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

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JOHN DOE 1 [accuses see sections [4](#), [24](#), [53](#)],
JOHN DOE 2 Parrakow; see sections [1](#), [18](#), [54](#)],
JOHN ENGEL [accuses see sections [6](#), [26](#), [55](#)],
JOHN DOE 3 Caverzan; see sections [3](#), [22](#), [56](#)],
JOHN DOE 4 [accuses see sections [9](#), [28](#), [59](#)],
JOHN DOE 5 Whalen; see sections [7](#), [28](#), [57](#)],
JOHN DOE 6 [accuses see sections [8](#), [28](#), [58](#)],
NILDA O’Herlihy; see sections [10](#), [30](#), [60](#)],
LOPEZ [accuses see sections [11](#), [32](#), [61](#)],
JOHN DOE 7 Martin; see sections [5](#), [24](#), [62](#)],
CARLOS [accuses see sections [14](#), [34](#), [63](#)],
PEREZ Martin; see sections [2](#), [20](#), [64](#)],
JOHN DOE 8 [accuses see sections [12](#), [36](#), [65](#)],
JANE DOE 1 Martin; see sections [15](#), [66](#)] and
JOHN DOE 9 [accuses see sections [13](#), [38](#), [67](#)],
JOHN DOE Rios;
10 [accuses **Plaintiffs,**
JANE DOE 2 Greene;
[accuses
Parrakow;
[accuses
Stewart;
[accuses
Netter;
[accuses
White;
[accuses
Sherlock;
[accuses
Brady;

Index No.

COMPLAINT

-against-

REVEREND EDMOND A. PARRAKOW [see sections [4-5](#), [24](#), [53](#) & [62](#)],
REVEREND GUIDO CAVERZAN [see sections [1](#), [18](#), [54](#)],
[see sections [6](#), [26](#), [55](#)],
[see sections [3](#), [22](#), [56](#)],
REVEREND DONALD WHALEN [see sections [7-9](#), [28](#), [57-59](#)],
[see sections [10](#), [30](#), [60](#)],
REVEREND MICHAEL D. O’HERLIHY [see sections [11](#), [32](#), [61](#)],
[see sections [14](#), [34](#), [63](#)],
REVEREND PATRICK MARTIN [see sections [2](#), [20](#), [64](#)],
[see sections [12](#), [36](#), [65](#)],
REVEREND LUIS RIOS [see sections [13](#), [38](#), [67](#)],
MONSIGNOR WILLIAM T. GREENE
REVEREND KENNETH STEWART
MONSIGNOR EDMUND W

MONSIGNOR EDMOND W.
NETTER
 REVEREND WILLIAM T. **Defendants.**
 WHITE
 MONSIGNOR JOHN
 JOSEPH BRADY
 CARDINAL EDWARD
 EGAN,
 ROMAN CATHOLIC
 ARCHDIOCESE OF NEW
 YORK,
 JOHN DOE and JANE DOE,
 RICHARD ROE and JANE
 ROE, priests, clergy and
 Administrators whose
 names are
 unknown to the plaintiffs,

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[Note from BishopAccountability.org: The links provided above in square brackets were added by BishopAccountability.org, to make navigating the web version of this complaint easier. We have also noted in [square brackets](#) the place where a new page began in the paper version of this complaint. We have retained the names of plaintiffs whose names have been made public in media reports, but if a plaintiff's name has not been made public, we have replaced the name with John Doe 1 through John Doe 10, and with Jane Doe 1 through Jane Doe 2. In one instance, the name of a plaintiff's sister has been redacted. Paragraph numbers and first occurrences of defendants' names have been bolded, and a link to the Westchester County grand jury [report](#) discussed in paragraph [51](#) has been provided. No other changes have been made in the text.]

Plaintiffs, by their attorney, Michael G. Dowd, complaining of defendants, hereby allege as follows:
[\[page 2 begins\]](#)

THE PARTIES

Plaintiffs

Victim of Reverend Guido Caverzan (hereinafter "CAVERZAN")

1. [John Doe 2] is an adult male who currently resides in the state of New York. Mr. [John Doe 2] attended Our Lady of Pompeii Parish Church in New York City. He was a minor child when he was sexually abused by defendant CAVERZAN between approximately 1967 and 1968.

Victim of Monsignor Edmond W. Netter (hereinafter "NETTER")

2. [Jane Doe 1] is an adult female who currently resides in the state of New Jersey. Ms. [Jane Doe 1] attended St. Anthony's Parish Church in Nanuet, New York. She was a minor child when she was sexually abused by defendant NETTER between approximately 1973 and 1979.

Victim of Reverend Michael D. O'Herlihy (hereinafter "O'HERLIHY")

3. [John Doe 3] is an adult male who currently resides in the state of New York. Mr. [John Doe 3] attended Our Lady of Mercy Parish Church in the Bronx and Cardinal Hayes High School . He was a minor child when he was attended Cardinal Hayes High School where he was sexually abused by defendant O'HERLIHY in approximately 1980.

Victims of Reverend Edmund A. Parrakow (hereinafter "PARRAKOW")

4. [John Doe 1] is an adult male who currently resides in the state of New York. Mr. [John Doe 1] attended St. Peter's Parish Church in Yonkers, New York. He was a minor [\[page 3 begins\]](#) child when he was sexually abused by defendant PARRAKOW between approximately 1970 and 1973.

5. Carlos Perez is an adult male who currently resides in the state of New Jersey. Mr. Perez attended St. Martin of Tours Parish Church in the Bronx. He was a minor child when he was sexually abused by PARRAKOW in around 1975.

Victim of Reverend Donald Whalen (hereinafter "WHALEN")

6. John Engel is an adult male who currently resides in the state of New York. Mr. Engel attended St. John Vianney Parish Church in New York City. He was a minor child when he was sexually abused by defendant WHALEN between approximately 1964 and 1965.

Victims of Reverend Patrick Martin (hereinafter "MARTIN")

7. [John Doe 5] is an adult male who currently resides in the state of New York. Mr. [John Doe 5] attended Our Lady Queen of Martyrs Parish Church in Manhattan. He was a minor child when he was sexually abused by MARTIN between approximately 1955 AND 1958.

8. [John Doe 6] is an adult male who currently resides in the state of New York. [John Doe 6] is the brother of [John Doe 5]. He too attended Our Lady Queen of Martyrs Parish Church in Manhattan. He was a minor child when he was sexually abused by MARTIN between about 1955 and 1959.

9. [John Doe 4] is an adult male who currently resides in the state of New York. Mr. [John Doe 4] attended Our Lady Queen of Martyrs Parish Church in Manhattan. He was a minor child when he was sexually abused by MARTIN between approximately 1960 and 1961. [\[page 4 begins\]](#)

Victim of Reverend Luis Rios (hereinafter "RIOS")

10. Nilda Lopez is an adult female who currently resides in the state of New York. Ms. Lopez attended Our Lady of Esperanza Parish Church in New York City. She was a minor child when she was sexually abused by RIOS between approximately 1973 and 1976.

Victim of Monsignor William T. Greene (hereinafter "GREENE")

11. [John Doe 7] is an adult male who currently resides in the state of North Carolina. [John Doe 7] attended St. Patrick's Cathedral in New York City. He was a minor child when he was sexually abused by GREENE in around 1956.

Victim of Father William White (hereinafter "WHITE")

12. [John Doe 9] is an adult male who currently resides in the state of New York. Mr. [John Doe 9] attended Holy Cross Parish Church in New York City. He was a minor child when he was abused by WHITE from around 1959 through 1961.

Victim of Monsignor John Joseph BRADY (hereinafter "BRADY")

13. [Jane Doe 2] is an adult female who currently resides in the State of California. Ms. [Jane Doe 2] attended St. Catherine's of Genoa in Manhattan. She was a minor child when she was abused by BRADY from about 1944 to 1948.

Victim of Reverend Kenneth Stewart (hereinafter "STEWART")

14. [John Doe 8] is an adult male who currently resides in the State of Rhode Island. Mr. [John Doe 8] attended St. Catherine's Parish Church in Manhattan.. He was a minor child when [he] was abused by STEWART from about 1977 to 1981. [\[page 5 begins\]](#)

Victim of Brother Frank Sherlock (hereinafter "SHERLOCK")

15. [John Doe 10] is an adult male who currently resides in the State of New York. Mr. [John Doe 10] was a minor child when he attended Rice High School where he was sexually abused by SHERLOCK from about 1976 to 1978.

[There is no section 16.]

