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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. Faluszczyk:

NYS UCS Case Number	Alleged Perpetrator	Defendant #	Defendants	Plaintiff
515579/2020	Rankin OFM, Fr. Firmin	6	Archdiocese of New York, Order of Friars Minor-Holy Name Province, Diocese of Brooklyn et al.	DOE, PB-55

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

-----X
PB-55 DOE,

Plaintiff,

-against-

THE ROMAN CATHOLIC ARCHDIOCESE OF
NEW YORK, ORDER OF FRIARS MINOR –
HOLY NAME PROVINCE, A/K/A HOLY NAME
PROVINCE OF FRANCISCAN FRIARS, ST.
FRANCIS OF ASSISI, THE ROMAN CATHOLIC
DIOCESE OF BROOKLYN, NEW YORK, CAMP
ALVERNIA, CONGREGATION OF THE
RELIGIOUS BROTHERS OF THE THIRD ORDER
REGULAR OF ST. FRANCIS A/K/A THE
FRANCISCAN BROTHERS GENERALATE
A/K/A THE FRANCISCAN BROTHERS OF
BROOKLYN A/K/A FRANCISCAN BROTHERS
INC.

Defendants.
-----X

SUMMONS

Plaintiffs designate the County of
KINGS as the place of trial.
The basis of venue is multiple
Defendants' county of residence
pursuant to CPLR §503(a).

INDEX No.:

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 defaulted for the relief demanded in the complaint.

Dated: New York, New York
August 14, 2020

PHILLIPS & PAOLICELLI, LLP
Attorneys for Plaintiff

By: 
Ari L. Taub Esq.
ataub@p2law.com

{00054173}

747 Third Avenue, 6th Fl.
New York, NY 10017
(212) 388-5100

To:

THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK
1011 1st Ave.
New York, NY 10022

**ORDER OF FRIARS MINOR – HOLY NAME PROVINCE, A/K/A HOLY NAME
PROVINCE OF FRANCISCAN FRIARS**
129 W. 31st Street, 2nd Floor
New York, New York 10001.

ST. FRANCIS OF ASSISI
135 W. 31st St.
New York, NY 10001.

THE ROMAN CATHOLIC DIOCESE OF BROOKLYN, NEW YORK
45 Main Street, Ste. 1020
Brooklyn, NY 11201

CAMP ALVERNIA
105 Prospect Road
Centerport, NY 11721

**CONGREGATION OF THE RELIGIOUS BROTHERS OF THE THIRD ORDER
REGULAR OF ST. FRANCIS A/K/A THE FRANCISCAN BROTHERS GENERALATE
A/K/A THE FRANCISCAN BROTHERS OF BROOKLYN A/K/A FRANCISCAN
BROTHERS INC.**
133 Remsen Street
Brooklyn, New York

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

-----X
PB-55 DOE,

Plaintiff,

-against-

COMPLAINT

INDEX No.:

THE ROMAN CATHOLIC ARCHDIOCESE OF
NEW YORK, ORDER OF FRIARS MINOR –
HOLY NAME PROVINCE, A/K/A HOLY NAME
PROVINCE OF FRANCISCAN FRIARS, ST.
FRANCIS OF ASSISI, THE ROMAN CATHOLIC
DIOCESE OF BROOKLYN, NEW YORK, CAMP
ALVERNIA, CONGREGATION OF THE
RELIGIOUS BROTHERS OF THE THIRD ORDER
REGULAR OF ST. FRANCIS A/K/A THE
FRANCISCAN BROTHERS GENERALATE
A/K/A THE FRANCISCAN BROTHERS OF
BROOKLYN A/K/A FRANCISCAN BROTHERS
INC.

Defendants.

-----X

Plaintiff PB-55 DOE, by and through his undersigned attorneys, as and for their
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 PB-55 DOE was sexually abused and assaulted by multiple members of the Defendants' clergy/staff.
3. This abuse included, in or about 1977-1978, when the Plaintiff was approximately four years old, by Fr. Rankin Rankin, O.F.M., who was hired, retained, supervised, placed, directed and otherwise authorized to act by Defendants The Roman Catholic Archdiocese of

New York, the Order of Friars Minor – Holy Name Province, a/k/a Holy Name Province Of Franciscan Friars, St. Francis of Assisi (hereinafter “ARCHDIOCESE DEFENDANTS”)

4. Further abuse included, in or about 1987-1988, the sexual abuse of the Plaintiff by two unidentifiable members of the clergy (who, upon information and belief, had first names of “Ken” and “Bobby”, and hereinafter so identified), who were sent to California by Fr. Firmin Rankin by and through his role as an agent for ARCHDIOCESE DEFENDANTS, to perform a purported religious ceremony on the Plaintiff when he was approximately 13 years old.

5. Further abuse included, in or about 1977-1978, when the Plaintiff was approximately four years old, the sexual abuse of the Plaintiff by Brother Benedict Wengler, who was hired, retained, supervised, placed, directed and otherwise authorized to act by Defendants The Roman Catholic Diocese of Brooklyn, New York, Camp Alvernia, Congregation of the Religious Brothers of the Third Order Regular of St. Francis, a/k/a The Franciscan Brothers of Brooklyn a/k/a The Franciscan Brothers Generalate a/k/a Franciscan Brothers, Inc. (hereinafter collectively “BROOKLYN DIOCESE DEFENDANTS”).

6. Despite years of refusal to publically address rampant child abuse by priests, Defendants recently published long lists of clergy in their employ who were credibly accused of molesting children.

7. In fact, the Roman Catholic Church and Defendants have long known that substantial numbers of priests, brothers, and other members of the clergy, 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.

