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

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

NYS UCS Case Number	Alleged Perpetrator	Defendant #	Defendants	Plaintiff
950359/2020	Stinner, Fr. John B.	5	Archdiocese of New York, Sisters of the Divine Compassion, John F. Kennedy Catholic HS, et al.	DOE, PC-3

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

PC-3 DOE, _____x

Index No. _____ / 2020

Plaintiff,
-against-

ARCHDIOCESE OF NEW YORK; ST.
JAMES THE APOSTLE / OUR LADY
OF THE LAKE MOUNT CARMEL; ST.
JOSEPH CATHOLIC CHURCH; THE
SISTERS OF THE DIVINE
COMPASSION OF THE STATE OF
NEW YORK and JOHN F. KENNEDY
CATHOLIC HIGH SCHOOL,

SUMMONS

Defendants.
_____x

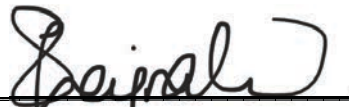
Venue is based in New York County based upon the location and principal place of business of Defendant The Archdiocese of New York; 1011 First Ave., New York, NY 10022.

TO THE ABOVE NAMED DEFENDANTS :

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the plaintiffs' attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

DATED: New York, New York
June 22, 2020

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Attorneys for Plaintiffs



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ARCHDIOCESE OF NEW YORK

1011 First Ave.,
New York, NY 10022

ST. JAMES THE APOSTLE / OUR LADY OF THE LAKE MOUNT CARMEL

County Rd 49,
Carmel Hamlet, NY 10512

ST. JOSEPH CATHOLIC CHURCH

95 Plum Brook Rd,
Somers, NY 10589

THE SISTERS OF THE DIVINE COMPASSION OF THE STATE OF NEW YORK

52 North Broadway,
White Plains, NY 10601

JOHN F. KENNEDY CATHOLIC HIGH SCHOOL

54 NY-138,
Somers, NY 1-589

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

PC-3 DOE,

Index No. _____ / 2020

Plaintiff,

-against-

ARCHDIOCESE OF NEW YORK; ST.
JAMES THE APOSTLE / OUR LADY
OF THE LAKE MOUNT CARMEL; ST.
JOSEPH CATHOLIC CHURCH; THE
SISTERS OF THE DIVINE
COMPASSION OF THE STATE OF
NEW YORK and JOHN F. KENNEDY
CATHOLIC HIGH SCHOOL,

COMPLAINT

Defendants.

X

Plaintiff PC-3 Doe by and through his undersigned attorneys, for his Complaint, alleges on personal knowledge as to himself and on information and belief as to other matters, as follows:

NATURE OF THE ACTION

1. This action is brought pursuant to the Child Victims Act, codified at CPLR 214-g.
2. Plaintiff PC-3 Doe (“Plaintiff”) was repeatedly sexually abused, assaulted and molested by Fr. Francis Stinner (“Fr. Stinner”), a priest hired, retained, supervised, placed, directed and otherwise authorized to act by Defendants the Archdiocese of New York (“the Archdiocese”); ST. JAMES THE APOSTLE / OUR LADY OF THE LAKE MOUNT CARMEL (“St. James”); ST. JOSEPH CATHOLIC CHURCH (“St. Joseph”); THE SISTERS OF THE DIVINE COMPASSION OF THE STATE OF NEW YORK (“The Sisters”) and JOHN F. KENNEDY CATHOLIC HIGH SCHOOL (“JFK”).

3. Plaintiff was approximately 11-12 years old when Fr. Stinner first commenced sexually abusing Plaintiff, in or about 1985.

4. Fr. Stinner was a priest of Defendant the Archdiocese; St. Joseph Catholic Church in Somers, New York, and St James in Carmel, New York from approximately 1981-1989, and a teacher and a soccer coach at JFK in Somers, New York.

5. Despite years of refusal to publicly address rampant child abuse by priests, Defendant the Archdiocese recently published a long list of priests with substantiated claims of sexual abuse of a minor. That list includes Fr. Stinner, who victimized many children.

6. In fact, the Roman Catholic Church, and the Defendants specifically, have long known that substantial numbers of priests throughout history, and up to and including the present day, violate their vows or promises of celibacy and otherwise misbehave by soliciting sexual contact with parishioners and others, in particular with children like Plaintiff, who are entrusted to their spiritual care and guidance. Official Church documents dealing with this unspeakable misconduct span the centuries, many of which were and are well known to Defendants.