Defendants

17. Defendant ARCHBISHOP EDWARD CARDINAL **EGAN** (hereinafter "EGAN) is and has been the

Archbishop and Chief Executive Officer of the Defendant ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK (hereinafter "ARCHDIOCESE") since 2000. In this capacity, he is ultimately responsible for the hiring, firing, discipline, assignments and transfers of all pastors and priests of the ARCHDIOCESE as well as the operation of each parish church. Plaintiffs are of the information and belief that EGAN is the President of the Diocesan Corporation. EGAN is also a Trustee of each parish and President of each parish corporation in the ARCHDIOCESE. Moreover, Plaintiffs are of the information and belief that EGAN was aware of the problems central to the allegations herein. EGAN'S pattern and practice of behavior in the ARCHDIOCESE was similar in substance to his treatment of the priest sexual abuse problem when he served as Bishop of the Diocese of Bridgeport. To wit:

a. EGAN served as Bishop of the Diocese of Bridgeport from 1988 to 2000. During the time that he was Bishop of the Diocese of Bridgeport, EGAN had knowledge and actual notice of the problem of priests within the Diocese of Bridgeport and did not take action to report said priests to law enforcement authorities or take other substantive ameliorative actions to protect victims. Upon information and belief, during EGAN'S tenure at Bridgeport priests accused of sexual abuse were transferred to parishes other than the one in which the abuse occurred and permitted to continue in the ministry. Furthermore, EGAN did not inform [page 6 begins] parents or parish officials in the parishes to which the accused priests were transferred of the allegations or take any steps to protect against the recurrence of the abusive conduct by the priests. Some priests charged with repeated abuse were moved to several different parishes.

b. Upon information and belief it was the practice of EGAN and the Diocese of Bridgeport acting at EGAN'S direction to send priests, against whom charges of sexual abuse the Diocese regarded as credible had been lodged, for counseling and then to return them to the ministry.

c. The Archbishops of the Archdiocese of New York prior to EGAN for the relevant period of the allegations herein were: Francis Joseph Spellman (1939-1967), Terence James Cook (1968-1983) and John Joseph O'Connor (1984-2000). All the ARCHBISHOPS prior to EGAN will collectively be referred to as the "ARCHBISHOPS." Upon information and belief, the ARCHBISHOPS engaged in similar practices in the ARCHDIOCESE as EGAN did when he became its ARCHBISHOP. All acts and omissions of the ARCHBISHOPS who preceded EGAN are imputed to EGAN.

d. The ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK (hereinafter "ARCHDIOCESE") encompasses the counties of New York, Bronx, Richmond, Westchester, Dutchess, Orange, Putnam and Rockland. At all times relevant herein, the ARCHDIOCESE supervised and controlled the Catholic parish churches, diocesan schools, parish church schools, secondary schools and various other Catholic Church entities in these aforementioned counties. Under the direction of defendant ARCHBISHOPS and EGAN, the ARCHDIOCESE engaged in practices which tolerated the sexual abuse of children by priests and concealed such acts and otherwise prevented their disclosure to parishioners, plaintiffs and the general public. [page 7 begins]

Defendant Priests

18. Defendant **CAVERZAN** was ordained a Roman Catholic priest. The allegations of childhood sexual abuse and/or negligence forming the basis for this complaint took place in the State of New York. Plaintiff is of the information and belief that CAVERZAN was assigned by the defendant ARCHDIOCESE to Our Lady of Pompeii Parish Church in Greenwich Village in Manhattan. It was during this assignment from 1967 to 1970 that CAVERZAN sexually abused plaintiff [John Doe 2]. His present whereabouts are unknown. The tasks in which CAVERZAN was engaged at the time he sexually abused plaintiff [John Doe 2] were administrative, authorized by the ARCHDIOCESE, and concerned the supervision of children. Upon information and belief, CAVERZAN knew that it was the policy and the practice of the ARCHDIOCESE not to discipline priests who sexually abused children and to cover up instances of such abuse, and relied upon that policy and practice in engaging in sexually abusive conduct.

19. At the time of the wrongful conduct complained of herein, CAVERZAN was an employee and agent of the ARCHDIOCESE, and was at all times alleged herein acting within the scope of his employment or agency in performing duties for, and on behalf of, the ARCHDIOCESE. At the parish churches he was assigned to work in by the ARCHDIOCESE, he had regular and frequent contact with children who attended the church, a circumstance of which the ARCHDIOCESE had notice. Plaintiffs are also of the information and belief that the ARCHDIOCESE and the ARCHBISHOPS knew, or should have known, that CAVERZAN committed said acts of sexual abuse and further that

the ARCHDIOCESE and ARCHBISHOPS concealed from plaintiff their knowledge of CAVERZAN'S sexually abusive behavior, as well as their own negligent wrong-doing as more fully set forth below. [\[page 8 begins\]](#)

20. Defendant **NETTER** was ordained a Roman Catholic priest. The allegations of childhood sexual abuse and/or negligence forming the basis for this complaint took place in the State of New York. Plaintiff is of the information and belief that NETTER was assigned by the defendant ARCHDIOCESE to St. Anthony's Parish Church in Nanuet, New York. It was during this assignment, from approximately 1969 to 1986, that defendant NETTER sexually abused plaintiff [Jane Doe 1]. The tasks in which NETTER was engaged at the time he sexually abused plaintiff [Jane Doe 1] were administrative, authorized by the ARCHDIOCESE, and concerned the supervision of children. Upon information and belief, NETTER knew that it was the policy and the practice of the ARCHDIOCESE not to discipline priests who sexually abused children and to cover up instances of such abuse, and relied upon that policy and practice in engaging in sexually abusive conduct.

21. At the time of the wrongful conduct complained of herein, NETTER was an employee and agent of the ARCHDIOCESE, and was at all times alleged herein acting within the scope of his employment or agency in performing duties for, and on behalf of, the ARCHDIOCESE. At the parish churches he was assigned to work in by the ARCHDIOCESE, he had regular and frequent contact with children who attended the church, a circumstance of which the ARCHDIOCESE had notice. Plaintiffs are also of the information and belief that the ARCHDIOCESE and the ARCHBISHOPS knew, or should have known, that NETTER committed said acts of sexual abuse and further that the ARCHDIOCESE and ARCHBISHOPS concealed from plaintiff their knowledge of NETTER'S sexually abusive behavior, as well as their own negligent wrong-doing as more fully set forth below.

22. Defendant **O'HERLIHY** was ordained a Roman Catholic priest. The [\[page 9 begins\]](#) allegations of childhood sexual abuse and/or negligence forming the basis for this complaint took place in the State of New York. Plaintiffs are of the information and belief that O'HERLIHY was assigned by the defendant ARCHDIOCESE to Cardinal Hayes High School in Bronx, New York. It was during this assignment in about 1980 that defendant O'HERLIHY sexually abused plaintiff [John Doe 3]. His present whereabouts are unknown. The tasks in which O'HERLIHY was engaged at the time he sexually abused plaintiff [John Doe 3] were administrative, authorized by the ARCHDIOCESE, and concerned the supervision of children. Upon information and belief, O'HERLIHY knew that it was the policy and the practice of the ARCHDIOCESE not to discipline priests who sexually abused children and to cover up instances of such abuse, and relied upon that policy and practice in engaging in sexually abusive conduct.

23. At the time of the wrongful conduct complained of herein, O'HERLIHY was an employee and agent of the ARCHDIOCESE, and was at all times alleged herein acting within the scope of his employment or agency in performing duties for, and on behalf of, the ARCHDIOCESE. At his assignment at Cardinal Hayes High School, O'HERLIHY had regular and frequent contact with children who attended the school, a circumstance of which the ARCHDIOCESE had notice. Plaintiffs are also of the information and belief that the ARCHDIOCESE and the ARCHBISHOPS knew, or should have known, that O'HERLIHY committed said acts of sexual abuse and further that the ARCHDIOCESE and ARCHBISHOPS concealed from plaintiff their knowledge of O'HERLIHY'S sexually abusive behavior, as well as their own negligent wrong-doing as more fully set forth below. [\[page 10 begins\]](#)

24. Defendant **PARRAKOW** was ordained a Roman Catholic priest. The allegations of childhood sexual abuse and/or negligence forming the basis for this complaint took place in the State of New York. Plaintiff is of the information and belief that PARRAKOW was assigned by the defendant ARCHDIOCESE to St. Peters Parish Church in Yonkers, New York. It was during this assignment PARRAKOW sexually abused plaintiff [John Doe 1] from 1970 to 1973. Thereafter, defendant PARRAKOW was assigned by defendant ARCHDIOCESE to St. Martin of Tours Parish Church in Bronx, New York. It was during this assignment, in about 1975 that PARRAKOW sexually abused plaintiff Perez. PARRAKOW's present whereabouts are unknown. The tasks in which PARRAKOW was engaged at the time he sexually abused plaintiffs [John Doe 1] and Perez were administrative, authorized by the ARCHDIOCESE, and concerned the supervision of children. Upon information and belief, PARRAKOW knew that it was the policy and the practice of the ARCHDIOCESE not to discipline priests who sexually abused children and to cover up instances of such abuse, and relied upon that policy and practice in engaging in sexually abusive conduct.

25. At the time of the wrongful conduct complained of herein, PARRAKOW was an employee and agent of the ARCHDIOCESE, and was at all times alleged herein acting within the scope of his

employment or agency in performing duties for, and on behalf of, the ARCHDIOCESE. At the parish churches he was assigned to work in by the ARCHDIOCESE, he had regular and frequent contact with children who attended the church, a circumstance of which the ARCHDIOCESE had notice. Plaintiffs are also of the information and belief that the ARCHDIOCESE and the ARCHBISHOPS knew, or should have known, that PARRAKOW committed said acts of sexual abuse and further that the ARCHDIOCESE and ARCHBISHOPS [page 11 begins] concealed from plaintiffs their knowledge of PARRAKOW's sexually abusive behavior, as well as their own negligent wrong-doing as more fully set forth below.

26. Defendant **WHALEN** was ordained a Roman Catholic priest. The allegations of childhood sexual abuse and/or negligence forming the basis for this complaint took place in the State of New York. Plaintiffs are of the information and belief that WHALEN was assigned by the defendant ARCHDIOCESE to St. Vianney's Parish Church in New York City. It was during this assignment that in about 1964 or 1965, that defendant WHALEN sexually abused plaintiff Engel. The tasks in which WHALEN was engaged at the time he sexually abused plaintiff Engel were administrative, authorized by the ARCHDIOCESE, and concerned the supervision of children. Upon information and belief, WHALEN knew that it was the policy and the practice of the ARCHDIOCESE not to discipline priests who sexually abused children and to cover up instances of such abuse, and relied upon that policy and practice in engaging in sexually abusive conduct.

