

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

-----X

PAUL DUNN,

Plaintiff,

-against-

NEW YORK STATE CATHOLIC CONFERENCE,
ARCHDIOCESE OF NEW YORK, ROMAN
CATHOLIC DIOCESE OF ALBANY, NEW YORK
A/K/A DIOCESE OF ALBANY, ROMAN
CATHOLIC DIOCESE OF BROOKLYN, NEW
YORK A/K/A DIOCESE OF BROOKLYN, ROMAN
CATHOLIC DIOCESE OF BUFFALO, N.Y. A/K/A
DIOCESE OF BUFFALO, N.Y., ROMAN
CATHOLIC DIOCESE OF OGDENSBURG, NEW
YORK A/K/A DIOCESE OF OGDENSBURG,
ROMAN CATHOLIC DIOCESE OF ROCHESTER,
NEW YORK A/K/A DIOCESE OF ROCHESTER,
ROMAN CATHOLIC DIOCESE OF ROCKVILLE
CENTRE, NEW YORK A/K/A DIOCESE OF
ROCKVILLE CENTRE, AND ROMAN CATHOLIC
DIOCESE OF SYRACUSE A/K/A DIOCESE OF
SYRACUSE,

Defendants.

-----X

TO THE ABOVE-NAMED DEFENDANTS:

PLEASE TAKE NOTICE THAT YOU ARE HEREBY SUMMONED to answer the
Complaint of the Plaintiff herein and to serve a copy of your answer on the Plaintiff at the address
indicated below within twenty (20) days after the service of this Summons (not counting the day
of service itself), or within thirty (30) days after service is complete if the Summons is not delivered
personally to you within the State of New York.

Index No. _____

SUMMONS

Date Index No.
Purchased:

YOU ARE HEREBY NOTIFIED THAT should you fail to answer, a judgment will be entered against you by default for the relief demanded in the Complaint.

DATED: October 29, 2018
 New York, New York



J. Michael Reck, Esq.
JEFF ANDERSON & ASSOCIATES
Attorney for the Plaintiff
57 West 57th Street, 4th Floor
New York, NY 10019
Tel: 714-742-6593

David M. Abbatoy, Jr., Esq.
THE ABBATOY LAW FIRM, PLLC
Attorney for the Plaintiff
45 Exchange Boulevard, Suite 925
Rochester, New York 14614
Tel: 585-348-8081

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

-----X

PAUL DUNN,

Plaintiff,

-against-

Index No. _____

COMPLAINT

NEW YORK STATE CATHOLIC CONFERENCE,
ARCHDIOCESE OF NEW YORK, ROMAN
CATHOLIC DIOCESE OF ALBANY, NEW YORK
A/K/ADIOCESE OF ALBANY, ROMAN
CATHOLIC DIOCESE OF BROOKLYN, NEW
YORK A/K/A DIOCESE OF BROOKLYN, ROMAN
CATHOLIC DIOCESE OF BUFFALO, N.Y. A/K/A
DIOCESE OF BUFFALO, N.Y., ROMAN
CATHOLIC DIOCESE OF OGDENSBURG, NEW
YORK A/K/A DIOCESE OF OGDENSBURG,
ROMAN CATHOLIC DIOCESE OF ROCHESTER,
NEW YORK A/K/A DIOCESE OF ROCHESTER,
ROMAN CATHOLIC DIOCESE OF ROCKVILLE
CENTRE, NEW YORK A/K/A DIOCESE OF
ROCKVILLE CENTRE, AND ROMAN CATHOLIC
DIOCESE OF SYRACUSE A/K/A DIOCESE OF
SYRACUSE,

Defendants.

-----X

Paul Dunn, by and through his attorneys, Jeff Anderson & Associates, P.A. and The
Abbatoy Law Firm, P.L.L.C. as and for his Complaint in this matter against Defendants, states and
alleges as follows:

PARTIES

1. Plaintiff is a 52 year old male resident of the State of New York.
2. At all times material, Defendant New York State Catholic Conference (hereinafter
“Catholic Conference”) was and continues to be an organization or entity which includes, but is
not limited to, civil corporations, decision making entities, officials and employees authorized to

conduct business and conducting business in the State of New York with its principal place of business at 465 State Street, Albany, New York.

