



William Ward Assignment History

Year	Assignment	Location
1951	Ordination	Buffalo NY/Winston-Salem NC
1951-52	Parochial Vicar, St. Leo Church & School	Winston-Salem NC
1952	Parochial Vicar, St. Joseph Church & School	Albion NY
1952-55	Parochial Vicar, St. Stephen Church & School	Buffalo NY
1955-62	Parochial Vicar, Our Lady of Victory Shrine & School	Lackawanna NY
1962-64	Chaplain, Working Boys Home of the Sacred Heart	Buffalo NY
1964-66	Indexed in residence at Working Boys Home, but not assigned there	Buffalo NY; Whereabouts unknown
1966-67	Parochial Vicar, Our Lady of Loreto Church & School	Falconer NY
1967-70	Parochial Vicar, Prince of Peace Church & School	Niagara Falls NY
1970-78	Pastor, St. Charles Church	Niagara Falls NY
1978-79	In residence, Bishop Burke Manor for Priests Unassigned, but not listed as on leave	Buffalo NY
1979-97	Administrator, Our Lady of Fatima Church	Elba NY
1997-08	Retired	Various locations
2008	Deceased	

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

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

NYS UCS Case Number	Alleged Perpetrator	Defendant #	Defendants	Plaintiff
803854/2021	Ward, Fr. William	4	St. Joseph RC Church et al.	DOE, PB-8
E170397/2019	Ward, Fr. William G.	7	Diocese of Buffalo, St. Charles Borromeo RC Church, Prince of Peace RC Church & School, Bishop Duffy HS, Catholic Academy of Niagara Falls & St. John de LaSalle RC Church.	PB 8 DOE

STATE OF NEW YORK
SUPREME COURT: COUNTY OF ERIE

<p>PB-8 Doe,</p> <p style="text-align: center;">Plaintiff,</p> <p>vs.</p> <p>ST. JOSEPH ROMAN CATHOLIC CHURCH a/k/a HOLY FAMILY PARISH, ST. STEPHEN'S ROMAN CATHOLIC CHURCH, OUR LADY OF VICTORY NATIONAL SHRINE, and OUR LADY OF LORETO PARISH,</p> <p style="text-align: center;">Defendants.</p>

SUMMONS

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 22, 2021

Phillips & Paolicelli, LLP
Attorneys for Plaintiffs

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TO:

ST. JOSEPH ROMAN CATHOLIC CHURCH a/k/a HOLY FAMILY PARISH
106 South Main Street
Albion, NY 14411

ST. STEPHEN'S ROMAN CATHOLIC CHURCH
2100 Baseline Road
Grand Island, NY 14072

OUR LADY OF VICTORY NATIONAL SHRINE
767 Ridge Road
Lackawanna, N.Y. 14218

OUR LADY OF LORETO PARISH
301 W. Everett Street
Falconer, NY 14733

STATE OF NEW YORK
SUPREME COURT: COUNTY OF ERIE

<p>PB-8 Doe,</p> <p style="text-align: center;">Plaintiff,</p> <p>vs.</p> <p>ST. JOSEPH ROMAN CATHOLIC CHURCH a/k/a HOLY FAMILY PARISH, ST. STEPHEN’S ROMAN CATHOLIC CHURCH, OUR LADY OF VICTORY NATIONAL SHRINE, and OUR LADY OF LORETO PARISH, Defendants.</p>
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COMPLAINT

Index No.:

Plaintiff PB-8 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. Plaintiff PB-8 Doe was repeatedly sexually abused and assaulted by Father William Ward (hereinafter “Fr. Ward”), who was hired, retained, supervised, placed, directed and otherwise authorized to act by Defendants St. Joseph’s Roman Catholic Church a/k/a Holy Family Parish, St. Stephen’s Roman Catholic Church, Our Lady of Victory National Shrine, and Our Lady of Loreto Parish (collectively herein “Defendants”), in conjunction with the Diocese of Buffalo, N.Y. (herein “Diocese”) and other parishes.
3. Prior to the bankruptcy of the Diocese, Plaintiff brought suit against the Diocese and other parishes.¹ The present complaint is a related action.