27. At the time of the wrongful conduct complained of herein, WHALEN was an employee and agent of the ARCHDIOCESE, and was at all times alleged herein acting within the scope of his employment or agency in performing duties for, and on behalf of, the ARCHDIOCESE. At the parish churches he was assigned to work in by the ARCHDIOCESE, he had regular and frequent contact with children who attended the church, a circumstance of which the ARCHDIOCESE had notice. Plaintiffs are also of the information and belief that the ARCHDIOCESE and the ARCHBISHOPS knew, or should have known, that WHALEN committed said acts of sexual abuse and further that the ARCHDIOCESE and ARCHBISHOPS concealed from plaintiff their knowledge of WHALEN'S sexually abusive behavior, as well as their own negligent wrong-doing as more fully set forth below. [page 12 begins]

28. Defendant **MARTIN** was ordained a Roman Catholic priest. The allegations of childhood sexual abuse and/or negligence forming the basis for this complaint took place in the State of New York. Plaintiff is of the information and belief that MARTIN was assigned by the defendant ARCHDIOCESE to Our Lady Queen of Martyrs Parish Church in New York City from at least 1955 to 1965. It was during this assignment that defendant MARTIN sexually abused plaintiffs [John Doe 5], [John Doe 6] and [John Doe 4]. The tasks in which MARTIN was engaged at the time he sexually abused plaintiffs [John Doe 4] and the [John Doe 5 and 6] brothers were administrative, authorized by the ARCHDIOCESE, and concerned the supervision of children. Upon information and belief, MARTIN knew that it was the policy and the practice of the ARCHDIOCESE not to discipline priests who sexually abused children and to cover up instances of such abuse, and relied upon that policy and practice in engaging in sexually abusive conduct.

29. At the time of the wrongful conduct complained of herein, MARTIN was an employee and agent of the ARCHDIOCESE, and was at all times alleged herein acting within the scope of his employment or agency in performing duties for, and on behalf of, the ARCHDIOCESE. At the parish churches he was assigned to work in by the ARCHDIOCESE, he had regular and frequent contact with children who attended the church, a circumstance of which the ARCHDIOCESE had notice. Plaintiffs are also of the information and belief that the ARCHDIOCESE and the ARCHBISHOPS knew, or should have known, that MARTIN committed said acts of sexual abuse and further that the ARCHDIOCESE and ARCHBISHOPS concealed from plaintiffs their knowledge of MARTIN'S sexually abusive behavior, as well as their own negligent wrong-doing as more fully set forth below. [page 13 begins]

30. Defendant **RIOS** was ordained a Roman Catholic priest. The allegations of childhood sexual abuse and/or negligence forming the basis for this complaint took place in the State of New York. Plaintiff is of the information and belief that RIOS was assigned by the defendant ARCHDIOCESE to Our Lady of Esperanza Parish Church in New York City. It was during this assignment, from approximately 1972 to 1976, that defendant RIOS sexually abused plaintiff LOPEZ. The tasks in which RIOS was engaged at the time he sexually abused plaintiff LOPEZ were administrative, authorized by the ARCHDIOCESE, and concerned the supervision of children. Upon information and belief, RIOS knew that it was the policy and the practice of the ARCHDIOCESE not to discipline priests who sexually abused children and to cover up instances of such abuse, and relied upon that policy and practice in engaging in sexually abusive conduct.

31. At the time of the wrongful conduct complained of herein, RIOS was an employee and agent of the ARCHDIOCESE, and was at all times alleged herein acting within the scope of his employment or agency in performing duties for, and on behalf of, the ARCHDIOCESE. At the parish churches he was assigned to work in by the ARCHDIOCESE, he had regular and frequent contact with children who attended the church, a circumstance of which the ARCHDIOCESE had notice. Plaintiffs are also of the information and belief that the ARCHDIOCESE and the ARCHBISHOPS knew, or should have known, that RIOS committed said acts of sexual abuse and further that the ARCHDIOCESE and ARCHBISHOPS concealed from plaintiff their knowledge of RIOS' sexually abusive behavior, as well as their own negligent wrong-doing as more fully set forth below.

32. Defendant **GREENE** was ordained a Roman Catholic priest. The [page 14 begins] allegations of childhood sexual abuse and/or negligence forming the basis for this complaint took place in the State of New York. Plaintiffs are of the information and belief that GREENE was assigned by the defendant ARCHDIOCESE to St. Patrick's Cathedral in New York City when the abusive events occurred in about 1957. It was during this assignment that defendant GREENE sexually abused plaintiff [John Doe 7]. The tasks in which GREENE was engaged at the time he sexually abused plaintiff [John Doe 7] were administrative, authorized by the ARCHDIOCESE, and concerned the supervision of children. Upon information and belief, GREENE knew that it was the policy and the practice of the ARCHDIOCESE not to discipline priests who sexually abused children and to cover up instances of such abuse, and relied upon that policy and practice in engaging in sexually abusive conduct.

33. At the time of the wrongful conduct complained of herein, GREENE was an employee and agent of the ARCHDIOCESE, and was at all times alleged herein acting within the scope of his employment or agency in performing duties for, and on behalf of, the ARCHDIOCESE. At the parish churches he was assigned to work in by the ARCHDIOCESE, he had regular and frequent contact with children who attended the church, a circumstance of which the ARCHDIOCESE had notice. Plaintiffs are also of the information and belief that the ARCHDIOCESE and the ARCHBISHOPS knew, or should have known, that GREENE committed said acts of sexual abuse and further that the ARCHDIOCESE and ARCHBISHOPS concealed from plaintiff their knowledge of GREENE'S sexually abusive behavior, as well as their own negligent wrong-doing as more fully set forth below.

34. Defendant **STEWART** was ordained a Roman Catholic priest. The allegations of childhood sexual abuse and/or negligence forming the basis for this complaint took place in the State of New York. Plaintiffs are of the information and belief that [page 15 begins] STEWART was assigned by the defendant ARCHDIOCESE to its Department of Education and resided at the Toussaint residence close to St. Catherine's Parish Church in Manhattan where he assisted the priests from time to time. It was during this assignment, from approximately 1977 to 1981, that defendant STEWART sexually abused plaintiff [John Doe 8]. The tasks in which STEWART was engaged at the time he sexually abused plaintiff [John Doe 8] were administrative, authorized by the ARCHDIOCESE, and concerned the supervision of children. Upon information and belief, STEWART knew that it was the policy and the practice of the ARCHDIOCESE not to discipline priests who sexually abused children and to cover up instances of such abuse, and relied upon that policy and practice in engaging in sexually abusive conduct.

35. At the time of the wrongful conduct complained of herein, STEWART was an employee and agent of the ARCHDIOCESE, and was at all times alleged herein acting within the scope of his employment or agency in performing duties for, and on behalf of, the ARCHDIOCESE. In his job, he had regular and frequent contact with children, a circumstance of which the ARCHDIOCESE had notice. Plaintiffs are also of the information and belief that the ARCHDIOCESE and the ARCHBISHOPS knew, or should have known, that STEWART committed said acts of sexual abuse and further that the ARCHDIOCESE and ARCHBISHOPS concealed from plaintiff their knowledge of STEWART'S sexually abusive behavior, as well as their own negligent wrong-doing as more fully set forth below.

36. Defendant **WHITE** was ordained a Roman Catholic priest. The allegations of childhood sexual abuse and/or negligence forming the basis for this complaint took place in the State of New York. Plaintiffs are of the information and belief that WHITE was assigned by the defendant ARCHDIOCESE to Holy Cross Parish Church in New York [page 16 begins] City. It was during this assignment, from approximately 1959 to 1961, that defendant WHITE sexually abused plaintiff [John Doe 9]. The tasks in which WHITE was engaged at the time he sexually abused plaintiff [John Doe 9] were administrative, authorized by the ARCHDIOCESE, and concerned the supervision of children. Upon information and belief, WHITE knew that it was the policy and the practice of the ARCHDIOCESE not to discipline priests who sexually abused children and to cover up instances of such abuse, and relied upon that policy and practice in engaging in sexually abusive conduct.

37. At the time of the wrongful conduct complained of herein, WHITE was an employee and agent of the ARCHDIOCESE, and was at all times alleged herein acting within the scope of his employment or agency in performing duties for, and on behalf of, the ARCHDIOCESE. At the parish churches he was assigned to work in by the ARCHDIOCESE, he had regular and frequent contact with children who attended the church, a circumstance of which the ARCHDIOCESE had notice. Plaintiffs are also of the information and belief that the ARCHDIOCESE and the ARCHBISHOPS knew, or should have known, that WHITE committed said acts of sexual abuse and further that the ARCHDIOCESE and ARCHBISHOPS concealed from plaintiff their knowledge of WHITE'S sexually abusive behavior, as well as their own negligent wrong-doing as more fully set forth below.

38. Defendant **BRADY** was ordained a Roman Catholic priest. The allegations of childhood sexual abuse and/or negligence forming the basis for this complaint took place in the State of New York. Plaintiffs are of the information and belief that BRADY was assigned by the defendant ARCHDIOCESE to St. Catherine of Genoa Parish and School in Manhattan. It was during this assignment that defendant BRADY sexually abused plaintiff [Jane Doe 2] from approximately 1944 to 1948. The tasks in which BRADY was engaged at the [page 17 begins] time he sexually abused plaintiff [Jane Doe 2] were administrative, authorized by the ARCHDIOCESE, and concerned the supervision of children. Upon information and belief, BRADY knew that it was the policy and the practice of the ARCHDIOCESE not to discipline priests who sexually abused children and to cover up instances of such abuse, and relied upon that policy and practice in engaging in sexually abusive conduct.

39. At the time of the wrongful conduct complained of herein, BRADY was an employee and agent of the ARCHDIOCESE, and was at all times alleged herein acting within the scope of his employment or agency in performing duties for, and on behalf of, the ARCHDIOCESE. At the parish churches he was assigned to work in by the ARCHDIOCESE, he had regular and frequent contact with children who attended the church, a circumstance of which the ARCHDIOCESE had notice. Plaintiffs are also of the information and belief that the ARCHDIOCESE and the ARCHBISHOPS knew, or should have known, that BRADY committed said acts of sexual abuse and further that the ARCHDIOCESE and ARCHBISHOPS concealed from plaintiff their knowledge of BRADY'S sexually abusive behavior, as well as their own negligent wrong-doing as more fully set forth below.

