

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

JA-140 DOE,

Plaintiff,

v.

THEODORE E. MCCARRICK;
FATHER MICHAEL BARRETT;
ARCHDIOCESE OF NEW YORK;
and DOES 1-5 whose identities are
unknown to Plaintiff,

Defendants.

Index No. _____

SUMMONS

Date Index No. Purchased: August 4, 2021

TO THE ABOVE NAMED DEFENDANTS:

PLEASE TAKE NOTICE THAT YOU ARE HEREBY SUMMONED to answer the Complaint, a copy of which is hereby served upon you, and to serve a copy of your Answer to the Complaint upon the undersigned attorneys listed below within twenty (20) days after the service of this Summons, exclusive of the day of service (or within thirty (30) days after the service is complete if this Summons is not personally delivered to you within the State of New York); and in the case of your failure to appear or answer, judgment by default will be taken against you for the relief demanded herein.

The basis of venue is the principal place of business of Defendant Archdiocese of New York, which is 1011 First Avenue, New York, NY 10022.

Dated: New York, New York
August 4, 2021

/s/ Jeffrey R. Anderson

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**COMPLAINT
AND DEMAND
FOR JURY TRIAL**

Plaintiff, by and through Plaintiff's attorneys, states and alleges as follows:

PARTIES

A. Plaintiff

1. At all times material, Plaintiff resided in the State of New York.

2. An Order to Show Cause is filed concurrently herewith if all Defendants have not consented to Plaintiff's use of a pseudonym.

3. This action is brought pursuant to the New York Child Victims Act, CPLR § 214-g. The conduct at issue constituted sexual offense(s) against a minor in violation of a section within Article 130 and/or § 263.05 of the New York Penal Law, or a predecessor statute that prohibited such conduct at the time of the act, and resulted in physical, psychological, and emotional injuries. As a civil cause of action was previously time-barred prior to August 14, 2019, the terms of the Child Victims Act, CPLR § 214-g, revive the claims set forth below.

4. At all times material, Plaintiff was a minor under 18 years of age when the sexual

abuse occurred.

B. Defendants

5. Whenever reference is made to any Defendant entity, such reference includes that entity, its parent companies, subsidiaries, affiliates, predecessors, and successors. In addition, whenever reference is made to any act, deed, or transaction of any entity, the allegation means that the entity engaged in the act, deed, or transaction by or through its officers, directors, agents, employees, or representatives while they were actively engaged in the management, direction, control, or transaction of the entity's business or affairs.

6. At all times material, Defendant Theodore E. McCarrick (hereinafter "McCarrick") resided in the State of New York and was a priest of the Archdiocese of New York.

7. At all times material, Defendant Father Michael Barrett (hereinafter "Barrett") resided in the State of New York. Upon information and belief, Barrett joined Opus Dei in approximately 1974. In 1985, he was ordained as a Roman Catholic priest. Barrett worked in the Archdiocese of Galveston-Houston and Archdiocese of Los Angeles before becoming Pastor at Church of Saint Agnes in New York, in the Archdiocese of New York in approximately 2016.

8. At all times material, Defendant Archdiocese of 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 with its principal place of business at 1011 First Avenue, New York, NY 10022.

9. The Archdiocese was created in approximately 1850. Later, the Archdiocese created a corporation called the Archdiocese of New York to conduct some of its affairs. The Archdiocese operates its affairs as both a corporate entity and as the organization known as the

Archdiocese of New York. Both of these entities and all other affiliated corporations and entities controlled by the Archbishop are included in this Complaint as the “Archdiocese.” The Archdiocese functions as a business by engaging in numerous revenue producing activities and soliciting money from its members in exchange for its services.

10. The Archdiocese has several programs that seek out the participation of children including, but not limited to, schools and other educational programs. The Archdiocese, through its officials, has complete control over those activities and programs involving children. The Archdiocese has the power to appoint, train, supervise, monitor, remove, and terminate each and every person working with children within the Archdiocese.

11. Defendants Does 1 through 5 are unknown agents whose identities will be provided when they become known pursuant to CPLR § 1024.

