

# BishopAccountability.org

---

[Court document below was obtained from the Newsday Web site:  
<http://www.newsday.com/news/printedition/ny-priestsuit1,0,7200063.story?coll=ny-news-archive>]

April 14, 2003

SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF NASSAU

BRIAN COMPASSO, WAYNE COMPASSO , Plaintiff 1, JOSPEH RUSSO, Plaintiff 3, Plaintiff 4,  
LOUIS MARTINO, Plaintiff 2, Plaintiff 5, MATTHEW MOSHER , and DANIEL HUNTER,

Plaintiffs, VERIFIED

COMPLAINT against

Index No.

REVEREND EUGENE VOLLMER, REVEREND ANGELO DITTA, ESTATE OF REVEREND WILLIAM MICHAEL BURKE , BROTHER HOWARD MURPHY, MONSIGNOR ALAN PLACA, MONSIGNOR FRANCIS J. CALDWELL, MONSIGNOR JOHN ALESANDRO, BISHOP WILLIAM FRANCIS MURPHY, ROMAN CATHOLIC DIOCESE OF ROCKVILLE CENTRE, JOHN DOE and JANE DOE, priests, clergy and Administrators whose names are unknown to the plaintiffs,

Defendants.

Plaintiffs, by their attorneys, DELL & LITTLE, LLP, complaining of the

Defendants, respectfully allege, upon information and belief, as follows:

THE PARTIES PLAINTIFFS: BRIAN COMPASSO, WAYNE COMPASSO , Plaintiff 1, JOSPEH RUSSO, Plaintiff 3, Plaintiff 4, LOUIS MARTINO, Plaintiff 2, Plaintiff 5, MATTHEW MOSHER, and DANIEL HUNTER Victims of Defendant Reverend Eugene VOLLMER (hereinafter "VOLLMER")

1. At the time of the commencement of this action, Plaintiff BRIAN COMPASSO is a resident of the County of Suffolk, State of New York. At all times herein mentioned, plaintiff was an infant parishioner of the parish of St. Joseph, Ronkonkoma, County of Suffolk, New York. He initially came into contact with Defendant VOLLMER in or about the summer of 1977 while participating in a youth prayer group run by the said parish, and headed by Defendant VOLLMER, then a deacon. He was a minor child when he was sexually and psychologically abused by VOLLMER in or about 1977.

2. At the time of the commencement of this action, Plaintiff WAYNE COMPASSO is a resident of the County of Suffolk, State of New York. At all times herein mentioned, plaintiff was an infant parishioner of the parish of St. Joseph, Ronkonkoma, County of Suffolk, New York. He initially came into contact with Defendant VOLLMER in or about the summer of 1977 while participating in a youth prayer group run by the said parish, and headed by Defendant VOLLMER, then a deacon. He was a minor child when he was sexually and psychologically abused by VOLLMER in or about 1977. Plaintiff WAYNE COMPASSO is the brother of Plaintiff BRIAN COMPASSO.

3. At the time of the commencement of this action, Plaintiff 1is a resident of the State of Florida.. At all times herein mentioned, plaintiff was an infant parishioner of the parish of St. Joseph, Ronkonkoma, County of Suffolk, New York. He initially came into contact with Defendant VOLLMER in or about the summer of 1977 while participating in a youth prayer group run by the said parish, and headed by Defendant VOLLMER, then a deacon. He was a minor child when he was sexually and psychologically abused by VOLLMER in or about 1977.

4. At the time of the commencement of this action, Plaintiff JOSEPH RUSSO is a resident of the County of Suffolk, State of New York. At all times herein mentioned, plaintiff was an infant parishioner of the parish of St. Joseph, Ronkonkoma, County of Suffolk, New York. He initially came into contact with Defendant VOLLMER in or about the summer of 1977 while participating in a youth prayer group run by the said parish, and headed by Defendant VOLLMER, then a deacon. He was a minor child when he was sexually and psychologically abused by VOLLMER in or about 1977.

