

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
513684/2020	Roden, Fr. Raymond P, Fr. John Does 1-10	4	Diocese of Brooklyn & Merged parishes of SS. Peter & Paul & Epiphany Churches, Fr. John Does 1-10.	DOE, PC-38
512225/2020	Roden, Fr. Raymond P.	2	Diocese of Brooklyn & SS. Peter & Paul & Epiphany RC Churches.	DOE, PC-23
513720/2020	Roden, Fr. Raymond P.	4	SS. Peter & Paul RC Church & Epiphany Parish, Diocese of Brooklyn & Does 1-10.	DOE, PC-40

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

-----X

PC-38 Doe

Plaintiff,

-against-

SUMMONS

INDEX No.:

ST. PETER AND PAUL ROMAN CATHOLIC
CHURCH,
THE MERGED PARISHES OF SAINTS PETER
AND PAUL AND EPIPHANY PARISH,
THE ROMAN CATHOLIC DIOCESE OF
BROOKLYN,
AND DOES 1-10 WHOSE IDENTITIES ARE
UNKNOWN TO PLAINTIFF,

Plaintiffs designate the County
of KINGS as the place of trial.
The basis of venue is a
Defendant’s residence in and that
underlying events occurred in
KINGS COUNTY

Defendants.

-----X

Plaintiff designates the County of KINGS as the place of trial. The basis of venue is that a Defendant is located in and underlying events occurred in KINGS COUNTY.

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
July 29, 2020

PHILLIPS & PAOLICELLI, LLP
Attorneys for Plaintiff

By: Victoria E. Phillips

Diane Paolicelli, Esq.
Victoria E. Phillips Esq.
Michael DeRuve Esq.

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

To:

ST. PETER AND PAUL ROMAN CATHOLIC CHURCH
71 South 3rd Street
Brooklyn, NY 11249

THE MERGED PARISHES OF SAINTS PETER AND PAUL AND EPIPHANY PARISH
71 South 3rd Street
Brooklyn, NY 11249

THE ROMAN CATHOLIC DIOCESE OF BROOKLYN
45 Main Street, Brooklyn, NY 11021, and

DOES 1-10

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

-----X
PC-38 Doe

Plaintiff, **COMPLAINT**
-against-

INDEX No.:

ST. PETER AND PAUL ROMAN CATHOLIC
CHURCH
THE MERGED PARISHES OF SAINTS PETER
AND PAUL AND EPIPHANY PARISH,
THE ROMAN CATHOLIC DIOCESE OF
BROOKLYN, and
DOES 1-10 WHOSE IDENTITIES ARE UNKNOWN
TO PLAINTIFF

Defendants.

-----X

Plaintiff PC-38 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 by Plaintiff PC-38 Doe (hereafter "Plaintiff").
2. As a child, Plaintiff attended Roman Catholic churches in Brooklyn New York, including DEFENDANT ST. PETER AND PAUL ROMAN CATHOLIC CHURCH.
3. On information and belief, DEFENDANT ST. PETER AND PAUL ROMAN CATHOLIC CHURCH is now a part of DEFENDANT THE MERGED PARISHES

OF SAINTS PETER AND PAUL AND EPIPHANY PARISH in Brooklyn New York.¹

4. As a minor, Plaintiff was unlawfully sexually abused by priests belonging to, answerable to, and employed by Defendant THE ROMAN CATHOLIC DIOCESE OF BROOKLYN.
5. Those priests included FATHER RAYMOND P. RODEN (“RODEN”) an employee of Defendant THE ROMAN CATHOLIC DICOESE OF BROOKLYN and Defendant ST. PETER AND PAUL.
6. Plaintiff was approximately 13 to 14 years old at the time of the abuse by RODEN, which occurred in approximately 1982-1983.
7. Defendant ST. PETER AND PAUL held RODEN out as a person who would supervise children on church premises and take them on outings.
8. Defendant THE ROMAN CATHOLIC DIOCESE OF BROOKLYN held RODEN out as a person who would supervise children on church premises and take them on outings.
9. RODEN’s abuse of Plaintiff occurred while he was acting in that assigned role.
10. RODEN’s unlawful sexual abuse of Plaintiff took place at locations including the premises of ST. PETER AND PAUL’S.
11. Also as a minor, between approximately the late 1970s and the early 1980s, Plaintiff was unlawfully sexually abused by two additional Roman Catholic priests, including in an apartment house shared by those priests located in the North side area of the Williamsburg section of Brooklyn.

¹ SAINT PETER AND PAUL CHURCH and DEFENDANT THE MERGED PARISHES OF SAINTS PETER AND PAUL AND EPIPHANY PARISH are collectively referred to hereafter as “ST. PETER AND PAUL.”

12. One of those priests was known to Plaintiff as “Father George” (hereafter “Fr. George”) and the other was known to Plaintiff as “Father Peter” or “Vincent Peter” (hereafter “Fr. Peter”).
13. On information and belief, “Fr. George” and “Fr. Peter” also belonged to, were employed by, were affiliated with, and were answerable to Defendant THE ROMAN CATHOLIC DIOCESE OF BROOKLYN.
14. On information and belief, their full names and the parishes and any additional orders or entities to which “Fr. George” and “Fr. Peter” belonged are known to Defendants and will be identified through discovery.
15. Not only did Defendants ST. PETER AND PAUL’S and THE ROMAN CATHOLIC DIOCESE OF BROOKLYN, place Plaintiff in harm’s way by improperly allowing priests including RODEN, “Fr. George,” and “Fr. Peter,” to have unfettered access to Plaintiff as priests and leaders of unsupervised outings and get togethers involving children, but they carelessly, negligently, and recklessly, failed to protect Plaintiff from sexual abuse, permitted the abuse to occur, failed to supervise their priests, failed to timely investigate misconduct by priests, acted to protect their own self-interest to the detriment of innocent children, including Plaintiff, and are otherwise responsible for abuse of Plaintiff by priests and Plaintiff’s consequential injuries and damages.

PARTIES

16. Plaintiff is an individual residing in Suffolk County, New York.
17. Plaintiff was born in September 1968.

18. Plaintiff attended and spend time in Roman Catholic churches as a child including DEFENDANT SAINT PETER AND PAUL CHURCH in Brooklyn NY.
19. On information and belief, THE MERGED PARISHES OF SAINTS PETER AND PAUL AND EPIPHANY PARISH has assumed any and all liabilities of DEFENDANT SAINT PETER AND PAUL CHURCH.
20. On information and belief, DEFENDANT SAINT PETER AND PAUL CHURCH is now a part of THE MERGED PARISHES OF SAINTS PETER AND PAUL AND EPIPHANY PARISH (those two entities are collectively referred to as “ST. PETER AND PAUL”) in Williamsburg Brooklyn New York.
21. Defendant ST. PETER AND PAUL is a Roman Catholic Church within the Diocese of Brooklyn 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 or about 71 S. 3rd St, Brooklyn, NY.
22. At all relevant times, ST. PETER AND PAUL was owned, operated, maintained, and managed by Defendants, the ROMAN CATHOLIC DIOCESE OF BROOKLYN.
23. At all relevant times, Defendant the ROMAN CATHOLIC DIOCESE OF BROOKLYN is a religious corporation organized pursuant to Religious Corporation Law, with its principal office at 310 Prospect Park West, Brooklyn, NY 11215, which may be served at addresses including 45 Main Street, Brooklyn, NY 11021.
24. Defendant the ROMAN CATHOLIC DIOCESE OF BROOKLYN is a Roman Catholic Diocese.