¹ *PB-8 Doe v. Diocese of Buffalo et. al*, Index No. E170397/2019.

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4. During a period of years covering 1966-1971, when Plaintiff was about 12-17 years old, he was abused by Fr. Ward while a parishioner and/or student at Bishop Duffy High School a/k/a Niagara Catholic High School.

5. At all relevant times, Fr. Ward was hired, retained, supervised, placed, directed and otherwise authorized to act by the Defendants, in conjunction with the Diocese of Buffalo.

6. Despite years of refusal to publicly address rampant child abuse by priests and nuns, The Diocese of Buffalo recently published a long list of clergy in their employ who were credibly accused of molesting children. That list includes Fr. Ward.

7. In fact, the Roman Catholic Church, the Diocese of Buffalo, and Defendants have long known that substantial numbers of priests and nuns 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 who are entrusted to their spiritual care and guidance. Official Church documents dealing with this unspeakable misconduct span the centuries, many of which were and are well known to Defendants.

8. Notwithstanding this knowledge, and the fiduciary duty and relationship of trust owed to parishioners and their children, Defendants negligently, recklessly, and willfully failed to protect Plaintiff from sexual abuse by Fr. Ward, permitted the abuse to occur, failed to supervise Fr. Ward, failed to timely investigate Fr. Ward's misconduct, failed to train minor parishioners, parents, clergy members and/or adult staff about the risk of sexual abuse in their institution, 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

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are otherwise responsible for Fr. Ward's sexual assault of Plaintiff, and Plaintiff's consequential injuries and damages.

PARTIES

9. Plaintiff is an individual residing in the State of New York.

10. Plaintiff was born in 1954.

11. At all relevant times, St. Joseph's Roman Catholic Church was a Roman Catholic Church, organized pursuant to the laws of the State of New York. It was operated in Orleans County, New York, with its principal place of business at 106 South Main Street, Albion, NY 14411. At all relevant and material times, the Roman Catholic Bishop of Buffalo, New York was the President of St. Joseph's Roman Catholic Church, and the Roman Catholic Vicar General of Buffalo, New York was the Vice-President of St. Joseph's Roman Catholic Church.

12. On or about 2007, St. Joseph's Roman Catholic Church merged with and adopted the name of the Holy Family Parish, which is a Roman Catholic Church organized pursuant to the laws of the State of New York. It is operated in Orleans County, New York, with its principal place of business at 106 South Main Street, Albion, NY 14411. Upon information and belief, Defendant Holy Family Parish assumed some or all of the liabilities and/or assets of Defendant St. Joseph's Roman Catholic Church.

13. At all relevant times, St. Stephen's Roman Catholic Church was a Roman Catholic Church, organized pursuant to the laws of the State of New York. It is operated in Erie County, New York, with its principal place of business at 2100 Baseline Road, Grand Island, NY 14072. At all relevant and material times, the Roman Catholic Bishop of Buffalo, New York was

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the President of St. Stephen's Roman Catholic Church, and the Roman Catholic Vicar General of Buffalo, New York was the Vice-President of St. Stephen's Roman Catholic Church.

14. At all relevant times, Our Lady of Victory National Shrine was a Roman Catholic Church, organized pursuant to the laws of the State of New York. It is operated in Erie County, New York, with its principal place of business at 767 Ridge Road, Lackawanna, N.Y. 14218. At all relevant and material times, the Roman Catholic Bishop of Buffalo, New York was the President of Our Lady of Victory National Shrine, and the Roman Catholic Vicar General of Buffalo, New York was the Vice-President of Our Lady of Victory National Shrine

15. At all relevant times, Our Lady of Loreto Parish was a Roman Catholic Church, organized pursuant to the laws of the State of New York. It is operated in Chautauqua County, New York, with its principal place of business at 301 W. Everett Street, Falconer, NY 14733. At all relevant and material times, the Roman Catholic Bishop of Buffalo, New York was the President of Our Lady of Loreto Parish, and the Roman Catholic Vicar General of Buffalo, New York was the Vice-President of Our Lady of Loreto Parish.

