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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
EFCA2020-002457	Taylor, Msgr. William	2	Diocese of Syracuse & St. Mary of Mt. Carmel-Bessed Sacrament Church.	PB-59 DOE
EFCA2021-000474	Taylor, Msgr. William	1	Sisters of the Third Order Regular of St. Francis Syracuse NY.	PB-59 DOE

STATE OF NEW YORK
SUPREME COURT: COUNTY OF ONEIDA

<p>PB-59 DOE,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">-against-</p> <p>ROMAN CATHOLIC DIOCESE OF SYRACUSE and ST. MARY OF MOUNT CARMEL-BLESSED SACRAMENT CHURCH f/n/a BLESSED SACRAMENT CHURCH,</p> <p style="text-align: center;">Defendants.</p>

SUMMONS

Plaintiff designates the County of ONEIDA as the place of trial. The basis of venue is the Defendant's county of residence pursuant to CPLR §503.

TO THE ABOVE NAMED DEFENDANTS:

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

DATED: New York, New York
November 20, 2020

Phillips & Paolicelli, LLP
Attorneys for Plaintiffs

/s/ Danielle George
By: Danielle George
Michael DeRuve
747 Third Avenue, 6th Floor
New York, New York 10027
212-388-5100
dgeorge@p2law.com

{00056672}

mderuve@p2law.com

Paul K. Barr
Fannizzi & Barr, P.C.
2303 Pine Avenue
Niagara Falls, NY 14301
716-284-8888
pbarr@fanizziandbarr.com

TO:

ROMAN CATHOLIC DIOCESE OF SYRACUSE

240 East Onondaga Street
Syracuse, NY 13202

**ST. MARY OF MOUNT CARMEL-BLESSED SACRAMENT CHURCH f/n/a BLESSED
SACRAMENT CHURCH**

648 Jay Street
Utica, New York 13501

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STATE OF NEW YORK
SUPREME COURT: COUNTY OF ONEIDA

<p>PB-59 DOE,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">-against-</p> <p>ROMAN CATHOLIC DIOCESE OF SYRACUSE and ST. MARY OF MOUNT CARMEL-BLESSED SACRAMENT CHURCH f/n/a BLESSED SACRAMENT CHURCH,</p> <p style="text-align: center;">Defendants.</p>

COMPLAINT

Index No.:

Plaintiff PB-59 DOE, by and through his undersigned attorneys, as and for his Complaint, alleges as follows:

NATURE OF THE ACTION

1. This action is brought pursuant to the Child Victims Act, codified at CPLR 214-g.
2. Upon information and belief Plaintiff PB-59 Doe (“Plaintiff”) was repeatedly sexually abused and assaulted by Monsignor William Taylor (“Msgr. Taylor”), who was hired, retained, supervised, placed, directed and otherwise authorized to act by Defendants the Roman Catholic Diocese Of Syracuse and Blessed Sacrament Parish, (hereinafter collectively referred to as “Defendants”).
3. Plaintiff met Msgr. Taylor when Plaintiff was a parishioner at Defendant Blessed Sacrament Parish.
4. Plaintiff was about 10 years old when the sexual abuse began. The abuse lasted for several months from approximately 1966 to 1967.

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5. The Roman Catholic Church and Defendants 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.

6. 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 Msgr. Taylor, permitted the abuse to occur, failed to supervise Msgr. Taylor, failed to timely investigate Msgr. Taylor's misconduct, failed to train minors, and/or adult staff about the risk of sexual abuse in their schools and churches, 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 Msgr. Taylor's sexual assault of Plaintiff, and Plaintiff's consequential injuries and damages.