8. Notwithstanding this knowledge, and the fiduciary duty and relationship of trust owed to parishioners and their children, Defendants negligently, recklessly, and willfully failed to protect Plaintiff from sexual abuse by Fr. Rankin Rankin (hereinafter “Fr. Rankin”), Brother Ben Wengler (hereinafter “Br. Ben”), and Ken and Bobby, permitted the abuse to occur, failed to supervise these abusers, failed to timely investigate these abusers’ misconduct, acted to protect their own self-interest to the detriment of innocent children, and are otherwise responsible for Fr. Rankin’s, Br. Ben’s, Ken’s, and Bobby’s sexual assault of Plaintiff, and Plaintiff’s consequential injuries and damages.

PARTIES

9. Plaintiff is an individual residing in the city of La Mesa, California.

10. Plaintiff was born in 1974.

11. Whenever reference is made to any Defendant entity, such reference includes that entity, its parent companies, subsidiaries, affiliates, predecessors, and successors. In addition, whenever reference is made to any act, deed, or transaction of any entity, the allegation means that the entity engaged in the act, deed, or transaction by or through its officers, directors, agents, employees, or representatives while they were actively engaged in the management, direction, control, or transaction of the entity’s business or affairs.

12. At all relevant times, Defendant The Roman Catholic Archdiocese of New York (“ARCHDIOCESE”) was and continues to be an organization or entity which includes, but is not limited to, civil corporations, decision making entities, officials, and employees, authorized to

conduct business and conducting business in the State of New York with its principal place of business at 1011 First Avenue, New York, NY 10022.

13. The Archdiocese was created in approximately 1850. Later, the ARCHDIOCESE created a corporation called the Archdiocese of New York to conduct some of its affairs. The ARCHDIOCESE operates its affairs as both a corporate entity and as the organization known as the Archdiocese of New York. Both of these entities and all other affiliated corporations and entities controlled by the Archbishop are included in this Complaint as the “ARCHDIOCESE.” The ARCHDIOCESE functions as a business by engaging in numerous revenue producing activities and soliciting money from its members in exchange for its services.

14. The ARCHDIOCESE has several programs that seek out the participation of children including, but not limited to, churches, parishes, and other religious programs. The ARCHDIOCESE, through its officials, has complete control over those activities and programs involving children. The ARCHDIOCESE has the power to appoint, train, supervise, monitor, remove, and terminate each and every person working with children within the ARCHDIOCESE.

15. At all relevant times, Defendant ARCHDIOCESE oversaw, managed, controlled, directed and operated parishes, churches and other religious programs and entities within the Archdiocese’s purview.

16. Upon information and belief, at all times herein mentioned, Defendant, ORDER OF FRIARS MINOR – HOLY NAME PROVINCE, A/K/A HOLY NAME PROVINCE OF FRANCISCAN FRIARS (hereinafter “OFM”), was and still is a not-for-profit corporation duly organized and existing under and by virtue of the laws of the State of New York, and maintains

an office for the transaction of business located at 129 W. 31st Street, 2nd Floor, New York, New York 10001.

17. At all relevant times hereinafter mentioned, Defendant OFM – which has been identified by various names, including but not limited to Franciscan Friars a/k/a and d/b/a Franciscan Friars Order of Friars Minor a/k/a and d/b/a Franciscan Friars Order of Friars Minor - English Speaking Conference a/k/a and d/b/a Franciscan Friars - Holy Name Province f/k/a and d/b/a Franciscan Fathers, Friars Minor (Holy Name Province) and f/k/a and d/b/a Franciscan Fathers - Province of the Most Holy Name of Jesus (“Franciscan Friars - Holy Name Province”) – was and continues to be a religious order of priests and brothers affiliated with the Roman Catholic Church, under the auspices of ARCHDIOCESE, with its United States headquarters and principal place of business at 129 West 31st Street, 2nd Floor, New York, NY 10001-3403.

18. Defendant OFM is an organization or entity which includes, but is not limited to, civil corporations, decision making entities, officials, and employees, authorized to conduct business and conducting business in the State of New York.

19. The provincial is the top official of the OFM and is given authority over all matters dealing with the Franciscan Friars - Holy Name Province as a result of his position. The OFM functions as a business by engaging in numerous revenue-producing activities and soliciting money from its members in exchange for its services.

20. The OFM has several programs that seek out the participation of children including, but not limited to, parishes, churches, schools and other programs. The OFM, through its officials, has complete control over those activities and programs involving children. The OFM has the power to appoint, train, supervise, monitor, remove and terminate each and every person working with children within the OFM.

21. At all times material, Defendant ST. FRANCIS OF ASSISI, d/b/a Church of St. Francis of Assisi, is and continues to be an organization authorized to conduct business and conducting business in the State of New York, with its principal place of business at 135 W. 31st St, New York, NY 10001.

22. ST. FRANCIS OF ASSISI includes, but is not limited to, the Church of St. Francis of Assisi and any other organizations and/or entities operating under the same or similar name with the same or similar principal place of business.

23. At all times material, Defendant ST. FRANCIS OF ASSISI was and continues to be under the direct authority, control, and province of Defendant ARCHDIOCESE and/or the Defendant OFM.

24. At all times material, Defendant OFM was and continues to be under the direct authority, control, and province of Defendant ARCHDIOCESE.

25. At all relevant times, Defendant ARCHDIOCESE and/or OFM and/or ST. FRANCIS OF ASSISI owned, individually or collectively, the premises where Defendant ST. FRANCIS OF ASSISI is located.

26. At all relevant times, these ARCHDIOCESE DEFENDANTS retained oversight, control, supervision, authority, and responsibility over the clergy within their parish/church, including but not limited to Fr. Rankin, Ken, and Bobby.

27. Upon information and belief, Father Firmin Rankin, O.F.M., died in 1991.

28. At all relevant times, these ARCHDIOCESE DEFENDANTS employed and/or relied on priests, clergy, religious brothers, religious sisters, employees, volunteers, and others who served various Catholic institutions and families, including Plaintiff and his family.

