mary School (“Margaret School”) had actual and/or constructive notice of Fr. Pipala’s propensities to engage in sexual contact with minors.

8. Notwithstanding this knowledge, and the fiduciary duty and relationship of trust owed to parishioners and their children as well as knowledge that Fr. Pipala was a danger to minors he came in contact with, Defendants negligently, recklessly, and willfully failed to protect the Plaintiff and other minors from sexual abuse by Fr. Pipala, permitted this abuse to occur by granting Fr. Pipala unfettered access to plaintiff and other children, failed to supervise Fr. Pipala, failed to timely investigate Fr. Pipala’s misconduct. Defendants also 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. Defendants acted to protect their own self-interest to the detriment of innocent children, and are otherwise responsible for Fr. Pipala's sexual assault of Plaintiff, and Plaintiff's consequential injuries and damages.

PARTIES

9. Plaintiff is an individual who lived in the State of New York at times relevant to this Complaint.

10. Plaintiff was born in 1975.

11. Defendant 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, and employees, authorized to conduct business and doing business at 1011 First Avenue, New York, New York.

12. At all relevant times, Defendant Archdiocese oversaw, managed, controlled, directed and operated parishes, churches and schools and their personnel of the Archdiocese.

13. At all relevant times, Defendant Sacred Heart Church was and still is a parish church organized pursuant to the laws of the State of New York and located at 26 Still Road, Monroe, NY 10950.

14. At all relevant times, Defendant Sacred Heart Church was and still is under the direct authority, control, and province of the Archdiocese.

15. At all relevant times, Defendant Archdiocese and/or Defendant Sacred Heart Church owned the premises where Sacred Heart Church was located.

16. At all relevant times, Defendant Archdiocese oversaw, managed, controlled, directed, and operated Sacred Heart Church.

17. At all relevant times, Defendant St. Joseph Church was and still is a parish church organized pursuant to the laws of the State of New York and located at 10 Croton Falls Road, Mahopac, NY 10541.

18. At all relevant times, Defendant St. Joseph Church was and still is under the direct authority, control, and province of the Archdiocese.

19. At all relevant times, Defendant Archdiocese and/or Defendant St. Joseph Church owned the premises where St. Joseph Church was located.

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

21. At all relevant times, Defendant St. Joseph's Catholic Church was and still is a parish church organized pursuant to the laws of the State of New York and located at 95 Plum Brook Road, Somers, NY 10589.

22. At all relevant times, Defendant St. Joseph's Catholic Church was and still is under the direct authority, control, and province of the Archdiocese.

23. At all relevant times, Defendant Archdiocese and/or Defendant St. Joseph's Catholic Church owned the premises where St. Joseph's Catholic Church was located.

24. At all relevant times, Defendant Archdiocese oversaw, managed, controlled, directed, and operated St. Joseph's Catholic Church.

25. At all relevant times, Defendant Margaret Church was and still is a parish church organized pursuant to the laws of the State of New York and located at 1914 Morris Avenue, Bronx, NY 10453.

26. At all relevant times, Defendant Margaret Church was and still is under the direct authority, control, and province of the Archdiocese.

27. At all relevant times, Defendant Archdiocese and/or Defendant Margaret Church owned the premises where Margaret Church was located.

28. At all relevant times, Defendant Archdiocese oversaw, managed, controlled, directed, and operated Margaret Church.

29. At all relevant times, Defendant Moore School was and still is a Roman Catholic secondary school which teaches students from 9th through 12th grade, organized pursuant to the laws of the State of New York and located at 100 Merrill Avenue, Staten Island, NY 10314.

30. At all relevant times, Defendant Moore School was and still is under the direct authority, control, and province of the Archdiocese.

31. At all relevant times, Defendant Archdiocese and/or Defendant Moore School owned the premises where Moore School was located.

32. At all relevant times, Defendant Archdiocese oversaw, managed, controlled, directed, and operated Moore School.

33. At all relevant times, Defendant Sacred Heart School was and still is a Roman Catholic elementary school which teaches students until 8th grade, organized pursuant to the laws of the State of New York and located at 26 Still Road, Monroe, NY 10924.

34. At all relevant times, Defendant Sacred Heart School was and still is under the direct authority, control, and province of the Archdiocese.

35. At all relevant times, Defendant Archdiocese and/or Defendant Sacred Heart School owned the premises where Sacred Heart School was located.

36. At all relevant times, Defendant Archdiocese oversaw, managed, controlled, directed, and operated Sacred Heart School.

37. At all relevant times, Defendant Margaret School was and still is a Roman Catholic elementary school which teaches students until 8th grade, organized pursuant to the laws of the State of New York and located at 121 East 177th Street, Bronx, NY 10453.