5. At the time of the commencement of this action, Plaintiff 3 is a resident of the County of Suffolk, State of New York. At all times herein mentioned, plaintiff was an infant parishioner of the parish of St. Joseph, Ronkonkoma, County of Suffolk, New York. He initially came into contact with Defendant VOLLMER in or about the winter of 1977 while attending the elementary school run by the said parish. He was a minor child when he was sexually and psychologically abused by VOLLMER from approximately 1977 through 1981.

6. At the time of the commencement of this action, Plaintiff 4 is a resident of the State of California. At all times herein mentioned, plaintiff was an infant parishioner of the parish of St. Thomas the Apostle, West Hempstead, County of Nassau, New York. He initially came into contact with Defendant VOLLMER in or about the fall of 1977 while attending the elementary school run by the said parish and while serving as an altar boy supervised by Defendant VOLLMER, then a deacon. He was a minor child when he was sexually and psychologically abused by VOLLMER from approximately 1980 through 1983.

7. At the time of the commencement of this action, Plaintiff LOUIS MARTINO is a resident of the County of Nassau, State of New York. At all times herein mentioned, plaintiff was an infant parishioner of the parish of St. Thomas the Apostle, West Hempstead, County of Nassau, New York. He initially came into contact with Defendant VOLLMER in or about 1982 while a student at the elementary school run by said parish.. He was a minor child when he was sexually and psychologically abused by VOLLMER from approximately 1982 through 1987.

8. At the time of the commencement of this action, Plaintiff 2 is a resident of the County of Suffolk, State of New York. At all times herein mentioned, plaintiff was an infant parishioner of the parish of St. Thomas the Apostle, West Hempstead, County of Nassau, New York. He initially came into contact with Defendant VOLLMER in or about 1982 when he was a student at the elementary school run by said parish, and while working in the rectory where Defendant VOLLMER resided. He was a minor child when he was sexually and psychologically abused by VOLLMER from approximately 1982 through 1985.

9. At the time of the commencement of this action, Plaintiff 5 is a resident of the County of Nassau, State of New York. At all times herein mentioned, plaintiff was an infant parishioner of the parish of Our Lady of Victory, Floral Park, County of Nassau, New York. He initially came into contact with Defendant VOLLMER in or about 1990 when he was a student at the elementary school run by said parish, and while serving as an altar boy at said parish. He was a minor child when he was sexually and psychologically abused by VOLLMER from approximately 1990 through 1991.

Victim of Defendant Reverend Angelo DITTA ( hereinafter "DITTA")

10. At the time of the commencement of this action, Plaintiff MATTHEW MOSHER is a resident of the County of Suffolk, State of New York. At all times herein mentioned, plaintiff was an infant parishioner of the parish of Our Lady of Grace, West Babylon, County of Suffolk, New York. He initially came into contact with Defendant DITTA in 1984 while attending the elementary school run by the said parish, and while serving as an altar boy supervised by Defendant DITTA, then a deacon. He was a minor child when he was sexually and psychologically abused by DITTA from approximately 1984 through 1989.

Victim of Reverend William Michael Burke, Deceased (hereinafter "BURKE")

11. At the time of the commencement of this action, Plaintiff DANIEL HUNTER is a resident of the

State of South Carolina. At all times herein mentioned, plaintiff was an infant parishioner of the parish of St. Lawrence the Martyr, Sayville, County of Suffolk, New York. He initially came into contact with BURKE in or about 1970 while attending the elementary school run by the said parish. He was a minor child when he was sexually and psychologically abused by BURKE from approximately 1970 through 1973.

Victim of Brother Howard Murphy (hereinafter "MURPHY")

12. Plaintiff LOUIS MARTINO, referred to in paragraph " 7 " above, initially came into contact with Defendant MURPHY while attending St. Mary's High School, run by the parish of the same name, Manhasset, County of Nassau, New York He was a minor child when he was sexually and psychologically abused by MURPHY in or about 1984.