PARTIES

7. Plaintiff is an individual residing in Fresno County, California.

8. Plaintiff was born in 1956.

9. Defendant Roman Catholic Diocese Of Syracuse (herein "Syracuse Diocese") is a New York not-for-profit corporation, organized pursuant to the laws of the State of New York, and which operated at all relevant times in Onondaga County, New York, with its principal place of business at 240 East Onondaga Street, Syracuse, New York 13202. At all relevant times,

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Defendant Syracuse Diocese oversaw, managed, controlled, directed and operated parishes, churches and schools within the Syracuse Diocese.

10. At all relevant times, Defendant Blessed Sacrament Parish is a Roman Catholic Church, organized pursuant to the laws of the State of New York and located at 648 Jay Street, Utica, New York 13501.

11. At all relevant times, Defendant Syracuse Diocese owned the premises where Defendant Blessed Sacrament Parish was located.

12. At all relevant times, Defendant Syracuse Diocese oversaw, managed, controlled, directed and operated Defendant Blessed Sacrament Parish.

13. At all relevant times, Defendant Syracuse Diocese oversaw, managed, controlled, directed and assigned priests and other clergy to work in parishes, churches and schools of the Syracuse Diocese, including Defendant Blessed Sacrament Parish.

14. At all relevant times, Defendants Syracuse Diocese and Blessed Sacrament Parish oversaw, managed, controlled, directed and assigned priests, including Msgr. Taylor, and other clergy to work at Blessed Sacrament Parish.

FACTUAL ALLEGATIONS

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

16. At all relevant times, Plaintiff and his family were parishioners of Defendant Blessed Sacrament Parish, within the Syracuse Diocese.

17. At all relevant times, Msgr. Taylor was a Roman Catholic priest employed by Defendants.

18. At all relevant times, Msgr. Taylor was under the direct supervision and control of the Defendants. His assigned duties included serving as a priest, interacting with, mentoring and

counseling children, including children like Plaintiff who were attending Defendant Blessed Sacrament Parish.

19. By assigning Msgr. Taylor to the role of priest, Defendants gave Msgr. Taylor complete access to minors, including Plaintiff, and empowered him to discipline, punish, reprimand, chastise, and otherwise exercise complete authority over minors.

20. In the performance of their duties, Defendants authorized Msgr. Taylor to be alone with minor children, including Plaintiff, and to have unfettered and unsupervised access to them on Defendants' property.

21. Defendants also authorized Msgr. Taylor to have physical contact with minors, in a manner consistent with providing discipline, counseling, educational and spiritual guidance, and leadership.

22. Plaintiff was raised as a Catholic, and at all relevant times had developed a reverence, respect and/or fear for the Catholic Church and its clergy, including Msgr. Taylor.

23. On multiple occasions during approximately 1966 and 1967, Msgr. Taylor engaged in unlawful, unpermitted, harmful sexual contact with Plaintiff.

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

25. The above, which was extreme, took place in the rectory of Blessed Sacrament Church and/or premises belonging to Defendants.

26. Msgr. Taylor told Plaintiff, *inter alia*, that the sexual abuse was his own fault, and that if he disclosed the abuse to anyone Plaintiff would go to hell.

27. Plaintiff's relationship to Defendants as a vulnerable child, and the culture of the Catholic Church which Defendants endorsed, put pressure on Plaintiff not to report Msgr. Taylor's abuse.

28. Defendants knew or should have known that Msgr. Taylor was a danger to minor boys like Plaintiff before he sexually abused Plaintiff.

29. The Vatican and other church authorities addressed the problem of clergy sex abuse on countless occasions prior to Msgr. Taylor's abuse of Plaintiff, and communicated as much with all levels of Church hierarchy including bishops and other Diocesan leaders. As such, at all relevant times, Defendants were well aware that errant sexual behavior by some priests was not only widespread but predictable.

30. Upon information and belief, not only was Defendant Syracuse Diocese aware of sexual abuse of children, but the Syracuse Diocese 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.

31. 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 Msgr. Taylor posed to Plaintiff.