[There are no sections 40 and 41.]

The Facts Common to All Plaintiffs

42. Each plaintiff was raised in a Roman Catholic family. Plaintiffs as Roman Catholics were taught and believe that the ARCHBISHOPS and EGAN, all those in the hierarchy of the ARCHDIOCESE and all priests are superior to the laity and entitled to special privileges and respect from the laity which includes all plaintiffs and their families at the time they were minors. Parishioners including plaintiffs were led to believe that priests and the ARCHBISHOPS and EGAN, all those in the hierarchy of the Church and priests cannot, and [page 18 begins] would not, do anything considered to be evil or wrong. Plaintiffs were taught and believed that priests and the ARCHBISHOPS and EGAN are deserving of the highest respect and obedience.

43. As a result of each plaintiff's involvement, and that of their family, in their respective parish churches and the ARCHDIOCESE, each plaintiff was taught to place and did place the utmost trust in, reverence for and reliance upon, their parish clergy, including the respective defendant priests who abused them, and even more so the ARCHDIOCESE and the ARCHBISHOPS, including EGAN. This trust, reverence and reliance continued past Plaintiffs' age of majority. By their deeds and actions, the various defendant priests, the ARCHBISHOPS, EGAN and the ARCHDIOCESE explicitly and implicitly represented to the parents of each plaintiff and led each plaintiff to believe, that the ARCHDIOCESE, the ARCHBISHOPS, EGAN and every priest were benevolent and trustworthy fiduciaries and stewards who would only act in the best interest of each plaintiff, and would undertake any action necessary to protect each plaintiff from harm.

44. The ARCHDIOCESE supported and promoted respect and trust for each priest, including defendant priests, by holding them out to the parishioners as, not only leaders in the parish church, but as persons in whom each adult and child could repose their trust and confidence.

45. Each plaintiff trusted and relied upon the ARCHDIOCESE, the ARCHBISHOPS and priests to make the parish church, parish school and all parish church and diocesan-sponsored activities, places where a child would be protected and nurtured, and would be safe from the kind of injury as described

more fully herein.

46. Each plaintiff was not aware either before or after the time he or she was abused (up until they discovered the fraud and fraudulent concealment actions of the [\[page 19 begins\]](#) ARCHDIOCESE, ARCHBISHOPS and EGAN as described below) by the respective defendant priests of the following facts:

(a) The ARCHDIOCESE, the ARCHBISHOPS knew the sexual abuse of children by priests was a long-standing problem in the ARCHDIOCESE itself, and never informed the plaintiffs of the same so that plaintiffs could protect themselves.

(b) It was the policy and practice of the ARCHDIOCESE and the ARCHBISHOPS and EGAN not to report priests who sexually abused children to civil law authorities or for that matter inform parishioners of these abusive priests. Instead, said defendants engaged in a covert policy and practice to conceal the problem of sexual abuse from plaintiffs, their parents, other parishioners and the civil law authorities, like law enforcement agencies and child abuse protection agencies.

(c) The policies and practices of the ARCHDIOCESE and the ARCHBISHOPS once they discovered incidents of abuse included, but were not limited to: ignoring the problem, reassigning or transferring the offending priest to a new assignment within, or outside, the parish and not reporting said offending priests to lawful civil authorities.

(d) Prior to, and during the sexual abuse, the ARCHDIOCESE and the ARCHBISHOPS failed to inform plaintiffs and their respective parents of the dangers posed by each of the priests who had abused them, and in doing so, said defendants permitted and otherwise condoned the continuation of the abuse.

47. Policies such as the foregoing are consistent with policy issued by the Vatican in 1962, threatening ex-communication to anyone who failed to pursue sexual abuse allegations against a priest in the "most secretive way...restrained by a perpetual silence..." with everyone observing the "strictest secret which is commonly regarded as a secret of the [\[page 20 begins\]](#) Holy Office." Upon information and belief, the policy was a bedrock of Catholic sexual abuse policy until America's bishops met in the summer of 2002 and drafted new policies to address the crisis in the Church.

48. On or around the period March, 2002 through 2003, through the media reports both on television and in the newspapers, plaintiffs for the first time discovered the efforts of defendants to fraudulently conceal their wrongful acts as alleged herein. And in making such a discovery, plaintiffs learned that the sexual abuse was caused, not just by the respective individual priests, but also by the fraudulent concealment of the ARCHDIOCESE and the ARCHBISHOPS and EGAN and the plaintiffs' reliance on that concealment.

49. Upon discovery of said facts of fraudulent concealment described herein, the plaintiffs sought legal counsel to redress the wrongs committed by the defendants within a reasonable time period.

50. As a result of the trust and reverence in which the ARCHDIOCESE, the ARCHBISHOPS and EGAN caused plaintiffs to hold them and because of the actions taken by these defendants to conceal their willful and negligent wrongdoing, all as set forth in this complaint, plaintiffs were unable to discover the wrongdoings alleged herein and unaware of their opportunities and rights to seek legal redress as stated in the above paragraph. In not previously seeking redress against these defendants, plaintiffs relied on the belief that the above defendants would not harm them in any way, a belief repeatedly instilled in plaintiffs by the defendants.

51. On or about June , 2002 the Westchester County April "E" Grand Jury issued a [report](#) (hereinafter GJR) which found inter alia the following concerning the ARCHDIOCESE'S (plaintiffs are of the information and belief that the ARCHDIOCESE is [\[page 21 begins\]](#) referred to in the GJR as "the religious institution") policies and practices concerning the sexual abuse of minor parishioners by priests within the ARCHDIOCESE:

a. When a complaint of sexual abuse was made, the ARCHDIOCESE lied to the victim in that it "routinely asserted to the victim that no other such claims ever had been made against the particular clergy member even when such assertion was untrue." [GJR, p. 5.](#)

b. When a complaint of sexual abuse was made the ARCHDIOCESE engaged in a deliberate practice to question the veracity of the victim for the purpose of suppressing the victim's resolve to report to

lawful civil authorities. [GJR, p. 5-6](#)

c. Upon the receipt of a complaint of sexual abuse the ARCHDIOCESE engaged in a practice of not reporting the alleged crime to law enforcement authorities. [GJR, p. 7](#)

d. There existed within the ARCHDIOCESE a “an orchestrated effort to protect abusing clergy members from investigation, arrest and prosecution by civil authorities, one goal of which was to protect the ARCHDIOCESE’s economic welfare. This effort was part of a “comprehensive strategy of self protection.” [GJR, p. 7](#).

e. The goal of the ARCHDIOCESE’S sexual abuse investigation process was primarily geared to preventing the victim family from successfully and fully pursuing their claims. [GJR, p. 7](#)

f. The ARCHDIOCESE engaged in a practice of consistently “shuttling” sexually abusive priests from parish to parish as each incident of sexual abuse came to light. [GJR, p. 8 \[page 22 begins\]](#)

g. The ARCHDIOCESE engaged in a practice where sexually abusive priests were only given superficial treatment and then eventually returned to duties that permitted them access to minors. [GJR, p. 8](#)

h. The ARCHDIOCESE engaged in a concerted effort to willfully mislead the community and defend the abuser while simultaneously attempting to humiliate victims and their families.” [GJR, p. 8](#). This concerted effort included lying to congregants “during religious services” in the parish church, and using DIOCESE –owned newspapers to question victim’s motives and lie about the abusive priest.

i. The ARCHDIOCESE “abdicated its responsibility to appropriately supervise employees who posed a danger to” children in the parish. [GJR, 9](#). To wit: during the 1970’s through the 1990’s the ARCHDIOCESE knew that sexually abusive priests would routinely invite children into their quarters and in many instances stayed over night, yet the ARCHDIOCESE did nothing to cease the practice; the ARCHDIOCESE also knew that sexually abusive priests: took children on out of town and overnight trips wherein the children were abused. [GJR, p. 9](#)

52. Each plaintiff was not aware at the time he or she was abused of practices and policies outlined in the above paragraph and only discovered them at the time the GJR was issued.

Facts Specific to Each Plaintiff

53. [John Doe 1] was sexually abused by defendant **PARRAKOW** between the ages of about 10 and 13 years old. [John Doe 1] was an altar boy at St. Peter’s Church. It was well known among the altar boys that defendant PARRAKOW touched the altar boys sexually. [John Doe 1]’s father left home when [John Doe 1] was 10 years old. PARRAKOW encouraged the [\[page 23 begins\]](#) children of divorced parents to become altar boys. PARRAKOW befriended [John Doe 1]’s mother who encouraged [John Doe 1] to spend time with PARRAKOW. PARRAKOW abused [John Doe 1] in the sacristy and when they went on weekend trips. PARRAKOW would give [John Doe 1] alcohol, show him pornographic magazines and talk to him about sex. PARRAKOW fondled [John Doe 1]’s genitals both under and on top of his clothes and made [John Doe 1] sleep nude in the bed with him. PARRAKOW performed oral sex to [John Doe 1] and pressed him to engage in anal sex but [John Doe 1] refused. The abuse occurred several times over the period. PARRAKOW also abused [John Doe 1]’s brother though [John Doe 1] did not know it at the time. As result of the abuse, [John Doe 1] has experienced pain and suffering. He suffered from low self esteem. He was shamed by what PARRAKOW did to him and believed himself to be at fault. Those feelings and PARRAKOW’S practice of plying him with alcohol caused him to experience serious problems with drugs and alcohol. He has also had difficulty with personal relationships and intimacy, causing his marriage to end in divorce.