16. At all relevant times, Defendants St. Joseph's Roman Catholic Church a/k/a Holy Family Parish, St. Stephen's Roman Catholic Church, Our Lady of Victory National Shrine, and Our Lady of Loreto Parish (referred collectively herein as "Defendants") were and/or are still under the direct authority, control, and province of the Diocese of Buffalo.

FACTUAL ALLEGATIONS

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

18. Fr. Ward was ordained a Roman Catholic priest in approximately 1951.

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19. At the time he sexually abused Plaintiff, Fr. Ward was employed by the Diocese of Buffalo, St. Charles Roman Catholic Church, and Prince of Peace Roman Catholic Church, and on information and belief, Bishop Duffy High School a/k/a Niagara Catholic High School and under their direct supervision, employ, and control. The facts concerning his abuse are set forth in the earlier filed companion action. *See fn. 1, supra.*

20. Briefly stated between the years of 1966 and 1971 , Fr. Ward, acting in his capacity as priest, and in furtherance of the business of Defendants, used his position as priest to gain the confidence and trust of Plaintiff to manipulate and/or coerce Plaintiff into gratifying his sexual desires.

21. On multiple occasions, Fr. Ward engaged in unpermitted, forcible and harmful sexual contact with Plaintiff.

22. The sexual contact was in violation of Article 130 of New York's Penal Law.

23. Prior to the sexual abuse of Plaintiff, in 1952 Fr. Ward served as a priest and parochial Vicar at St. Joseph's Roman Catholic Church a/k/a Holy Family Parish. From approximately 1952-1955, Fr. Ward served as a priest and parochial Vicar at Defendant St. Stephen's Roman Catholic Church. From approximately 1955-1962, Fr. Ward served as priest and Parochial Vicar at Our Lady of Victory National Shrine. From approximately 1964-1966, Fr. Ward served as pries and Parochial Vicar at Our Lady of Loreto Parish. These Defendants each negligently retained Fr. Ward with knowledge of his propensity for the type of behavior which resulted in Plaintiff's injuries, and did not take steps to prevent his abuse of minors or to report him to the authorities.

24. Prior to Fr. Ward's sexual abuse of Plaintiff herein, Defendants and their respective executive officers knew or should have known it was not safe to allow Fr. Ward to

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have unsupervised contact with minor children, in that Fr. Ward posed a sexual danger to minor children.

25. The Roman Catholic Bishop and Vicar General of Buffalo concealed the information about the danger Fr. Ward posed to minor children, in order that the Roman Catholic Bishop and Vicar General of Buffalo could assign Fr. Ward to work at parishes, including Defendants and Defendants aided and abetted the Roman Catholic Bishop and Vicar General of Buffalo in concealing the information about the danger Fr. Ward posed to minor children.

26. Fr. Ward was assigned to the position of priest at St. Joseph's Roman Catholic Church a/k/a Holy Family Parish, and St. Stephen's Roman Catholic Church, Our Lady of Victory National Shrine and Our Lady of Loreto Parish. His duties included interacting with children, including altar boys, students, and children attending Defendants St. Joseph's Roman Catholic Church a/k/a Holy Family Parish, and St. Stephen's Roman Catholic Church, Our Lady of Victory National Shrine and Our Lady of Loreto Parish, and participating in the sacraments.

27. In the performance of his duties, Defendants authorized Fr. Ward to be alone with minor boys, and to have unfettered and unsupervised access to them on Defendants' property.

28. Defendants St. Joseph's Roman Catholic Church a/k/a Holy Family Parish, and St. Stephen's Roman Catholic Church, Our Lady of Victory National Shrine and Our Lady of Loreto Parish required parishioners and students, to accept and obey guidance, discipline, and instruction from Fr. Ward and other clergy members.

29. By assigning Fr. Ward to the role of priest and parochial Vicar, St. Joseph's Roman Catholic Church a/k/a Holy Family Parish, and St. Stephen's Roman Catholic Church, Our Lady of Victory National Shrine and Our Lady of Loreto Parish gave Fr. Ward complete

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unfettered access to minors, and empowered him to groom, guide, discipline, and otherwise exercise complete authority over minors.

30. 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 Fr. Ward.