25. At all relevant times, the ROMAN CATHOLIC DIOCESE OF BROOKLYN owned, created, oversaw, managed, supervised, controlled, directed and/or operated various institutions of the Diocese of Brooklyn, including Roman Catholic parishes within the ROMAN CATHOLIC DIOCESE OF BROOKLYN including but not limited to Defendant ST. PETER AND PAUL and oversaw, managed, supervised, controlled direct all staff, employees, and pastors who worked at said parishes.
26. At all relevant times, Defendants ST. PETER AND PAUL and the ROMAN CATHOLIC DIOCESE OF BROOKLYN owned the premises upon which ST. PETER AND PAUL was operated and all premises where ST. PETER AND PAUL'S was located.
27. On information and belief, at all relevant times, Defendant the ROMAN CATHOLIC DIOCESE OF BROOKLYN owned, maintained, controlled, leased, and/or rented the premises in Brooklyn New York where "Fr. Peter" and "Fr. George" resided and abused Plaintiff and other children.
28. Defendants Does 1 through 10 are unknown churches, orders individuals, entities, administrators, officials, employees, or agents whose identities will be provided when they become known pursuant to C.P.L.R. § 1024, and whose conduct contributed to, facilitated, or wrongfully failed to prevent the unlawful sexual abuse alleged herein.

FACTUAL ALLEGATIONS

29. Plaintiff repeats and re-alleges all preceding paragraphs of this Complaint.
30. Between approximately 1982 and 1983, Plaintiff attended Roman Catholic Churches in the ROMAN CATHOLIC DIOCESE OF BROOKLYN, including Defendant ST. PETER AND PAUL in Brooklyn NY.

31. At all relevant times, RODEN was under the direct supervision, employ and control of the Defendants ST. PETER AND PAUL and ROMAN CATHOLIC DIOCESE OF BROOKLYN.

32. At all relevant times, RODEN was assigned by Defendants ST. PETER AND PAUL and the ROMAN CATHOLIC DIOCESE OF BROOKLYN, to work at and lead outings with children including Plaintiff.

33. At all relevant times, RODEN's duties and responsibilities included supervising children and overseeing outings involving children such as Plaintiff who attended ST. PETER AND PAUL.

34. At all relevant times, Defendants ROMAN CATHOLIC DIOCESE OF BROOKLYN and ST. PETER AND PAUL held RODEN out as a qualified religious leader, educator and chaperone for students when they attended church events and outings.

35. Beginning in or about 1982, when Plaintiff was a minor, RODEN, acting in the course and scope of his employment with Defendants ST. PETER AND PAUL and ROMAN CATHOLIC DIOCESE OF BROOKLYN, was assigned to supervise children and oversee church outings involving Plaintiff and other children.

36. At all relevant times, Defendants ST. PETER AND PAUL and ROMAN CATHOLIC DIOCESE OF BROOKLYN authorized permitted and assigned RODEN to supervise Plaintiff and other children on church premises and on church outings.

37. During the period of approximately 1982-1983, while Plaintiff attended ST. PETER AND PAUL, RODEN on the premises of Defendant ST. PETER AND PAUL and on church outings engaged in harmful sexual abuse and/or contact with minors including Plaintiff in violation of the laws of the State of New York.

38. The sexual abuse and/or sexual contact with Plaintiff by RODEN occurred on Defendants' property and outside of church premises on church outings in violation of the laws of the State of New York.

39. The abuse included but was not limited to RODEN's kissing and hugging Plaintiff, grabbing Plaintiff's genitals, and having Plaintiff touch RODEN's genitals.

40. As related above, between approximately the late 1970s and the early 1980s, Plaintiff also experienced additional unlawful sexual abuse as a minor by two other Roman Catholic priests.

41. One of those priests was known to Plaintiff as "Father George" (hereafter "Fr. George") and the other was known to Plaintiff as "Father Peter" or "Vincent Peter" (hereafter "Fr. Peter").

42. The abuse by these two priests occurred at locations including in an apartment house shared by those priests located in the North side area of the Williamsburg section of Brooklyn.

43. On information and belief, "Fr. George" and "Fr. Peter" belonged to, were employed by, and were answerable to Defendant THE ROMAN CATHOLIC DIOCESE OF BROOKLYN.

44. On information and belief, their full names and the parishes and any additional orders or entities to which they belonged are known to Defendants and will be identified through discovery.

45. The unlawful abuse included but was not limited to "Fr. Peter's" touching Plaintiff's genitals and making Plaintiff touch his genitals.

46. The abuse included but was not limited to “Fr. George’s” touching Plaintiff’s genitals and making Plaintiff touch his genitals.

47. At all relevant times, RODEN was under the management, supervision, employ, direction and/or control of Defendants ST. PETER AND PAUL and ROMAN CATHOLIC DIOCESE OF BROOKLYN.

48. On information and belief, “Fr. George” and “Fr. Peter” were also under the management, supervision, employ, direction and/or control of entities including Defendant the ROMAN CATHOLIC DIOCESE OF BROOKLYN.

49. At all relevant times, RODEN’s, “Fr. George’s” and “Fr. Peter’s” positions at, within Defendants including ST. PETER AND PAUL and ROMAN CATHOLIC DIOCESE OF BROOKLYN, put the abusers in direct contact with Plaintiff.

50. At all relevant times, RODEN, “Fr. George” and “Fr. Peter” used their positions at, within, or for, Defendants ST. PETER AND PAUL and ROMAN CATHOLIC DIOCESE OF BROOKLYN, and the implicit representations made by them about their character that accompanied that position to gain Plaintiff’s trust and confidence and to create opportunities to be alone with, inappropriately question, and touch and abuse Plaintiff.

51. Defendants ST. PETER AND PAUL and ROMAN CATHOLIC DIOCESE OF BROOKLYN, knew and/or reasonably should have known, and/or knowingly condoned, and/or covered up the inappropriate and unlawful sexual activities of priests including “Fr. George,” “Fr. Peter,” and RODEN who sexually abused Plaintiff.

52. Defendants ST. PETER AND PAUL and ROMAN CATHOLIC DIOCESE OF BROOKLYN had the responsibility to manage, supervise, control and/or direct RODEN, “Fr. George” and “Fr. Peter” who were pastors at churches within the ROMAN CATHOLIC

DIOCESE OF BROOKLYN and had a duty not to aid pedophiles by assigning, maintaining and/or appointing them to positions with access to minors.

53. Defendants ST. PETER AND PAUL and ROMAN CATHOLIC DIOCESE OF BROOKLYN, had a duty to the Plaintiff to ensure that Defendants did not offer opportunities for pedophiles to approach and assault vulnerable minors.

54. Defendants ST. PETER AND PAUL and ROMAN CATHOLIC DIOCESE OF BROOKLYN knew and/or should have known that RODEN, “Fr. George” and “Fr. Peter” used their positions within the Roman Catholic Church to harm minors, including Plaintiff and to form an acquaintance that could be, and was, used to provide opportunities for sexual abuse.

55. Defendants knew or should have known that RODEN, “Fr. George” and “Fr. Peter” were a danger to minors, like Plaintiff, before they sexually abused Plaintiff.

56. Defendants ST. PETER AND PAUL and ROMAN CATHOLIC DIOCESE OF BROOKLYN knew or should have known that allowing RODEN, “Fr. George” and “Fr. Peter” to have unsupervised and unlimited access with children, particularly vulnerable students like Plaintiff, posed an unacceptable risk of child sex abuse.

57. Prior to the time of Plaintiff’s abuse, Defendants knew or should have known that there was a specific danger of child sex abuse for children in their institutions and programs.