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

33. The sexual abuse of Plaintiff by Msgr. Taylor was foreseeable.

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

35. Defendants owed Plaintiff a reasonable duty of care because they affirmatively solicited children and parents to send their children to Blessed Sacrament Parish and other parish

churches within the Syracuse Diocese; they undertook custody of minor children, including Plaintiff; they promoted their facilities and programs as being safe for children, they held out their agents, including Msgr. Taylor, as safe to work with and around minor boys, they encouraged parents and children to spend time with their agents; and/or authorized their agents, including Msgr. Taylor, to spend time with, interact with, and recruit children.

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

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

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

39. To the extent that any Defendants plead, or otherwise seek to rely upon Article 16 of the New York Civil Practice Law and Rules (CPLR) to have fault apportioned to another

allegedly culpable party, Plaintiff expressly states that Defendants' conduct falls within one or more of the subdivisions of CPLR 1602.

FIRST CAUSE OF ACTION

NEGLIGENT HIRING, RETENTION, SUPERVISION, AND DIRECTION

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

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

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

43. Defendants negligently retained Msgr. Taylor with knowledge of Msgr. Taylor's propensity for the type of behavior which resulted in Plaintiff's injuries.

44. At all relevant times Defendants had a duty to exercise due care in hiring, appointing, assigning, retention, supervision and direction of Msgr. Taylor, 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 Msgr. Taylor did not use this assigned position to injure minors by sexual assault, contact or abuse.

45. Defendants were negligent and failed to use reasonable care in hiring, appointing, assigning, and retention, of Msgr. Taylor, failed to properly investigate his background and employment history, and/or hired, appointed and/or assigned him to Defendant Blessed Sacrament Parish, when Defendants knew or should have known of facts that would make him a danger to children; and Defendants were otherwise negligent.

46. Defendants were negligent and did not use reasonable care in their supervision and direction of Msgr. Taylor, 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 Msgr. Taylor posed a threat of sexual abuse to minors; allowed the misconduct describe above to occur and continue; failed to investigate Msgr. Taylor's dangerous activities and remove him from their premises; and Defendants were otherwise negligent.

47. Msgr. Taylor would not have been in a position to sexually abuse Plaintiff had Defendants not been negligent in the hiring, retention, supervision, and direction of Msgr. Taylor.

48. At all relevant times, Msgr. Taylor acted in the course and scope of his employment with Defendants.

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

50. The limitations of Article 16 of the Civil Practice Law and Rules do not apply to this case because one or more of the exceptions to Article 16 apply to the present case, 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. Plaintiff suffered grave injury as a result of Msgr. Taylor's sexual abuse and misconduct, including physical, psychological and emotional injury as described above.

52. By the reason of the foregoing, Defendants are liable to Plaintiff for compensatory and punitive damages, in an amount to be determined at trial that exceeds the

jurisdictional limits of all lower courts that would otherwise have jurisdiction over this matter, together with interest and costs.

SECOND CAUSE OF ACTION

NEGLIGENT, RECKLESS, AND WILLFUL MISCONDUCT

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

54. At all relevant times, Defendants affirmatively and/or impliedly represented to minor children, their families and the general public that clergy working in the Syracuse Diocese, including Msgr. Taylor, did not pose a risk and/or that they did not have a history of sexually abusing children, and that children, including Plaintiff, would be safe in their care.

55. Defendants knew or should have known that their representations were false and that employing Msgr. Taylor and giving him unfettered access to children, including Plaintiff, posed an unacceptable risk of harm to children.

56. Defendants were negligent and did not use reasonable care in their training, if any, of minors and/or their parents about the risk of sexual abuse in their institution and facilities to identify signs of sexual abuse, grooming behaviors, or sexual predators, and to report any suspicion that a minor may be getting abused, maltreated, groomed, or otherwise sexually abused.

57. Defendants were negligent and did not use reasonable care in their training, if any, of their priests, nuns, 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.