54. [John Doe 2] was sexually abused by defendant **CAVERZAN** many times from about 1966 to 1968 when he was between the ages of 10 and 12 . [John Doe 2] was an altar boy at Our Lady of Pompeii in Greenwich Village in Manhattan. He was abused in the sacristy while preparing to assist CAVERZAN with early morning mass. CAVERZAN would hug [John Doe 2] and fondle his genitals on top of clothes. It felt to [John Doe 2] that CAVERZAN was hugging him with his whole body since he felt that every part of his body was covered by CAVERZAN. [John Doe 2] was terrified. CAVERZAN took [John Doe 2] into his bedroom at the rectory and encouraged [John Doe 2] to engage in further sexual activities. When CAVERZAN began massaging [John Doe 2]’s legs, [John Doe 2] ran away. As a result of the abuse, [John Doe 2] has experienced pain and suffering. He was afraid to tell his

parents what was happening because [page 24 begins] he thought that he had done something wrong. Even when he ran away from CAVERZAN, he was afraid he was being rude to the priest. [John Doe 2] suffers from low self esteem, paranoia and depression. From time to time, depression prevents him from getting things done and occasionally getting to work at all. [John Doe 2] struggles continually to keep on top of the things that need to be accomplished both at work and in his personal life. He has been married twice. He was in therapy for 5 or 6 years and is on medication.

55. John Engel was sexually abused by defendant **WHALEN** from about 1963 to 1964 when he was between the ages of 11 and 12 years old. Engel's father had left his mother and Engel and his six siblings when Engel was 11. WHALEN befriended Engle's mother and offered to provide assistance to her. She was the only person his mother trusted. WHALEN took Engel swimming and on overnight trips to the Rockaways. The first time the abuse occurred, Engel awakened to find WHALEN naked in bed with him, his penis pressed against his buttocks. Engel's back was covered in semen which WHALEN tried to clean off him and off the sheets. WHALEN also sexually abused Engel in the rectory and in a cabana at a beach club. The abuse consisted of WHALEN exposing himself and holding's Engle's head close to his naked genitals and anal penetration. He also made Engle and his friends swim naked in a pool while he watched. WHALEN told Engel not to tell his mother about the abuse because no one would believe him and because it would hurt his mother. As a result of the abuse, Engel has experienced pain and suffering. He suffers recurring flashbacks of the abuse.

56. [John Doe 3] attended Our Lady of Mercy Parish and Grammar School in the Bronx. He was abused by defendant **O'HERLIHY** in about 1980 when [John Doe 3] was in his last year at Cardinal Hayes High School where O'Herlihy taught high school biology. Also [John Doe 3] was on the yearbook staff and O'HERLIHY was the yearbook moderator. [page 25 begins] O'HERLIHY told [John Doe 3] that he had heard that the head counselor at Squires, a Catholic youth group run by the Knights of Columbus, was sexually abusing children and that [John Doe 3] was among those abused. Thinking that O'HERLIHY was going to take some action against the counselor, [John Doe 3] confirmed the truth of the rumors O'HERLIHY had heard and confirmed that he had been among those abused on a regular basis for three years from 1975 to 1978. But instead of helping [John Doe 3], O'HERLIHY sexually abused [John Doe 3]. Upon information and belief, O'HERLIHY selected [John Doe 3] to victimize precisely because he knew that [John Doe 3] was being sexually abused. Upon information and belief, O'HERLIHY took no action to prevent the counselor from abusing other children. Instead, O'HERLIHY showed [John Doe 3] pornographic pictures, gave him alcohol, drove him into New York City and tried to hire a prostitute to give him oral sex in the back of the car. When [John Doe 3] objected, O'HERLIHY drove him back to Cardinal Hayes where they went to O'HERLIHY's room. Two priests saw him going with O'HERLIHY to his room. [John Doe 3] refused to sleep in the same bed with O'HERLIHY but when he woke up, O'HERLIHY was naked in bed with him, his finger or erect penis pressing against his rectum while O'HERLIHY reach around [John Doe 3]'s body to masturbate [John Doe 3]'s genitals. Upon information and belief, O'HERLIHY abused others at Cardinal Hayes. It was widely known at the school that O'HERLIHY took high school students to his room and that he drank alcohol with them. As a result of the abuse, [John Doe 3] has experienced pain and suffering. He has nightmares and flashbacks of the abuse and suffers from depression causing him to seek counseling from time to time. He has had difficulty forming intimate relationships.

57. [John Doe 5] was abused by defendant **MARTIN** from approximately 1955 to 1958 when [John Doe 5] was between the ages of about 11 and 14 years of age. The abuse took place in the sacristy and the dressing area of Our Lady Queen of [page 26 begins] Martyrs where [John Doe 5] was an altar boy. MARTIN would approach [John Doe 5] from behind, put his hands in his pants and reaching around him to fondle his genitals. Simultaneously, MARTIN would nuzzle and kiss [John Doe 5] on the face and mouth. Sometimes he would grab [John Doe 5] and another altar boy and grope both of them at the same time, one arm around each boy in a tight hug. The abuse occurred at least every other week for approximately three years. [John Doe 5] told his brother [John Doe 6] that he was being sexually abused by MARTIN. Other altar boys were being abused by MARTIN at the same time. When the names of the altar boys to serve mass were posted a week before, the altar boys looked at it with trepidation knowing that if they were serving mass with MARTIN, they would be sexually abused. Upon information and belief, MARTIN's sexual abuse of altar boys was widely known in the parish and school. As the result of the abuse, [John Doe 5] has experienced pain and suffering. He suffers feelings of hyper vigilance, helplessness and anxiety and has recurring bouts with alcoholism, his most recent release from rehabilitation having taken place in 2000.

58. [John Doe 6] was abused by defendant MARTIN from not later than 1955 to 1959 when [John Doe 6] was between the ages of about 10 and 14. The abuse took place in the sacristy and in the

changing area of Our Lady Queen of Martyrs where [John Doe 6] was an altar boy. MARTIN would give [John Doe 6] a bear hug, telling him how wonderful he looked and put his hands down [John Doe 6]'s pants, fondle his genitals and kiss him on the lips. The abuse occurred every time he served mass as an altar boy, which he did weekly for a period of five years and sometimes when he was in the church for some other reason. [John Doe 6] told his brother [John Doe 5] that he was being sexually abused by MARTIN. Other altar boys were being abused by MARTIN at the same time. When the names of altar boys to [page 27 begins] serve mass were posted a week before, the altar boys looked at it with trepidation knowing that if they were serving mass with MARTIN, they would be sexually abused. Upon information and belief, MARTIN's sexual abuse of altar boys was widely known in the parish and school. Anticipation of the abuse made [John Doe 6] feel depressed and disgusted. As a result of the abuse, [John Doe 6] has experienced pain and suffering. He has been repeatedly hospitalized, suffering psychosis and suicidal ideations. He has grave difficulty with intimacy and feelings of insecurity. He has been in therapy and has been and continues to be on medication.

59. [John Doe 4] was sexually abused by defendant MARTIN between about 1960 and 1961 when [John Doe 4] was between about 13 and 14 years of age. The abuse took place in the sacristy of Our Lady Queen of Martyrs where he was an altar boy. The abuse consisted of MARTIN putting his hands inside [John Doe 4]'s pants and squeezing his buttocks and testicles. Other altar boys were being abused by MARTIN at the same time. The altar boys discussed MARTIN's sexually abuse of them among themselves. Upon information and belief, MARTIN's sexual abuse of altar boys was widely known in the parish and school. MARTIN abused [John Doe 4] on several occasions. MARTIN was known as the "enforcer" and the "dean of discipline" at Our Lady Queen of Martyrs grammar school. He was a big man who used his size to intimidate students, including the altar boys. As a result of the sexual abuse, [John Doe 4] has experienced pain and suffering. He found what MARTIN did to him demeaning and demoralizing and his self image and confidence suffered as a result of it. He struggled with alcoholism for many years.

60. Nilda Lopez was sexually abused by **RIOS** from about 1973 to 1976. Lopez was about 16 years of age at the time the abuse began. Lopez and her family attended [page 28 begins] Our Lady of Esperanza Parish Church. She and her sisters were receiving GED instruction. RIOS insisted that Lopez receive individual private instruction from him. In a room above the sacristy, RIOS forced Lopez to have sexual intercourse. The abuse occurred approximately four times a year. Lopez became pregnant with RIOS' child and reported both the abuse and the pregnancy to the pastor of Our Lady of Esperanza as well as other employees at the parish church.. Though said individuals informed her that they would help her after the baby was born, they did not. Said persons told her not to tell anyone what RIOS had done to her. RIOS was moved to another parish. As a result of the abuse, Lopez has experienced pain and suffering. She has been unable to sustain a relationship with a man. She suffers from depression and anxiety for which she has been in therapy and for which she currently receives medication.

61. [John Doe 7] was about 13 years old when he was abused by **GREENE** in the spring of 1957. GREENE was the choir director at St. Patrick's Cathedral and [John Doe 7] sang in the choir. GREENE was also involved with [John Doe 7]'s family, finding his uncle a job and counseling his parents about their marital problems. [John Doe 7]'s family trusted GREENE. GREENE took it upon himself to instruct the choir boys about the "facts of life" and then would take each of them individually to his bedroom in the rectory to "inspect" them and see how they were coming along. [John Doe 7] was "inspected". During these inspections, GREENE fondled [John Doe 7]'s genitals. He told [John Doe 7] not to tell anyone what he was doing to him, claiming that it was "special" and "just between them". On one occasion, GREENE also took [John Doe 7] to a theater. During the performance, GREENE opened [John Doe 7]'s fly, exposed his penis and masturbated him to climax. When they left the theater, GREENE acted as though nothing had happened. Thereafter, GREENE would call [John Doe 7]'s home and invite [John Doe 7] to [page 29 begins] lunch. As a result of the abuse, [John Doe 7] has experienced pain and suffering. He felt shame and confusion about sex and has had difficulty trusting, avoiding relationships in which anyone had "power" over him.