29. Defendant THE ROMAN CATHOLIC DIOCESE OF BROOKLYN, NEW YORK (hereinafter "DIOCESE") is currently a not-for-profit religious corporation of the Roman Catholic Church organized under New York law with its principal office in Brooklyn, New York.

30. At all relevant times the DIOCESE conducted business as, *inter alia*, the Diocese of Brooklyn, The Brooklyn Diocese, The Roman Catholic Diocese of Brooklyn, New York, and other similar names.

31. To the extent that the DIOCESE was a different entity, corporation, or organization during the period of time during which Br. Ben abused Plaintiff and used his positions as a religious brother and employee to sexually abuse Plaintiff, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit and is named in this lawsuit as the ROMAN CATHOLIC DIOCESE OF BROOKLYN, NEW YORK.

32. To the extent the DIOCESE is a successor to a different entity, corporation, or organization which existed during the period of time during which Br. Ben, who abused Plaintiff and used his positions as a religious brother and employee to sexually abuse Plaintiff, such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit and is named in this lawsuit as the ROMAN CATHOLIC DIOCESE OF BROOKLYN, NEW YORK.

33. All such Diocese-related entities, corporations, or organizations are collectively referred to herein as "DIOCESE".

34. At all relevant times, Defendant the CONGREGATION OF THE RELIGIOUS BROTHERS OF THE THIRD ORDER REGULAR OF ST. FRANCIS A/K/A THE FRANCISCAN BROTHERS OF BROOKLYN A/K/A THE FRANCISCAN BROTHERS

GENERALATE A/K/A FRANCISCAN BROTHERS INC. (hereinafter collectively “FRANCISCAN BROTHERS”) is and was a religious order and/or not for profit corporation of the Roman Catholic Church with its principal office located at 133 Remsen Street, Brooklyn, Kings County, New York.

35. To the extent the FRANCISCAN BROTHERS is a successor to a different entity, corporation, or organization which existed during the period of time during which Br. Ben, who abused Plaintiff and used his positions as a religious brother and employee to sexually abuse Plaintiff, such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit and is named in this lawsuit as THE FRANCISCAN BROTHERS OF BROOKLYN.

36. All such related entities, corporations, or organizations are collectively referred to herein as “FRANCISCAN BROTHERS”.

37. At all relevant times, FRANCISCAN BROTHERS created, owned, oversaw, managed, supervised, controlled, directed and/or operated various institutions including Defendant CAMP ALVERNIA, and oversaw, managed, supervised, controlled and directed all staff who worked at said institution, including but not limited to, Br. Ben.

38. Upon information and belief, Br. Ben Wengler’s full name is believed to be Brother Benedict Joseph Wengler. Upon information and belief, Br. Ben died in 1989.

39. At all relevant times hereinafter mentioned, Defendant Camp Alvernia (“CAMP ALVERNIA”) was a not-for-profit religious corporation organized under New York law that was wholly owned, operated, and controlled by the FRANCISCAN BROTHERS, and under the supervision, control, and authority of DIOCESE.

40. Upon information and belief, CAMP ALVERNIA is and at all relevant times was a not-for-profit religious corporation organized under the laws of the State of New York with its principal office located at 105 Prospect Road, Centerport, NY 11721.

41. During the off-season months of the year (approximately September through June), CAMP ALVERNIA provided shelter and housing to members of the FRANCISCAN BROTHERS, including Br. Ben.

42. Upon information and belief, CAMP ALVERNIA, through its agents, servants, and employees, including Br. Ben, during said off-season months, provided to poor and needy Catholic families, including the Plaintiff and his family, a food pantry, clothing, and other services.

43. Upon information and belief, at all relevant times hereinafter mentioned, Br. Ben was an employee and or agent of Defendants DIOCESE, CAMP ALVERNIA, and FRANCISCAN BROTHERS, i.e., BROOKLYN DIOCESE DEFENDANTS.

44. At all relevant times the BROOKLYN DIOCESE DEFENDANTS employed and/or relied on priests, clergy, religious brothers, religious sisters, employees, volunteers, and others who served various Catholic institutions and families, including Plaintiff and his family.

45. The Franciscan Brother who abused Plaintiff, Br. Ben, was a religious brother and employee and/or agent of the BROOKLYN DIOCESE DEFENDANTS who served Catholic families, including plaintiff and his family.

FACTUAL ALLEGATIONS

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

47. To the extent that any Defendant pleads, or otherwise seeks to rely upon Article 16 of the New York Civil Practice Law and Rules (CPLR) to have fault apportioned to another

allegedly culpable party, Plaintiff expressly states that Defendants' conduct falls within one or more of the subdivisions of CPLR specifically CPLR 1602(2) (iv) in that Defendants' liability herein arises by reason of a non-delegable duty or by reason of the doctrine of *respondet superior*, and CPLR 1602(7) in that defendants herein acted with reckless disregard for the safety of others.

a. FACTS RELATING TO ARCHDIOCESE DEFENDANTS

48. From approximately 1977-1978, and prior thereto, Plaintiff and his family attended church and religious services at Defendant ST. FRANCIS OF ASSISI, by and through the ARCHDIOCESE DEFENDANTS.

49. At all relevant times, Fr. Rankin was under the direct supervision, employ and control of the ARCHDIOCESE DEFENDANTS.

50. At all relevant times, Fr. Rankin was assigned by ARCHDIOCESE DEFENDANTS to conduct religious services and/or to provide religious services to parishioners at ST. FRANCIS OF ASSISI.

51. At all relevant times, Fr. Rankin's duties and responsibilities included providing religious and spiritual guidance, and conducting religious sermons and services for parishioners, including the Plaintiff and his family.

52. At all relevant times ARCHDIOCESE DEFENDANTS held Fr. Rankin out as a qualified pastor, father, educator, spiritual leader, and mentor for children, including Plaintiff.