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

59. Over the decades, this “cover-up” policy and practice of the Syracuse Diocese resulted in the sexual assault of untold numbers of children, and put numerous other children at risk of sexual assault.

60. Defendant Syracuse Diocese failed to report multiple allegations of sexual abuse by its employees, agents and representatives, to the proper authorities, thereby putting children at risk of sexual assault.

61. Upon information and belief, Defendants covered up acts of abuse by Msgr. Taylor, and concealed facts concerning Msgr. Taylor’s sexual misconduct from Plaintiff and his family.

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

63. Defendants failed to warn Plaintiff and his parents that Msgr. Taylor posed a risk of child sexual assault.

64. 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.

65. The limitations of Article 16 of the Civil Practice Law and Rules do not apply to this case because one or more of the exceptions to Article 16 apply to the present case,

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.

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

67. 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.

68. By the reason of the foregoing, Defendants are liable to Plaintiff for compensatory and punitive damages, in an amount to be determined at trial that exceeds the jurisdictional limits of all lower courts that would otherwise have jurisdiction over this matter, together with interest and costs.

THIRD CAUSE OF ACTION

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

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

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

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

72. Defendants knew or disregarded the substantial probability that Msgr. Taylor would cause severe emotional distress to Plaintiff.

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

74. The limitations of Article 16 of the Civil Practice Law and Rules do not apply to this case because one or more of the exceptions to Article 16 apply to the present case, 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.

75. By the reason of the foregoing, Defendants are liable to Plaintiff for compensatory and punitive damages, in an amount to be determined at trial that exceeds the jurisdictional limits of all lower courts that would otherwise have jurisdiction over this matter, together with interest and costs.

FOURTH CAUSE OF ACTION

PREMISES LIABILITY

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 owned, operated, and /or controlled the premises known as Blessed Sacrament Parish, including the areas where the grooming and sexual abuse of Plaintiff occurred.

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

79. 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 parishioners and minors, like Plaintiff, whose presence was reasonably anticipated.

80. 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 Msgr. Taylor. Defendants thereby breached their duty of care of Plaintiff.

81. The limitations of Article 16 of the Civil Practice Law and Rules do not apply to this case because one or more of the exceptions to Article 16 apply to the present case, 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.

82. 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.

83. By the reason of the foregoing, Defendants are liable to Plaintiff for compensatory and punitive damages, in an amount to be determined at trial that exceeds the jurisdictional limits of all lower courts that would otherwise have jurisdiction over this matter, together with interest and costs.

FIFTH CAUSE OF ACTION

BREACH OF FIDUCIARY DUTY

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

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

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

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

88. 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.

89. The limitations of Article 16 of the Civil Practice Law and Rules do not apply to this case because one or more of the exceptions to Article 16 apply to the present case, 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.

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

SIXTH CAUSE OF ACTION

BREACH OF DUTY *IN LOCO PARENTIS*

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

92. At all relevant times, Plaintiff was a vulnerable child entrusted to Defendants care, and was under the supervision and control of Defendants, such that Defendants owed him a duty to act *in loco parentis* and to prevent foreseeable injuries.

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

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

95. The limitations of Article 16 of the Civil Practice Law and Rules do not apply to this case because one or more of the exceptions to Article 16 apply to the present case, 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.

96. By the reason of the foregoing, Defendants are liable to Plaintiff for compensatory and punitive damages, in an amount to be determined at trial that exceeds the jurisdictional limits of all lower courts that would otherwise have jurisdiction over this matter, together with interest and costs.

SEVENTH CAUSE OF ACTION

BREACH OF COMMON LAW AND STATUTORY DUTIES TO REPORT

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

98. Defendant Syracuse Diocese knowingly and willfully breached their statutory duty by failing to report reasonable suspicion of abuse by Msgr. Taylor of children in their care.

99. 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.

100. The limitations of Article 16 of the Civil Practice Law and Rules do not apply to this case because one or more of the exceptions to Article 16 apply to the present case, 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.