3. The Catholic Conference was created in approximately 1977. Later, Defendant Catholic Conference created a corporation called the New York State Catholic Conference to conduct some of its affairs.

4. The Catholic Conference represents New York bishops and archbishops and their dioceses. The Catholic Conference functions as a business by engaging in activities promoting, advancing and furthering the policies, practices and interests of Catholic institutions in New York. Timothy Cardinal Dolan, the Archbishop of Defendant Archdiocese of New York, is the President of Defendant New York Catholic Conference. Bishop Robert Joseph Cunningham, the Bishop of Defendant Diocese of Syracuse is the Vice President of Defendant New York Catholic Conference. Bishop William Francis Murphy, the Bishop of Defendant Diocese of Rockville Centre is the Secretary and Treasurer of Defendant New York Catholic Conference. Bishop Edward B. Scharfenberger, Bishop of Defendant Diocese of Albany, is the Chairman of Defendant New York Catholic Conference.

5. Defendant New York Catholic Conference coordinates its efforts in conjunction with each Diocese in New York.

6. Defendant Archdiocese of New York (hereinafter "New York Archdiocese") was and continues to be an organization or entity which includes, but is not limited to, civil corporations, decision making entities, officials, and employees, authorized to conduct business and conducting business in the State of New York which its principal place of business at 1101 First Avenue, New York, NY 10022.

7. The New York Archdiocese was created in approximately 1850. Later, the Archdiocese created a corporation called the New York Archdiocese to conduct some of its affairs.

8. The New York Archdiocese operates its affairs as both a corporate entity and as an organization named the Archdiocese of New York, with the Archbishop as the top official. Both of these entities and all other corporations and entities controlled by the Archbishop are included in this Complaint as being the New York Archdiocese. The Archbishop is the top official of the Archdiocese and is given authority over all matters within the Archdiocese as a result of his position. The Archdiocese functions as a business by engaging in numerous revenue producing activities and soliciting money from its members in exchange for its services.

9. The New York Archdiocese has several programs which seek out the participation of children in the Archdiocese's activities.

10. The New York Archdiocese has the power to appoint, supervise, monitor and fire each person working with children in the Archdiocese of New York.

11. Defendant The Roman Catholic Diocese of Albany, New York a/k/a Diocese of Albany (hereinafter "Albany Diocese") was and continues to be an organization or entity which includes, but is not limited to, civil corporations, decision making entities, officials, and employees, authorized to conduct business and conducting business in the State of New York which its principal place of business at 40 North Main Avenue, Albany, NY.

12. The Albany Diocese was created in approximately 1847. Later, the Diocese created a corporation called the Albany Diocese to conduct some of its affairs.

13. The Albany Diocese operates its affairs as both a corporate entity and as an organization named the Albany Diocese, with the Bishop as the top official. Both of these entities and all other corporations and entities controlled by the Bishop are included in this Complaint as

being the Albany Diocese. The Bishop is the top official of the Diocese and is given authority over all matters within the Diocese as a result of his position. The Diocese functions as a business by engaging in numerous revenue producing activities and soliciting money from its members in exchange for its services.

14. The Albany Diocese has several programs which seek out the participation of children in the Diocese's activities.

15. The Albany Diocese has the power to appoint, supervise, monitor and fire each person working with children in the Diocese of Albany.

16. Defendant The Roman Catholic Diocese of Brooklyn, New York a/k/a Diocese of Brooklyn (hereinafter "Brooklyn Diocese") was and continues to be an organization or entity which includes, but is not limited to, civil corporations, decision making entities, officials, and employees, authorized to conduct business and conducting business in the State of New York which its principal place of business at 310 Prospect Park West, Brooklyn, NY.

17. The Brooklyn Diocese was created in approximately 1853. Later, the Diocese created a corporation called the Brooklyn Diocese to conduct some of its affairs.

18. The Brooklyn Diocese operates its affairs as both a corporate entity and as an organization named the Brooklyn Diocese, with the Bishop as the top official. Both of these entities and all other corporations and entities controlled by the Bishop are included in this Complaint as being the Brooklyn Diocese. The Bishop is the top official of the Diocese and is given authority over all matters within the Diocese as a result of his position. The Diocese functions as a business by engaging in numerous revenue producing activities and soliciting money from its members in exchange for its services.