7. Upon information and belief, Defendants knew that Fr. Stinner committed as many as ten other incidents of sexual abuse of children dating to the 1980s. Defendants relocated Stinner when these incidents were discovered.

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. Stinner, permitted the abuse to occur, failed to supervise Fr. Stinner, failed to timely investigate Fr. Stinner's misconduct, failed to educate and train minors, parents, clergy members, and/or adult staff about the risk of sexual abuse in their institution and facilities, to identify signs of sexual abuse, grooming behaviors, or sexual predators, and to report

any suspicion that a minor may be getting abused, maltreated, groomed, or otherwise sexually abused, acted to protect their own self-interest to the detriment of innocent children, and are otherwise responsible for Fr. Stinner's sexual assault of Plaintiff, and Plaintiff's consequential injuries and damages.

PARTIES

9. Plaintiff is an individual residing in Fairfield County, Connecticut. At the time of the events complained of, he was a minor residing in Putnam County, New York

10. Plaintiff was born in 1973.

11. As a child during all relevant periods Plaintiff was a parishioner at St. James the Apostle / Our Lady of the Lake Mount Carmel, New York, a Roman Catholic parish that was at all relevant times under the authority of the Defendant the Archdiocese.

12. Defendant Archdiocese of New York is a religious institution and organization with principal offices located at 1011 First Ave., New York, NY 10022. The Archdiocese controls all Catholic religious, pastoral and educational functions throughout the boroughs of Manhattan, Bronx and Staten Island, and in other counties in the greater New York metropolitan area. The Archdiocese operates and controls approximately 370 parishes, 274 schools and 90 Catholic charities. The Archdiocese is a citizen and resident of the State of New York.

13. At all relevant times, Defendant St. James The Apostle / Our Lady Of The Lake Mount Carmel Catholic Church ("St. James") was under the direct authority of the Defendant Archdiocese, and was a not-for-profit corporation organized pursuant to the laws of the State of New York, and located in Putnam County, at County Rd 49, Carmel Hamlet, NY 10512.

14. At all relevant times, Defendant St. Joseph Catholic Church Catholic Church ("St. Joseph") was under the direct authority of the Defendant Archdiocese, and was a not-for-profit

corporation organized pursuant to the laws of the State of New York, and located in Westchester County, at 95 Plum Brook Rd, Somers, NY 10589.

15. At all relevant times, Defendant The Sisters was a not-for-profit corporation organized pursuant to the laws of the State of New York, and located in Westchester County, at 52 North Broadway, White Plains, NY 10601.

16. At all relevant times, Defendant JFK was a Roman Catholic high school organized pursuant to the laws of the State of New York, and located in Westchester County, at 54 NY-138, Somers, NY 1-589.

17. Decedent Fr. Francis Stinner was a priest in the Archdiocese of New York. Fr. Stinner passed away in August of 2017.

18. At all relevant times, the Archdiocese oversaw, managed, controlled, directed and operated catholic schools within its jurisdiction, including Defendant JFK High School.

19. At all relevant times, the Sisters oversaw, managed, controlled, directed and operated Defendant JFK High School.

20. At all relevant times the Archdiocese oversaw, managed, controlled, directed and operated parishes, churches and schools for minor children within the Archdiocese.

21. Defendant JFK was at all relevant times a Catholic High School under the control of the Archdiocese, and was Plaintiff's mother's employer.

22. At all relevant times, Fr. Stinner was an employee, agent, and representative of the Defendants. At all relevant times Defendants assigned Fr. Stinner the position of priest, teacher and soccer coach.

23. At all relevant times, Plaintiff's mother was an employee at John F. Kennedy High School, where she was introduced to Fr. Stinner as a co-worker.

24. At all relevant times, Defendant Archdiocese owned the premises where Defendants St. James, St. Joseph, and JFK were located.

25. At all relevant times, Defendant Archdiocese oversaw, managed, controlled, directed and assigned priests and lay teachers to work in parishes, churches and schools that were under the authority of the Archdiocese, including Defendants St. James, St. Joseph, and JFK.

FACTUAL ALLEGATIONS

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

27. At all relevant times, Plaintiff and his family were parishioners of Defendants.

28. At all relevant times, Fr. Stinner was a Roman Catholic priest employed by Defendants.

29. At all relevant times, Fr. Stinner was under the direct supervision and control of Defendants. Fr. Stinner's duties and responsibilities included, *inter alia*, providing sports coaching to children, serving as priest, and interacting with, mentoring, disciplining and counseling children.