12. The limitations of Article 16 of the CPLR do not apply because one or more of the exceptions set forth in CPLR § 1601 and/or § 1602 apply.

JURISDICTION

13. This Court has jurisdiction pursuant to CPLR § 301 as Defendant Archdiocese’s principal place of business is in New York and because the unlawful conduct complained of herein occurred in New York.

14. Venue is proper pursuant to CPLR § 503 in that New York County is the principal place of business of Defendant Archdiocese. In addition, many of the events giving rise to this action occurred in New York County.

FACTUAL ALLEGATIONS

15. At all times material, McCarrick was a Roman Catholic cleric employed by the Archdiocese. McCarrick remained under the direct supervision, employ, and control of Defendant

Archdiocese.

16. At all times material, Barrett was an adult member of Opus Dei.

17. Defendant Archdiocese placed McCarrick in positions where he had access to and worked with children as an integral part of his work.

18. Plaintiff was raised in a devout Roman Catholic family and attended St. Augustine in Larchmont, in the Archdiocese. Plaintiff and Plaintiff's family came in contact with McCarrick as an agent and representative of Defendant Archdiocese.

19. Plaintiff participated in youth activities and/or church activities at St. Augustine. Plaintiff, therefore, developed great admiration, trust, reverence, and respect for the Roman Catholic Church, including Defendant Archdiocese and its agents, including McCarrick. During and through these activities, Plaintiff, as a minor and vulnerable child, was dependent on Defendant Archdiocese and McCarrick. Defendant Archdiocese had custody of Plaintiff and accepted the entrustment of Plaintiff and, therefore, had responsibility for Plaintiff and authority over Plaintiff.

20. From approximately 1975 to 1978, when Plaintiff was approximately 13 to 16 years old, McCarrick engaged in unpermitted sexual contact with Plaintiff in violation of at least one section of New York Penal Law Article 130 and/or § 263.05, or a predecessor statute that prohibited such conduct at the time of the abuse.

21. From approximately 1974 to 1978, when Plaintiff was approximately 12 to 16 years old, Barrett engaged in unpermitted sexual contact with Plaintiff in violation of at least one section of New York Penal Law Article 130 and/or § 263.05, or a predecessor statute that prohibited such conduct at the time of the abuse.

22. Plaintiff's relationship to Defendants, as a vulnerable child, parishioner, and

participant in church activities, was one in which Plaintiff was subject to the ongoing influence of Defendants.

23. The culture of the Catholic Church over Plaintiff created pressure on Plaintiff not to report the abuse Plaintiff suffered.

24. McCarrick engaged in a similar course of conduct and pattern of sexual predation of devout Catholic youth under his control.

25. In 1958, McCarrick was an ordained a priest of the Archdiocese of New York.

26. From 1959 to 1966, McCarrick was assigned outside of the Archdiocese of New York on special assignment at The Catholic University of America in Washington D.C.

27. From 1967 to 1969, McCarrick was assigned to the Catholic University of Puerto Rico in Ponce, Puerto Rico.

28. From 1970 to 1971, McCarrick was assigned to Blessed Sacrament in New York, New York.

29. From 1972 to 1977, McCarrick was assigned to Cathedral of St. Patrick in New York, New York.

30. Upon information and belief, from approximately 1969 to 1976, McCarrick repeatedly sexually abused James Grein on multiple instances when Grein was a minor. The abuse continued for years into Grein's adulthood.

31. Upon information and belief, in 1971 and 1972, at Christmas Masses in each of those years, McCarrick sexually assaulted a minor altar boy who was 16 and 17 years old, respectively, and who had been selected to assist McCarrick with serving Christmas Mass.

32. In 2018, after these sexual assaults were reported and were investigated, the Archdiocese of New York found the allegations of this sexual abuse by McCarrick against a minor

occurring in 1971 and 1972 credible and substantiated.