58. The abuse of Plaintiff by RODEN was foreseeable.

59. The abuse of Plaintiff by “Fr. George” was foreseeable.

60. The abuse of Plaintiff by “Fr. Peter” was foreseeable.

61. RODEN’s inappropriate behavior and sexual contact with Plaintiff was not an isolated event, but instead was part of a broader and ongoing pattern including but not limited to

kissing, hugging, and groping multiple boys on and off church premises for his own sexual satisfaction.

62. “Fr. George’s” and “Fr. Peter’s” inappropriate behavior and sexual contact with Plaintiff alleged herein similarly was not an isolated event, but instead was part of a broader pattern including but not limited to unlawfully touching children’s genitals and making children touch their genitals for their own sexual satisfaction.

63. Defendants ST. PETER AND PAUL and ROMAN CATHOLIC DIOCESE OF BROOKLYN, owed Plaintiff a reasonable duty of care because they affirmatively solicited children and parents to send their children to church and to outings supervised by priests; they undertook custody of minor children, including Plaintiff; they promoted their facilities, staff, employees, premises, and programs as being safe for children, they held out their agents, including RODEN, “Fr. George” and “Fr. Peter”, as safe to work with and around minor students, they encouraged parents and children to spend time with their agents; and/or authorized their agents, including RODEN, “Fr. George” and “Fr. Peter”, to provide professional services to children.

64. Defendants ST. PETER AND PAUL and ROMAN CATHOLIC DIOCESE OF BROOKLYN 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 family 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.

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

66. 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, 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; will 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.

67. 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 *respondeat superior*, and CPLR 1602(7) in that defendants herein acted with reckless disregard for the safety of others.

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

FIRST CAUSE OF ACTION

NEGLIGENT HIRING, RETENTION, SUPERVISION, AND DIRECTION

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

70. At all relevant times Defendants had a duty to exercise due care in hiring, appointing, assigning, retention, supervision and direction of RODEN, “Fr. George” and “Fr. Peter”, 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 RODEN, “Fr. George” and “Fr. Peter” did not use their assigned positions to injure minors by sexual assault, contact or abuse.

71. Defendants were negligent and failed to use reasonable care in hiring, appointing, assigning, and retention, of RODEN, “Fr. George” and “Fr. Peter”, failed to properly investigate their background and employment history, and/or hired, appointed and/or assigned them to supervise children and lead outings involving children, when Defendants knew or should have known of facts that would make him a danger to children; and Defendants were otherwise negligent.

72. Defendants were negligent and did not use reasonable care in their supervision and direction of RODEN, “Fr. George” and “Fr. Peter”, failed to monitor their activities, failed to oversee the manner in which they carried out the duties to which Defendants assigned them, even though they knew or should have known that RODEN, “Fr. George” and “Fr. Peter” posed a threat of sexual abuse to minors; allowed the misconduct described above to occur and continue; failed to investigate RODEN’s, “Fr. George’s” and “Fr. Peter’s” dangerous activities and remove them from their premises; failed to have policies and practices in place that would have prevented this abuse; and Defendants were otherwise negligent.

73. RODEN, “Fr. George” and “Fr. Peter” would not have been in a position to sexually abuse Plaintiff had Defendants not been negligent in the hiring, retention, supervision, and direction of them

{00052597}

14

74. At all relevant times, RODEN, “Fr. George” and “Fr. Peter” acted in the course and scope of their employment with Defendants.

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

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

77. 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.

SECOND CAUSE OF ACTION

NEGLIGENT, RECKLESS, AND WILLFUL MISCONDUCT

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 affirmatively and/or impliedly represented to minor children, their families and the general public that employees and agents working in ST. PETER AND PAUL’S and in the ROMAN CATHOLIC DIOCESE OF BROOKLYN, including RODEN, “Fr. George” and “Fr. Peter”, did not pose a risk of sexually abusing children, and that children, including Plaintiff, would be safe in their care.

80. Defendants knew or should have known this representation was false and that employing RODEN, “Fr. George” and “Fr. Peter”, and giving them unfettered access to children, including Plaintiff, posed an unacceptable risk of harm to children.

81. 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 students in their care from sexual abuse.

82. Defendants carelessly, negligently and recklessly failed to have in place an appropriate policy and/or practice to monitor, supervise or oversee RODEN's, "Fr. George's" and "Fr. Peter's" interactions with minor students such as Plaintiff, in order to keep them safe from sexual abuse.

83. The careless, negligent and reckless misconduct by 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.

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

85. 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.

THIRD CAUSE OF ACTION

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

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

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

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

89. Defendants knew or disregarded the substantial probability that RODEN, "Fr. George" and "Fr. Peter" would cause severe emotional distress to Plaintiff.

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

91. By the reason of the foregoing, Defendants are liable to Plaintiff for 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

PREMISES LIABILITY

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

93. At all relevant times, Defendants ST. PETER AND PAUL and ROMAN CATHOLIC DIOCESE OF BROOKLYN owned, operated, and/or controlled the premises known as ST PETER AND PAUL'S, including areas where abuse of Plaintiff occurred.

94. On information and belief, at all relevant times, Defendant the ROMAN CATHOLIC DIOCESE OF BROOKLYN owned, operated, and/or controlled the parish to which "Fr. George" and "Fr. Peter" belonged, as well as the residence that they shared between the late 1970s and early 1980s in Brooklyn, New York, including the areas where abuse of Plaintiff occurred.

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

96. 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.

97. 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 RODEN, “Fr. George” and “Fr. Peter”.

98. Defendants thereby breached their duty of care of Plaintiff.

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

100. 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.

FIFTH CAUSE OF ACTION

BREACH OF FIDUCIARY NON-DELEGABLE DUTY

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

102. At all relevant times, there existed a fiduciary relationship of trust, confidence and reliance between Plaintiff and Defendants.

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

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

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

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

107. 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.

SIXTH CAUSE OF ACTION

BREACH OF DUTY IN LOCO PARENTIS

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

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

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

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

112. 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

BREACH OF STATUTORY DUTIES TO REPORT

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

114. 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.

115. Defendants breached their statutory duty by failing to report reasonable suspicion of sexual abuse by RODEN, "Fr. Peter", and "Fr. George".

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

117. 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.

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: July 29, 2020

Yours, etc.

PHILLIPS & PAOLICELLI, LLP

Victoria E. Phillips
By: Diane Paolicelli
Victoria E. Phillips
Michael DeRuve
dpaolicelli@p2law.com
vphillips@p2law.com
mderuve@p2law.com
Phillips & Paolicelli, LLP
747 Third Avenue, Sixth Floor
New York, New York 10017

212-388-5100

{00052597}

22

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

-----X

PC-23 Doe

Plaintiff,

-against-

SUMMONS

INDEX No.:

ST. PETER AND PAUL ROMAN CATHOLIC
CHURCH,
THE MERGED PARISHES OF SAINTS PETER
AND PAUL AND EPIPHANY PARISH,
THE ROMAN CATHOLIC DIOCESE OF
BROOKLYN,

Defendants.

-----X

Plaintiff designates the County of KINGS as the place of trial. The basis of venue is one of the Defendant's residence is located in KINGS COUNTY.