62. Carlos Perez was about 13 years old when he was abused by **PARRAKOW**. This occurred during the Christmas holidays in December 1975. Perez was an altar boy as well as a member of a boy scout troop in which PARRAKOW served as scout master and which he encouraged Perez to join. PARRAKOW invited Perez on a trip to Pennsylvania for a Christmas Party at an old friends house. After the party, PARRAKOW drove Perez to the rectory of St. Martin's where he removed his clothes and instructed Perez to remove his. PARRAKOW then fondled Perez, pushing back the foreskin of his penis. They slept together naked for the night. As a result of the abuse, Perez has experienced pain and suffering. He has been hospitalized for psychosis and has twice attempted suicide.

63. [John Doe 8] was abused by **STEWART** for six years beginning when he was about 12 years old. [John Doe 8] met STEWART at St. Catherine's Parish Church in Manhattan . When there turned out not to be enough room in the confirmation class at St. Catherine's for [John Doe 8], STEWART offered to give him private classes. The abuse took place in STEWART's bedroom at the Pierre Toussaint residence located near St. Catherine's Parish Church,. The incidents of abuse of were usually preceded by STEWART plying [John Doe 8] with alcohol. STEWART made [John Doe 8] wrestle with him nude, fondling his genitals. He took pictures of [John Doe 8] nude and of them wrestling nude. STEWART slept with [John Doe 8] nude. STEWART made several attempts to penetrate [John Doe 8] anally in bed and in the shower. In the beginning the abuse occurred once a week and then daily. When STEWART left St. Catherine's and the Toussaint residence in 1980, STEWART paid for [John Doe 8]'s transportation [page 30 begins] to visit him first in a monastery in Detroit and then in the rectory of a church in Saginaw, Michigan, among other places, where the abuse continued. The last sexual contact with STEWART occurred when [John Doe 8] was 19. As a result of the abuse, [John Doe 8] has experienced pain and suffering. He felt great shame and confusion about what STEWART did to him. It caused him to question his sexuality and his faith and the trust he reposed in people whom he thought were supposed to be caring for him. He has struggled with alcohol and drugs his entire life. He dropped out of school, was arrested for drunk driving and for receiving stolen property. He has been institutionalized twice and has experienced serious difficulty holding a job.

64. [Jane Doe 1] was abused by **NETTER** from about 1973 to 1979 when she was between 9 and 16 years of age. During this period, NETTER abused [Jane Doe 1] on a weekly or bi weekly basis. The abuse took place in the Rectory at St. Anthony's where NETTER would meet her after school or if he could not see her after school, he would take her to lunch. Occasionally, NETTER would take [Jane Doe 1] on trips to Rye, Playland. When NETTER vacationed with [Jane Doe 1]'s family, he would abuse [Jane Doe 1] at the house while the rest of the family was at the beach. The abuse generally began with [Jane Doe 1] sitting in NETTER'S lap, with NETTER kissing her. He would then kiss her using his tongue and press his erect penis against her, holding her tight and rubbing her with his hands all over her body. Sometimes the abuse occurred while they were standing. When it occurred in his or another bedroom, they would lie down on the bed. The abuse continued until she left St. Anthony's in the 8th grade. As a result of the abuse, [Jane Doe 1] has experienced pain and suffering. She has experienced difficulties with intimate relationships, often finding physical contact horrifying. Her relationships have tended to be long and "safe" with no real attachment or emotion. She has survived various self [page 31 begins] destructive behaviors including drinking and drugs and scratching herself to make sure that she can feel. She endures persistent and chronic depression for which she has received therapy.

65. [John Doe 9] was abused by **WHITE** from approximately 1959 to 1961 when he was between the ages of 9 and 11 years of age. [John Doe 9] sang in the choir at Holy Cross Parish Church in Manhattan which WHITE directed. Most of the abuse took place in a kindergarten classroom. It consisted of hugging and dry humping [John Doe 9] while kissing him on the head, neck and face. Sometimes, WHITE would strap [John Doe 9] over a desk and strike his buttocks slowly while masturbating under his robe. It [John Doe 9] tried to turn over, WHITE would yell at him to stay down. WHITE would tell [John Doe 9] not let his parents know what he was doing and assured him that no one else would love him as much as he did. The abuse occurred one or two times a week over the period. As a result of the abuse, [John Doe 9] has experienced pain and suffering. He had a mental breakdown in 1966 and was hospitalized for 5 months. He suffers from flashbacks and nightmares, causing him to jump in his sleep.

66. [John Doe 10] was abused by **SHERLOCK** while a student at Rice High School in Manhattan. The abuse took place between 1976 and approximately 1977 when [John Doe 10] was between 16 and 17 years of age. SHERLOCK taught Math at Rice. SHERLOCK insisted upon tutoring [John Doe 10] privately. He convinced [John Doe 10]'s father that unless [John Doe 10] stayed after school for help he would fail SHERLOCK's class. The abuse consisted of holding [John Doe 10] and fondling his genitals. It took place in the classroom and from time to time in the stairwell. It happened at least 10 times during the period. In his senior year, [John Doe 10] told the school principal about the abuse. The principal tried to frighten [John Doe 10] off by telling him that he, the principal, would have to call the Pope to report the abuse and demanding corroboration. When [John Doe 10] produced a witness, the principal informed [John Doe 10] that SHERLOCK admitted the abuse. But SHERLOCK [page 32 begins] continued to teach at Rice. In retaliation, SHERLOCK failed [John Doe 10] so that he got an empty box at graduation. Two weeks later, the diploma was mailed to him. As a result of the abuse, [John Doe 10] has experienced pain and suffering. He made four attempts at suicide. He suffers from

depression and experiences a fear of intimacy in relationships. He has been in and out of therapy and has difficulty holding a job. At one point, he was homeless.

67. [Jane Doe 2] was abused by defendant **BRADY** from 1944 to approximately 1948 when [Jane Doe 2] was between the ages of 7 and approximately 11 years old. BRADY was the pastor of St. Catherine's Parish Church and School where [Jane Doe 2] attended school along with her siblings. It was BRADY's practice to take a group of young girls into the gym at the parish school on Sundays after services and to sexually abuse them seriatim while the others watched. [Jane Doe 2] was one of those taken to the gym on Sundays, as was her sister [name redacted]. The abuse consisted of sitting [Jane Doe 2] on his lap and inserting his fingers into her vagina, while kissing and massaging her. [Jane Doe 2] could feel his erection through his cassock. The abuse occurred every Sunday and on trips to Bear Mountain. BRADY would sit in a cabin on the ferry to Bear Mountain and sexually abuse each of the girls on the trip with him one after another. When he was transferred to from St. Catherine's, BRADY arranged for [Jane Doe 2] to visit him there where he continued to sexually abuse her. [Jane Doe 2] was frightened of BRADY and intimidated by him whenever she was in his presence. As a result of the abuse, [Jane Doe 2] has experienced pain and suffering. She has felt continuing shame, embarrassment, humiliation, and resentment of the church for betraying her and making her feel like she was the person at fault. She has suffered from depression and has been burdened by sexual dysfunction since her abuse. She is currently in therapy. [\[page 33 begins\]](#)

FOR SEVERAL DECADES PRIOR TO, AND THEN DURING AND AFTER THE ABUSE OF PLAINTIFFS, THE ARCHDIOCESE, EGAN, THE ARCHBISHOPS AND THEIR SUBORDINATES, WITH THE COMPLICITY OF THE INDIVIDUAL PRIEST DEFENDANTS, ENGAGED IN A COMPLEX, WELL ORGANIZED, CORRUPT AND SUCCESSFUL SCHEME, COVERT POLICY AND PRACTICE TO HIDE FROM THEIR PARISHIONERS, INCLUDING PLAINTIFFS, THEIR OWN DELIBERATE AND IN SOME INSTANCES NEGLIGENT CONDUCT. THE SCHEME WAS CARRIED OUT THROUGH AFFIRMATIVE FRAUD, MISREPRESENTATION OF FACTS, DECEPTION AND CONCEALMENT OF FACTS RELATING TO THE ABUSE BY PRIESTS OF MINORS INCLUDING PLAINTIFFS AND TO THE ROLE OF THE DIOCESE AND THE BISHOPS IN BURYING THEIR OWN MISCONDUCT AND THEREBY FACILITATING ABUSE BY THE PRIESTS.

THE PRINCIPLE PURPOSE OF THIS SUCCESSFUL SCHEME WAS TO DEPRIVE PLAINTIFFS OF THE FACTS NECESSARY TO ESTABLISH CLAIMS AGAINST THE ARCHDIOCESE, THE ARCHBISHOPS AND THEIR SUBORDINATES FOR MISCONDUCT, UNTIL THE APPLICABLE STATUTES OF LIMITATIONS HAD EXPIRED AND THEREAFTER.

69. EGAN, the ARCHBISHOPS, the ARCHDIOCESE and the individual defendant priests were aware that priests within the ARCHDIOCESE, including but not limited to defendant priests, had committed, and were committing, various acts of sexual abuse against minor parishioners, including but not limited to plaintiffs, in violation of New York State Penal Law, and that they engaged in a concerted, well organized, corrupt and successful scheme, covert policy and practice to hide from their parishioners, including plaintiffs, their own deliberate and in sometimes negligent conduct. The scheme was carried out through affirmative fraud, misrepresentation of facts, deception and concealment of facts relating to the abuse by priests of minors including plaintiffs and to the role of EGAN, the ARCHBISHOPS, the ARCHDIOCESE in shielding their own misconduct and thereby facilitating abuse by other priests. The purposes of the scheme included but were not limited to preventing scandal among parishioners and the public, preventing the loss of financial contributions which would occur following such a scandal and circumventing the criminal justice and civil justice processes which would otherwise deal with these wrongdoings, and depriving plaintiffs of knowledge of [\[page 34 begins\]](#) wrongdoing enabling them to seek legal redress before the running of applicable statute of limitations.