33. According to the Vatican's Report on the Holy See's Institutional Knowledge and Decision-making Related to Theodore E. McCarrick. (Available at http://www.vatican.va/resources/resources_rapporto-card-mccarrick_20201110_en.pdf; last viewed April 30, 2021) (the "Report"), while McCarrick was working in the Archdiocese of New York, McCarrick grew close to several large Catholic families and was referred to as "Uncle Ted." McCarrick also began to travel with the teenagers from these families, whom he called his "nieces" and "nephews."

34. In approximately 1976, McCarrick was on a fishing trip in the Bahamas with teenagers from some of these New York Catholic families when he received a telegram from Cardinal Terence Cooke of New York asking him to return immediately to New York because Karol Cardinal Wojyla, the future Supreme Pontiff John Paul II, was visiting. McCarrick joked with Cardinal Wojyla that he had ruined McCarrick's vacation.

35. From 1978 to 1980, McCarrick was assigned to St. Francis De Sales in New York, New York.

36. In 1978, McCarrick was appointed Auxiliary Bishop of the Archdiocese of New York where he served until 1981.

37. In 1981, McCarrick was assigned to the New York Foundling Hospital in New York, New York.

38. In November 1981, McCarrick was appointed Bishop of the Diocese of Metuchen in New Jersey, where he served until 1986.

39. While Bishop of Metuchen, McCarrick used seminarians to drive him to events in the Tri-State area. He also invited seminarians to spend time with him at a beach house in Sea

Girt, New Jersey, purchased by the Metuchen Diocese in 1985.

40. McCarrick traveled with teenage boys and young men of the families he grew close to while in New York, introducing them as “nephews.” Some of these young men shared a bed with McCarrick at the Bishop’s Residence in Metuchen.

41. From approximately 1982 to 1983, McCarrick sexually abused a minor boy at a house on the Jersey Shore.

42. In approximately 1985, McCarrick engaged in inappropriate sexual conduct with a seminarian (Priest 4 in the Report) at the beach house in Sea Girt, New Jersey. Priest 4 reported the incident to Monsignor Gambino, the Diocese of Metuchen’s Vocations Director. In 1989, Priest 4 reported the incident to Bishop Hughes, then Bishop of the Diocese of Metuchen who indicated he would “take care of it.”

43. In the mid-1980s, a mother (Mother 1 in the Report) sent a letter to each Cardinal in the United States as well as the Papal Nuncio, Archbishop Pio Laghi, to warn them about McCarrick’s tendencies. In her letters, Mother 1 used the word “children” and “mentioned something about 13- or 14-year-old boys” and indicated that she was “trying to explain that McCarrick had an attraction to boys.” Mother 1 added that she had witnessed McCarrick “‘inappropriately touching’ boys.” According to the Report, no original or copies of the letters were located.

44. In the late 1980s, McCarrick engaged in inappropriate conduct with a seminarian (Priest 1 in the Report) who then reported the incidents to the Bishop of Metuchen in 1993 verbally and then again by letter in 1994. Bishop Hughes communicated the allegations to the Nuncio in 2000.

45. In 1986, McCarrick was appointed Archbishop of the Archdiocese of Newark in

New Jersey, where he served until 2000.

46. In the 1980s, McCarrick engaged in unwanted contact with a seminarian who later was ordained a priest (Priest 2) of the Diocese of Metuchen while McCarrick was in both in the Diocese of Metuchen and then Archbishop of Newark. Priest 2 also had to share a bed with McCarrick, and McCarrick brought Priest 2 on trips and vacations.

47. In the late 1980s, when Fr. Boniface Ramsey, O.P., who was teaching at Immaculate Conception Seminary, reported his concerns about McCarrick's inappropriate conduct with seminarians to the rector of the seminary. At the time, McCarrick was Archbishop of Newark and Immaculate Conception was his seminary.

48. In 1990, Monsignor Dominic Bottino, a priest of the Diocese of Camden, New Jersey, Auxiliary Bishop John Smith of Newark, New Jersey, and Bishop James McHugh of Camden, New Jersey, all attended a dinner with McCarrick and another young cleric. At the dinner, Bottino witnessed McCarrick touch the young cleric's "crotch" for several seconds. Bottino indicated that both Bishop Smith and Bishop McHugh witnessed McCarrick's behavior and they all abruptly left the dinner. According to the Report, Bottino indicated that Bishop McHugh stated that sometimes McCarrick said and did things that were "very different."