## DEFENDANTS

Defendant BISHOP WILLIAM FRANCIS MURPHY (hereinafter "MURPHY") is and has been the Bishop and Chief Executive Officer of the Defendant ROMAN CATHOLIC DIOCESE OF ROCKVILLE CENTRE (hereinafter "DIOCESE") since in or about September of 2001. As more fully set forth in the SUFFOLK COUNTY SUPREME COURT SPECIAL GRAND JURY REPORT ( dated January 17, 2003, Rosanne Bonventre, foreperson) attached hereto as Exhibit A and incorporated herein by reference, ( hereinafter referred to as "G.J."), the BISHOP "heads" the DIOCESE. G.J. at 3. In this capacity he is ultimately responsible for the hiring, firing, discipline, assignments and transfers of all pastors and priests of the DIOCESE as well as the operation of each parish church. Previous to MURPHY said DIOCESE was headed by Bishop Walter P. Kellenberg, 1957-1976; Bishop John R. McGann, 1976-2000 and Bishop James T. McHugh, 2000 (hereinafter all Bishops of the DIOCESE including MURPHY will be collectively referred to as the "BISHOPS"). All acts and omissions of the DIOCESE'S previous BISHOPS are imputed to the DIOCESE. Plaintiffs are of the information and belief that MURPHY is the President of the Diocesan Corporation. MURPHY is also a Trustee of each parish and president of each parish corporation in the DIOCESE. Moreover, Plaintiffs are of the information and belief that MURPHY has knowledge of the problems central to the allegations herein, namely the existence of priests in the DIOCESE who have sexually abused children in their respective parishes and he is similarly aware of the efforts undertaken since becoming Bishop of the DIOCESE to conceal said acts of sexual abuse and otherwise prevent their disclosure to parishioners, plaintiffs and the general public. MURPHY'S knowledge of the problem of sexual abuse of minor parishioners by priests in the Catholic Church pre-existed his present position. He had actual knowledge of priests who had sexually abused minors and had been involved in a similar scheme to prevent the disclosure of sexual abuse by priests when he served as Bishop and other various administrative positions in the Archdiocese of Boston prior to assuming his present role as BISHOP.

13. Upon information and belief, at all times herein mentioned, Defendant ROMAN CATHOLIC DIOCESE OF ROCKVILLE CENTRE (hereinafter "DIOCESE" ) was and still is a religions corporation organized under and existing by virtue of the laws of the State of New York, with a principal place of business in Rockville Centre, County of Nassau, State of New York.

14. At all times herein mentioned, Defendant DIOCESE owned, managed, operated, supervised and controlled all of the Catholic parish churches, diocesan schools, parish church schools, secondary schools and various other Catholic Church entities in the counties of Nassau and Suffolk in New York. The DIOCESE was formed in around 1957 and prior to that time the Catholic parish churches in the counties of Nassau and Suffolk were under the control and otherwise part of the ROMAN CATHOLIC DIOCESE OF BROOKLYN. The DIOCESE through defendant the BISHOPS as well as defendants ALAN PLACA, who as more fully described below was the head of the DIOCESE'S Office of Legal Affairs (hereinafter "PLACA"), FRANCIS CALDWELL (hereinafter "CALDWELL") and JOHN ALESANDRO (hereinafter "ALESANDRO") as well as the Directors of Priest Personnel who preceded CALDWELL and other defendants in the DIOCESE whose names are presently unknown to plaintiffs have actual knowledge that within and over the course of the at least the last forty years, priests within the DIOCESE, including those named as individual defendants herein, and others whose names are presently unknown, have sexually abused children in the various parishes to which said

priests had been assigned by the BISHOPS and the DIOCESE. See G.J. at pp.172-173. The DIOCESE is composed of 134 parishes and each parish is headed by a pastor, who is appointed by the BISHOP and is his representative in the parish. The pastor "speaks for the BISHOP" .G.J. at p.3. A pastor is the immediate supervisor of the incardinated priests within his parish. G.J. at 4. The DIOCESE is ultimately responsible for a priest incardinated in it. At all times herein mentioned, Defendant priests resided in rectories in parishes in Nassau and Suffolk Counties.