19. The Brooklyn Diocese has several programs which seek out the participation of children in the Diocese's activities.

20. The Brooklyn Diocese has the power to appoint, supervise, monitor and fire each person working with children in the Diocese of Brooklyn.

21. Defendant Diocese of Buffalo, New York a/k/a The Diocese of Buffalo, N.Y. (hereinafter "Buffalo Diocese") was and continues to be an organization or entity which includes, but is not limited to, civil corporations, decision making entities, officials, and employees, authorized to conduct business and conducting business in the State of New York which its principal place of business at 795 Main Street, Buffalo, New York.

22. The Buffalo Diocese was created in approximately 1847. Later, the Diocese created a corporation called the Buffalo Diocese to conduct some of its affairs.

23. The Buffalo Diocese operates its affairs as both a corporate entity and as an organization named the Buffalo Diocese, with the Bishop as the top official. Both of these entities and all other corporations and entities controlled by the Bishop are included in this Complaint as being the Buffalo Diocese. The Bishop is the top official of the Diocese and is given authority over all matters within the Diocese as a result of his position. The Diocese functions as a business by engaging in numerous revenue producing activities and soliciting money from its members in exchange for its services.

24. The Buffalo Diocese has several programs which seek out the participation of children in the Diocese's activities.

25. The Buffalo Diocese has the power to appoint, supervise, monitor and fire each person working with children in the Diocese of Buffalo.

26. Defendant Roman Catholic Diocese of Ogdensburg, New York a/k/a Diocese of Ogdensburg (hereinafter “Ogdensburg Diocese”) was and continues to be an organization or entity which includes, but is not limited to, civil corporations, decision making entities, officials, and employees, authorized to conduct business and conducting business in the State of New York which its principal place of business at 622 Washington Street, Ogdensburg, New York.

27. The Ogdensburg Diocese was created in approximately 1872. Later, the Diocese created a corporation called the Ogdensburg Diocese to conduct some of its affairs.

28. The Ogdensburg Diocese operates its affairs as both a corporate entity and as an organization named the Ogdensburg Diocese, with the Bishop as the top official. Both of these entities and all other corporations and entities controlled by the Bishop are included in this Complaint as being the Ogdensburg Diocese. The Bishop is the top official of the Diocese and is given authority over all matters within the Diocese as a result of his position. The Diocese functions as a business by engaging in numerous revenue producing activities and soliciting money from its members in exchange for its services.

29. The Ogdensburg Diocese has several programs which seek out the participation of children in the Diocese’s activities.

30. The Ogdensburg Diocese has the power to appoint, supervise, monitor and fire each person working with children in the Diocese of Ogdensburg.

31. Defendant Roman Catholic Diocese of Rochester, New York a/k/a Diocese of Rochester (hereinafter “Rochester Diocese”) was and continues to be an organization or entity which includes, but is not limited to, civil corporations, decision making entities, officials, and employees, authorized to conduct business and conducting business in the State of New York which its principal place of business at 1150 Buffalo Road, Rochester, New York.

32. The Rochester Diocese was created in approximately 1868. Later, the Diocese created a corporation called the Rochester Diocese to conduct some of its affairs.

33. The Rochester Diocese operates its affairs as both a corporate entity and as an organization named the Rochester Diocese, with the Bishop as the top official. Both of these entities and all other corporations and entities controlled by the Bishop are included in this Complaint as being the Rochester Diocese. The Bishop is the top official of the Diocese and is given authority over all matters within the Diocese as a result of his position. The Diocese functions as a business by engaging in numerous revenue producing activities and soliciting money from its members in exchange for its services.

34. The Rochester Diocese has several programs which seek out the participation of children in the Diocese's activities.

35. The Rochester Diocese has the power to appoint, supervise, monitor and fire each person working with children in the Diocese of Rochester.

36. Defendant Roman Catholic Diocese of Rockville Centre, New York a/k/a Diocese of Rockville Centre (hereinafter "Rockville Centre Diocese") was and continues to be an organization or entity which includes, but is not limited to, civil corporations, decision making entities, officials, and employees, authorized to conduct business and conducting business in the State of New York which its principal place of business at 50 North Park Avenue, Rockville Centre, New York.

37. The Rockville Centre Diocese was created in approximately 1957. Later, the Diocese created a corporation called the Rockville Centre Diocese to conduct some of its affairs.