49. Upon information and belief, from approximately 1970 to 1990, McCarrick sexually assaulted at least 8 minor boys.

50. In 1992 and 1993, a series of six anonymous letters and one pseudonymous letter were sent to the National Conference of Catholic Bishops, the Apostolic Nuncio and various United States Cardinals accusing McCarrick of pedophilia. One of the letters also indicated that authorities in Rome had known about McCarrick's "proclivity for young boys" for decades.

51. In 1993, Fr. Ramsey expressed concerns to his friend the Archbishop of Louisville,

Kentucky Thomas Kelly, O.P. regarding McCarrick's conduct with seminarians. Archbishop Kelly responded, "we all know."

52. Upon information and belief, in 1993, the Diocese of Metuchen was informed about McCarrick's sexual exploitation of a young seminarian.

53. In 1994, a priest of the Diocese of Metuchen wrote to the Bishop of the Diocese of Metuchen, Edward T. Hughes, that McCarrick had inappropriately touched him when he was a seminarian.

54. According to the Report, in the mid-1990s a priest who worked closely with McCarrick indicated that McCarrick received a phone call from Archbishop of New York, Cardinal O'Connor, regarding McCarrick sharing beds with seminarians at the beach house.

55. Upon information and belief, in 1994, Robert Hoatson, a former New Jersey priest, as a young religious brother, expressed concern about McCarrick sleeping with seminarians to an official in the Archdiocese of Newark.

56. In 1997, McCarrick, a founding member of The Papal Foundation, began serving as its President. The Papal Foundation provided funds to the Vatican and Catholic Missions.

57. In October 1999, Cardinal O'Connor drafted a letter to the Apostolic Nuncio that was shared with Supreme Pontiff John Paul II. The letter indicated that a priest had observed McCarrick attempting to engage in sexual activity with another priest in 1987, that a series of anonymous letters was sent to the National Conference of Catholic Bishops and the Apostolic Nuncio and other cardinals in the 1990s accusing McCarrick of pedophilia with his nephews, and that McCarrick was known to have shared a bed with young men at his residence and adult seminarians at a beach house.

58. In August 2000, McCarrick wrote a letter to Bishop Dziwisz, Supreme Pontiff John

Paul II's secretary. The letter was intended to refute Cardinal O'Connor's 1999 letter. In his letter, McCarrick denied having sexual relations with any person.

59. In 2000, McCarrick began serving as a Board member of Catholic Relief Services. He served on that Board until 2014. Catholic Relief Services provided funds to the Vatican and Catholic Missions.

60. In 2000, Fr. Ramsey sent a letter to Nuncio Archbishop Gabriel Montalvo expressing his concerns about McCarrick and his inappropriate behavior with seminarians.

61. In 2001, McCarrick was appointed Cardinal Archbishop of Washington, D.C. McCarrick served as Cardinal Archbishop of Washington, D.C. until his retirement in 2006.

62. Upon information and belief, in 2002, McCarrick announced the new Vatican policy on sexual abuse by priests from Rome. McCarrick outlined a multi-step process in which an accused priest would be put on administrative leave and removed from clerical duties while a case was investigated.

63. Upon information and belief, in the early to mid-2000s, two former priests (Priests 1 and 2 in the Report), were paid settlements for harassment and sexual abuse by McCarrick in the 1980s when they were seminarians.

64. In 2008, Richard Sipe, a former monk, released an open letter about systemic sexual abuse within the Catholic Church, indicating that when he was a professor at St. Mary's Seminary in Baltimore, seminarians approached him with concerns about McCarrick's behavior. At the time, McCarrick was Bishop of Metuchen.

65. After this, Carlo Maria Viganò, Titular Archbishop of Ulpiana and former Apostolic Nuncio in the United States, wrote a memorandum in 2008 regarding McCarrick for the Congregation of Bishops including reference to Sipe's open letter.