15. Upon information and belief, Defendant PLACA was ordained in or about May of 1970. PLACA served as Vice-Chancellor of the DIOCESE from 1988 until about April of 2002. PLACA was an instrumental part of the DIOCESE'S concerted effort to fraudulently conceal its acts from plaintiffs and parishioners in the parish churches and schools in the DIOCESE. During a significant part of his tenure with the DIOCESE, he helped design, implement, author and execute the DIOCESE'S sexual abuse policy and procedures. As more fully set forth in the Grand Jury report, he was variously the head and otherwise in charge of the "Office of Legal Affairs" and an entity within the Office known in the DIOCESE as the "Intervention Team." Its primary purpose was to investigate and attend to allegations of child sexual abuse committed by priests. PLACA is also an attorney, having been admitted to the bar of the State of New York in or about 1984. See G.J. p. 115-117. PLACA holds himself out as an expert on clerical sexual abuse, and has consulted on and settled clerical sexual abuse cases for dioceses around the country. PLACA also acted in an "of counsel" capacity to the DIOCESE's law firm, most recently known as Spellman Walsh Rice Schure & Markus, LLP, and was still listed as such on the firm's letterhead as of May of 2002.

16. Defendant CALDWELL was and still is the Director of Priest Personnel for the DIOCESE since about 1994. CALDWELL was preceded by MSGR JAMES McNAMARA. The acts of MSGR McNAMARA are imputed to the DIOCESE. The Director of Priest Personnel has access to the personnel files of all priests working in the DIOCESE and had a variety of responsibilities including arranging for the placement and transfer of priests within the DIOCESE. Until the early 1980's, the Diocesan Director of Priest Personnel had responsibility for the cases involving the sexual abuse of children by priests. G.J. p. 18, fn. 14, p.106.

17. Defendant ALESANDRO was a member of the "Intervention Team" during the years 1992 through 2002. ALESANDRO is also an attorney, having been admitted to the bar of the State of New York in or about 1995. ALESANDRO also acts in an "of counsel" capacity to the DIOCESE's law firm, most recently known as Spellman Walsh Rice Schure & Markus, LLP, and was still listed as such on the firm's letterhead as of May of 2002.

#### Individual Priest Defendants

18. At all times herein mentioned, Defendant REVEREND EUGENE VOLLMER was a resident of the State of New York. During the acts complained of herein, Defendant VOLLMER was first a deacon who was then ordained a Roman Catholic priest. Unless otherwise stated, all acts of sexual abuse and/or negligence forming the basis for this complaint took place in or about the State of New York. Defendant VOLLMER is referred to as "Priest D" in the attached Grand Jury Report. G.J. at 26-35. During his 25 year career as a priest, he was assigned to seven (7) different parishes within the DIOCESE, in both Nassau and Suffolk counties. His present whereabouts are unknown.

19. At the time of the wrongful conduct complained of herein VOLLMER was an employee and agent of the DIOCESE 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 DIOCESE.

20. At the different Parish Churches he was assigned to work in by the DIOCESE, he had regular and frequent contact with children who attended the parish church and schools, a circumstance of which the DIOCESE had notice. Plaintiffs are also of the information and belief that the DIOCESE and the BISHOPS knew or should have known that VOLLMER committed acts of sexual abuse against children including plaintiffs BRIAN COMPASSO, WAYNE COMPASSO , Plaintiff 1, JOSPEH RUSSO, Plaintiff 3, Plaintiff 4, LOUIS MARTINO, Plaintiff 2 and Plaintiff 5, and further that the DIOCESE and the BISHOPS concealed from plaintiffs their own negligent wrong-doing as it related to the acts of sexual abuse complained of herein. Upon information and belief, Defendant VOLLMER was removed

from active duty by Defendant DIOCESE in or about March of 2002.