53. Beginning in or about 1977, when Plaintiff was approximately four years old, Fr. Rankin, acting in the course and scope of his employment with ARCHDIOCESE DEFENDANTS, while on the premises of ST. FRANCIS OF ASSISI, which is owned and

operated by ARCHDIOCESE DEFENDANTS, on numerous occasions, engaged in unpermitted, forcible, and harmful, sexual assault, sexual abuse and/or sexual contact with Plaintiff.

54. When Plaintiff was approximately four years old, in or around approximately 1977, Fr. Rankin used his position with ARCHDIOCESE DEFENDANTS to sexually assault, sexually abuse and/or have sexual contact with the Plaintiff in violation of the laws of the State of New York.

55. The sexual abuse, sexual assault and/or sexual contact of Plaintiff by Fr. Rankin from approximately 1977-1978 occurred on ARCHDIOCESE DEFENDANTS' property in violation of the laws of the State of New York.

56. When Plaintiff was approximately thirteen years old, in or around approximately 1987, Fr. Rankin sent two members of the clergy of ST. FRANCIS OF ASSISI and/or ARCHDIOCESE DEFENDANTS, identified herein as "Ken and Bobby", whom Fr. Rankin knew to be abusers/molesters of children.

57. In or about 1987, these two members of the clergy, Ken and Bobby, arrived in California, where the Plaintiff then lived, for the stated purpose of performing a purported religious ceremony.

58. In or about 1987, when the Plaintiff was approximately thirteen years old, Ken and Bobby used their positions with ARCHDIOCESE DEFENDANTS to sexually assault, sexually abuse and/or have sexual contact with the Plaintiff in violation of the laws of the State of New York.

59. Upon information and belief, Fr. Rankin knew, recklessly disregarded, or should have known, that Ken and Bobby posed a grave and substantial risk to the Plaintiff of sexual

abuse, sexual assault and/or sexual contact of Plaintiff and/or that these individuals had the propensity to abuse the Plaintiff.

60. At all relevant times Fr. Rankin, Ken, and Bobby, were under the management, supervision, employ, direction and/or control of ARCHDIOCESE DEFENDANTS.

61. At all relevant times, Fr. Rankin, Ken, and Bobby's respective positions at, within, or for ARCHDIOCESE DEFENDANTS, put these abusers in contact with Plaintiff.

62. At all relevant times, Fr. Rankin, Ken, and Bobby, used their respective positions at, within, or for, ARCHDIOCESE DEFENDANTS, and the implicit representations made by them about their characters that accompanied that position to gain Plaintiff's and his family's trust and confidence and to create opportunities to be alone with and touch and assault Plaintiff.

63. During the time that Fr. Rankin, Ken, and Bobby, abused Plaintiff, these individuals used their positions with the ARCHDIOCESE DEFENDANTS to groom and to sexually abuse Plaintiff.

64. ARCHDIOCESE DEFENDANTS knew and/or reasonably should have known, and/or knowingly condoned, and/or covered up the inappropriate and unlawful sexual activities of Fr. Rankin, Ken, and Bobby, who sexually abused Plaintiff.

65. ARCHDIOCESE DEFENDANTS had the responsibility to manage, supervise, control and/or direct Fr. Rankin, Ken, and Bobby, who were pastors, priests, spiritual leaders, and/or mentors at ST. FRANCIS OF ASSISI and had a duty not to aid pedophiles such as Fr. Rankin, Ken, and Bobby, by assigning, maintaining and/or appointing them to positions with access to minors.

66. ARCHDIOCESE DEFENDANTS had a duty to the Plaintiff to ensure that these Defendants did not offer opportunities for pedophiles to approach and assault vulnerable minors.

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14

ARCHDIOCESE DEFENDANTS knew and/or should have known that Fr. Rankin, Ken, and Bobby, used their position at ST. FRANCIS OF ASSISI to harm minors, including Plaintiff and to form an acquaintance that could be, and was, used to provide opportunities for sexual abuse.

67. ARCHDIOCESE DEFENDANTS knew or should have known that Fr. Rankin, Ken, and Bobby, were a danger to minors, like Plaintiff, and had a propensity to commit acts of child sexual abuse before they sexually abused Plaintiff.

68. ARCHDIOCESE DEFENDANTS knew or should have known that allowing Fr. Rankin, Ken, and Bobby, to have unsupervised and unlimited access with children, particularly vulnerable children like Plaintiff, posed an unacceptable risk of child sex abuse.

69. Prior to the time of Plaintiff's abuse by Fr. Rankin, Ken, and Bobby, ARCHDIOCESE DEFENDANTS knew or should have known that there was a specific danger of child sex abuse for children in their institutions and programs.

70. The sexual abuse of Plaintiff by Fr. Rankin, Ken, and Bobby, was foreseeable to ARCHDIOCESE DEFENDANTS.

71. ARCHDIOCESE DEFENDANTS owed Plaintiff a reasonable duty of care because they affirmatively solicited children and parents to attend their church and services, to rely on the clergy at their church to be safe and reliable around vulnerable children; they undertook custody of minor children, including Plaintiff; they promoted their facilities and religious services as being safe for children; they held out their agents, including Fr. Rankin, Ken, and Bobby, as safe to work with and around minor children; they encouraged parents and children to spend time with their agents; and/or authorized their agents, including Fr. Rankin, Ken, and Bobby, to provide religious services to children.

72. ARCHDIOCESE DEFENDANTS owed Plaintiff a heightened, fiduciary and non-delegable 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 these 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 these Defendants affirmatively assumed a position of empowerment over Plaintiff.

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

74. At all relevant times, these ARCHDIOCESE DEFENDANTS knew or should have known that Fr. Rankin, Ken, and Bobby presented a significant risk of child sexual abuse to children within their parish/church, but failed to take appropriate and necessary actions to prevent such abuse to vulnerable children, including the Plaintiff herein.