38. The Rockville Centre Diocese operates its affairs as both a corporate entity and as an organization named the Rockville Centre Diocese, with the Bishop as the top official. Both of

these entities and all other corporations and entities controlled by the Bishop are included in this Complaint as being the Rockville Centre Diocese. The Bishop is the top official of the Diocese and is given authority over all matters within the Diocese as a result of his position. The Diocese functions as a business by engaging in numerous revenue producing activities and soliciting money from its members in exchange for its services.

39. The Rockville Centre Diocese has several programs which seek out the participation of children in the Diocese's activities.

40. The Rockville Centre Diocese has the power to appoint, supervise, monitor and fire each person working with children in the Diocese of Rockville Centre.

41. Defendant Roman Catholic Diocese of Syracuse, New York a/k/a Diocese of Syracuse (hereinafter "Syracuse Diocese") was and continues to be an organization or entity which includes, but is not limited to, civil corporations, decision making entities, officials, and employees, authorized to conduct business and conducting business in the State of New York which its principal place of business at 240 East Onongada Street, Syracuse, New York.

42. The Syracuse Diocese was created in approximately 1886. Later, the Diocese created a corporation called the Syracuse Diocese to conduct some of its affairs.

43. The Syracuse Diocese operates its affairs as both a corporate entity and as an organization named the Syracuse Diocese, with the Bishop as the top official. Both of these entities and all other corporations and entities controlled by the Bishop are included in this Complaint as being the Syracuse Diocese. The Bishop is the top official of the Diocese and is given authority over all matters within the Diocese as a result of his position. The Diocese functions as a business by engaging in numerous revenue producing activities and soliciting money from its members in exchange for its services.

44. The Syracuse Diocese has several programs which seek out the participation of children in the Diocese's activities.

45. The Syracuse Diocese has the power to appoint, supervise, monitor and fire each person working with children in the Diocese of Syracuse.

46. All of the defendants mentioned above work in conjunction with each other to set policy and take actions to promote the interests of their respective organizations individually and as a whole.

FACTS

47. Fr. Cornelius Otero (hereinafter "Fr. Otero") was ordained a priest of Defendant Brooklyn Diocese in 1949.

48. Fr. Otero worked at Queen of All Saints in Brooklyn, New York from approximately 1959 to 1966; St. Teresa's in Woodside, New York from approximately 1967 to 1971; and St. Joan of Arc in Jackson Heights, New York from approximately 1972 to 1980.

49. Plaintiff was a parishioner at St. Joan of Arc and came to know Fr. Otero as his parish priest.

50. From approximately 1976 to 1978, when Plaintiff was approximately 10 to 11 years old, Fr. Cornelius Otero engaged in unpermitted sexual contact with Plaintiff and took sexually explicit photographs of Plaintiff.

51. The sexually abusive conduct took place in public and private places.

52. In 1979, Fr. Otero was arrested for selling books containing obscene photographs of children to undercover law enforcement officers in a Manhattan garage. He agreed to act as an informant, aiding law enforcement in apprehending other predators, and thereby avoided serving time in jail.

53. After Fr. Otero's arrest, in approximately 1979 or 1980, Defendant Brooklyn Diocese sent Fr. Otero out of the state of New York to receive medical care.

54. Parishioners in Defendant Brooklyn Diocese and elsewhere were not told why Fr. Otero was removed from St. Joan of Arc and sent out of state.

55. Instead of taking action to safeguard children, after learning that its agent had been arrested for selling obscene photographs of children, Defendant Brooklyn Diocese took action to make it more difficult for the public to determine his whereabouts.

56. Defendant Brooklyn Diocese did so by removing Fr. Otero from the listing of active priests in the Official Catholic Directory in the 1981 issue of that publication. This removal lasted until the 1982 issue of that publication, wherein and through the 1987 issue of the Official Catholic Directory Defendant Brooklyn Diocese published that Fr. Otero was "released from Diocesan assignment." Defendant Brooklyn Diocese did not publish any information regarding Fr. Otero's location in the 1982 to 1987 issues of the Official Catholic Directory.

57. Despite Fr. Otero's arrest for selling child pornography a mere nine years earlier, from approximately 1988 to 1995, Fr. Otero worked at Saint Francis Hospital and Medical Center in Hartford, Connecticut.