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

32. Defendants owed Plaintiff a duty of reasonable care because they had superior knowledge about the risks their facilities, agents, clergymen, appointees and employees posed to minor children, the risk of abuse in general, and the specific risks that Defendant Fr. Ward posed to Plaintiff.

33. Prior to the time of Plaintiff's abuse by Fr. Ward Defendants knew or should have known of numerous acts of sexual assault committed by clergy members within the 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.

34. The sexual abuse of Plaintiff by Fr. Ward was foreseeable.

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

36. Defendants had the duty to reasonably manage, supervise, control and/or direct priests who served at their respective institutions, and a duty not to aid pedophiles such as Fr. Ward by assigning, maintaining, and/or appointing them to positions with access to minors.

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37. Defendants owed Plaintiff a reasonable duty of care because they affirmatively solicited children and parents to send their children to their facilities,; they undertook custody of minor children, they promoted their facilities and programs as being safe for children, they held out their agents, including Fr. Ward, as safe to work with and around minor boys, they encouraged parents and children to spend time with their agents; and/or authorized their agents, including Fr. Ward, to spend time with, interact with, and recruit children.

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

39. 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 limit of the lower courts of this State.

40. 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

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

42. Prior to the sexual abuse of Plaintiff, Defendants learned or should have learned that Fr. Ward were not fit to work with or around children.

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

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

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

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

47. Defendants were negligent and did not use reasonable care in their supervision and direction of Fr. Ward, 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 Fr. Ward posed a threat of sexual abuse to minors; allowed the misconduct

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describe above to occur and continue; failed to investigate Fr. Ward dangerous activities and remove him from their premises; and Defendants were otherwise negligent.

48. Fr. Ward 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. Ward.

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

50. 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.

51. By the reason of the foregoing, Defendants are liable to Plaintiff for compensatory and punitive damages, in an amount to be determined at trial, in an amount that exceeds the jurisdictional limit of the lower courts of this State, together with interest and costs.

SECOND CAUSE OF ACTION

NEGLIGENT, RECKLESS, AND WILLFUL MISCONDUCT

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

53. 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.

54. Defendants were negligent and did not use reasonable care in their training, if any, of adult staff about the risk of sexual abuse in their institution and facilities, to identify

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signs of sexual abuse, grooming behaviors, or sexual predators, and their statutory duty to report any suspicion that a minor may be getting abused, maltreated, groomed, or otherwise sexually abused.

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

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

57. Upon information and belief, Defendants covered up acts of abuse by Fr. Ward and concealed facts concerning Fr. Ward's sexual misconduct from Plaintiff and his family.

58. Defendants were negligent and did not use reasonable care in their training, if any, of minor parishioners and 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. By failing to disclose the identities, histories and information about sexually abusive clergy in their employ, including Fr. Ward, Defendants unreasonably deprived the families of children entrusted to their care, including Plaintiff, of the ability to protect their children.

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

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61. 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.

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

63. 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.

64. By the reason of the foregoing, Defendants are liable to Plaintiff for compensatory and punitive damages, in an amount to be determined at trial, in an amount that exceeds the jurisdictional limit of the lower courts of this State, together with interest and costs.

THIRD CAUSE OF ACTION

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

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

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

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

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

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

70. By the reason of the foregoing, Defendants are liable to Plaintiff for compensatory and punitive damages in an amount that exceeds the jurisdictional limit of the lower courts of this State, plus interest and costs.

FOURTH CAUSE OF ACTION

BREACH OF STATUTORY DUTIES TO REPORT

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

72. 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.

73. Defendants willfully and/or knowingly breached their statutory duty by failing to report reasonable suspicion of abuse by Fr. Ward of children in their care.

74. 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.

75. By reason of the foregoing, Defendants are liable to Plaintiff for compensatory and punitive damages in an amount that exceeds the jurisdictional limit of the lower courts of this State, plus interest and costs.

FIFTH CAUSE OF ACTION

AIDING AND ABETTING FRAUD

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

77. The Roman Catholic Bishop and Vicar General of Buffalo fraudulently concealed from the parishioners of Defendants information that would have shown that Fr. Ward was a danger to minor children.