30. At all relevant times Defendants held Fr. Stinner out as a qualified sports coach for children, authorized Fr. Stinner to be alone with children, including Plaintiff, and to have unfettered and unsupervised access to them.

31. Defendants authorized Fr. Stinner to have physical contact with minors, in a manner consistent with providing discipline, counseling, athletic, educational and spiritual guidance, and leadership.

32. Plaintiff was raised as a Catholic, and at all relevant times was encouraged to have reverence, fear and respect for the Catholic Church and its clergy.

33. Beginning in or about 1985, when Plaintiff was in 7th grade, Fr. Stinner engaged in unpermitted, forcible and harmful sexual contact with Plaintiff, on multiple occasions.

34. Plaintiff had incurred an injury from his football practice. Fr. Stinner, acting in the course and scope of his employment, and cloaked with the authority conferred on him by the Archdiocese, The Sisters, and JFK High School, offered as a sports coach to inspect the injury as a pretext to commit sexual abuse, molestation, and misconduct against Plaintiff.

35. Defendants knew or should have known that Fr. Stinner was a danger to minor boys like Plaintiff, before the sexual abuse of Plaintiff began.

36. Plaintiff, knowing Fr. Stinner to be a soccer coach at JFK High School and a priest with the Archdiocese, whom he had seen speak as a priest at his own parish, relied on the authority conferred on Fr. Stinner by Defendants and trusted him to interact with him safely and appropriately as a sports coach at a Catholic School and as a Catholic Priest.

37. Fr. Stinner's conduct was in violation of Article 130 of New York's Penal Code.

38. Fr. Stinner used his spiritual authority as a pretext to groom and sexually assault Plaintiff.

39. Plaintiff's relationship to Defendants as a vulnerable child and student, and the culture of the Catholic Church which Defendants endorsed, put pressure on Plaintiff not to report the sexual molestation and abuse.

40. Fr. Stinner further pressured Plaintiff into silence by threatening to turn Plaintiff's mother, who worked as a teacher at JFK with Stinner, against Plaintiff if the abuse was reported.

41. The Vatican and other church authorities addressed the problem of clergy sex abuse on countless occasions prior to the abuse of Plaintiff, and communicated as much with all levels of Church hierarchy including bishops and other Diocesan leaders. Over the centuries, various

Popes passed Church decrees and legislation condemning such offenses, including a clerical crime known as “solicitation,” engaging in sexual contact with an adult or a child during administration of the sacrament of confession.

42. As such, at all relevant times, Defendants were well aware that errant sexual behavior by some priests was not only widespread but predictable.

43. Upon information and belief, not only was Defendant Archdiocese aware of sexual abuse of children, but it participated in covering up such heinous acts by moving errant priests and clergy members from assignment to assignment, thereby putting children in harm’s way.

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

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

46. The sexual abuse of Plaintiff described above was foreseeable.

47. Prior to the time of Plaintiff’s abuse by Fr. Stinner, Defendants knew or should have known of acts of child sexual abuse by Fr. Stinner.

48. In April, 2019, the Archdiocese admitted publicly that Fr. Stinner was among the many Archdiocesan priests with substantiated claims of sexual abuse of a minor.

49. Nevertheless, the Archdiocese never notified law enforcement officials of Fr. Stinner’s illegal activities, and, upon information and belief, permitted him to remain in active ministry for years despite knowing of his predatory and criminal behavior.

50. Defendants owed Plaintiff a reasonable duty of care because they affirmatively solicited children and parents to send their children to JFK, St. Joseph, and St. James; they undertook custody of minor children; they promoted their facilities and programs as being safe for children, they held out their agents, including Fr. Stinner, as safe to work with and around minor students, they encouraged parents and children to spend time with their agents; and they encouraged other staff at JFK High School including as Plaintiff's mother to fraternize with Fr. Stinner, and represented to her that Fr. Stinner was safe to be around her own children.

51. Defendants owed Plaintiff a heightened, fiduciary duty of care because Plaintiff's parents entrusted Plaintiff to Defendants' care, and expected that Plaintiff would be safe and properly supervised in an environment free from harm and abuse; Plaintiff was a vulnerable minor, and unable to protect himself; and Defendants affirmatively assumed a position of empowerment over Plaintiff.