21. At all times herein mentioned, Defendant REVEREND ANGELO DITTA was a resident of the State of New York. During the acts complained of herein, Defendant DITTA was first a deacon who was then ordained a Roman Catholic priest. Unless otherwise stated, all acts of sexual abuse and/or negligence forming the basis for this complaint took place in or about the State of New York. Defendant DITTA is referred to as "Priest H" in the attached Grand Jury Report. G.J. at 51-53. At the time he first sexually abused plaintiff MATTHEW MOSHER, he was a deacon at the parish of Our Lady of Grace in West Babylon, County of Suffolk, New York, and was subsequently assigned to the parish of St. Margaret of Scotland in Selden, County of Suffolk, New York where the abuse of plaintiff MATTHEW MOSHER continued, and was subsequently transferred to the parish of St. Louis de Monfort in Sound Beach, County of Suffolk, New York, where the abuse of plaintiff MATTHEW MOSHER continued. His present whereabouts are unknown.

22. At the time of the wrongful conduct complained of herein DITTA was an

employee and agent of the DIOCESE 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 DIOCESE.

23. At the different parish churches he was assigned to work in by the DIOCESE, he had regular and frequent contact with children who attended the parish churches and schools, a circumstance of which the DIOCESE had notice. Plaintiffs are also of the information and belief that the DIOCESE and the BISHOPS knew or should have known that DITTA committed acts of sexual abuse plaintiff MATTHEW MOSHER and other children, and further that the DIOCESE and the BISHOPS concealed from plaintiffs their own negligent wrong-doing as it related to the acts of sexual abuse complained of herein. Upon information and belief, Defendant DITTA was removed from active duty by Defendant DIOCESE in or about March of 2002.

24. At all times herein mentioned, REVEREND WILLIAM MICHAEL BURKE, Deceased, was a resident of the State of New York. During the acts complained of herein, BURKE was first a deacon who was then ordained a Roman Catholic priest. Unless otherwise stated, all acts of sexual abuse and/or negligence forming the basis for this complaint took place in or about the State of New York. At the time he first sexually abused plaintiff DANIEL HUNTER, he was a deacon at the parish of St. Lawrence the Martyr in Sayville, County of Suffolk, New York. He died in a house fire in or about March of 1995.

25. At the time of the wrongful conduct complained of herein BURKE was an employee and agent of the DIOCESE 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 DIOCESE.

26. At the different parish churches he was assigned to work in by the DIOCESE, he had regular and frequent contact with children who attended the parish churches and schools, a circumstance of which the DIOCESE had notice. Plaintiffs are also of the information and belief that the DIOCESE and the BISHOPS' knew or should have known that BURKE committed acts of sexual abuse against plaintiff DANIEL HUNTER and other children, and further that the DIOCESE and the BISHOPS concealed from plaintiffs their own negligent wrong-doing as it related to the acts of sexual abuse complained of herein.

27. At all times herein mentioned, Defendant BROTHER HOWARD MURPHY (hereinafter "BROTHER MURPHY") was a resident of the State of New York. During the acts complained of herein, Defendant BROTHER MURPHY was a Marist Brother. Unless otherwise stated, all acts of sexual abuse and/or negligence forming the basis for this complaint took place in or about the State of New York. At the time he sexually abused plaintiff LOUIS MARTINO, he was a Brother at St. Mary's High School in Manhasset, County of Nassau, New York. His present whereabouts are unknown.

28. At the time of the wrongful conduct complained of herein BROTHER

MURPHY was an employee and agent of the DIOCESE 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 DIOCESE.

29. At the different parish churches he was assigned to work in by the DIOCESE, he had regular and frequent contact with children who attended the parish churches and schools, a circumstance of which the DIOCESE had notice. Plaintiffs are also of the information and belief that the DIOCESE and the BISHOPS knew or should have known that BROTHER MURPHY committed acts of sexual abuse against plaintiff LOUIS MARTINO and other children, and further that the DIOCESE and the BISHOPS concealed from plaintiffs their own negligent wrong-doing as it related to the acts of sexual abuse complained of herein.