66. According to the Report, Viganò's Superiors, Secretary of State Cardinal Bertone and Substitute Archbishop Sandri, presented the matter to Supreme Pontiff Benedict XVI directly, but canonical penalties were not imposed.

67. According to the Report, without canonical sanctions or explicit instructions from the Supreme Pontiff, McCarrick continued to be active in public ministry, continued to travel to Rome, and remained a member of Holy See dicasteries, among other things.

68. The Report indicates, in the alternative, that Supreme Pontiff Francis, prior to 2017, allegedly had only heard "rumors related to immoral conduct with adults occurring prior to McCarrick's appointment to Washington" and that the Supreme Pontiff Francis believed the rumors had been addressed and rejected by Supreme Pontiff John Paul II.

69. In 2018, Fr. Ramsey released an October 2006 letter that he had received from a top official of the Vatican Secretariat of State. In the letter, then-Archbishop Leonardo Sandri acknowledged receipt of the allegations regarding McCarrick in 2000.

70. In 2018, Archbishop Viganò released a letter indicating that the Holy See had been informed in at least 2000 of McCarrick's "gravely immoral behavior with seminarians and priests."

71. Archbishop Viganò indicated in his 2018 letter that he informed Supreme Pontiff Francis of McCarrick's inappropriate behavior and history of abuse in 2013: "Holy Father, I don't know if you know about Cardinal McCarrick, but if you ask the Congregation for Bishops there is a dossier this thick about him. He corrupted generations of seminarians and priests and Pope Benedict ordered him to withdraw to a life of prayer and penance."

72. Supreme Pontiff Francis remained complicit in the cover-up of McCarrick and did not take action as to McCarrick or accept McCarrick's resignation from the College of Cardinals until July 2018 after several accusations that McCarrick had sexually abused minors became

public.

73. In 2018, Supreme Pontiff Francis directed an investigation to be conducted into McCarrick as a result of allegations of sexual misconduct made against him.

74. In January 2019, the Congregation of the Doctrine of Faith of Defendant Holy See issued a decree finding McCarrick guilty of solicitation during the Sacrament of Confession and sins against the Sixth Commandment with minors and adults, “with the aggravating factor of the abuse of power.” (available at <https://press.vatican.va/content/salastampa/it/bollettino/pubblico/2019/02/16/0133/00272.html#en>; last visited April 30, 2021).

75. Upon information and belief, on February 13, 2019, McCarrick was defrocked.

76. Upon information and belief, in August 2019, Seton Hall Seminary announced findings from a report they had commissioned for an independent review.

77. The independent review found that, “McCarrick created a culture of fear and intimidation that supported his personal objectives. McCarrick used his position of power as then-Archbishop of Newark to sexually harass seminarians.”

78. The review further found that the Title IX policies in place “were not always followed at Immaculate Conception Seminary and St. Andrew’s Seminary, which resulted in incidents of sexual harassment going unreported to the University.”

79. On November 10, 2020, the Vatican released its Report on the Holy See’s Institutional Knowledge and Decision-making Related to Theodore E. McCarrick.

80. The Report discussed McCarrick’s pattern of accessing and grooming his victims, including that:

a. McCarrick used his authority to gain and maintain access to them;

- b. McCarrick often initiated physical contact with them, such as back rubs or embraces, and would sometimes initiate non-consensual or unwanted sexual contact with them;
- c. McCarrick often established a relationship with their families, befriending male children as they reached the age of 12 or 13 years old. McCarrick also used this technique with seminarians or young adult males;
- d. That McCarrick frequently took these individuals on trips, that McCarrick took “an extraordinary number of trips with minors and young adults,” and that McCarrick isolated them;
- e. That McCarrick sometimes furnished those who were underage with alcohol as a strategy to lower their inhibitions; and
- f. That McCarrick arranged to share beds with others and that he wore his underwear and encouraged his bedmate to do the same.

81. Upon information and belief, from 1994 to 2008, multiple reports about McCarrick’s transgressions with seminarians were made to American bishops, the Pope’s representative in Washington, and Pope Benedict XVI.