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
July 13, 2020

PHILLIPS & PAOLICELLI, LLP
Attorneys for Plaintiff

By: Victoria E. Phillips

Diane Paolicelli, Esq.
Victoria E. Phillips Esq.
Michael DeRuve Esq.
747 Third Avenue, 6th Fl.
New York, NY 10017

(212) 388-5100
dpaolicelli@p2law.com
vphillips@p2law.com
mderuve@p2law.com

To:

ST. PETER AND PAUL ROMAN CATHOLIC CHURCH
71 South 3rd Street
Brooklyn, NY 11249 and

c/o THE ROMAN CATHOLIC DIOCESE OF BROOKLYN
310 Prospect Park West, Brooklyn, NY 11215

THE MERGED PARISHES OF SAINTS PETER AND PAUL AND EPIPHANY PARISH
71 South 3rd Street
Brooklyn, NY 11249 and

c/o THE ROMAN CATHOLIC DIOCESE OF BROOKLYN
310 Prospect Park West, Brooklyn, NY 11215

And

THE ROMAN CATHOLIC DIOCESE OF BROOKLYN
310 Prospect Park West, Brooklyn, NY 11215

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

-----X

PC-23 Doe

Plaintiff, **COMPLAINT**
-against-

INDEX No.:

ST. PETER AND PAUL ROMAN CATHOLIC
CHURCH
THE MERGED PARISHES OF SAINTS PETER
AND PAUL AND EPIPHANY PARISH,
THE ROMAN CATHOLIC DIOCESE OF
BROOKLYN,

Defendants.

-----X

Plaintiff PC-23 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 by Plaintiff PC-23 Doe (hereafter "Plaintiff").
2. As a child, Plaintiff attended DEFENDANT ST. PETER AND PAUL ROMAN CATHOLIC CHURCH in Brooklyn New York.
3. On information and belief, DEFENDANT ST. PETER AND PAUL ROMAN CATHOLIC CHURCH is now a part of DEFENDANT THE MERGED PARISHES OF SAINTS PETER AND PAUL AND EPIPHANY PARISH in Brooklyn New York.¹

¹ ST. PETER AND PAUL CHURCH and DEFENDANT THE MERGED PARISHES OF SAINTS PETER AND PAUL AND EPIPHANY PARISH are collectively referred to herein as "ST. PETER AND PAUL."

4. Plaintiff was sexually abused by FATHER RAYMOND P. RODEN (“RODEN”) while RODEN was an employee of Defendant ST. PETER AND PAUL.
5. Plaintiff was a minor at the time of the abuse, which occurred between approximately 1982 and 1984.
6. Defendants ST. PETER AND PAUL and THE ROMAN CATHOLIC DIOCESE OF BROOKLYN, held RODEN out as a person who could safely supervise children on and off church premises.
7. RODEN’s abuse of Plaintiff occurred while he was acting in that assigned role.
8. RODEN’s abuse of Plaintiff took place at locations including the premises of ST. PETER AND PAUL.
9. Not only did Defendants ST PETER AND PAUL and THE ROMAN CATHOLIC DIOCESE OF BROOKLYN, place Plaintiff in harm’s way by improperly allowing RODEN to have unfettered access to Plaintiff as a Father and leader of otherwise unsupervised outings for children, but they carelessly, negligently, and recklessly, failed to protect Plaintiff from sexual abuse by RODEN, permitted the abuse to occur, failed to supervise RODEN, failed to timely investigate RODEN’s misconduct, acted to protect their own self-interest to the detriment of innocent children, including Plaintiff, and are otherwise responsible for RODEN’s abuse of Plaintiff and Plaintiff’s consequential injuries and damages.

PARTIES

10. Plaintiff is an individual residing in New York County, New York.
11. Plaintiff was born in 1971.

12. Plaintiff attended DEFENDANT ST. PETER AND PAUL ROMAN CATHOLIC CHURCH as a child in Brooklyn New York.
13. On information and belief, Defendant ST. PETER AND PAUL ROMAN CATHOLIC CHURCH was a Roman Catholic Church within the Diocese of Brooklyn 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 or about 71 S. 3rd St, Brooklyn, NY.
14. On information and belief, at some time after the abuse described in this complaint, DEFENDANT ST. PETER AND PAUL ROMAN CATHOLIC CHURCH became a part of Defendant THE MERGED PARISHES OF SAINTS PETER AND PAUL AND EPIPHANY PARISH in Brooklyn New York.
15. On information and belief, Defendant THE MERGED PARISHES OF SAINTS PETER AND PAUL AND EPIPHANY PARISH is a Roman Catholic Church within the Diocese of Brooklyn, 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 or about 71 S 3rd St, Brooklyn, NY.
16. On information and belief, Defendant THE MERGED PARISHES OF SAINTS PETER AND PAUL AND EPIPHANY PARISH assumed any and all liabilities of Defendant ST. PETER AND PAUL ROMAN CATHOLIC CHURCH.
17. At all relevant times, Defendant ST. PETER AND PAUL ROMAN CATHOLIC CHURCH and Defendant THE MERGED PARISHES OF SAINTS PETER AND

- PAUL AND EPIPHANY PARISH were owned, operated, maintained and managed by Defendant the ROMAN CATHOLIC DIOCESE OF BROOKLYN.
18. Defendant ST. PETER AND PAUL ROMAN CATHOLIC CHURCH and Defendant THE MERGED PARISHES OF SAINTS PETER AND PAUL AND EPIPHANY PARISH are collectively referred to herein as “ST. PETER AND PAUL.”
19. At all relevant times, Defendant the ROMAN CATHOLIC DIOCESE OF BROOKLYN has been a religious corporation organized pursuant to Religious Corporation Law, with its principal office at 310 Prospect Park West, Brooklyn, NY 11215.
20. Defendant the ROMAN CATHOLIC DIOCESE OF BROOKLYN is a Roman Catholic Diocese.
21. At all relevant times, Defendant the ROMAN CATHOLIC DIOCESE OF BROOKLYN owned, created, oversaw, managed, supervised, controlled, directed and/or operated various institutions of the Diocese of Brooklyn, including ST PETER AND PAUL and oversaw, managed, supervised, controlled direct all staff who worked at said school.
22. At all relevant times, Defendants owned the premises upon which ST. PETER AND PAUL was operated and all premises where ST. PETER AND PAUL’S ROMAN CATHOLIC CHURCH was located.

FACTUAL ALLEGATIONS

23. Plaintiff repeats and re-alleges all preceding paragraphs of this Complaint.
24. In the 1980s, Plaintiff attended Defendant ST PETER AND PAUL in Brooklyn NY.

25. At all relevant times, RODEN was under the direct supervision, employ and control of the Defendants ST. PETER AND PAUL and ROMAN CATHOLIC DIOCESE OF BROOKLYN.

26. At all relevant times, RODEN was assigned by Defendants ST. PETER AND PAUL and the ROMAN CATHOLIC DIOCESE OF BROOKLYN, to work including supervising children such as Plaintiff.

27. At all relevant times, RODEN's duties and responsibilities included supervising children and overseeing outings involving children such as Plaintiff who attended ST. PETER AND PAUL.

28. At all relevant times Defendants ROMAN CATHOLIC DIOCESE OF BROOKLYN and ST. PETER AND PAUL held RODEN out as a qualified religious leader, educator and chaperone for students when they attended church events and outings.

29. In the early 1980s, when plaintiff was a child, RODEN, acting in the course and scope of his employment with Defendants ST. PETER AND PAUL and ROMAN CATHOLIC DIOCESE OF BROOKLYN, was assigned to supervise children including Plaintiff.

30. At all relevant times, Defendants ST. PETER AND PAUL and ROMAN CATHOLIC DIOCESE OF BROOKLYN authorized permitted and assigned RODEN to supervise Plaintiff and other children on church premises and on church outings.

31. Between approximately 1982 and 1984, while Plaintiff attended ST. PETER AND PAUL, RODEN engaged in harmful sexual abuse and/or contact with Plaintiff in violation of the laws of the State of New York.

32. Sexual abuse and/or sexual contact with Plaintiff by RODEN occurred on Defendants' property, including at Defendant ST. PETER AND PAUL in Father Ray's office in the rectory, in violation of the laws of the State of New York.