38. At all relevant times, Defendant Margaret School was and still is under the direct authority, control, and province of the Archdiocese.

39. At all relevant times, Defendant Archdiocese and/or Defendant Margaret School owned the premises where Margaret School was located.

40. At all relevant times, Defendant Archdiocese oversaw, managed, controlled, directed, and operated Margaret School.

41. Fr. Pipala was an agent of each Defendant at relevant times to be specified later in this Complaint.

FACTUAL ALLEGATIONS

42. Plaintiff repeats and realleges all preceding paragraphs of this Complaint as though fully set forth herein.

43. Between 1975 and 1988 plaintiff resided within the territory of the Archdiocese.

44. At all relevant times, Fr. Pipala was a Roman Catholic priest employed by the Archdiocese.

45. At all relevant times, Fr. Pipala was under the direct supervision, employ, and control of the Archdiocese and its bishop.

46. The Archdiocese assigned Fr. Pipala to work at Moore School in Staten Island, NY in 1975, and he worked there until 1977.

47. In 1977, the Archdiocese and Moore Catholic High School learned that Fr. Pipala sexually abused two minor boys attending Moore Catholic High School, and Fr. Pipala admitted to having abused them.

48. After learning of this abuse, Bishop O'Keefe of the Archdiocese terminated Fr. Pipala's assignment at Moore School in 1977 and reassigned him to Margaret Church and/or Margaret School in NY, NY.

49. Soon thereafter, in 1977, the Archdiocese again reassigned Fr. Pipala to St. Joseph Church and/or St. Joseph's Catholic Church.

50. While assigned St. Joseph Church and/or St. Joseph's Catholic Church, there were more allegations that Fr. Pipala molested another minor-aged boy surfaced.

51. In 1981, the Archdiocese granted Fr. Pipala an associate pastor position at Sacred Heart Church. The Archdiocese promoted this position to full pastorship in 1984, and he remained there until 1988.

52. Between 1986 and 1987, Plaintiff was a minor in 5th grade attending Sacred Heart School, and he and his family attended Sacred Heart Church for worship.

53. Defendants Sacred Heart Church, Sacred Heart School, and the Archdiocese knew or should have known of Fr. Pipala's inappropriate sexual proclivities and improprieties prior to and at the time of his abuse of plaintiff. All Defendants knew or should have known about

previous complaints of his improper sexual activities and failed to disclose said acts to its parishioners, church members, and school members in the diocese.

54. By failing to disclose the abuses and assigning Fr. Pipala to the role of pastor, and as a priest in the Archdiocese and various parishes and schools, the Defendants gave Fr. Pipala access to minors, and empowered him to exercise authority and control over minors, including Plaintiff.

55. Fr. Pipala's duties and responsibilities included supervising, interacting with, mentoring and counseling minor boys, including Plaintiff.

56. In the performance of their duties, all Defendants authorized Fr. Pipala to be alone with minor boys, including Plaintiff, and to have unsupervised access to them.

57. All Defendants also authorized Fr. Pipala to have physical contact with minor boys in a manner consistent with providing discipline, counseling, educational and spiritual guidance, and leadership.

58. All Defendants taught and required minors, like Plaintiff, to accept spiritual and moral instruction from Fr. Pipala and other clergy, and to obey their instruction.

59. Plaintiff was raised as a Catholic, and at all relevant times had developed a reverence, respect and faith in the Catholic Church and its clergy, including Fr. Pipala.

60. Between the years 1981 and 1992, Fr. Pipala led a youth group organization known as "the Hole," which he used to access minor boys to sexually abuse. Under the guise of providing guidance and mentorship to minor boys, particularly those experiencing trouble at home or in school, Fr. Pipala sexually molested dozens of minor boys on the premises of Sacred Heart Church and another church, as well as on various youth group trips to destinations both inside and outside of New York State.

61. Through Fr. Pipala's appointment to Sacred Heart Church, Plaintiff first met Fr. Pipala in the mid-1980s at Sacred Heart School.

62. Sometime thereafter, in the winter months between 1986 and 1987, Plaintiff was a minor, enrolled in 5th grade at Sacred Heart School.

63. At aforesaid time, Fr. Pipala took Plaintiff on a church and/or school sanctioned trip to Seaside Heights, New Jersey, where Fr. Pipala gave Plaintiff several alcoholic beverages and engaged in unpermitted, unlawful, and harmful sexual contact with Plaintiff, a minor.

64. In addition, Plaintiff's groomed relationship with Fr. Pipala, his relationship to Defendants Sacred Heart Church, Sacred Heart School, and the Archdiocese, and Fr. Pipala's authority as a pastor within the culture of the Catholic Church which all Defendants endorsed, put pressure on Plaintiff not to report Fr. Pipala's abuse.