COUNT I: SEXUAL BATTERY
AGAINST DEFENDANT THEODORE E. MCCARRICK

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

83. From approximately 1975 to 1978, Defendant McCarrick intentionally inflicted unpermitted, harmful, and offensive bodily, sexual contact upon the person of Plaintiff.

84. Plaintiff did not consent to the harmful bodily contact.

85. As a direct and proximate result of the foregoing, Plaintiff sustained physical, emotional, and psychological injuries, along with pain and suffering.

86. As a result of the foregoing, Plaintiff has been damaged in an amount which exceeds the jurisdictional limits of all lower Courts which would otherwise have jurisdiction.

COUNT II: SEXUAL BATTERY
AGAINST DEFENDANT MICHAEL BARRETT

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

88. From approximately 1974 to 1978, Defendant Barrett intentionally inflicted unpermitted, harmful, and offensive bodily, sexual contact upon the person of Plaintiff.

89. Plaintiff did not consent to the harmful bodily contact.

90. As a direct and proximate result of the foregoing, Plaintiff sustained physical, emotional, and psychological injuries, along with pain and suffering.

91. As a result of the foregoing, Plaintiff has been damaged in an amount which exceeds the jurisdictional limits of all lower Courts which would otherwise have jurisdiction.

COUNT III: NEGLIGENCE AGAINST DEFENDANT ARCHDIOCESE

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

93. Defendant Archdiocese owed Plaintiff a duty of reasonable care to protect the Plaintiff from injury.

94. Defendant Archdiocese owed Plaintiff a duty of care because Defendant had a special relationship with Plaintiff.

95. Defendant also had a duty arising from the special relationship that existed with

Plaintiff, Plaintiff's parents, and other parents of young, innocent, vulnerable children to properly train and supervise its clerics and agents. This special relationship arose because of the high degree of vulnerability of the children entrusted to their care. As a result of this high degree of vulnerability and risk of sexual abuse inherent in such a special relationship, Defendant had a duty to establish measures of protection not necessary for persons who are older and better able to safeguard themselves.

96. Defendant Archdiocese owed Plaintiff a duty to protect Plaintiff from harm because Defendant also had a special relationship with McCarrick.

97. Defendant Archdiocese owed Plaintiff a duty to control the conduct of McCarrick because Defendant had complete ability to control McCarrick's access to children like Plaintiff to prevent the foreseeable harms associated with childhood sexual abuse, giving rise to a special relationship with McCarrick and a duty to control McCarrick's conduct.

98. Defendant Archdiocese owed Plaintiff a duty of reasonable care because they solicited youth and parents for participation in their youth programs; encouraged youth and parents to have the youth participate in their programs; undertook custody of minor children, including Plaintiff; promoted their facilities and programs as being safe for children; held their agents, including McCarrick, out as safe to work with children; encouraged parents and children to spend time with their agents; and/or encouraged their agents, including McCarrick, to spend time with, interact with, and recruit children.

99. By accepting custody of the minor Plaintiff, Defendant Archdiocese established an *in loco parentis* relationship with Plaintiff and in so doing, owed Plaintiff a duty to protect Plaintiff from injury. Further, Defendant entered into a fiduciary relationship with Plaintiff by undertaking the custody, supervision of, and/or care of the minor Plaintiff. As a result of Plaintiff being a minor,

and by Defendant undertaking the care and guidance of the Plaintiff, Defendant also held a position of empowerment over Plaintiff. Further, Defendant, by holding themselves out as being able to provide a safe environment for children, solicited and/or accepted this position of empowerment. Defendant, through its employees, exploited this power over Plaintiff and, thereby, put the minor Plaintiff at risk for sexual abuse.

100. By establishing and/or operating the Archdiocese, accepting the minor Plaintiff as a participant in their programs, holding their facilities and programs out to be a safe environment for Plaintiff, accepting custody of the minor Plaintiff *in loco parentis*, and by establishing a fiduciary relationship with Plaintiff, Defendant Archdiocese entered into an express and/or implied duty to properly supervise Plaintiff and provide a reasonably safe environment for children, who participated in their programs. Defendant owed Plaintiff a duty to properly supervise Plaintiff to prevent harm from foreseeable dangers. Defendant had the duty to exercise the same degree of care over minors under their control as a reasonably prudent person would have exercised under similar circumstances.