75. These ARCHDIOCESE DEFENDANTS owed a duty of trust and care to Plaintiff and his family, violated that trust and their duty of care, and as a consequence the Plaintiff was injured as alleged herein.

b. FACTS RELATING TO BROOKLYN DIOCESE DEFENDANTS

76. From approximately 1977-1978, and prior thereto, Plaintiff and his family utilized the services of BROOKLYN DIOCESE DEFENDANTS during the off-season, non-summer months, by and through Defendant CAMP ALVERNIA, insofar as these Defendants provided food, clothing, and other services to needy Catholic families.

77. At all relevant times, upon information and belief, Br. Ben resided and worked on the facilities at CAMP ALVERNIA.

78. At all relevant times, Br. Ben was under the direct supervision, employ and control of the BROOKLYN DIOCESE DEFENDANTS.

79. At all relevant times, Br. Ben was assigned by BROOKLYN DIOCESE DEFENDANTS to assist with religious charitable work and services and/or to provide religious guidance and services to members of the Catholic faith.

80. At all relevant times BROOKLYN DIOCESE DEFENDANTS held Br. Ben out as a qualified brother, spiritual leader, and mentor for children, including Plaintiff.

81. Beginning in or about 1977, and upon information continuing through 1978, when Plaintiff was approximately four years old, Br. Ben, acting in the course and scope of his employment with BROOKLYN DIOCESE DEFENDANTS, Br. Ben, on the premises of CAMP ALVERNIA, which is owned and operated by BROOKLYN DIOCESE DEFENDANTS, on numerous occasions, engaged in unpermitted, forcible, and harmful, sexual assault, sexual abuse and/or sexual contact with Plaintiff.

82. The sexual abuse, sexual assault and/or sexual contact of Plaintiff by Br. Ben in CAMP ALVERNIA from approximately 1977-1978 occurred on BROOKLYN DIOCESE DEFENDANTS' property in violation of the laws of the State of New York.

83. In addition, in or about 1978, when Plaintiff was approximately five years old, Br. Ben, acting in the course and scope of his employment with BROOKLYN DIOCESE DEFENDANTS, engaged in unpermitted, forcible, and harmful, sexual assault, sexual abuse and/or sexual contact with Plaintiff during a drive from New York to California in which Br. Ben accompanied the Plaintiff's family.

84. When Plaintiff was approximately four or five years old, in or around approximately 1977-1978, Br. Ben used his position with BROOKLYN DIOCESE

DEFENDANTS to sexually assault, sexually abuse and/or have sexual contact with the Plaintiff in violation of the laws of the State of New York.

85. On multiple occasions between 1977-1978, when the Plaintiff was approximately four years old, Br. Ben sexually assaulted and molested the Plaintiff on the grounds of CAMP ALVERNIA.

86. During the time that Br. Ben abused Plaintiff, Br. Ben used his positions as a religious brother and employee of the BROOKLYN DIOCESE DEFENDANTS to groom and to sexually abuse Plaintiff.

87. At all relevant times Br. Ben was under the management, supervision, employ, direction and/or control of BROOKLYN DIOCESE DEFENDANTS.

88. At all relevant times, Br. Ben's position at, within, or for BROOKLYN DIOCESE DEFENDANTS, put Br. Ben in direct contact with Plaintiff.

89. At all relevant times, Br. Ben used his position at, within, or for, BROOKLYN DIOCESE DEFENDANTS, and the implicit representations made by them about their characters that accompanied that position to gain Plaintiff's and his family's trust and confidence and to create opportunities to be alone with and touch and assault Plaintiff.

90. BROOKLYN DIOCESE DEFENDANTS knew and/or reasonably should have known, and/or knowingly condoned, and/or covered up the inappropriate and unlawful sexual activities of Br. Ben, who sexually abused Plaintiff.

91. BROOKLYN DIOCESE DEFENDANTS had the responsibility to manage, supervise, control and/or direct Br. Ben, who was a religious brother, spiritual leader, and/or mentor at CAMP ALVERNIA and had a duty not to aid pedophiles such as Br. Ben by assigning, maintaining and/or appointing his to a position with access to minors.

92. BROOKLYN DIOCESE DEFENDANTS had a duty to the Plaintiff to ensure that Br. Ben did not have an opportunity to approach and assault vulnerable minors. BROOKLYN DIOCESE DEFENDANTS knew and/or should have known that Br. Ben used his position at CAMP ALVERNIA and as a member of BROOKLYN DIOCESE DEFENDANTS to harm minors, including Plaintiff and to form an acquaintance that could be, and was, used to provide opportunities for sexual abuse.

93. BROOKLYN DIOCESE DEFENDANTS knew or should have known that Br. Ben was a danger to minors, like Plaintiff, and that he had a propensity to commit acts of child sexual abuse, before he sexually abused Plaintiff.

94. BROOKLYN DIOCESE DEFENDANTS knew or should have known that allowing Br. Ben to have unsupervised and unlimited access with children, particularly vulnerable children like Plaintiff, posed an unacceptable risk of child sex abuse.

95. Prior to the time of Plaintiff's abuse by Br. Ben, BROOKLYN DIOCESE DEFENDANTS knew or should have known that there was a specific danger of child sex abuse for children in their institutions and programs.

96. The sexual abuse of Plaintiff by Br. Ben was foreseeable to BROOKLYN DIOCESE DEFENDANTS.

97. BROOKLYN DIOCESE DEFENDANTS owed Plaintiff a reasonable duty of care because they affirmatively solicited children and parents to attend their church and services, to rely on the clergy at their church to be safe and reliable around vulnerable children; they undertook custody of minor children, including Plaintiff; they promoted their facilities and religious services as being safe for children; they held out their agents, including Br. Ben, as safe to work with and around minor children; they encouraged parents and children to spend time

with their agents; and/or authorized their agents, including Br. Ben, to provide religious and charitable services to children.