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

53. As a result of the foregoing, Plaintiff has suffered and continues to suffer great physical and mental pain and anguish, severe and permanent emotional distress, psychological injuries, fear and anxiety; substance abuse; was prevented and will continue to be prevented from performing his normal daily activities; was and will continue to be deprived of the enjoyment of life's pleasures; has suffered and continues to suffer loss of spirituality; has incurred and may in the future incur expenses for medical and psychological treatment, and was otherwise damaged in an amount that exceeds the monetary limits of all courts of lower jurisdiction.

54. 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 1602.

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

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

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

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

58. Defendants negligently retained Fr. Stinner with knowledge of Fr. Stinner's propensity for the type of behavior which resulted in Plaintiff's injuries.

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

60. Defendants were negligent and failed to use reasonable care in hiring, appointing, assigning, and retention, of Fr. Stinner, failed to properly investigate his background and employment history, and/or hired, appointed and/or assigned him to JFK, St. James, and St. Joseph, when Defendants knew or should have known of facts that would make him a danger to children; and Defendants were otherwise negligent.

61. Defendants were negligent and did not use reasonable care in their supervision and direction of Fr. Stinner, failed to monitor his activities, failed to oversee the manner in which he carried out the duties to which Defendants assigned him, even though they knew or should have known that Fr. Stinner posed a threat of sexual abuse to minors; allowed the misconduct described above to occur; failed to investigate Fr. Stinner's dangerous activities and remove him from their premises; and Defendants were otherwise negligent.

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

63. At all relevant times, Fr. Stinner acted in the course and scope of his employment with Defendants.

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

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

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

SECOND CAUSE OF ACTION
NEGLIGENT, RECKLESS, AND WILLFUL MISCONDUCT

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

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

abuse, grooming behaviors, and sexual predators, and to report suspicions that a minor was abused, maltreated, groomed, and/or otherwise sexually abused.

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

70. At all relevant times, Defendants affirmatively and/or impliedly represented to minor children, their families and the general public that employees and agents working for Defendants, including Fr. Stinner, did not pose a risk of sexually abusing children, and that children, including Plaintiff, would be safe in his care.

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

72. Defendant Archdiocese maintained a policy and practice of covering up criminal activity committed by clergy members within the Archdiocese.

73. Over the decades, this "cover-up" policy and practice of the Archdiocese resulted in the sexual assault of untold numbers of children and put numerous other children at risk of sexual assault.

74. Defendants failed to report multiple allegations of sexual abuse by their employees, agents and representatives, to the proper authorities, thereby putting children at risk of sexual assault.

75. Upon information and belief, Defendants covered up acts of abuse by Fr. Stinner and concealed facts concerning his sexual misconduct from Plaintiff and his family.

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

77. Defendants failed to warn Plaintiff and his parents that Fr. Stinner posed a risk of child sexual assault.

78. The conduct of Defendants as described herein was done with utter disregard as to the potential profound injuries which would ensue, and with depraved indifference to the health and well-being of children, and to the fact that Defendants were knowingly subjecting children in their charge, including Plaintiff, to sexual crimes.

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

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

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

THIRD CAUSE OF ACTION
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

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

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

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

85. Defendants' knew or disregarded the substantial probability that Fr. Stinner would cause severe emotional distress to Plaintiff.

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

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

FOURTH CAUSE OF ACTION
BREACH OF FIDUCIARY DUTY

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

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

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

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

92. 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.

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

FIFTH CAUSE OF ACTION
BREACH OF STATUTORY DUTIES TO REPORT

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

95. 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.

96. Pursuant to Article 23-B of the Education Law, the Defendants were obligated to report to law enforcement authorities allegations of child abuse in an educational setting by a district employee.

97. Defendants breached their statutory duty by knowingly and willfully failing to report reasonable suspicion of sexual abuse by Fr. Stinner of children in their care.

98. 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.

99. By reason of the foregoing, Defendants are jointly and severally liable to Plaintiff for compensatory and punitive damages in an amount to be determined at trial, 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;
- b. Awarding Plaintiff punitive damages for his injuries, in an amount to be determined at trial;
- c. Awarding Plaintiff prejudgment interest, to the extent available by law;
- d. Awarding Plaintiff 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.

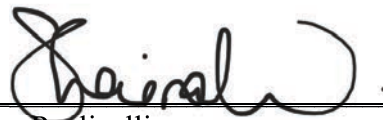
JURY TRIAL DEMANDED

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

Dated: June 15, 2020

Yours, etc.,

Phillips & Paolicelli, LLP
Attorneys for Plaintiffs



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