101. By establishing and operating the Archdiocese, which offered educational programs to children, and by accepting the enrollment and participation of the minor Plaintiff as a participant in those educational programs, Defendant Archdiocese owed Plaintiff a duty to properly supervise Plaintiff to prevent harm from generally foreseeable dangers.

102. Defendant Archdiocese owed Plaintiff a duty to protect Plaintiff from harm because Defendant invited Plaintiff onto their property and McCarrick posed dangerous conditions on Defendant's property.

103. Defendant Archdiocese breached its duties to Plaintiff. Defendant failed to use ordinary care in determining whether their facilities were safe and/or determining whether they

had sufficient information to represent their facilities as safe. Defendant's breach of its duties include, but are not limited to: failure to protect Plaintiff from a known danger, failure to have sufficient policies and procedures in place to prevent child sex abuse, failure to properly implement policies and procedures to prevent child sex abuse, failure to take reasonable measures to ensure that policies and procedures to prevent child sex abuse were working, failure to adequately inform families and children of the risks of child sex abuse, failure to investigate risks of child molestation, failure to properly train the employees at institutions and programs within Defendant's geographical confines, failure to train the minors within Defendant's geographical confines about the dangers of sexual abuse, failure to have any outside agency test their safety procedures, failure to protect the children in their programs from child sex abuse, failure to adhere to the applicable standard of care for child safety, failure to investigate the amount and type of information necessary to represent the institutions, programs, leaders and people as safe, failure to train their employees properly to identify signs of child molestation by fellow employees, failure by relying upon mental health professionals, and/or failure by relying on people who claimed that they could treat child molesters.

104. Defendant also breached their duty to Plaintiff by failing to warn Plaintiff and Plaintiff's family of the risk that McCarrick posed and the risks of child sexual abuse in Catholic institutions. They also failed to warn them about any of the knowledge that Defendant had about child sexual abuse.

105. Defendant breached their duties to Plaintiff by failing to use reasonable care. Defendant's failures include, but are not limited to, failing to properly supervise McCarrick, failing to properly supervise Plaintiff, and failing to protect Plaintiff from a known danger.

106. Defendant additionally violated a legal duty by failing to report known and/or

suspected abuse of children by McCarrick and/or its other agents to the police and law enforcement.

107. Defendant knew or should have known that McCarrick was a danger to children before McCarrick sexually assaulted Plaintiff.

108. Prior to the sexual abuse of Plaintiff, Defendant learned or should have learned that McCarrick was not fit to work with children. Defendant, by and through their agents, servants and/or employees, became aware, or should have become aware of McCarrick's propensity to commit sexual abuse and of the risk to Plaintiff's safety. At the very least, Defendant knew or should have known that they did not have sufficient information about whether or not their leaders and people working at Catholic institutions within the Archdiocese of New York were safe.

109. Defendant knew or should have known that there was a risk of child sex abuse for children participating in Catholic programs and activities within the Archdiocese. At the very least, Defendant knew or should have known that they did not have sufficient information about whether or not there was a risk of child sex abuse for children participating in Catholic programs and activities within the Archdiocese.

110. Defendant knew or should have known that Defendant had numerous agents who had sexually molested children. Defendant knew or should have known that child molesters have a high rate of recidivism. They knew or should have known that there was a specific danger of child sex abuse for children participating in their youth programs.

111. However, despite this knowledge, Defendant negligently deemed that McCarrick was fit to work with children; and/or that any previous suitability problems McCarrick had were fixed and cured; and/or that McCarrick would not sexually molest children; and/or that McCarrick would not injure children.

112. Defendant's actions created a foreseeable risk of harm to Plaintiff. As a vulnerable child participating in the programs and activities Defendant Archdiocese offered to minors, Plaintiff was a foreseeable victim. Additionally, as a vulnerable child who McCarrick had access to through Defendant's facilities and programs, Plaintiff was a foreseeable victim.