33. The unlawful abuse involving RODEN occurred multiple times on church premises.

34. At all relevant times, RODEN was under the management, supervision, employ, direction and/or control of Defendants ST. PETER AND PAUL and ROMAN CATHOLIC DIOCESE OF BROOKLYN.

35. At all relevant times, RODEN's positions at, within Defendants ST. PETER AND PAUL and ROMAN CATHOLIC DIOCESE OF BROOKLYN, put RODEN in direct contact with Plaintiff and other children.

36. At all relevant times, RODEN used his position at, within, or for, Defendants ST. PETER AND PAUL and ROMAN CATHOLIC DIOCESE OF BROOKLYN, and the implicit representations made by them about his character that accompanied that position to gain Plaintiff's trust and confidence and to create opportunities to be alone with, inappropriately question, and touch and abuse Plaintiff.

37. Defendants ST. PETER AND PAUL and ROMAN CATHOLIC DIOCESE OF BROOKLYN, knew and/or reasonably should have known, and/or knowingly condoned, and/or covered up the inappropriate and unlawful sexual activities of RODEN who sexually abused Plaintiff.

38. Defendants ST. PETER AND PAUL and ROMAN CATHOLIC DIOCESE OF BROOKLYN had the responsibility to manage, supervise, control and/or direct RODEN who

was a Father at ST. PETER AND PAUL and had a duty not to aid pedophiles such as RODEN by assigning, maintaining and/or appointing them to positions with access to minors.

39. Defendants ST. PETER AND PAUL and ROMAN CATHOLIC DIOCESE OF BROOKLYN, had a duty to the Plaintiff to ensure that Defendants did not offer opportunities for pedophiles to approach and assault vulnerable minors.

40. Defendants ST. PETER AND PAUL and ROMAN CATHOLIC DIOCESE OF BROOKLYN knew and/or should have known that RODEN used his position at ST. PETER AND PAUL to harm minors, including Plaintiff and to form an acquaintance that could be, and was, used to provide opportunities for sexual abuse.

41. Defendants knew or should have known that RODEN was a danger to minors, like Plaintiff, before he sexually abused Plaintiff.

42. Defendants ST. PETER AND PAUL and ROMAN CATHOLIC DIOCESE OF BROOKLYN knew or should have known that allowing RODEN to have unsupervised and unlimited access with children, particularly vulnerable students like Plaintiff, posed an unacceptable risk of child sex abuse.

43. Prior to the time of Plaintiff's abuse by RODEN, Defendants knew or should have known that there was a specific danger of child sex abuse for children in their institutions and programs.

44. The abuse of Plaintiff by RODEN was foreseeable.

45. RODEN's inappropriate behavior and unlawful sexual contact with children attending the church was not an isolated event, but instead was part of a broader pattern including repeatedly kissing, hugging, groping numerous boys for his own sexual satisfaction, including on church premises.

46. Defendants ST. PETER AND PAUL and ROMAN CATHOLIC DIOCESE OF BROOKLYN, owed Plaintiff a reasonable duty of care because they affirmatively solicited children and parents to send their children to church and to outings supervised by RODEN; they undertook custody of minor children, including Plaintiff; they promoted their facilities, staff, employees, and programs as being safe for children, they held out their agents, including RODEN, as safe to work with and around minor students, they encouraged parents and children to spend time with their agents; and/or authorized their agents, including RODEN, to provide professional services to children.

47. Defendants ST. PETER AND PAUL and ROMAN CATHOLIC DIOCESE OF BROOKLYN 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 family 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.

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

49. 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, 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; will 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.

50. 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 *respondeat superior*, and CPLR 1602(7) in that defendants herein acted with reckless disregard for the safety of others.

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

FIRST CAUSE OF ACTION

NEGLIGENT HIRING, RETENTION, SUPERVISION, AND DIRECTION

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

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

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

55. Defendants negligently retained RODEN with knowledge of RODEN's propensity for the type of behavior which resulted in Plaintiff's injuries.

56. At all relevant times Defendants ST. PETER AND PAUL and ROMAN CATHOLIC DIOCESE OF BROOKLYN had a duty to exercise due care in hiring, appointing, assigning, retention, supervision and direction of RODEN, 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 RODEN did not use his assigned position to injure minors by sexual assault, contact or abuse.

57. Defendants ST. PETER AND PAUL and ROMAN CATHOLIC DIOCESE OF BROOKLYN were negligent and failed to use reasonable care in hiring, appointing, assigning, and retention, of RODEN, failed to properly investigate his background and employment history, and/or hired, appointed and/or assigned him to supervise children and lead outings involving children, when Defendants knew or should have known of facts that would make him a danger to children; and Defendants were otherwise negligent.

58. Defendants were negligent and did not use reasonable care in their supervision and direction of RODEN, 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 RODEN posed a threat of sexual abuse to minors; allowed the misconduct described above to occur and continue; failed to investigate RODEN dangerous activities and remove him from their premises; failed to have policies and practices in place that would have prevented this abuse; and Defendants were otherwise negligent.

59. RODEN would not have been in a position to sexually abuse Plaintiff had Defendants ST. PETER AND PAUL and ROMAN CATHOLIC DIOCESE OF BROOKLYN not been negligent in the hiring, retention, supervision, and direction of RODEN

60. At all relevant times, RODEN acted in the course and scope of his employment with Defendants.

61. Defendants ST. PETER AND PAUL and ROMAN CATHOLIC DIOCESE OF BROOKLYN's aforesaid actions were willful, wanton, malicious, reckless, and/or outrageous in their disregard for the rights and safety of Plaintiff.

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

63. 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.

SECOND CAUSE OF ACTION

NEGLIGENT, RECKLESS, AND WILLFUL MISCONDUCT

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

65. At all relevant times, Defendants ST. PETER AND PAUL and ROMAN CATHOLIC DIOCESE OF BROOKLYN affirmatively and/or impliedly represented to minor children, their families and the general public that employees and agents working in ST. PETER AND PAUL'S, including RODEN, did not pose a risk of sexually abusing children, and that children, including Plaintiff, would be safe in their care.

66. Defendants ST. PETER AND PAUL and ROMAN CATHOLIC DIOCESE OF BROOKLYN knew or should have known this representation was false and that employing RODEN and giving him unfettered access to children, including Plaintiff, posed an unacceptable risk of harm to children.

{00053025}

13

67. Defendants ST. PETER AND PAUL and ROMAN CATHOLIC DIOCESE OF BROOKLYN 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 students in their care from sexual abuse.

68. Defendants ST. PETER AND PAUL and ROMAN CATHOLIC DIOCESE OF BROOKLYN carelessly, negligently and recklessly failed to have in place an appropriate policy and/or practice to monitor, supervise or oversee RODEN's interactions with minor students such as Plaintiff, in order to keep them safe from sexual abuse.

69. The careless, negligent and reckless misconduct by Defendants ST. PETER AND PAUL and ROMAN CATHOLIC DIOCESE OF BROOKLYN, 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.

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

71. 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.

THIRD CAUSE OF ACTION

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

72. Plaintiff repeats and realleges 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 ST. PETER AND PAUL and ROMAN CATHOLIC DIOCESE OF BROOKLYN's aforesaid negligent, grossly negligent and reckless misconduct endangered Plaintiff's safety and caused him to fear for his own safety.

75. Defendants ST. PETER AND PAUL and ROMAN CATHOLIC DIOCESE OF BROOKLYN knew or disregarded the substantial probability that RODEN would cause severe emotional distress to Plaintiff.