98. BROOKLYN DIOCESE DEFENDANTS owed Plaintiff a heightened, fiduciary and non-delegable 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 these 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 these Defendants affirmatively assumed a position of empowerment over Plaintiff.

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

100. As a result of the foregoing misconduct on the part of ARCHDIOCESE DEFENDANTS and BROOKLYN DIOCESE DEFENDANTS, Plaintiff has suffered and continues to suffer great physical and mental pain and anguish, severe and permanent emotional distress, physical manifestations of 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 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.

FIRST CAUSE OF ACTION
AS AGAINST ARCHDIOCESE DEFENDANTS FOR
NEGLIGENT HIRING, RETENTION, SUPERVISION, AND DIRECTION

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

102. At all relevant times ARCHDIOCESE DEFENDANTS a duty to exercise due care in hiring, appointing, assigning, retention, supervision and direction of Fr. Rankin, Ken, and Bobby, 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 Fr. Rankin, Ken, and Bobby did not use their assigned position with the Church to injure minors by sexual assault, contact or abuse.

103. ARCHDIOCESE DEFENDANTS were negligent and failed to use reasonable care in hiring, appointing, assigning, and retention, of Fr. Rankin, Ken, and Bobby, failed to properly investigate their background and employment history, and/or hired, appointed and/or assigned them to Defendants' Church and/or clergy, when these Defendants knew or should have known of facts that would make him a danger to children and which would have put them on notice that they had the propensity to commit acts of child sexual abuse; and these Defendants were otherwise negligent.

104. ARCHDIOCESE DEFENDANTS were negligent and did not use reasonable care in their supervision and direction of Fr. Rankin, Ken, and Bobby, failed to monitor their activities, failed to oversee the manner in which they carried out their duties to which Defendants assigned them, even though they knew or should have known that Fr. Rankin, Ken, and Bobby posed a threat of sexual abuse to minors; allowed the misconduct described above to occur and continue; failed to investigate Fr. Rankin's, Ken's, and Bobby's, dangerous activities and remove

them from their premises; failed to have policies and practices in place that would have prevented this abuse; and these Defendants were otherwise negligent.

105. Fr. Rankin, Ken, and Bobby, would not have been in a position to sexually abuse Plaintiff had ARCHDIOCESE DEFENDANTS not been negligent in the hiring, retention, supervision, and direction of Fr. Rankin, Ken, and Bobby.

106. At all relevant times, Fr. Rankin, Ken, and Bobby, acted in the course and scope of his employment with ARCHDIOCESE DEFENDANTS.

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

108. As a direct and proximate result of the aforesaid misconduct, Plaintiff suffered grave injury, including physical, psychological and emotional injury as described above.

109. By the reason of the foregoing, ARCHDIOCESE DEFENDANTS are liable to Plaintiff for damages general, special, and punitive, in amounts that exceed the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with interest and costs.

SECOND CAUSE OF ACTION
AS AGAINST ARCHDIOCESE DEFENDANTS FOR
NEGLIGENT, RECKLESS, AND WILLFUL MISCONDUCT

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

111. At all relevant times, ARCHDIOCESE DEFENDANTS affirmatively and/or impliedly represented to minor children, their families and the general public that employees and agents working in, for, or in association with, ST. FRANCIS OF ASSISI, including Fr. Rankin,

Ken, and Bobby, did not pose a risk of sexually abusing children, and that children, including Plaintiff, would be safe in their care.

112. ARCHDIOCESE DEFENDANTS knew or should have known this representation was false and that employing Fr. Rankin and/or Ken and/or Bobby, and giving them unfettered access to children, including Plaintiff, posed an unacceptable risk of harm to children.

113. ARCHDIOCESE 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.

114. ARCHDIOCESE DEFENDANTS carelessly, negligently and recklessly failed to have in place an appropriate policy and/or practice to monitor, supervise or oversee Fr. Rankin's interactions with minors such as Plaintiff, and/or the interactions of Ken and Bobby, in order to keep said children safe from sexual abuse.

115. The careless, negligent and reckless misconduct by ARCHDIOCESE 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.

116. As a direct and proximate result of ARCHDIOCESE DEFENDANTS' misconduct, Plaintiff suffered grave injury, including physical, psychological and emotional injury and damages as described above.

117. By the reason of the foregoing, ARCHDIOCESE DEFENDANTS are liable to Plaintiff for damages general, special, and punitive, in amounts that exceed the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with interest and costs.

THIRD CAUSE OF ACTION
AS AGAINST ARCHDIOCESE DEFENDANTS FOR
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

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

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

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

121. ARCHDIOCESE DEFENDANTS knew or disregarded the substantial probability that Fr. Rankin, Ken, and/or Bobby would cause severe emotional distress to Plaintiff.

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

123. By the reason of the foregoing, ARCHDIOCESE DEFENDANTS are liable to Plaintiff for damages general, special, and punitive, in amounts that exceed the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with interest and costs.

FOURTH CAUSE OF ACTION
AS AGAINST ARCHDIOCESE DEFENDANTS FOR
PREMISES LIABILITY

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

125. At all relevant times, ARCHDIOCESE DEFENDANTS owned, operated, and/or controlled the premises known as THE CHURCH OF ST. FRANCIS OF ASSISI, including the areas where the sexual abuse of Plaintiff occurred.

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

127. ARCHDIOCESE 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.

128. Fr. Rankin repeatedly sexually assaulted the Plaintiff on the premises of THE CHURCH OF ST. FRANCIS OF ASSISI, which is owned, operated, and controlled by ARCHDIOCESE DEFENDANTS.

129. ARCHDIOCESE DEFENDANTS willfully, recklessly, and negligently 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 Fr. Rankin.

130. ARCHDIOCESE DEFENDANTS thereby breached their duty of care of Plaintiff.

131. As a direct and proximate result of ARCHDIOCESE DEFENDANTS' misconduct, Plaintiff suffered grave injury, including physical, psychological and emotional injury and damages as described above.