113. As a direct result of the foregoing, Plaintiff sustained physical, emotional, and psychological injuries, along with pain and suffering.

COUNT IV: NEGLIGENT TRAINING AND SUPERVISION OF EMPLOYEES
AGAINST DEFENDANT ARCHDIOCESE

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

115. At all times material, McCarrick as employed by Defendant Archdiocese and was under Defendant's direct supervision, employ, and control when he committed the wrongful acts alleged herein. McCarrick engaged in the wrongful conduct while acting in the course and scope of his employment with Defendant and/or accomplished the sexual abuse by virtue of his job-created authority.

116. Defendant had a duty, arising from its employment of McCarrick to ensure that he did not sexually molest children.

117. Further, Defendant owed a duty to train and educate employees and administrators and establish adequate and effective policies and procedures calculated to detect, prevent, and address inappropriate behavior and conduct between clerics and children.

118. The abuse complained of herein occurred on Defendant's property and/or with the use of its chattels.

119. Defendant breached its duties to Plaintiff by actively maintaining and employing McCarrick in positions of power and authority through which McCarrick had access to children,

including Plaintiff, and power and control over children, including Plaintiff.

120. Defendant was negligent in the training, supervision, and instruction of its employees. Defendant failed to timely and properly educate, train, supervise, and/or monitor its agents or employees with regard to policies and procedures that should be followed when sexual abuse of a child is suspected or observed. Defendant was additionally negligent in failing to supervise, monitor, chaperone, and/or investigate McCarrick and/or in failing to create, institute, and/or enforce rules, policies, procedures, and/or regulations to prevent McCarrick's sexual abuse of Plaintiff. In failing to properly supervise McCarrick, and in failing to establish such training procedures for employees and administrators, Defendant failed to exercise the degree of care that a reasonably prudent person would have exercised under similar circumstances.

121. As a direct result of the foregoing, Plaintiff sustained physical, emotional, and psychological injuries, along with pain and suffering.

COUNT V: NEGLIGENT RETENTION OF EMPLOYEES AGAINST DEFENDANT
ARCHDIOCESE

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

123. At all times material, McCarrick was employed by Defendant Archdiocese and was under Defendant's direct supervision, employ, and control when he committed the wrongful acts alleged herein.

124. Defendant negligently retained McCarrick with knowledge of McCarrick's propensity for the type of behavior which resulted in Plaintiff's injuries in this action. Defendant failed to investigate McCarrick's past and/or current history of sexual abuse and, through the exercise of reasonable diligence, should have known of McCarrick's propensity for child sexual abuse. Defendant should have made an appropriate investigation of McCarrick and failed to do so.

An appropriate investigation would have revealed the unsuitability of McCarrick for continued employment and it was unreasonable for Defendant to retain McCarrick in light of the information it knew or should have known.

125. Defendant negligently retained McCarrick in a position where he had access to children and could foreseeably cause harm which Plaintiff would not have been subjected to had Defendant taken reasonable care.

126. In failing to timely remove McCarrick from working with children or terminate the employment of McCarrick, Defendant failed to exercise the degree of care that a reasonably prudent person would have exercised under similar circumstances.

127. As a direct result of the foregoing, Plaintiff sustained physical, emotional, and psychological injuries, along with pain and suffering.

PRAYER FOR RELIEF

WHEREFORE, based on the foregoing causes of action, Plaintiff prays for judgment against Defendants in an amount that will fully and fairly compensate Plaintiff for Plaintiff's injuries and damages and for any other relief the Court deems appropriate. The amount of damages sought in this Complaint exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

JURY DEMAND

Plaintiff demands a trial by jury of all issues so triable. Pursuant to §4 of the New York Child Victims Act, Plaintiff is entitled to a trial preference.

Dated: New York, New York
August 4, 2021

/s/ Jeffrey R. Anderson

Jeffrey R. Anderson

Trusha Goffe

Nahid A. Shaikh

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