101. By the reason of the foregoing, Defendants are liable to Plaintiff for compensatory and punitive damages, in an amount to be determined at trial that exceeds the jurisdictional limits of all lower courts that would otherwise have jurisdiction over this matter, 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 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: November 20, 2020

Yours, etc.

PHILLIPS & PAOLICELLI, LLP

/s/ Danielle George

By: Danielle George
Michael DeRuve
dgeorge@p2law.com
mderuve@pwlaw.com
Attorneys for Plaintiff
747 Third Avenue, Sixth Floor
New York, New York 10017
212-388-5100

Paul K. Barr
Fannizzi & Barr, P.C.
2303 Pine Avenue
Niagara Falls, NY 14301
716-284-8888
pbarr@fanizziandbarr.com

STATE OF NEW YORK
SUPREME COURT: COUNTY OF ONEIDA

<p>PB-59 DOE,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">-against-</p> <p>SISTERS OF THE THIRD FRANCISCAN ORDER a/k/a SISTERS OF THE THIRD ORDER REGULAR OF ST. FRANCIS,</p> <p style="text-align: center;">Defendants.</p>

SUMMONS

Plaintiff designates the County of ONEIDA as the place of trial. The basis of venue is the county in which a substantial part of the events or omissions giving rise to the claim occurred pursuant to CPLR §503.

Index No.:

TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the 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
March 1, 2021

Phillips & Paolicelli, LLP
Attorneys for Plaintiffs

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

Paul K. Barr
Fannizzi & Barr, P.C.

2303 Pine Avenue
Niagara Falls, NY 14301
716-284-8888
pbarr@fanizziandbarr.com

TO:

SISTERS OF THE THIRD FRANCISCAN ORDER a/k/a
SISTERS OF THE THIRD ORDER REGULAR OF ST. FRANCIS
2500 Grant Blvd
Syracuse, NY 13208

STATE OF NEW YORK
SUPREME COURT: COUNTY OF ONEIDA

<p>PB-59 DOE,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">-against-</p> <p>SISTERS OF THE THIRD FRANCISCAN ORDER a/k/a SISTERS OF THE THIRD ORDER REGULAR OF ST. FRANCIS,</p> <p style="text-align: center;">Defendants.</p>

COMPLAINT

Index No.:

Plaintiff PB-59 DOE, by and through his undersigned attorneys, as and for his Complaint, alleges as follows:

NATURE OF THE ACTION

1. This action is brought pursuant to the Child Victims Act, codified at CPLR 214-g.
2. Upon information and belief Plaintiff PB-59 Doe (“Plaintiff”) was repeatedly sexually abused and assaulted by Monsignor William Taylor (“Msgr. Taylor”), who was hired, retained, supervised, placed, directed and otherwise authorized to act by Defendants SISTERS OF THE THIRD FRANCISCAN ORDER a/k/a SISTERS OF THE THIRD ORDER REGULAR OF ST. FRANCIS (hereinafter collectively referred to as “Defendants”).
3. This is a companion action to the matter bearing Oneida County Index Number EFCA2020-002457 which is currently stayed due to the bankruptcy filing of the Diocese of Syracuse.

4. Plaintiff met Msgr. Taylor when Plaintiff was a parishioner at Blessed Sacrament Parish in Utica, New York.

5. Upon information and belief, prior to meeting Plaintiff, Msgr. Taylor was an employee, agent, servant, priest and/or cleric employed by Defendants SISTERS OF THE THIRD FRANCISCAN ORDER a/k/a SISTERS OF THE THIRD ORDER REGULAR OF ST. FRANCIS, and as such Defendants knew or should have known of Msgr. Taylor's propensity to harm and/or molest children.

6. Upon information and belief, Defendants owned, operated, manages, directed, maintained and supervised a school located at 1627 St. Agnes Avenue, Utica New York on or before the time when Plaintiff met Msgr. Taylor.