132. By the reason of the foregoing, ARCHDIOCESE DEFENDANTS are liable to Plaintiff for damages general, special, and punitive, in amounts that exceed the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with interest and costs.

FIFTH CAUSE OF ACTION
AS AGAINST ARCHDIOCESE DEFENDANTS FOR
BREACH OF FIDUCIARY NON-DELEGABLE DUTY

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

134. At all relevant times, there existed a fiduciary relationship of trust, confidence and reliance between Plaintiff and ARCHDIOCESE DEFENDANTS.

135. The entrustment of Plaintiff to the care and supervision of the ARCHDIOCESE DEFENDANTS while Plaintiff was a vulnerable child, imposed upon these Defendants a fiduciary non-delegable duty to act in the best interests of Plaintiff.

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

137. By reason of the foregoing, ARCHDIOCESE DEFENDANTS breached their fiduciary duties to Plaintiff.

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

139. By the reason of the foregoing, ARCHDIOCESE DEFENDANTS are liable to Plaintiff for damages general, special, and punitive, in amounts that exceed the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with interest and costs.

SIXTH CAUSE OF ACTION
AS AGAINST ARCHDIOCESE DEFENDANTS FOR
BREACH OF DUTY IN LOCO PARENTIS

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

141. At all relevant times, Plaintiff was a vulnerable child entrusted to the care of ARCHDIOCESE DEFENDANTS, 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.

142. By reason of the foregoing, ARCHDIOCESE DEFENDANTS breached their duties to act *in loco parentis*.

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

144. By the reason of the foregoing, Defendants are liable to Plaintiff for damages general, special, and punitive, in amounts that exceed the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with interest and costs.

SEVENTH CAUSE OF ACTION
AS AGAINST ARCHDIOCESE DEFENDANTS FOR
BREACH OF STATUTORY DUTIES TO REPORT

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

146. Pursuant to N.Y. Soc. Serv. Law §§ 413 and 420, ARCHDIOCESE DEFENDANTS had a statutory duty to report reasonable suspicion of abuse of children in their care.

147. ARCHDIOCESE DEFENDANTS breached their statutory duty because they knowingly and/or willfully failed to report reasonable suspicion of sexual abuse by Fr. Rankin, Ken, and/or Bobby.

148. As a direct and proximate result of ARCHDIOCESE DEFENDANTS' foregoing breaches, Plaintiff suffered grave injury, including the physical, psychological and emotional injury and damages as described above.

149. By the reason of the foregoing, ARCHDIOCESE DEFENDANTS are liable to Plaintiff for damages general, special, and punitive, in amounts that exceed the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with interest and costs.

EIGHTH CAUSE OF ACTION
AS AGAINST BROOKLYN DIOCESE DEFENDANTS FOR
NEGLIGENT HIRING, RETENTION, SUPERVISION, AND DIRECTION

150. At all relevant times BROOKLYN DIOCESE DEFENDANTS had a duty to exercise due care in hiring, appointing, assigning, retention, supervision and direction of Br. Ben, 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 Br. Ben did not use his assigned position to injure minors by sexual assault, contact or abuse.

151. BROOKLYN DIOCESE DEFENDANTS were negligent and failed to use reasonable care in hiring, appointing, assigning, and retention, of Br. Ben, failed to properly investigate his background and employment history, and/or hired, appointed and/or assigned him to Defendants' clergy and/or religious order and/or camp grounds to provide charitable and other religious services, when these Defendants knew or should have known of facts that would make

him a danger to children and which would have put them on notice that Br. Ben had the propensity to commit acts of child sexual abuse; and Defendants were otherwise negligent.

152. BROOKLYN DIOCESE DEFENDANTS were negligent and did not use reasonable care in their supervision and direction of Br. Ben, failed to monitor his activities, failed to oversee the manner in which he carried out the duties to which Defendants assigned them, even though they knew or should have known that Br. Ben posed a threat of sexual abuse to minors; allowed the misconduct described above to occur and continue; failed to investigate Br. Ben's dangerous activities and remove him from their premises; failed to have policies and practices in place that would have prevented this abuse; and these Defendants were otherwise negligent.

153. Br. Ben would not have been in a position to sexually abuse Plaintiff had BROOKLYN DIOCESE DEFENDANTS not been negligent in the hiring, retention, supervision, and direction of Br. Ben.

154. At all relevant times, Br. Ben acted in the course and scope of his employment with Defendants.

155. BROOKLYN DIOCESE DEFENDANTS' aforesaid actions were willful, wanton, malicious, reckless, and/or outrageous in their disregard for the rights and safety of Plaintiff.

156. As a direct and proximate result of the aforesaid misconduct, Plaintiff suffered grave injury, including physical, psychological and emotional injury as described above.

157. By the reason of the foregoing, BROOKLYN DIOCESE DEFENDANTS are liable to Plaintiff for damages general, special, and punitive, in amounts that exceed the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with interest and costs.

NINTH CAUSE OF ACTION
AS AGAINST BROOKLYN DIOCESE DEFENDANTS FOR
NEGLIGENT, RECKLESS, AND WILLFUL MISCONDUCT

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

159. At all relevant times, BROOKLYN DIOCESE DEFENDANTS affirmatively and/or impliedly represented to minor children, their families and the general public that employees and agents working in, for, or in association with, CAMP ALVERNIA, including Br. Ben, did not pose a risk of sexually abusing children, and that children, including Plaintiff, would be safe in their care.

160. BROOKLYN DIOCESE DEFENDANTS knew or should have known this representation was false and that employing Br. Ben, and giving him unfettered access to children, including Plaintiff, posed an unacceptable risk of harm to children.