58. Fr. Otero died in 1998.

59. The Brooklyn Diocese never publicly disclosed Fr. Otero's sexually abusive and criminal activities.

60. Since the time of Mr. Dunn's abuse and on a continuing basis since then, the Brooklyn Diocese has failed and continues to fail to report known and/or suspected sexual abuse of children by Fr. Otero and other agents within their control to the police and law enforcement.

61. The Brooklyn Diocese has maintained and continues to maintain other sexually abusive priests in employment despite knowledge or credible suspicions of child sex abuse.

62. The Brooklyn Diocese holds its leaders and agents out as people of high morals, as possessing immense power, teaching families and children to obey these leaders and agents, teaching families and children to respect and revere these leaders and agents, soliciting youth and families to its programs, marketing to youth and families, recruiting youth and families, and holding out the people that work in its programs as safe.

63. As a result, the Brooklyn Diocese's leaders and agents have occupied positions of great trust, respect and allegiance among members of the general public, including Plaintiff.

64. The Brooklyn Diocese affirmatively or implicitly represents to minor children, their families and members of the general public that clerics working in the Diocese are safe to work with children and/or do not have a history of sexually assaulting children.

65. As a direct result of Defendants' conduct described herein, Plaintiff was prevented and will continue to be prevented from performing normal daily activities and obtaining the full enjoyment of life; and/or has incurred and will continue to incur expenses for psychological treatment, therapy and counseling and, on information and belief, has and/or will incur loss of income and/or loss of earning capacity.

COUNT I: PUBLIC NUISANCE (COMMON LAW AND N.Y. PENAL LAW 240.45)
AGAINST DEFENDANT BROOKLYN DIOCESE ONLY

Plaintiff incorporates all consistent paragraphs of this Complaint as if fully set forth under this Count.

66. The Brooklyn Diocese's actions and omissions have interrupted or interfered with the health, safety and welfare of the general public.

67. The Brooklyn Diocese has created and exposed the public to unsafe conditions continuously and on an ongoing basis before and since Plaintiff was sexually assaulted and has continued to expose the public to that unabated threat until present day.

68. As a direct and proximate result of the Brooklyn Diocese's conduct, Plaintiff has suffered special and peculiar harm distinct from the harms suffered by the public at large.

69. Upon information and belief, one or more members of the Brooklyn Diocese leadership structure are or were mandated reporters of child abuse or maltreatment and failed in their affirmative duties to report sexual misconduct to the proper authorities.

70. Aside from the mandatory duty to report sexual misconduct, the Brooklyn Diocese also failed in its legal duty to refrain from exposing the public to dangerous conditions or criminal activity.

71. As a direct and proximate result of the Brooklyn Diocese's conduct, Plaintiff was sexually assaulted as a child by one of Defendants' agents, Fr. Otero.

72. The Brooklyn Diocese continues to conspire and engage and/or has conspired and engaged in efforts with the other defendants to: 1) conceal from the general public the sexual assaults committed by, the identities of, and the pedophilic/ephebophilic tendencies of its accused priests; and/or 2) conceal from proper civil authorities sexual assaults and abuse committed its agents against minor children; and/or 3) attack the credibility of victims of Defendants' agents; and/or 4) protect Defendants' agents from criminal prosecution for their sexual assaults and abuse against children; and/or 5) allow known child molesters to live freely in the community without informing the public; and/or 6) after receiving reports or notice of misconduct by clerics, transfer them to new parishes without any warning to parishioners of the threat posed by such clerics, in violation of law; and/or 7) make affirmative representations regarding Defendants' pedophilic

and/or ephebophilic agents' fitness for employment, in positions that include working with children, while failing to disclose negative information regarding sexual misconduct by such clerics; and/or 8) concealing Defendants' actions and their agents' actions from survivors of past abuse causing separate current harm.

73. The conduct of the Brooklyn Diocese was specially injurious to Plaintiff's health and/or Plaintiff's personal enjoyment of life in that when Plaintiff discovered the negligence and/or deception and concealment of Defendants, Plaintiff experienced mental, emotional and/or physical distress that Plaintiff had been the victim of Defendants' negligence and/or deception and concealment.

74. Plaintiff's injuries are also particular to Plaintiff and different from certain members of the public who have not been harmed by the nuisance, people who have not been harmed by the nuisance include those who have not suffered any injury at all, those who are unaware of the nuisance, those who do not believe that the Brooklyn Diocese ever concealed anything about child sex abuse, and those who think that any concealment only occurred decades ago.