70. EGAN, the ARCHBISHOPS, the ARCHDIOCESE and the individual defendant priests, aided and abetted the concealment of criminal conduct by failing, and refusing, to report to civil authorities allegations of sexual abuse by priests; sought by virtue of their fraudulent concealment to obtain economic and other advantages over persons sexually abused by priests, causing such persons, including the plaintiffs, not to take action and not to discover the fraudulent concealment until the statute of limitations had run, and intentionally concealed from such persons facts necessary for them to know they had a cause of action against EGAN, the ARCHBISHOPS, the ARCHDIOCESE and the individual defendant priests.

71. To conceal the sexual abuse, EGAN, the ARCHBISHOPS and the ARCHDIOCESE maintained secret files regarding such abusive priests; made secret payments to victims in return for the victims'

silence; maintained secret church accounts to make such payments, intentionally failed to investigate complaints of sexual abuse; did not disclose to plaintiffs, their families or other parishioners, the fact that they were aware of the problem of sexual abuse of children, and aware of specific incidents of abuse by defendant priests and others; did not attempt to ascertain if there were other victims of a particular offending priest once they received information that he had in fact sexually abused a child; and intentionally failed to warn plaintiffs, their parents or other potential victims or parishioner parents of the danger posed by known sexually abusive priests.

72. EGAN, the ARCHBISHOPS, the ARCHDIOCESE, unnamed ARCHDIOCESE officials, defendant priests and parish clergy created an environment in the parishes which caused victims not to discover or report incidents of sexual abuse. When an [page 35 begins] abusive priest was transferred to another parish or diocese, parishioners were not told that the reason for the transfer was a complaint(s) of sexual abuse. Instead, parishioners were given other reasons known by EGAN, the ARCHBISHOPS and the ARCHDIOCESE to be false (e.g., routine transfer, health related, etc.). The foregoing deceptive scheme was intended to make it appear that there were no incidents of sexual abuse by priests in the ARCHDIOCESE and to conceal from victims of priest sexual abuse, including the plaintiffs, that they had a cause of action against the EGAN, the ARCHBISHOPS and the ARCHDIOCESE DIOCESE.

73. In the relatively rare circumstances when a complaint was made to the parish or to EGAN, the ARCHBISHOPS, the ARCHDIOCESE or other diocesan officials, defendants and parish clergy presently unknown to plaintiffs systematically and purposely, sought to take advantage of the above-described position of trust that plaintiffs, and other unknown victims, had placed in defendants to prevent public disclosure of the abuse and to thwart a thorough investigation of complaints.

74. As a result of the above misrepresentations, deceit and concealment by EGAN, the ARCHBISHOPS, the ARCHDIOCESE, unnamed DIOCESE officials and parish clergy, the facts were suppressed and distorted concerning said defendants' true knowledge and facilitation of the problem of sexual abuse by defendant priests and other priests in the ARCHDIOCESE. Plaintiffs were thereby prevented from filing claims against defendants herein. Furthermore, said concerted efforts to "cover up" were, in themselves, a direct, and proximate, cause of the defendant priests' abuse of the PLAINTIFFS.

75. EGAN, the ARCHBISHOPS and the ARCHDIOCESE by and through the pastors in the parishes in the ARCHDIOCESE, failed to exercise supervisory control over [page 36 begins] the day to day life and conduct of parish priests which resulted in a failure to control the sexual misconduct of priests including defendant priests.

76. EGAN, the ARCHBISHOPS and the ARCHDIOCESE failed to train and educate themselves, pastors and priests in child abuse identification and prevention and in the grave seriousness of the harm caused to the victims.

77. By reason of the unconscionable conduct of all defendants as alleged herein, it is inequitable to permit said defendants to interpose the affirmative defense of the statute of limitations.

**FIRST CAUSE OF ACTION
(NEGLIGENCE-FAILURE TO REMOVE
DEFENDANT PRIESTS)**

78. Plaintiffs repeat and re-allege paragraphs 1 through 77 of this Complaint as if fully set forth herein.

79. Defendants EGAN, the ARCHBISHOPS, the ARCHDIOCESE and the defendant priests, having knowledge of, or being put on notice of, the sexual abuse of the plaintiffs, and others unknown to the plaintiffs, by the defendant priests had a duty to immediately remove the defendant priests from contact with the plaintiffs and others unknown to the plaintiffs and to report the conduct of defendant priests to the lawful civil authorities in the State of New York.

80. Defendants EGAN, the ARCHBISHOPS, the ARCHDIOCESE failed to remove the defendant priests from having contact with the plaintiffs, and others unknown to the plaintiffs, or to report the conduct of defendant priests to the lawful proper authorities in New York State. [page 37 begins]

81. Defendants EGAN, the ARCHBISHOPS, the ARCHDIOCESE and defendant priests are jointly and severally liable to the plaintiffs for negligence in failing to remove defendant priests from contact with

the plaintiffs. The actions and/or failures to act of EGAN and the ARCHBISHOPS constituted gross negligence and were intended to harm the plaintiffs.

82. Defendants EGAN, the ARCHBISHOPS, the ARCHDIOCESE and defendant priests by the use of fraudulent concealment, coercion and duress prior to, during and after termination of the sexual abuse of the plaintiffs by defendant priests, prevented the plaintiffs from asserting their claims against the defendant priests, EGAN, the ARCHBISHOPS and the ARCHDIOCESE or reporting the defendant priests' conduct to lawful civil authorities and are, therefore, estopped from benefiting from their wrongful and illegal conduct through assertion of the statute of limitations.

**SECOND CAUSE OF ACTION
(NEGLIGENCE-FAILURE TO SUPERVISE DEFENDANT PRIESTS)**

83. Plaintiffs repeat, and re-allege, paragraphs 1 through 82 of this Complaint as if fully set forth herein.

84. EGAN, the ARCHBISHOPS and the ARCHDIOCESE by virtue of their employment of defendant priests, and their special fiduciary relationship with the plaintiffs as minor children, had the duty and responsibility to control and supervise the acts of defendant priests.

85. EGAN, the ARCHBISHOPS and the ARCHDIOCESE failed to exercise the degree of care that a reasonably prudent person would have exercised under similar circumstances, and failed to supervise, and control, defendant priests. [\[page 38 begins\]](#)

86. EGAN, the ARCHBISHOPS and the ARCHDIOCESE are jointly and severally liable to the plaintiffs for negligence in failing to control and supervise the acts of defendant priests. The actions and/or failures to act of EGAN and THE ARCHBISHOPS constituted gross negligence, and were intended to harm plaintiffs.

87. EGAN, the ARCHBISHOPS and the ARCHDIOCESE by the use of fraudulent concealment, duress and coercion prior to, during and after termination of the sexual abuse of the plaintiffs by defendant priests, prevented the plaintiffs from asserting their claims against the defendant priests, EGAN, the ARCHBISHOPS and the ARCHDIOCESE or reporting the defendant priests' and conduct to lawful authorities, and are, therefore, estopped from benefiting from their wrongful, and illegal, conduct through assertion of the statute of limitations.

**THIRD CAUSE OF ACTION
(NEGLIGENCE-FAILURE TO INVESTIGATE CHILD ABUSE)**

88. Plaintiffs repeat, and re-allege, paragraphs 1 through 87 of this Complaint as if fully set forth herein.

89. EGAN, the ARCHBISHOPS, the ARCHDIOCESE and defendant priests had actual notice of the fact that priests/clergy both within, and outside, the ARCHDIOCESE were sexually abusing children, as well as the criminal acts of defendant priests and similar criminal acts of sexual abuse by priests/clergy unknown to the plaintiffs.

90. EGAN, the ARCHBISHOPS, the ARCHDIOCESE and defendant priests failed to investigate the problem of sexual abuse, as well as the sexual abuse of plaintiffs as minors, and other children unknown to plaintiffs in the ARCHDIOCESE by defendant priests. [\[page 39 begins\]](#) Moreover, they fraudulently concealed said wrongful and criminal acts of defendant priests and other parish clergy and priests from the plaintiffs, parishioners as well as the proper authorities.

91. EGAN, the ARCHBISHOPS, the ARCHDIOCESE and defendant priests sought to cover up allegations of sexual abuse against the defendant priests, and other priests unknown to the plaintiffs, thereby, exposing plaintiffs and others unknown to plaintiffs, to sexual abuse or continuing sexual abuse; moreover, said efforts prevented plaintiffs from obtaining treatment, rehabilitation and criminal prosecution of defendant priests, and other priests unknown to plaintiffs, who had committed similar crimes.

92. The acts of EGAN, the ARCHBISHOPS, the ARCHDIOCESE and defendant priests make them jointly and severally liable to the plaintiffs. The acts and/or failures to act of EGAN and THE ARCHBISHOPS constituted gross negligence and were intended to harm plaintiffs.

93. EGAN, the ARCHBISHOPS, the ARCHDIOCESE and defendant priests, by the use of fraudulent concealment, duress and coercion prior to, during and after termination of the sexual abuse of the plaintiffs by defendant priests, prevented the plaintiffs from asserting their claims against the defendant priests, EGAN, THE ARCHBISHOPS, THE ARCHDIOCESE and are, therefore, estopped from benefiting from their illegal conduct through assertion of the statute of limitations.

**FOURTH CAUSE OF ACTION
(NEGLIGENCE-FAILURE TO WARN)**

94. Plaintiffs repeat, and re-allege, paragraphs 1 through 93 of this Complaint as if fully set forth herein. [\[page 40 begins\]](#)

95. EGAN, the ARCHBISHOPS, the ARCHDIOCESE and defendant priests were aware of the problem of sexual abuse of children by priests, unknown to the plaintiffs, and of the criminal acts of defendant priests.

96. EGAN, the ARCHBISHOPS, the ARCHDIOCESE and defendant priests by virtue of their knowledge of the problem of sexual abuse of children by parish clergy and priests, their employment of the abusive priests, defendant priests and their special fiduciary relationship with plaintiffs as children, EGAN, the ARCHBISHOPS, the ARCHDIOCESE and defendant priests had a duty and responsibility to warn plaintiffs, their parents, prospective victims and their parents, of abusive priests, the defendant priests and to prevent further acts by defendant priests, and other priests unknown to the plaintiffs.