## THE FACTS

### The Facts Common to Each Plaintiff

Plaintiffs are of the information and belief as to the following facts concerning the DIOCESE, BISHOPS, PLACA, CALDWELL, ALESANDRO and defendants whose names are presently unknown to plaintiffs.

### General Factual Allegations Concerning Defendants' Policy & Practice for Dealing With the Problem of Sexually Abusive Priests

30. From approximately 1957 through 2002 defendant PRIESTS (for purposes of this complaint defendant BROTHER MURPHY will be included in the reference to "defendant PRIESTS". Said reference will include Defendants VOLLMER, DITTA BURKE and BROTHER MURPHY), and a specified number of priests whose names are presently unknown to plaintiffs who were assigned or incardinated to and/or worked in the DIOCESE of Rockville Centre variously committed criminal acts in violation of New York State Penal Law Article 130, Sex Offenses, and other statutes designed to protect the health, safety and welfare of children. These criminal acts included, but were not limited to, Rape, Sodomy, Sexual Abuse, Endangering the Welfare of a Child and Use of a Child in a Sexual Performance. (G.J. at p. 172)

31. The DIOCESE, MURPHY and his predecessor BISHOPS, PLACA, ALESANDRO and CALDWELL knew or should have known that priests within the DIOCESE had sexually abused children as described above. Despite this knowledge, said defendants developed and executed a deliberate covert policy and practice for dealing with these aforementioned sexually abusive priests which had several purposes including but not limited to the following: preventing scandal among the parishioners and public, preventing the loss of financial contributions which would likely occur in the aftermath of revealing such a scandal, preventing the filing of civil suits and circumventing the criminal law process. (See G.J. at 173).

32. The DIOCESE, MURPHY and the BISHOPS knew the sexual abuse of

children by priests was rampant in the DIOCESE and never informed or warned the plaintiffs, their parents or other parishioners of same so that plaintiffs could protect themselves.

33. The DIOCESE, BISHOPS, MURPHY, PLACA and CALDWELL created a climate in the DIOCESE of Rockville Centre to keep the problem of sexual abuse by priests including defendant priests from the knowledge of the parishioners and the public at large. Said defendants intentionally engaged in conduct that resulted in the prevention, hindrance and delay in the discovery of criminal sexual abuse by priests. These defendants conceived and agreed to a secret official policy and plan using deception and intimidation to prevent victims from seeking legal solutions to their problems. G.J at 173. An integral part of this secret official policy of the DIOCESE both at the parish level and DIOCESE level was to never report criminal activity by fellow clergyman.

34. The DIOCESE, MURPHY and the BISHOPS by and through the pastors in the parishes in the DIOCESE failed to exercise supervisory control over rectory life and the conduct of priests in their parish which resulted in a failure to control the sexual misconduct of priests including defendant

priests. Rules of conduct were flouted by defendants priests and other priests who sexually abused children without consequence. Rarely was an official complaint made either by a priest to a pastor, a priest to the DIOCESE or a pastor to the DIOCESE. Said defendants and pastors lied about what they knew about sexually abusive priests to their parishioners and to the public at large. G.J. at p. 95

35. In its dealing with the sexual abuse victims including plaintiffs, the DIOCESE, MURPHY, the BISHOPS, PLACA , ALESANDRO and CALDWELL placed the interests of the DIOCESE above that of the plaintiffs. Said defendants protected abusive priests under the guise of confidentiality to the emotional and physical detriment and injury of plaintiffs. Placing the interests of the DIOCESE over that of the victims of priest abuse, exposed plaintiffs and other children similarly situated to predatory, serial, child molesters working as priests. (See G.J. at p. 106)

36. In furtherance of the policy outlined above the DIOCESE, MURPHY and his predecessor BISHOPS, PLACA ,ALESANDRO and CALDWELL failed to act on obvious warning signs of sexual abuse including but not limited to the following instances: priests had children in their private rooms in the rectory overnight, priests drank alcohol with underage children and priests exposing children to pornography. G.J. at p.172

37. The DIOCESE, MURPHY and the BISHOPS failed to train and educate themselves, pastors and priests in child abuse identification, detection and prevention.