75. The continuing public nuisance created by Defendants was, and continues to be, the proximate cause of Plaintiff's special injuries and damages as alleged.

76. The harm suffered by Plaintiff is the exact type of harm that one would expect from Defendants' acts and omissions.

77. In committing the aforementioned acts and omissions, Defendants acted negligently and recklessly and/or intentionally, maliciously and with conscious disregard for Plaintiff's rights.

78. As a result of the above-described conduct, Plaintiff has suffered the injuries and damages described herein.

COUNT II: CIVIL CONSPIRACY (COMMON LAW) AGAINST ALL DEFENDANTS

Plaintiff incorporates all consistent paragraphs of this Complaint as if fully set forth under this Count.

79. The Defendants have engaged in a coordinated effort to ensure that allegations like Mr. Dunn's (and those of countless other victims) were never disclosed to the public.

80. In this way, the sexual abuse of Mr. Dunn and the Brooklyn Diocese's response to the abuse (as described above) was merely part of a larger coordinated effort by all of the Defendants to manage the vast, statewide problem of sexual abuse that the Defendants had identified.

81. Since approximately 1977, Defendant Catholic Conference has assembled the bishops of each Diocese in New York to discuss and respond collectively as a governing body over Catholic institutions and issues in the State of New York.

82. Defendant Catholic Conference, on behalf of each New York Diocese, has made representations about the safety of programs in Catholic institutions in New York.

83. Defendant Catholic Conference has repeatedly pledged to restore trust for victims of sexual abuse through accountability and justice.

84. Despite these public pledges of accountability and justice, the New York Defendants' actual policies, practices and actions demonstrate a coordinated effort to ensure secrecy and concealment of information about clerics who have sexually assaulted children in New York.

85. Defendants have represented and continue to represent to the public, including Plaintiff, that 1) there is no danger of child sex abuse at their facilities and in their programs; 2) they respond to allegations of sexual abuse promptly and effectively; 3) they cooperate with civil

authorities; 4) they discipline offenders and/or 5) they provide a means of accountability to ensure the problem of clerical sex abuse is dealt with effectively.

86. Defendants have also represented and continue to represent to the public that any sexual misconduct by its agents is a problem of the past and that its programs and schools do not currently pose any risk to children.

87. Each Defendant has repeatedly represented that it will take action to prevent sexual abuse while simultaneously concealing information about its knowledge of sexual abuse of minors from law enforcement and the general public.

88. Defendants have, for decades and continuing to the present day, adopted policies and practices of covering up criminal activity committed by its agents.

89. Defendants have, for decades and continuing to the present day, adopted and designed policies and practices to make it appear that sexually abusive priests were safe and trustworthy members of the public when, in reality, the Defendants knew the opposite to be true.

90. Defendants have, for decades and continuing to the present day, adopted and designed policies and practices to threaten and discourage those with information about sexually abusive priests from informing the public about the existence of sexually abusive priests within the Dioceses.

91. Defendants' policies and practices have endangered numerous children in the past and were made with the knowledge that such policies would cause countless compromise the welfare and safety of the community and would cause the repeated commission of a variety of intentional and negligent torts.

92. The policies and practices, which continue to the present day, will continue to put children at risk in the future.

93. Prior to and since Defendants' disclosures, Defendants failed to report multiple allegations of sexual abuse of children by its agents to the proper civil authorities. As a result, children are at risk of being sexually assaulted.

94. In approximately 2004, Defendant New York Archdiocese publicly admitted that it knew of 45 clerics who were found to have committed sexual abuse of minors. Defendant New York Archdiocese has never publicly released those names. Defendant New York Archdiocese continues to conceal the identities, names and information about priests accused of sexual abuse of minors. As a result, children are at risk of being sexually assaulted.

95. In approximately 2004, Defendant Albany Diocese publicly admitted that it knew of 67 clergy affiliated with the Albany Diocese who were accused of sexual abuse since 1950. Since then, Defendant Albany Diocese has released a partial list of clerics accused of sexual abuse of minors. Defendant Albany Diocese continues to conceal important information about the priests on that list and the names and information about accused priests not on the list. Additional information has also not been disclosed about the credibly accused priests' patterns of grooming and sexual abuse. As a result, children are at risk of being sexually assaulted.