65. In fact, despite all of the Defendants' knowledge of Fr. Pipala's prior sexual misconduct, Fr. Pipala's reputation in the community was one of an upstanding priest and pastor. Defendants knew that this was a false. He was, in fact, a predator.

66. All Defendants knew or should have known that Fr. Pipala was a danger to minor boys like Plaintiff before he sexually abused Plaintiff.

67. All Defendants knew or should have known that The Vatican and other church authorities addressed the problem of clergy sex abuse on countless occasions prior to Fr. Pipala's abuse of Plaintiff.

68. Said knowledge was communicated as much with all levels of Church hierarchy including bishops and other archdiocesan leaders. As such, at all relevant times, all Defendants understood that errant sexual behavior by Catholic priests was not only widespread, but

predictable, especially given the Defendant's previous knowledge of Fr. Pipala's improper sexual conduct.

69. Due to said extensive knowledge of childhood abuse by Fr. Pipala and many other priest, all Defendants knew or should have known of actual and potential dangers to minor children presented by unsupervised contact of minors with Fr. Pipala and other priests.

70. Upon information and belief, not only was Defendant Archdiocese aware of Fr. Pipala's abuse of children, but it participated in delaying disclosure/covering up such heinous acts by remaining silent regarding said behavior, failing to prosecute him, and continually reassigning him thereby putting children in harm's way.

71. All defendants owed Plaintiff a duty of reasonable care because they had superior knowledge about the risks of sexual abuse in the Catholic Church and the risks that their personnel posed to minor children, the risk of abuse in general, and the risks that Fr. Pipala posed to Plaintiff.

72. Prior to the time of Plaintiff's abuse by Fr. Pipala, all Defendants knew or should have known of numerous acts of sexual assault committed by clergy members within the Roman Catholic Church and knew that there was a specific danger of child sex abuse for children in their institutions and programs.

73. The sexual abuse of Plaintiff by Fr. Pipala was foreseeable.

74. Prior to the time of Plaintiff's abuse by Fr. Pipala, all Defendants knew or should have known of Fr. Pipala's acts of child sexual abuse on other minors.

75. After Plaintiff was abused, Sacred Heart School, Sacred Heart Church, and the Archdiocese failed to act and caused other children to be abused by Fr. Pipala when he was reassigned to another church in 1988 and continued "the Hole."

76. Defendants Sacred Heart School, Sacred Heart Church, and the Archdiocese owed Plaintiff a reasonable duty of care because they affirmatively solicited children and parents to send their children to them; they undertook custody of minor children, including Plaintiff; they promoted their personnel and programs as being safe for children, including Plaintiff; they promoted their personnel and programs as being safe for children, they held out their agents, including Fr. Pipala, 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 Fr. Pipala, to spend time and interact with children, including Plaintiff, while unsupervised.

77. Defendants Sacred Heart School, Sacred Heart Church, and the Archdiocese 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.

78. All Defendants owed Plaintiff a duty to protect him from harm because Defendants' acts and omissions created a foreseeable risk of harm to Plaintiff and others similarly situated.

79. 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 hampered in 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 lower courts in this State.

80. 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 CAUSES OF ACTION
NEGLIGENT HIRING, RETENTION, SUPERVISION, AND DIRECTION
ALL DEFENDANTS

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

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

83. Defendants were negligent and failed to use reasonable care in hiring, appointing, assigning, and retention of Fr. Pipala, failed to properly investigate his background and employment history, and/or hired, appointed and/or assigned him to Defendant Sacred Heart Church, when all Defendants knew or should have known of facts that would make him a danger to children; and all Defendants were otherwise negligent.

84. All Defendants were negligent and did not use reasonable care in their supervision and direction of Fr. Pipala, failed to monitor his activities, failed to oversee the manner in which

he carried out the duties to which Defendants assigned to him, even though they knew or should have known that Fr. Pipala posed a threat of sexual harm to minors; allowed the misconduct described above to occur and continue; failed to investigate Fr. Pipala's dangerous activities and remove him from his position; failed to disclose what they knew about his prior abuses; and Defendants were otherwise negligent.

85. All 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.

86. All 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 duty to report any suspicion that a minor may be getting abused, maltreated, groomed, or otherwise sexually abused.

87. Fr. Pipala would not have been in a position to sexually abuse Plaintiff had all Defendants not been negligent in the hiring, retention, supervision, and direction of Fr. Pipala.

88. At all times relevant to this Complaint, Fr. Pipala acted in the course and scope of his employment with all Defendants.

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

90. Plaintiff suffered grave injury as a result of Fr. Pipala's sexual abuse and misconduct, including physical, psychological and emotional injury as described above.