97. EGAN, the ARCHBISHOPS, the ARCHDIOCESE and defendant priests failed to warn the plaintiffs and prevent or stop the sexual abuse of the plaintiffs by priests unknown to the plaintiffs, and the defendant priests.

98. The acts of EGAN, the ARCHBISHOPS, the ARCHDIOCESE and defendant priests make them jointly and severally liable to the plaintiffs. The acts and/or failures to act of EGAN and the ARCHBISHOPS constituted gross negligence, and were intended to harm plaintiffs.

99. Defendants EGAN, the ARCHBISHOPS, the ARCHDIOCESE and defendant priests, by the use of fraudulent concealment, coercion and duress prior to, during and after termination of the sexual abuse of the plaintiffs by defendant priests, prevented the plaintiffs from asserting their claims against the defendant priests, EGAN, the ARCHBISHOPS, the ARCHDIOCESE and defendant priests and therefore, they are estopped from benefiting from their wrongful, and illegal conduct, through assertion of the statute of limitations. [\[page 41 begins\]](#)

**FIFTH CAUSE OF ACTION
(NEGLIGENCE-FAILURE TO TRAIN RELATING TO CHILD ABUSE)**

100. Plaintiffs repeat, and re-allege, paragraphs 1 through 99 of this Complaint as if fully set forth herein.

101. EGAN, the ARCHBISHOPS, the ARCHDIOCESE and defendant priests had knowledge of, and were aware of, the problem of sexual abuse of children by defendant priests, and other parish clergy.

102. EGAN, the ARCHBISHOPS, the ARCHDIOCESE and defendant priests had a duty, and responsibility, to train priests, clergy, diocesan officials/administrators, pastors of parishes within the ARCHDIOCESE and establish procedures to prevent and detect sexual abuse of children parishioners by priests and other clergy.

103. EGAN, the ARCHBISHOPS, the ARCHDIOCESE and defendant priests had a duty, and responsibility, to educate plaintiffs, their parents and parishioners of the ARCHDIOCESE on the problem of sexual abuse of children by priests and clergy, in a manner sufficient to detect and prevent such abuse.

104. EGAN, the ARCHBISHOPS, the ARCHDIOCESE and defendant priests did not establish education and training programs calculated to detect and prevent sexual abuse of children parishioners, including the plaintiffs, by priests and clergy.

105. EGAN, the ARCHBISHOPS, the ARCHDIOCESE and defendant priests are jointly and severally liable to the plaintiffs, as the result of their intentional and negligent failure to educate parishioners and

train appropriate personnel, to detect and prevent sexual abuse by defendant priests, and other priests unknown to plaintiffs. The acts and/or failures to [page 42 begins] act of EGAN and the ARCHBISHOPS constituted gross negligence, and were intended to harm plaintiffs.

106. EGAN, the ARCHBISHOPS, the ARCHDIOCESE and defendant priests by the use of fraudulent concealment, duress and coercion prior to, during and after termination of the sexual abuse of the plaintiffs by defendant priests, prevented the plaintiffs from asserting their claims against the defendant priests, EGAN, THE ARCHBISHOPS and the ARCHDIOCESE or reporting the defendant priests' conduct to lawful civil authorities and are, therefore, estopped from benefiting from their wrongful, and illegal, conduct through assertion of the statute of limitations.

**SIXTH CAUSE OF ACTION
(NEGLIGENCE-FAILURE TO PROVIDE A SAFE AND SECURE ENVIRONMENT)**

107. Plaintiffs repeat, and re-allege, paragraphs 1 through 106 of this Complaint as if fully set forth herein.

108. EGAN, the ARCHBISHOPS, the ARCHDIOCESE and defendant priests by and through the defendant priests and other parish clergy, acted in the capacity of "in loco parentis" to plaintiffs at all times that plaintiffs attended parish schools, performed altar boy services, worked in the rectory, engaged in parish sponsored recreation programs, and other parish and diocesan sponsored programs.

109. EGAN, the ARCHBISHOPS, the ARCHDIOCESE and defendant priests by virtue of their positions and authority over parishes, parish schools and secondary schools, had an obligation to provide a reasonably safe and secure environment within their parish churches, clergy residences and schools for the infant plaintiffs. [page 43 begins]

110. EGAN, the ARCHBISHOPS, the ARCHDIOCESE and defendant priests failed to provide such an environment, and failed to exercise the degree of care that a reasonably prudent person would have exercised under similar circumstances.

111. As a result, EGAN, the ARCHBISHOPS, the ARCHDIOCESE and defendant priests are jointly and severally liable to plaintiffs for the acts of defendant priests. The actions and/or failures to act of EGAN and the ARCHBISHOPS constituted gross negligence, and were intended to harm plaintiffs.

112. EGAN, the ARCHBISHOPS, the ARCHDIOCESE and defendant priests, by the use of fraudulent concealment, duress and coercion prior to, during and after the termination of the sexual abuse of the plaintiffs, prevented, the plaintiffs from asserting their claims against the defendant priests, EGAN, the ARCHBISHOPS and the ARCHDIOCESE or reporting the defendant priests' conduct to lawful civil authorities and are, therefore, estopped from benefiting from their illegal conduct through assertion of the statute of limitations.

**SEVENTH CAUSE OF ACTION
(NEGLIGENCE-MISREPRESENTATION OF RISK OF HARM)**

113. Plaintiffs repeat, and re-allege, paragraphs 1 through 112 of this Complaint as if fully set forth herein.

114. EGAN, the ARCHBISHOPS, the ARCHDIOCESE and defendant priests intentionally, negligently and recklessly misrepresented the risk of harm to plaintiffs from defendant priests.

115. As a result, EGAN, the ARCHBISHOPS, the ARCHDIOCESE and defendant priests are jointly and severally liable to plaintiffs. The actions and/or failures to act [page 44 begins] of EGAN and the ARCHBISHOPS constituted gross negligence, and were intended to harm plaintiffs.

116. EGAN, the ARCHBISHOPS, the ARCHDIOCESE and defendant priests, by the use of fraudulent concealment, coercion and duress prior to, during and after the termination of the sexual abuse of the plaintiffs, prevented the plaintiffs from asserting their claims against the defendant priests, EGAN, the ARCHBISHOPS and the ARCHDIOCESE or reporting the defendant priests' conduct to lawful civil authorities and are, therefore, estopped from benefiting from their wrongful and illegal conduct through assertion of the statute of limitations.

EIGHTH CAUSE OF ACTION

(FRAUD)

117. Plaintiffs repeat, reiterate and re-allege each and every allegation contained in paragraphs 1 through 116 of the foregoing as though fully set forth at length herein.

118. As more fully set forth in paragraphs "1" through "116" herein, the internal policies and procedures of the ARCHDIOCESE for dealing with child sex abuse by priests were specifically designed, and orchestrated, to deceive plaintiffs, their parents and others as to the true risk of harm posed by the pervasive problem of pedophile priests in the ARCHDIOCESE, of which all defendants had both actual and constructive knowledge.

119. Defendants concealed the material facts of the known sexual abuse of pedophile priests within the ARCHDIOCESE, including defendant priests; all to the detriment and harm of the Plaintiffs herein. Defendants falsely misrepresented to the plaintiffs, and their parents, that the schools and churches within the ARCHDIOCESE were safe and secure environments for the plaintiffs and other children. [\[page 45 begins\]](#)

120. Plaintiffs, and their parents, justifiably relied on the representations by the ARCHDIOCESE, as evidenced by sending their children to receive religious training at the parish churches, enrolling the plaintiffs in schools run by the ARCHDIOCESE, by allowing the plaintiffs to become altar boys supervised by known and unsupervised pedophile priests, including defendant priests, by allowing the plaintiffs to take part in recreation and other parish church related youth group activities led by known pedophile priests, including defendant priests, causing, allowing and permitting plaintiffs to be sexually abused and permanently injured.

121. The defendants were duty-bound to plaintiffs to disclose the dangers they knew were posed by pedophile priests, including defendant priests, based upon the incontrovertible fact that said individuals had superior knowledge of the problem of pedophile priests, including defendant priests. Had the problem of pedophile priests, including the sexual abuse history of defendant priests been disclosed to the plaintiffs and their parents, they never would have permitted such priests to have contact with plaintiffs, and would have instead sought religious instruction and involvement elsewhere. Moreover, plaintiffs are of the information and belief that such a disclosure would result in a scandal; the result of which would be a consequent loss of revenue to the parish and ARCHDIOCESE.

122. Plaintiffs, instead, justifiably relied on the ARCHDIOCESE and other defendants' material representations and omissions. As a result of this reliance, plaintiffs attended parochial school and involved themselves in other parish related activities, which the defendants knew or should have known, would result in the plaintiffs being victimized by sexually abusive priests, including defendant priests. [\[page 46 begins\]](#)

123. By reason of this fraud perpetrated upon the plaintiffs, and their parents, plaintiffs were caused to sustain severe, and permanent, personal injuries, have endured, and will endure, great mental distress and physical and emotional suffering, were required, and will be required, to undergo psychotherapy and hospitalizations and will be permanently injured.

124. The details and extent of the fraud perpetrated upon the plaintiffs and other parishioners by the defendants was not discovered by the plaintiffs until 2002.

125. Because the fraud as herein alleged was perpetrated not only upon the plaintiffs, but upon the parishioners of the ARCHDIOCESE and public at large, and involved a high degree of moral culpability, plaintiffs are entitled to recover compensatory and punitive damages.

WHEREFORE, plaintiffs demand judgment against defendants for compensatory damages, damages for pain and suffering, punitive damages, interest and costs and such other and further relief as to this court may be just and proper.

Dated: New York, New York
February 26, 2004

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