96. In approximately 2004, Defendant Brooklyn Diocese publicly admitted that it knew of 73 clerics who were accused of sexual misconduct with minors. In approximately 2017 to 2018, Defendant Brooklyn Diocese released the names of 13 clerics accused of sexual abuse of minors. Defendant Brooklyn Diocese continues to conceal important information about the priests on that list and the names and information about accused priests not publicly disclosed. Additional information has also not been disclosed about the credibly accused priests' patterns of grooming and sexual abuse. As a result, children are at risk of being sexually assaulted.

97. In approximately March 2018, Defendant Buffalo Diocese publicly admitted that it knew of 42 priests who worked in the Diocese that had been accused of sexual misconduct with minors. Defendant Buffalo Diocese identified these priests by name. Defendant Buffalo Diocese continues to conceal important information about the priests on that list and the names and information about accused priests not on the list. Additional information has also not been disclosed about the credibly accused priests' patterns of grooming and sexual abuse. As a result, children are at risk of being sexually assaulted.

98. In September 2018, an investigative reporter obtained records from Defendant Buffalo Diocese's archives which document over 100 priests who have been accused of sexual abuse of a minor.

99. In October 2018, Cardinal Sean O'Malley of the Archdiocese of Boston, the president of the Pontifical Commission for the Protection of Minors, expressed concern about Defendant Buffalo Diocese's handling of priests who have been accused of sexually abusing minors. Cardinal O'Malley publicly stated that he would forward information about Defendant Buffalo Diocese's handling of clergy sexual abuse to the Holy See's U.S. delegate in Washington, D.C.

100. In approximately 2004, Defendant Ogdensburg Diocese publicly admitted that it knew of 35 priests who were accused of sexual abuse of minors. Defendant Ogdensburg Diocese has never publicly released those names. Defendant Ogdensburg Diocese continues to conceal the identities, names and information about priests accused of sexual abuse of minors. As a result, children are at risk of being sexually assaulted.

101. In approximately 2004, Defendant Rochester Diocese publicly admitted that it knew of 36 priests who were accused of sexual abuse of minors. In approximately 2012, Defendant

Rochester Diocese released the names of 23 clerics accused of sexual abuse of minors. Defendant Rochester Diocese continues to conceal important information about the priests on that list and the names and information about accused priests not publicly disclosed. Additional information has also not been disclosed about the credibly accused priests' patterns of grooming and sexual abuse. As a result, children are at risk of being sexually assaulted.

102. In approximately 2004, Defendant Rockville Centre Diocese publicly admitted that it knew of 66 priests who worked in the Diocese who had been accused of sexually abusing minors. Defendant Rockville Centre Diocese has never publicly released those names. Defendant Rockville Centre Diocese continues to conceal the identities, names and information about priests accused of sexual abuse of minors. As a result, children are at risk of being sexually assaulted.

103. In 2003, a year prior to Defendant Rockville Centre's disclosure, the Suffolk County Supreme Court Special Grand Jury issued a Report of its investigation of sexual abuse in Defendant Rockville Centre Diocese.

104. The Grand Jury Report contained a number of startling observations and conclusions including:

- a. "A general failure of supervision from officials of the Diocese, to individual pastors and other priests living in rectories, compounded and perpetuated these violations with devastating consequences for children." (*Id.* p. 5)
- b. "Priests committed crimes against children of the Diocese. These crimes were treated as a matter of sin and never reported to law enforcement authorities." (*Id.* p. 94)
- c. "The culture of the Diocese was one of secrecy and obfuscation. Diocesan officials purposely withheld information from parishioners and from their own priests and pastors." (*Id.*)
- d. "Most children did not report the crimes against them until long after the criminal statute of limitations had lapsed. Those who did were promised help, but received little. Instead, they were ignored, belittled and revictimized." (*Id.* p. 95)

- e. “In some cases... the Diocese procrastinated for the sole purpose of making sure that the civil and criminal statutes of limitation were no longer applicable in the cases.” (*Id.*)
- f. “The policy was to avoid scandal by the suppression of information. Priests and Diocesan officials lied about what they knew about sexually abusive priests to their parishioners and to the public at large. This policy put children at grave risk.” (*Id.*)

105. In approximately 2004, Defendant Syracuse Diocese publicly admitted that it knew of 49 priests who worked in the Diocese who had been accused of sexually abusing minors. Defendant Syracuse Diocese has never publicly released those names. Defendant Syracuse Diocese continues to conceal the identities, names and information about priests accused of sexual abuse of minors. As a result, children are at risk of being sexually assaulted.