78. Defendants had information that would have shown Fr. Ward was a danger to minor children. Defendants assisted the Roman Catholic Bishop and Vicar General of Buffalo in fraudulently concealing information from the parishioners about the danger Fr. Ward posed to parishioners.

79. If the information about the danger Fr. Ward posed to minors had not been concealed from parishioners, Fr. Ward could not have been assigned to the institutions where he sexually assaulted, sexually abused, and/or had sexual contact with the Plaintiff.

80. To assist Buffalo's Roman Catholic Bishop and Vicar General in fraudulently concealing the information about Fr. Ward, Defendants failed to disclose Fr. Ward's propensity to sexually abuse minors, and intentionally concealed knowledge of Fr. Ward's inappropriate and unlawful sexual activities, knowing that minor children, including Plaintiff, in other parishes where Fr. Ward was assigned would rely upon this material omission.

81. As a direct and proximate result of the foregoing misconduct, Plaintiff has suffered and will continue to suffer the injuries and damages described herein.

82. By reason of the foregoing, Defendants are liable to the Plaintiff, jointly, severally and/or in the alternative liable to the Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

WHEREFORE, Plaintiff prays for judgment as follows:

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- 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

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

Dated: March 22, 2021
New York, NY

Yours, etc.

PHILLIPS & PAOLICELLI, LLP

/s/ Diane Paolicelli
By: Diane Paolicelli
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THE DIOCESE OF BUFFALO, N.Y.

795 Main St.
Buffalo, NY 14206

ST. CHARLES BORROMEIO ROMAN CATHOLIC CHURCH

5604 Lindbergh Avenue
Niagara Falls, NY 14304

PRINCE OF PEACE ROMAN CATHOLIC CHURCH

1055 N. Military Road
Niagara Falls, NY 14304

PRINCE OF PEACE SCHOOL

1055 N. Military Road
Niagara Falls, NY 14304

BISHOP DUFFY HIGH SCHOOL, A/K/A NIAGARA CATHOLIC HIGH SCHOOL

520 66th St.
Niagara Falls, NY 14304

CATHOLIC ACADEMY OF NIAGARA FALLS

1055 N. Military Rd.
Niagara Falls, NY 14304

ST. JOHN DE LASALLE ROMAN CATHOLIC CHURCH

8477 Buffalo Ave.
Niagara Falls, NY 14304

STATE OF NEW YORK
SUPREME COURT: COUNTY OF NIAGARA

<p>PB- 8 Doe,</p> <p style="text-align: center;">Plaintiff,</p> <p>vs.</p> <p>THE DIOCESE OF BUFFALO, N.Y., ST. CHARLES BORROMEO ROMAN CATHOLIC CHURCH, PRINCE OF PEACE ROMAN CATHOLIC CHURCH, PRINCE OF PEACE SCHOOL, BISHOP DUFFY HIGH SCHOOL, A/K/A NIAGARA CATHOLIC HIGH SCHOOL, CATHOLIC ACADEMY OF NIAGARA FALLS, and ST. JOHN DE LASALLE ROMAN CATHOLIC CHURCH,</p> <p style="text-align: center;">Defendants.</p>

COMPLAINT

Index No.:

Plaintiff PB-8 Doe, by 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 PB-8 Doe was repeatedly sexually abused, assaulted and molested by Father William G. Ward ("Fr. Ward") – a priest hired, retained, supervised, placed, directed and otherwise authorized to act by Defendants.
3. Plaintiff was approximately 12 to 13 years old when Fr. Ward began to sexually abuse him.

4. Despite years of refusal to publically address rampant child abuse by priests, Defendant the Diocese of Buffalo recently published a long list of priests with substantiated claims of sexual abuse of a minor. That list includes Fr. Ward, who victimized many children.

5. In fact, 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, in particular 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 Fr. Ward, permitted the abuse to occur, neglected to adequately supervise Fr. Ward, failed to timely investigate Fr. Ward's misconduct, acted to protect their own self-interest to the detriment of innocent children, and are otherwise responsible for Fr. Ward's sexual assault of Plaintiff and his consequential injuries and damages.