76. As a direct and proximate result of Defendants' foregoing 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 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

PREMISES LIABILITY

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

79. At all relevant times, Defendants ST. PETER AND PAUL and ROMAN CATHOLIC DIOCESE OF BROOKLYN owned, operated, and/or controlled the premises known as ST PETER AND PAUL'S ROMAN CATHOLIC CHURCH, including areas where abuse of Plaintiff occurred.

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

81. Defendants ST. PETER AND PAUL and ROMAN CATHOLIC DIOCESE OF BROOKLYN 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 ST. PETER AND PAUL and ROMAN CATHOLIC DIOCESE OF BROOKLYN 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 RODEN.

83. Defendants ST. PETER AND PAUL and ROMAN CATHOLIC DIOCESE OF BROOKLYN thereby breached their duty of care of Plaintiff.

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

85. 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.

FIFTH CAUSE OF ACTION

BREACH OF FIDUCIARY NON-DELEGABLE DUTY

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

87. At all relevant times, there existed a fiduciary relationship of trust, confidence and reliance between Plaintiff and Defendants ST. PETER AND PAUL and ROMAN CATHOLIC DIOCESE OF BROOKLYN.

88. The entrustment of Plaintiff to the care and supervision of the Defendants ST. PETER AND PAUL and ROMAN CATHOLIC DIOCESE OF BROOKLYN, while Plaintiff was a vulnerable child, imposed upon these Defendants a fiduciary non-delegable duty to act in the best interests of Plaintiff.

89. Defendants ST. PETER AND PAUL and ROMAN CATHOLIC DIOCESE OF BROOKLYN were entrusted with the well-being, care, and safety of Plaintiff, which Defendants had a fiduciary duty to protect.

90. By reason of the foregoing, Defendants ST. PETER AND PAUL and ROMAN CATHOLIC DIOCESE OF BROOKLYN, breached their fiduciary duties to Plaintiff.

91. As a direct and proximate result of Defendants ST. PETER AND PAUL and ROMAN CATHOLIC DIOCESE OF BROOKLYN's foregoing breach, Plaintiff suffered grave injury, including the physical, psychological and emotional injury and damages as described above.

92. 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.

SIXTH CAUSE OF ACTION

BREACH OF DUTY *IN LOCO PARENTIS*

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

94. At all relevant times, Plaintiff was a vulnerable child entrusted to the care of Defendants ST. PETER AND PAUL and ROMAN CATHOLIC DIOCESE OF BROOKLYN, 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.

95. By reason of the foregoing, Defendants ST. PETER AND PAUL and ROMAN CATHOLIC DIOCESE OF BROOKLYN breached their duties to act *in loco parentis*.

96. As a direct and proximate result of Defendants ST. PETER AND PAUL and ROMAN CATHOLIC DIOCESE OF BROOKLYN's foregoing breach, Plaintiff suffered grave injury, including the physical, psychological and emotional injury and damages as described above.

97. 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

BREACH OF STATUTORY DUTIES TO REPORT

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

99. 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.

100. Defendants breached their statutory duty by knowingly and willfully failing to report reasonable suspicion of sexual abuse by RODEN.

101. As a direct and proximate result of Defendants ST. PETER AND PAUL and ROMAN CATHOLIC DIOCESE OF BROOKLYN's foregoing breaches, Plaintiff suffered

grave injury, including the physical, psychological and emotional injury and damages as described above.

102. 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.

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: July 13, 2020

Yours, etc.

PHILLIPS & PAOLICELLI, LLP

{00053025}

19

Victoria E. Phillips

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

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

-----X
PC-40 Doe

Plaintiff,

-against-

SUMMONS

INDEX No.:

ST. PETER AND PAUL ROMAN CATHOLIC
CHURCH,
THE MERGED PARISHES OF SAINTS PETER
AND PAUL AND EPIPHANY PARISH,
THE ROMAN CATHOLIC DIOCESE OF
BROOKLYN,
AND DOES 1-10 WHOSE IDENTITIES ARE
UNKNOWN TO PLAINTIFF,

Plaintiffs designate the County
of KINGS as the place of trial.
The basis of venue is a
Defendant’s residence in and
underlying events occurred
in KINGS COUNTY

Defendants.

-----X

Plaintiff designates the County of KINGS as the place of trial. The basis of venue is a
Defendant’s residence is in and underlying events occurred in KINGS COUNTY.

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
July 29, 2020

PHILLIPS & PAOLICELLI, LLP
Attorneys for Plaintiff

By: Victoria E. Phillips

Diane Paolicelli, Esq.
Victoria E. Phillips Esq.
Michael DeRuve Esq.

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

To:

ST. PETER AND PAUL ROMAN CATHOLIC CHURCH
71 South 3rd Street
Brooklyn, NY 11249

THE MERGED PARISHES OF SAINTS PETER AND PAUL AND EPIPHANY PARISH
71 South 3rd Street
Brooklyn, NY 11249

And

THE ROMAN CATHOLIC DIOCESE OF BROOKLYN
45 Main Street, Brooklyn, NY 11021

DOES 1-10

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

-----X
PC-40 Doe

Plaintiff,
-against-

COMPLAINT

INDEX No.:

ST. PETER AND PAUL ROMAN CATHOLIC
CHURCH
THE MERGED PARISHES OF SAINTS PETER
AND PAUL AND EPIPHANY PARISH,
THE ROMAN CATHOLIC DIOCESE OF
BROOKLYN, and
DOES 1-10 WHOSE IDENTITIES ARE UNKNOWN
TO PLAINTIFF

Defendants.

-----X

Plaintiff PC-40 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 by Plaintiff PC-40 Doe (hereafter "Plaintiff").
2. As a child, Plaintiff attended Roman Catholic churches in Brooklyn New York, including DEFENDANT ST. PETER AND PAUL ROMAN CATHOLIC CHURCH.

3. On information and belief, DEFENDANT ST. PETER AND PAUL ROMAN CATHOLIC CHURCH is a part of DEFENDANT THE MERGED PARISHES OF SAINTS PETER AND PAUL AND EPIPHANY PARISH in Brooklyn New York.¹
4. As a minor, Plaintiff was unlawfully sexually abused by priests belonging to, answerable to, and employed by Defendant THE ROMAN CATHOLIC DIOCESE OF BROOKLYN.
5. Those priests included FATHER RAYMOND P. RODEN (“RODEN”), an employee of Defendants THE ROMAN CATHOLIC DIOCESE OF BROOKLYN and ST. PETER AND PAUL.
6. Plaintiff was a minor at the time of the abuse by RODEN, which occurred in or about 1982-1983.
7. Defendants ST. PETER AND PAUL and THE ROMAN CATHOLIC DIOCESE OF BROOKLYN, held RODEN out as a person who would supervise children on and off church premises.
8. RODEN’s abuse of Plaintiff occurred while he was acting in that assigned role.
9. RODEN’s abuse of Plaintiff took place at locations including the premises of ST. PETER AND PAUL’S.
10. Also as a minor, in approximately the late 1970s to early 1980s, Plaintiff was unlawfully sexually abused by two additional Roman Catholic priests, in a church and in an apartment house shared by those priests located in the North side area of the Williamsburg section of Brooklyn.

¹ SAINT PETER AND PAUL ROMAN CATHOLIC CHURCH and DEFENDANT THE MERGED PARISHES OF SAINTS PETER AND PAUL AND EPIPHANY PARISH are collectively referred to hereafter as “ST. PETER AND PAUL.”