7. Plaintiff was about 10 years old when the sexual abuse began. The abuse lasted for several months from approximately 1966 to 1967.

8. The Roman Catholic Church and Defendants 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.

9. 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 Msgr. Taylor, permitted the abuse to occur, failed to supervise Msgr. Taylor, failed to timely investigate Msgr. Taylor's misconduct, failed to train minors, and/or adult staff about the risk of sexual abuse in their schools and churches, to identify

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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 Msgr. Taylor's sexual assault of Plaintiff, and Plaintiff's consequential injuries and damages.

PARTIES

10. Plaintiff is an individual residing in Fresno County, California.

11. Plaintiff was born in 1956.

12. At all relevant times, Defendant Sisters of the Third Franciscan Order a/k/a Sisters of the Third Order Regular of St. Francis, (hereinafter "Defendants") was and is a domestic not for profit corporation existing by virtue of the laws of the State of New York.

13. At all relevant times Defendants oversaw, managed, controlled, directed and operated the aforesaid school within the Roman Catholic Diocese of Syracuse ("Syracuse Diocese").

14. At all relevant times Defendants oversaw, managed, controlled, directed and operated a school known affiliated with Blessed Sacrament Church, located at 1627 St. Agnes Avenue, Utica New York ("Blessed Sacrament School").

15. At all relevant times Defendants oversaw, managed, controlled, directed and assigned priests, including Msgr. Taylor, and other clergy to work at Blessed Sacrament School.

16. The term "Defendants" herein shall refer to Defendants SISTERS OF THE THIRD FRANCISCAN ORDER a/k/a SISTERS OF THE THIRD ORDER OF ST. FRANCIS, their agents, employees, servants, clergy, priests, lay teachers, administrators, staff, and anyone performing any activity at their direction, under their supervision or on their behalf.

FACTUAL ALLEGATIONS

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

18. At all relevant times, Plaintiff and his family were parishioners of Defendant Blessed Sacrament Parish, within the Syracuse Diocese.

19. At all relevant times, Msgr. Taylor was a Roman Catholic priest employed by Defendants.

20. At all relevant times, Msgr. Taylor was under the direct supervision and control of the Defendants. His assigned duties included serving as a priest, interacting with, teaching, mentoring and counseling children, including children like Plaintiff who were attending Defendant Blessed Sacrament Parish and Blessed Sacrament School.

21. By assigning Msgr. Taylor to the role of priest and/or teacher, Defendants gave Msgr. Taylor complete access to minors, including Plaintiff, and empowered him to discipline, punish, reprimand, chastise, and otherwise exercise complete authority over minors.

22. In the performance of their duties, Defendants authorized Msgr. Taylor to be alone with minor children, including Plaintiff, and to have unfettered and unsupervised access to them on Defendants' property.

23. Defendants also authorized Msgr. Taylor to have physical contact with minors, in a manner consistent with providing discipline, counseling, educational and spiritual guidance, and leadership.

24. Plaintiff was raised as a Catholic, and at all relevant times had developed a reverence, respect and/or fear for the Catholic Church and its clergy, including Msgr. Taylor.

25. On multiple occasions during approximately 1966 and 1967, Msgr. Taylor engaged in unlawful, unpermitted, harmful sexual contact with Plaintiff.

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

27. The above, which was extreme, took place in the rectory of Blessed Sacrament Church and/or premises belonging to Defendants.

28. Msgr. Taylor told Plaintiff, *inter alia*, that the sexual abuse was his own fault, and that if he disclosed the abuse to anyone Plaintiff would go to hell.

29. Plaintiff's relationship to Defendants as a vulnerable child, and the culture of the Catholic Church which Defendants endorsed, put pressure on Plaintiff not to report Msgr. Taylor's abuse.

30. Defendants knew or should have known that Msgr. Taylor was a danger to minor boys like Plaintiff before he sexually abused Plaintiff.