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

SECOND CAUSE OF ACTION
NEGLIGENT, RECKLESS, AND WILLFUL MISCONDUCT
ALL DEFENDANTS

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

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

94. All Defendants knew or should have known this representation was false and that employing Fr. Pipala and giving him access to children, including Plaintiff, posed an unacceptable risk of harm to children.

95. All Defendants had a policy of not discussing the dangers of sexual abuse, not discussing historical abuse by priests, and not discussing the prevention of sexual abuse with minors so that minors would know how to immediately report said abuse, would know that abuse was a crime, and would otherwise have knowledge to protect themselves from sexual abuse. All Defendants, otherwise, did not have a sex abuse prevention program for minors under their own care.

96. Defendant Archdiocese maintained a policy and practice of not disclosing and/or covered up criminal activity committed by clergy members within the Archdiocese, and to a certain extent continues to maintain such policy and practice today.

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

98. 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.

99. Upon information and belief, all Defendants covered up acts of abuse by Fr. Pipala, and concealed facts concerning Fr. Pipala’s sexual misconduct from Plaintiff.

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

101. All Defendants failed to warn Plaintiff and his parents that Fr. Pipala posed a risk of child sexual assault.

102. The conduct of all 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.

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

104. As a direct and proximate result of all Defendants’ misconduct, Plaintiff suffered grave injury, including the physical, psychological and emotional injury and damages as described above.

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

THIRD AND FOURTH CAUSES OF ACTION
NEGLIGENT AND/OR INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
ALL DEFENDANTS

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

107. All Defendants intentionally, wantonly, willfully, maliciously, and recklessly caused Plaintiff severe emotional distress.

108. All Defendants intended to cause, or disregarded a substantial probability of causing, severe emotional distress to Plaintiff.

109. All Defendants unreasonably and negligently endangered Plaintiff's physical safety through their acts and omissions.

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

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

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

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

FIFTH CAUSE OF ACTION
BREACH OF FIDUCIARY DUTY
SACRED HEART SCHOOL, SACRED HEART CHURCH & THE ARCHDIOCESE

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

115. At all relevant times, there existed a fiduciary relationship of trust, confidence, and reliance between Plaintiff and the Sacred Heart School, Sacred Heart Church, and the Archdiocese. The entrustment of Plaintiff to the care and supervision of these Defendants while Plaintiff was a vulnerable child, imposed upon Defendants a fiduciary duty to act in the best interests of Plaintiff.

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

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

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

119. By the reason of the foregoing, Sacred Heart School, Sacred Heart Church, and the Archdiocese are liable to Plaintiff for compensatory and punitive damages, in an amount to be determined at trial, together with interest and costs.

SIXTH CAUSE OF ACTION
BREACH OF DUTY *IN LOCO PARENTIS*
SACRED HEART SCHOOL, SACRED HEART CHURCH & THE ARCHDIOCESE

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

121. At all relevant times, Plaintiff was a vulnerable child entrusted to Sacred Heart School, Sacred Heart Church, and the Archdiocese, and was under the supervision and control of these Defendants, such that these Defendants owed him a duty to act *in loco parentis* and to prevent foreseeable injuries.

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

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

124. By the reason of the foregoing, Sacred Heart School, Sacred Heart Church, and the Archdiocese are liable to Plaintiff for compensatory and punitive damages, in an amount to be determined at trial, together with interest and costs.

SEVENTH CAUSE OF ACTION
BREACH OF STATUTORY DUTIES TO REPORT
ALL DEFENDANTS

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

126. 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.

127. All Defendants breached their statutory duty by failing to report abuse herein.

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

129. By the reason of the foregoing, Sacred Heart School, Sacred Heart Church, and the Archdiocese are liable to Plaintiff for compensatory and punitive damages, in an amount to be determined at trial, together with interest and costs.

JOINT AND SEVERAL LIABILITY

130. Per CPLR 1601(a), the limitation on Joint and Several Liability does not apply here as this case falls under CPLR 1602(5) intentional acts and CPLR 1602(7) actions involving reckless disregard for the safety of others and CPLR 1602(11) parties acting intentionally or knowingly in concert with others as pled in detail in the causes of action above.

JURY TRIAL DEMANDED

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

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 Plaintiff's 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.

Dated: May __, 2020.

Yours,

PHILLIPS & PAOLICELLI, LLP

_____/s/ Mike DeRuve_____

By: Diane Paolicelli
dpaolicelli@p2law.com
Michael DeRuve
mderuve@p2law.com
747 Third Avenue, Sixth Floor
New York, New York 10017
212-388-5100

and

Kevin Conway
Cooney & Conway
kconway@cooneyconway.com
120 N. LaSalle Street, Ste. 3000
Chicago, Illinois 60602
312-814-0110
Pro-hac pending

Attorneys for Plaintiff