PARTIES

7. Plaintiff is an individual who resides in the State of New York. At the time of the events complained of, he was a minor residing in Niagara County, New York.

8. Plaintiff was born in 1954.

9. Defendant The Diocese of Buffalo, N.Y. ("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 Niagara County, New York, with its principal place of business at 795 Main Street, Buffalo, New York 14206.

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

11. At all relevant times, Defendant St. Charles Borromeo Roman Catholic Church (“St. Charles”) was under the direct authority of the Defendant Diocese, and was a not-for-profit corporation organized pursuant to the laws of the State of New York, and located in Niagara County, at 5604 Lindbergh Avenue, Niagara Falls, New York 14304.

12. At all relevant times, Defendant Prince of Peace Roman Catholic Church (“Prince of Peace”) was under the direct authority of the Defendant Diocese, and was a not-for-profit corporation organized pursuant to the laws of the State of New York, and located in Niagara County, at 1055 N. Military Road, Niagara Falls, New York 14304.

13. At all relevant times, Defendant Prince of Peace School (“Prince of Peace School”) was an elementary school organized pursuant to the laws of the State of New York, and located in Niagara County, at 1055 N. Military Rd, Niagara Falls, New York 14304.

14. In or about September 2009, Defendant Prince of Peace School merged with Our Lady of Mount Carmel School and together became known as Catholic Academy of Niagara Falls, located in Niagara County, at 1055 N. Military Rd., Niagara Falls, New York 14304. Upon information and belief, Catholic Academy of Niagara Falls assumed some or all of the liabilities and/or assets of Prince of Peace School.

15. At all relevant times, Defendant Bishop Duffy High School, a/k/a Niagara Catholic High School was a Catholic high school organized pursuant to the laws of the State of New York, and located in Niagara County, at 520 66th St., Niagara Falls, New York 14304.

16. Defendant St. John de LaSalle Roman Catholic Church (“St. John”) was and is under the authority of the Defendant Diocese, and was and is a not-for-profit corporation

organized pursuant to the laws of the State of New York, and located in Niagara County, at 8477 Buffalo Avenue, Niagara Falls, New York 14304.

17. In or about July 2008 Defendant St. John merged with Defendant St. Charles. Upon information and belief, Defendant St. John assumed some or all of the liabilities and/or assets of Defendant St. Charles.

18. At all relevant times, Defendant Diocese oversaw, managed, controlled, directed and operated Defendants St. Charles, Prince of Peace, and Prince of Peace School and Bishop Duffy High School, a/k/a Niagara Catholic High School.

19. At all relevant times, Defendant Diocese owned the premises where Defendants St. Charles, Prince of Peace, and Prince of Peace School were located.

20. At all relevant times, Defendant Diocese oversaw, managed, controlled, directed and assigned priests and lay teachers to work in parishes, churches and schools that were under the authority of the Diocese, including Defendants St. Charles, Prince of Peace, Prince of Peace School, and Bishop Duffy High School, a/k/a Niagara Catholic High School.

FACTUAL ALLEGATIONS

21. At all relevant times, Plaintiff and his family were parishioners of Defendant St. Charles and/or Prince of Peace.

22. At all relevant times, Plaintiff was a student at Defendant Prince of Peace School, and later at Bishop Duffy High School, a/k/a Niagara Catholic High School.

23. In or about 1966 and thereafter, Plaintiff was recruited to serve as an altar boy for Defendant Diocese, Defendant St. Charles and Defendant Prince of Peace, and was made to serve in that capacity under Fr. Ward.

24. At all relevant times, Fr. Ward was a Roman Catholic priest employed by Defendant Diocese, Defendant St. Charles and Defendant Prince of Peace.

25. At all relevant times, Fr. Ward was under the direct supervision and control of the Defendant Diocese, Defendant St. Charles, Defendant Prince of Peace and, on information and belief, Bishop Duffy High School, a/k/a Niagara Catholic High School. His assigned duties included, *inter alia*, serving as a priest and as pastor. His duties included interacting with, mentoring and counseling children, including altar boys and children attending Defendant Prince of Peace School and Defendant Bishop Duffy High School, a/k/a Niagara Catholic High School.