11. One of those priests was known to Plaintiff as “Father George” (hereafter “Fr. George”) and the other was known to Plaintiff as “Father Peter” or “Vincent Peter” (hereafter “Fr. Peter”).
12. On information and belief, “Fr. George” and “Fr. Peter” also belonged to, were employed by, and were answerable to Defendant THE ROMAN CATHOLIC DIOCESE OF BROOKLYN.
13. On information and belief, their full names and the parishes, orders, and entities to which they belonged are known to Defendants and will be identified through discovery.
14. Not only did Defendants ST. PETER AND PAUL and THE ROMAN CATHOLIC DIOCESE OF BROOKLYN place Plaintiff in harm’s way by improperly allowing priests to have unfettered access to Plaintiff, but Defendants carelessly, negligently, and recklessly, failed to protect Plaintiff from sexual abuse by priests, permitted the abuse to occur, failed to supervise priests, failed to timely investigate misconduct by priests including RODEN, “Fr. George”, and “Fr. Peter”, acted to protect their own self-interest to the detriment of innocent children, including Plaintiff, and are otherwise responsible for abuse of Plaintiff by priests and Plaintiff’s consequential injuries and damages.

PARTIES

15. Plaintiff is an individual residing in Lee County Florida.
16. Plaintiff was born in April 1967.
17. As a minor, Plaintiff attended and spent time in Roman Catholic churches in Defendant the ROMAN CATHOLIC DIOCESE OF BROOKLYN, including

DEFENDANT SAINT PETER AND PAUL ROMAN CATHOLIC CHURCH
located in Brooklyn NY.

18. On information and belief, THE MERGED PARISHES OF SAINTS PETER AND PAUL AND EPIPHANY PARISH has assumed the liabilities of DEFENDANT SAINT PETER AND PAUL ROMAN CATHOLIC CHURCH.

19. On information and belief, DEFENDANT SAINT PETER AND PAUL ROMAN CATHOLIC CHURCH is now a part of THE MERGED PARISHES OF SAINTS PETER AND PAUL AND EPIPHANY PARISH (those two entities are collectively referred to as "ST. PETER AND PAUL") in Williamsburg Brooklyn New York.

20. Defendant ST. PETER AND PAUL is a Roman Catholic Church within the Diocese of Brooklyn, 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 or about 71 S 3rd St, Brooklyn, NY.

21. At all relevant times, ST. PETER AND PAUL was owned, operated, maintained and managed by Defendant the ROMAN CATHOLIC DIOCESE OF BROOKLYN.

22. At all relevant times, Defendant the ROMAN CATHOLIC DIOCESE OF BROOKLYN has been a religious corporation organized pursuant to Religious Corporation Law, with its principal office at 310 Prospect Park West, Brooklyn, NY 11215, which may be served at addresses including 45 Main Street, Brooklyn, NY 11021.

23. Defendant the ROMAN CATHOLIC DIOCESE OF BROOKLYN is a Roman Catholic Diocese.

24. At all relevant times, the ROMAN CATHOLIC DIOCESE OF BROOKLYN owned, created, oversaw, managed, supervised, controlled, directed and/or operated various institutions of the ROMAN CATHOLIC DIOCESE OF BROOKLYN, including Roman Catholic parishes within the ROMAN CATHOLIC DIOCESE OF BROOKLYN including but not limited to Defendant ST. PETER AND PAUL and oversaw, managed, supervised, controlled direct all staff, employees, and pastors who worked at said parishes.
25. At all relevant times, Defendants ST. PETER AND PAUL and the ROMAN CATHOLIC DIOCESE OF BROOKLYN owned the premises upon which ST. PETER AND PAUL was operated and all premises where ST. PETER AND PAUL'S was located.
26. On information and belief, at all relevant times, Defendant the ROMAN CATHOLIC DIOCESE OF BROOKLYN owned, maintained, controlled, leased, and/or rented the premises where "Fr. Peter" and "Fr. George" sexually abused Plaintiff and other children, including their residence in in Brooklyn New York and the parishes with which they were affiliated.
27. Defendants Does 1 through 10 are unknown churches, orders, individuals, entities, administrators, officials, employees, or agents whose identities will be provided when they become known pursuant to C.P.L.R. § 1024, and whose conduct contributed to, facilitated, or wrongfully failed to prevent the unlawful sexual abuse alleged herein.

FACTUAL ALLEGATIONS

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

29. Between approximately 1982 and 1983, Plaintiff attended services and spent time at Defendant ST. PETER AND PAUL in Brooklyn NY.

30. At all relevant times, RODEN was under the direct supervision, employ and control of the Defendants ST. PETER AND PAUL and ROMAN CATHOLIC DIOCESE OF BROOKLYN.

31. At all relevant times, RODEN was assigned by Defendants ST. PETER AND PAUL and the ROMAN CATHOLIC DIOCESE OF BROOKLYN, to work with and supervise children including Plaintiff.

32. At all relevant times, RODEN's duties and responsibilities included supervising children such as Plaintiff who attended ST. PETER AND PAUL.

33. At all relevant times Defendants ROMAN CATHOLIC DIOCESE OF BROOKLYN and ST. PETER AND PAUL held RODEN out as a qualified religious leader, educator and chaperone for students when they attended church events.

34. Beginning in or about 1982, RODEN, acting in the course and scope of his employment with Defendants ST. PETER AND PAUL and ROMAN CATHOLIC DIOCESE OF BROOKLYN, was assigned to supervise children and oversee church outings involving Plaintiff and other children.

35. At all relevant times, Defendants ST. PETER AND PAUL and ROMAN CATHOLIC DIOCESE OF BROOKLYN authorized, permitted, and assigned RODEN to supervise Plaintiff and other children on church premises.

36. During the period of approximately 1982-1983, while Plaintiff attended ST. PETER AND PAUL, RODEN on the premises of Defendant ST. PETER AND PAUL engaged

in harmful and unlawful sexual abuse and/or contact with Plaintiff in violation of the laws of the State of New York.

37. The sexual abuse and/or sexual contact with Plaintiff by RODEN occurred on Defendants' property in violation of the laws of the State of New York.

38. This sexual abuse included but was not limited to RODEN's kissing Plaintiff and unlawfully touching Plaintiff's genitals and buttocks and exposing his penis to Plaintiff.

39. As related above, between approximately the late 1970s and the early 1980s, Plaintiff also experienced unlawful sexual abuse as a minor by two other Roman Catholic priests.

40. One of those priests was known to Plaintiff as "Father George" (hereafter "Fr. George") and the other was known to Plaintiff as "Father Peter" or "Vincent Peter" (hereafter "Fr. Peter").

41. The abuse by these two priests occurred at locations at church and in an apartment house shared by those priests located in the Williamsburg section of Brooklyn at or about North 7th or 8th Street.

42. The abuse by "Fr. Peter" and "Fr. George" of Plaintiff included but was not limited to their performing oral sex on Plaintiff, and exposing and touching their own genitals in Plaintiff's presence.

43. On information and belief, "Fr. George" and "Fr. Peter" belonged to, were employed by, and were answerable to Defendant THE ROMAN CATHOLIC DIOCESE OF BROOKLYN.

44. On information and belief, their full names and the parishes and any additional orders or entities to which "Fr. George" and "Fr. Peter" belonged are known to Defendants and will be identified through discovery.

45. At all relevant times, RODEN was under the management, supervision, employ, direction and/or control of Defendants ST. PETER AND PAUL and ROMAN CATHOLIC DIOCESE OF BROOKLYN.

46. On information and belief, “Fr. George” and “Fr. Peter” were also under the management, supervision, employ, direction and/or control of entities including Defendant the ROMAN CATHOLIC DIOCESE OF BROOKLYN.

47. At all relevant times, RODEN’s, “Fr. George’s” and “Fr. Peter’s” positions at and within Defendants put the abusers in direct contact with Plaintiff.