31. The Vatican and other church authorities addressed the problem of clergy sex abuse on countless occasions prior to Msgr. Taylor's abuse of Plaintiff, and communicated as much with all levels of Church hierarchy including bishops and other Diocesan leaders and leaders of Orders such as Defendants. As such, at all relevant times, Defendants were well aware that errant sexual behavior by some priests was not only widespread but predictable.

32. Upon information and belief, not only were Defendants aware of sexual abuse of children, but they 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.

33. Defendants owed Plaintiff a duty of reasonable care because they had superior knowledge about the risks their employees, agents, teachers and facilities posed to minor children, the risk of abuse in general, and the risks that Msgr. Taylor posed to Plaintiff.

34. Prior to the time of Plaintiff's abuse by Msgr. Taylor, Defendants knew or should have known of numerous acts of sexual assault committed by clergy members within the Blessed

Sacrament School and other facilities operated by Defendants, as well as within the Syracuse Diocese, and elsewhere in the Roman Catholic Church, and knew that there was a specific danger of child sex abuse for children in their institutions and programs.

35. The sexual abuse of Plaintiff by Msgr. Taylor was foreseeable.

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

37. Defendants owed Plaintiff a reasonable duty of care because they affirmatively solicited children and parents to send their children to Blessed Sacrament School and other parish schools and churches within the Syracuse Diocese; they undertook custody of minor children, including Plaintiff; they promoted their facilities and programs as being safe for children, they held out their agents, including Msgr. Taylor, as safe to work with and around minor boys, they encouraged parents and children to spend time with their agents; and/or authorized their agents, including Msgr. Taylor, to spend time with, interact with, and recruit children.

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

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

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

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

FIRST CAUSE OF ACTION

NEGLIGENT HIRING, RETENTION, SUPERVISION, AND DIRECTION

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

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

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

45. Defendants negligently retained Msgr. Taylor with knowledge of Msgr. Taylor's propensity for the type of behavior which resulted in Plaintiff's injuries.

46. At all relevant times Defendants had a duty to exercise due care in hiring, appointing, assigning, retention, supervision and direction of Msgr. Taylor, 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 Msgr. Taylor did not use this assigned position to injure minors by sexual assault, contact or abuse.

47. Defendants were negligent and failed to use reasonable care in hiring, appointing, assigning, and retention, of Msgr. Taylor, failed to properly investigate his background and employment history, and/or hired, appointed and/or assigned him to Defendant Blessed Sacrament Parish, when Defendants knew or should have known of facts that would make him a danger to children; and Defendants were otherwise negligent.

48. Defendants were negligent and did not use reasonable care in their supervision and direction of Msgr. Taylor, 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 Msgr. Taylor posed a threat of sexual abuse to minors; allowed the misconduct describe above to occur and continue; failed to investigate Msgr. Taylor's dangerous activities and remove him from their premises; and Defendants were otherwise negligent.

49. Msgr. Taylor would not have been in a position to sexually abuse Plaintiff had Defendants not been negligent in the hiring, retention, supervision, and direction of Msgr. Taylor.

50. At all relevant times, Msgr. Taylor acted in the course and scope of his employment with Defendants.

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

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52. The limitations of Article 16 of the Civil Practice Law and Rules do not apply to this case because one or more of the exceptions to Article 16 apply to the present case, 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.

53. Plaintiff suffered grave injury as a result of Msgr. Taylor's sexual abuse and misconduct, including physical, psychological and emotional injury as described above.

54. By the reason of the foregoing, Defendants are liable to Plaintiff for compensatory and punitive damages, in an amount to be determined at trial that exceeds the jurisdictional limits of all lower courts that would otherwise have jurisdiction over this matter, together with interest and costs.