26. At all relevant times Defendants authorized Fr. Ward to be alone with children, including Plaintiff, and to have unfettered and unsupervised access to them.

27. Defendants authorized Fr. Ward to have physical contact with minors, in a manner consistent with providing discipline, instruction, counseling, educational and spiritual guidance, and leadership.

28. Defendants required altar boys and students, like Plaintiff, to accept discipline and instruction from clergy in their employ, including Fr. Ward, and to obey their orders.

29. 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.

30. From approximately 1966 through approximately 1971, Fr. Ward repeatedly engaged in unpermitted, forcible and harmful sexual contact with Plaintiff, and otherwise sexually abused him. This sexual abuse took place on the premises of Defendants St. Charles and Prince of Peace and/or other areas owned by Defendants.

31. 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 he endured at the hands of Fr. Ward.

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

33. 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.

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

35. Upon information and belief, not only was Defendant Diocese 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.

36. 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 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.

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

38. Prior to the time of Plaintiff's abuse by Fr. Ward, Defendants knew or should have known of other acts of child sexual abuse by Fr. Ward.

39. In March 2018, the Diocese admitted publically that Fr. Ward was among the many Diocesan priests with substantiated allegations of sexual abuse of a minor.

40. Nevertheless, the Diocese never notified law enforcement officials of Fr. Ward'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.

41. The conduct alleged herein would constitute a sexual offense as defined in article one hundred thirty of the penal law.

42. 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 by clergy in general, and the risks that Fr. Ward posed to Plaintiff.

43. Defendants owed Plaintiff a reasonable duty of care because they affirmatively solicited parishioners and others to send their children to St. Charles, Prince of Peace, Prince of Peace School and Bishop Duffy School; they undertook custody of minor children, including Plaintiff; they recruited minor boys, including Plaintiff, to serve as altar boys; they promoted their facilities and programs as being safe for children, they held out their agents, including Fr. Ward, as safe to work with and around minors; they encouraged parents and children to spend time with their agents; and/or authorized their agents, including Fr. Ward to spend time with, interact with, and recruit children.

44. 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.

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

46. 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 may continue to suffer loss of earnings and earning capacity; has incurred and may in the future incur expenses for medical and psychological treatment, and was otherwise damaged.

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

COUNT I

NEGLIGENT HIRING, RETENTION, SUPERVISION, AND DIRECTION

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

49. At all relevant times Defendants had a duty to exercise due care in hiring, appointing, assigning, retention, supervision and direction of its clergy, including Fr. Ward so as to protect minor children, including Plaintiff, who were likely to come into contact with, and/or

under the influence or supervision of him, and to ensure that Fr. Ward did not use his assigned position to injure minors by sexual assault, contact or abuse.

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

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

52. Fr. Ward 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. Ward.

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

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

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

56. 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.

COUNT II

NEGLIGENT, RECKLESS, AND WILLFUL MISCONDUCT

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

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

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

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

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

62. 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.

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

64. 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.

65. Defendants failed to warn Plaintiff and his parents that Fr. Ward 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. Defendants' aforesaid actions were negligent, reckless, willful and wonton in their disregard for the rights and safety of children, including Plaintiff.

68. 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.

69. 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.

COUNT III

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

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

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

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

73. Defendants knew or disregarded the substantial probability that Fr. Ward would cause severe emotional distress to Plaintiff.

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

75. 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.

COUNT IV

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 of Defendant St. Charles and Prince of Peace, including the areas where the 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 students, 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 Fr. Ward. Defendants thereby breached their duty of care to Plaintiff.

81. 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.

82. 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.

COUNT V

BREACH OF FIDUCIARY DUTY

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

84. 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 Defendants a fiduciary duty to act in the best interests of Plaintiff.

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

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

87. 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.

88. 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.

COUNT VI

BREACH OF DUTY IN LOCO PARENTIS

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

90. 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.

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

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.

COUNT VII

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. Defendants breached their statutory duty by failing to report reasonable suspicion of abuse by Fr. Ward of children in their care.

97. 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.

98. 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 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

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

Dated: New York, New York

October 9, 2019

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