106. Further, the public is under the mistaken belief that Defendants do not have undisclosed knowledge of clerics who present a danger to children.

107. Each Defendant participated in the acts and omissions complained which are part of a common scheme to conceal the true nature of sexual abuse of minors in the Dioceses across the State of New York.

108. Since 1977, each New York Diocese has been a member of the Catholic Conference which provides a unified front for the eight Dioceses in New York to address the handling sexual abuse allegations involving Catholic priests working in the State of New York

109. Each Defendant contributed to conceal the improper and illegal activities taking place within the Dioceses in New York.

110. Individuals working within each Defendant are mandatory reporters under New York’s Mandatory Reporting law.

111. As a direct result of Defendants' conduct described herein, Plaintiff has suffered and will continue to suffer, great pain of mind and body, severe and permanent emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, humiliation, physical, personal and psychological injuries.

112. Each Defendant took overt acts in furtherance of the agreement, including but not limited to the following: 1) concealing the sexual assaults of and the identities and patterns of its sexually abusive agents; 2) concealing sexual assaults and abuse committed by its agents from proper civil authorities; 3) attacking the credibility of victims of Defendants' agents; 4) protecting Defendants' agents from criminal prosecution for sexual assaults and abuse against children; 5) allowing known child molesters to live freely in the community without informing the public; 6) after receiving reports or notice of sexual misconduct by clerics, transferring them to new locations without warning parishioners or the public of the threat posed by such sexual abusers; 7) making affirmative representations regarding Defendants' agents' fitness for employment in positions that include working with children, while failing to disclose negative information regarding sexual misconduct by clerics; and 8) concealing Defendants' actions and their agents' actions from survivors of past abuse, thereby causing separate, current harm.

113. Each Defendant entered into the conspiracy with the common purpose of concealing from the public the nature and scope of sexual abuse of minors in the Dioceses across the State of New York.

114. Each Defendant entered into the conspiracy with the common purpose of continuing to hold out sexually abusive priests as trustworthy members of the community.

115. Each defendant entered into the conspiracy with the common purpose of delaying or preventing individuals from reporting sexual abuse to civil authorities.

116. It was essential for the Defendants to engage in such this a conspiracy because doing so allowed the Defendants to retain their positions of authority, trust, respect, and influence within their respective communities and on the national or international stage.

117. By engaging in this conspiracy, the Defendants directly caused and perpetuated the commission of various torts, including assault, sexual abuse, public nuisance, and/or other torts and wrongful acts.

118. Each Defendant intentionally entered into the agreement and performed the actions set forth above.

119. As a proximate result of Defendants' actions, Plaintiff has suffered the injuries and damages described herein.

PRAYER FOR RELIEF

Based on the foregoing cause of action, Plaintiff prays judgment against Defendants in an amount to exceed the minimum required jurisdiction of this Court to be determined at trial, plus costs, disbursements, reasonable attorneys' fees, interest and such other relief that the Court deems just and equitable.

To abate the continuing nuisance, Plaintiff further requests an order requiring that each Diocese Defendant publicly release the names of all agents, including priests, accused of child molestation, each agent's history of abuse, each such agent's pattern of grooming and sexual behavior, and his or her last known address. This includes the release of each of Defendants' documents on the agents.

Plaintiff further requests an order requiring Defendants to discontinue their current practice and policy of dealing with allegations of child sexual abuse by its agents, and requiring that

Defendants work with civil authorities to create, implement and follow a policy to deal with sexually abusive clergy that will better protect children and the general public from further harm.

DEMAND IS HEREBY MADE FOR A TRIAL BY JURY.

DATED: October 29, 2018.
New York, New York



J. Michael Reck, Esq.
JEFF ANDERSON & ASSOCIATES
Attorney for the Plaintiff
57 West 57th Street, 4th Floor
New York, NY 10019
Tel: 714-742-6593

David M. Abbatoy, Jr., Esq.
THE ABBATOY LAW FIRM, PLLC
Attorney for the Plaintiff
45 Exchange Boulevard, Suite 925
Rochester, New York 14614
Tel: 585-348-8081