SECOND CAUSE OF ACTION

NEGLIGENT, RECKLESS, AND WILLFUL MISCONDUCT

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

56. At all relevant times, Defendants affirmatively and/or impliedly represented to minor children, their families and the general public that clergy working at schools and churches in the Syracuse Diocese, including Msgr. Taylor, did not pose a risk and/or that they did not have a history of sexually abusing children, and that children, including Plaintiff, would be safe in their care.

57. Defendants knew or should have known that their representations were false and that employing Msgr. Taylor and giving him unfettered access to children, including Plaintiff, posed an unacceptable risk of harm to children.

58. Defendants were negligent and did not use reasonable care in their training, if any, of minors and/or their parents about the risk of sexual abuse in their institution and facilities to identify signs of sexual abuse, grooming behaviors, or sexual predators, and to report any suspicion that a minor may be getting abused, maltreated, groomed, or otherwise sexually abused.

59. Defendants were negligent and did not use reasonable care in their training, if any, of their priests, nuns, clergy members, teachers, 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.

60. Upon information and belief Defendants and the Syracuse Diocese maintained a policy and practice of covering up criminal activity committed by clergy members and teachers within its school.

61. Over the decades, this “cover-up” policy and practice of Defendants and the Syracuse Diocese resulted in the sexual assault of untold numbers of children, and put numerous other children at risk of sexual assault.

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

63. Upon information and belief, Defendants covered up acts of abuse by Msgr. Taylor, and concealed facts concerning Msgr. Taylor’s sexual misconduct from Plaintiff and his family.

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

65. Defendants failed to warn Plaintiff and his parents that Msgr. Taylor posed a risk of child sexual assault.

66. 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.

67. The limitations of Article 16 of the Civil Practice Law and Rules do not apply to this case because one or more of the exceptions to Article 16 apply to the present case, 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. Defendants' aforesaid actions were negligent, reckless, willful and wonton in their disregard for the rights and safety of children, including Plaintiff.

69. 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.

70. By the reason of the foregoing, Defendants are liable to Plaintiff for compensatory and punitive damages, in an amount to be determined at trial that exceeds the

jurisdictional limits of all lower courts that would otherwise have jurisdiction over this matter, together with interest and costs.

THIRD CAUSE OF ACTION

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

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

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

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

74. Defendants knew or disregarded the substantial probability that Msgr. Taylor would cause severe emotional distress to Plaintiff.

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

76. The limitations of Article 16 of the Civil Practice Law and Rules do not apply to this case because one or more of the exceptions to Article 16 apply to the present case, 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.

77. By the reason of the foregoing, Defendants are liable to Plaintiff for compensatory and punitive damages, in an amount to be determined at trial that exceeds the

jurisdictional limits of all lower courts that would otherwise have jurisdiction over this matter, together with interest and costs.

FOURTH CAUSE OF ACTION

BREACH OF COMMON LAW AND STATUTORY DUTIES TO REPORT

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

79. Defendant knowingly and willfully breached their common law duty and statutory duty by failing to report reasonable suspicion of abuse by Msgr. Taylor of children in their care.

80. 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.

81. The limitations of Article 16 of the Civil Practice Law and Rules do not apply to this case because one or more of the exceptions to Article 16 apply to the present case, 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.

82. By the reason of the foregoing, Defendants are liable to Plaintiff for compensatory and punitive damages, in an amount to be determined at trial that exceeds the jurisdictional limits of all lower courts that would otherwise have jurisdiction over this matter, 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 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: March 1, 2021

Yours, etc.

PHILLIPS & PAOLICELLI, LLP

By: /s/ Danielle George
Danielle George
Michael DeRuve
dgeorge@p2law.com
mderuve@pwlaw.com
Attorneys for Plaintiff
747 Third Avenue, Sixth Floor
New York, New York 10017
212-388-5100

Paul K. Barr
Fannizzi & Barr, P.C.
2303 Pine Avenue
Niagara Falls, NY 14301
716-284-8888
pbarr@fanizziandbarr.com