161. BROOKLYN DIOCESE 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.

162. BROOKLYN DIOCESE DEFENDANTS carelessly, negligently and recklessly failed to have in place an appropriate policy and/or practice to monitor, supervise or oversee Br. Ben's interactions with minors such as Plaintiff in order to keep said children safe from sexual abuse.

163. The careless, negligent and reckless misconduct by BROOKLYN DIOCESE 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.

164. As a direct and proximate result of BROOKLYN DIOCESE DEFENDANTS' misconduct, Plaintiff suffered grave injury, including physical, psychological and emotional injury and damages as described above.

165. By the reason of the foregoing, BROOKLYN DIOCESE DEFENDANTS are liable to Plaintiff for damages general, special, and punitive, in amounts that exceed the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with interest and costs.

TENTH CAUSE OF ACTION
AS AGAINST BROOKLYN DIOCESE DEFENDANTS FOR
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

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

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

168. BROOKLYN DIOCESE DEFENDANTS' aforesaid negligent, grossly negligent and reckless misconduct, endangered Plaintiff's safety and caused him to fear for his own safety.

169. BROOKLYN DIOCESE DEFENDANTS knew or disregarded the substantial probability that Br. Ben would cause severe emotional distress to Plaintiff.

170. As a direct and proximate result of BROOKLYN DIOCESE DEFENDANTS' foregoing misconduct, Plaintiff suffered severe emotional distress including psychological and emotional injury as described above.

171. By the reason of the foregoing, BROOKLYN DIOCESE DEFENDANTS are liable to Plaintiff for damages general, special, and punitive, in amounts that exceed the

jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with interest and costs.

ELEVENTH CAUSE OF ACTION
AS AGAINST BROOKLYN DIOCESE DEFENDANTS FOR
PREMISES LIABILITY

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

173. At all relevant times, BROOKLYN DIOCESE DEFENDANTS owned, operated, and/or controlled the premises known as CAMP ALVERNIA, including the areas where the sexual abuse of Plaintiff occurred.

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

175. BROOKLYN DIOCESE 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.

176. Br. Ben repeatedly sexually assaulted the Plaintiff on the premises of CAMP ALVERNIA, which is owned, operated, and controlled by BROOKLYN DIOCESE DEFENDANTS.

177. BROOKLYN DIOCESE DEFENDANTS willfully, recklessly, and negligently 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 Br. Ben.

178. BROOKLYN DIOCESE DEFENDANTS thereby breached their duty of care of Plaintiff.

179. As a direct and proximate result of BROOKLYN DIOCESE DEFENDANTS' misconduct, Plaintiff suffered grave injury, including physical, psychological and emotional injury and damages as described above.

180. By the reason of the foregoing, BROOKLYN DIOCESE DEFENDANTS are liable to Plaintiff for damages general, special, and punitive, in amounts that exceed the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with interest and costs.

TWELFTH CAUSE OF ACTION
AS AGAINST BROOKLYN DIOCESE DEFENDANTS FOR
BREACH OF FIDUCIARY NON-DELEGABLE DUTY

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

182. At all relevant times, there existed a fiduciary relationship of trust, confidence and reliance between Plaintiff and BROOKLYN DIOCESE DEFENDANTS.

183. The entrustment of Plaintiff to the care and supervision of the BROOKLYN DIOCESE DEFENDANTS while Plaintiff was a vulnerable child, imposed upon these Defendants a fiduciary non-delegable duty to act in the best interests of Plaintiff.

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

185. By reason of the foregoing, BROOKLYN DIOCESE DEFENDANTS breached their fiduciary duties to Plaintiff.

186. As a direct and proximate result of BROOKLYN DIOCESE DEFENDANTS' foregoing breach, Plaintiff suffered grave injury, including the physical, psychological and emotional injury and damages as described above.

187. By the reason of the foregoing, BROOKLYN DIOCESE DEFENDANTS are liable to Plaintiff for damages general, special, and punitive, in amounts that exceed the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with interest and costs.

THIRTEENTH CAUSE OF ACTION
AS AGAINST BROOKLYN DIOCESE DEFENDANTS FOR
BREACH OF DUTY IN LOCO PARENTIS

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

189. At all relevant times, Plaintiff was a vulnerable child entrusted to the care of BROOKLYN DIOCESE DEFENDANTS, 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.

190. By reason of the foregoing, BROOKLYN DIOCESE DEFENDANTS breached their duties to act *in loco parentis*.

191. As a direct and proximate result of BROOKLYN DIOCESE DEFENDANTS' foregoing breach, Plaintiff suffered grave injury, including the physical, psychological and emotional injury and damages as described above.

192. By the reason of the foregoing, Defendants are liable to Plaintiff for damages general, special, and punitive, in amounts that exceed the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with interest and costs.

FOURTEENTH CAUSE OF ACTION
AS AGAINST BROOKLYN DIOCESE DEFENDANTS FOR
BREACH OF STATUTORY DUTIES TO REPORT

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

194. Pursuant to N.Y. Soc. Serv. Law §§ 413 and 420, BROOKLYN DIOCESE DEFENDANTS had a statutory duty to report reasonable suspicion of abuse of children in their care.

195. BROOKLYN DIOCESE DEFENDANTS breached their statutory duty by knowingly and/or willfully failing to report reasonable suspicion of sexual abuse by Br. Ben.

196. As a direct and proximate result of BROOKLYN DIOCESE DEFENDANTS' foregoing breaches, Plaintiff suffered grave injury, including the physical, psychological and emotional injury and damages as described above.

197. By the reason of the foregoing, BROOKLYN DIOCESE DEFENDANTS are liable to Plaintiff for damages general, special, and punitive, in amounts that exceed the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with 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 in amounts that exceed the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with interest and costs;
- b. Awarding Plaintiff punitive damages for his injuries, in an amount to be determined at trial in amounts that exceed the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with interest and costs;

- 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

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

Dated: August 14, 2020
New York, NY

Yours, etc.
PHILLIPS & PAOLICELLI, LLP



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