48. At all relevant times, RODEN, “Fr. George” and “Fr. Peter” used their positions at, within, or for, Defendants and the implicit representations made by them about their character that accompanied that position to gain Plaintiff’s trust and confidence and to create opportunities to be alone with, inappropriately question, and touch and abuse Plaintiff.

49. Defendants knew and/or reasonably should have known, and/or knowingly condoned, and/or covered up the inappropriate and unlawful sexual activities of priests including “Fr. George,” “Fr. Peter,” and RODEN who sexually abused Plaintiff.

50. Defendants had the responsibility to manage, supervise, control and/or direct RODEN, “Fr. George” and “Fr. Peter” who were pastors at churches within the ROMAN CATHOLIC DIOCESE OF BROOKLYN and had a duty not to aid pedophiles by assigning, maintaining and/or appointing them to positions with access to minors.

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

52. Defendants knew and/or should have known that RODEN, “Fr. George” and “Fr. Peter” used their positions within the Roman Catholic Church to harm minors, including Plaintiff

and to form an acquaintance that could be, and was, used to provide opportunities for sexual abuse.

53. Defendants knew or should have known that RODEN, “Fr. George” and “Fr. Peter” were a danger to minors, like Plaintiff, before they sexually abused Plaintiff.

54. Defendants knew or should have known that allowing RODEN, “Fr. George” and “Fr. Peter” to have unsupervised and unlimited access with children, particularly vulnerable students like Plaintiff, posed an unacceptable risk of child sex abuse.

55. Prior to the time of Plaintiff’s abuse, Defendants knew or should have known that there was a specific danger of child sex abuse for children in their institutions and programs.

56. The abuse of Plaintiff by RODEN was foreseeable.

57. The abuse of Plaintiff by “Fr. George” was foreseeable.

58. The abuse of Plaintiff by “Fr. Peter” was foreseeable.

59. RODEN’s inappropriate behavior and sexual contact with Plaintiff was not an isolated event, but instead was part of a broader and ongoing pattern including but not limited to kissing, hugging, and groping multiple boys both on and off church premises for his own sexual satisfaction.

60. “Fr. George’s” and “Fr. Peter’s” inappropriate behavior and sexual contact with Plaintiff alleged herein was not an isolated event, but instead was part of a broader pattern including but not limited to their unlawfully touching children’s genitals and making children touch their genitals for their own sexual satisfaction.

61. Defendants owed Plaintiff a reasonable duty of care because they affirmatively solicited children and parents to send their children to church and to outings supervised by priests; they undertook custody of minor children, including Plaintiff; they promoted their

facilities, staff, employees, premises, and programs as being safe for children, they held out their agents, including RODEN, “Fr. George” and “Fr. Peter”, as safe to work with and around minor students, they encouraged parents and children to spend time with their agents; and/or authorized their agents, including RODEN, “Fr. George” and “Fr. Peter”, to provide professional services to children.

62. 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 family 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.

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

64. 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, 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; will 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.

65. 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.

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

FIRST CAUSE OF ACTION

NEGLIGENT HIRING, RETENTION, SUPERVISION, AND DIRECTION

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

68. At all relevant times Defendants had a duty to exercise due care in hiring, appointing, assigning, retention, supervision and direction of RODEN, "Fr. George" and "Fr. Peter", 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 RODEN, "Fr. George" and "Fr. Peter" did not use their assigned positions to injure minors by sexual assault, contact or abuse.

69. Defendants were negligent and failed to use reasonable care in hiring, appointing, assigning, and retention, of RODEN, "Fr. George" and "Fr. Peter", failed to properly investigate their background and employment history, and/or hired, appointed and/or assigned them to supervise children and lead outings involving children, when Defendants knew or should have known of facts that would make him a danger to children; and Defendants were otherwise negligent.

70. Defendants were negligent and did not use reasonable care in their supervision and direction of RODEN, “Fr. George,” and “Fr. Peter”, failed to monitor their activities, failed to oversee the manner in which they carried out the duties to which Defendants assigned them, even though they knew or should have known that RODEN, “Fr. George,” and “Fr. Peter” posed a threat of sexual abuse to minors; allowed the misconduct described above to occur and continue; failed to investigate RODEN’s, “Fr. George’s” and “Fr. Peter’s” dangerous activities and remove them from their premises; failed to have policies and practices in place that would have prevented this abuse; and Defendants were otherwise negligent.

71. RODEN, “Fr. George,” and “Fr. Peter” would not have been in a position to sexually abuse Plaintiff had Defendants not been negligent in the hiring, retention, supervision, and direction of them

72. At all relevant times, RODEN, “Fr. George” and “Fr. Peter” acted in the course and scope of their employment with Defendants.

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

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

75. 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.

SECOND CAUSE OF ACTION

NEGLIGENT, RECKLESS, AND WILLFUL MISCONDUCT

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

77. At all relevant times, Defendants affirmatively and/or impliedly represented to minor children, their families and the general public that employees and agents working in ST. PETER AND PAUL'S and in the ROMAN CATHOLIC DIOCESE OF BROOKLYN, including RODEN, "Fr. George," and "Fr. Peter", did not pose a risk of sexually abusing children, and that children, including Plaintiff, would be safe in their care.

78. Defendants knew or should have known this representation was false and that employing RODEN, "Fr. George" and "Fr. Peter", and giving them unfettered access to children, including Plaintiff, posed an unacceptable risk of harm to children.

79. 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 students in their care from sexual abuse.

80. Defendants carelessly, negligently and recklessly failed to have in place an appropriate policy and/or practice to monitor, supervise or oversee RODEN's, "Fr. George's" and "Fr. Peter's" interactions with minor students such as Plaintiff, in order to keep them safe from sexual abuse.

81. The careless, negligent and reckless misconduct by 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.

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

{00054033}

15

83. 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.

THIRD CAUSE OF ACTION

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

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

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

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

87. Defendants knew or disregarded the substantial probability that RODEN, "Fr. George" and "Fr. Peter" would cause severe emotional distress to Plaintiff.

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

89. 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.

FOURTH CAUSE OF ACTION

PREMISES LIABILITY

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

91. At all relevant times, Defendants ST. PETER AND PAUL and ROMAN CATHOLIC DIOCESE OF BROOKLYN owned, operated, and/or controlled the premises known as ST PETER AND PAUL'S, including areas where abuse of Plaintiff occurred.

92. On information and belief, at all relevant times, Defendant the ROMAN CATHOLIC DIOCESE OF BROOKLYN owned, operated, and/or controlled the parish to which "Fr. George" and "Fr. Peter" belonged, as well as the residence that they shared between the late 1970s and early 1980s in Brooklyn, New York, including the areas where abuse of Plaintiff occurred.

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

94. 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.

95. Defendants willfully, recklessly, and negligently failed to provide reasonably safe premises that were free from the presence of sexual predators and/or the assault by the occupants of the premises, including RODEN, "Fr. George," and "Fr. Peter".

96. Defendants thereby breached their duty of care of Plaintiff.

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

98. 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.

FIFTH CAUSE OF ACTION

BREACH OF FIDUCIARY NON-DELEGABLE DUTY

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

100. At all relevant times, there existed a fiduciary relationship of trust, confidence and reliance between Plaintiff and Defendants.

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

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

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

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

105. 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.

SIXTH CAUSE OF ACTION

BREACH OF DUTY *IN LOCO PARENTIS*

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

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

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

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

110. 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

BREACH OF STATUTORY DUTIES TO REPORT

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

112. 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.

113. Defendants breached their statutory duty by failing to report reasonable suspicion of sexual abuse by RODEN, "Fr. Peter", and "Fr. George".

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

115. 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.

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: July 29, 2020

Yours, etc.

PHILLIPS & PAOLICELLI, LLP

Victoria E. Phillips

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