38. Even when some plaintiffs as well as other victims and their families made complaints about priests to the DIOCESE, MURPHY, the BISHOPS, PLACA, CALDWELL and other defendants whose names are presently unknown to plaintiffs, these complaints were variously ignored, minimized, or denied. And when such complaints were made said defendants did not make any effort to warn other children or parishioners of the predations of the complained of priest or to independently investigate to discover if there were any other victims of said priest.

39. Those victims including plaintiffs and/or their families who did report to the DIOCESE, MURPHY, the BISHOPS, PLACA, ALESANDRO, CALDWELL and other defendants whose names are presently unknown to plaintiffs were sometimes promised help, but the assistance they received was inadequate to effectively address their injuries. Said injuries were compounded and exacerbated and plaintiffs were re-victimized by said defendants reactions which included ignoring the complaints and belittling the complainants including plaintiffs.

40. In some cases the DIOCESE, MURPHY, the BISHOPS, PLACA , ALESANDRO and CALDWELL procrastinated in their response to plaintiffs for the purpose of intentionally allowing the civil and criminal statutes of limitation to expire. G.J. at p. 95.

41. Even where the DIOCESE, MURPHY, the BISHOPS, PLACA, ALESANDRO and CALDWELL had knowledge that a priest had abused children, despite their assurances to the victims' families that said priest would be removed from the ministry, the priest was variously sent for "treatment" and/or transferred to another parish in the DIOCESE or outside the DIOCESE. (See G.J. at p. 14, 33)

42. In some cases priests who received "treatment" for their sexual abuse problems were, despite recommendations from mental health professionals to the contrary, assigned by the DIOCESE to positions which allowed them to have further unfettered contact with children and adolescents. Parishioners in parishes in the DIOCESE, including plaintiffs and those in parishes outside the DIOCESE were not informed of the abusive priest's prior history of abuse or the real reason for the assignment into the parish. This practice of transferring the offending priest to another parish was intended to purposely mislead and conceal from parishioners, the victims including the plaintiffs and the general public as to the DIOCESE'S true intentions with respect to offending priests.

Defendants PLACA ,CALDWELL and ALESANDRO

43. Defendants DIOCESE, MURPHY and BISHOPS by and through defendants PLACA, CALDWELL, ALESANDRO and defendants whose names are unknown to plaintiffs at this time sought to execute their policy and practice for dealing with sexually abusive priests through the DIOCESE'S Office of

Legal Affairs. Prior to the formation of the Office of Legal Affairs sexual abuse "policy" was carried out by and through the Director of Priest Personnel. Said entities processed victim's complaints, reviewed treatment options for the priest and his victims, made decisions regarding treatment facilities and recommended reintegration into the ministry for priests under their "supervision". From its inception in 1985 until 1992, the Office of Legal Affairs provided the exclusive method for dealing with the criminal sexual abuse of children by priests in the DIOCESE. (See G.J. pp115-122)

44. PLACA and other defendants whose names are unknown at this time to plaintiffs promoted themselves as experts in dealing with issues relating to the sexual abuse of children. G.J. at p. 99

45. The primary goal of the Office of Legal Affairs and the Intervention Team was to protect the DIOCESE as set forth above. These entities deceived plaintiffs and other victims of priest sexual abuse through a carefully constructed ruse. The Office of Legal Affairs and the Intervention Team were primarily run by PLACA who was both a canon lawyer and an attorney admitted to practice in the state of New York. In his dealings with plaintiffs and other victims PLACA portrayed himself and the DIOCESE and BISHOPS as being concerned with the victims' well-being, but his real agenda was to protect the DIOCESE and BISHOPS for the reasons set forth above. Defendants CALDWELL and ALESANDRO assisted PLACA and the DIOCESE in helping to negotiate abuse claims with victims.

46. In carrying out his designated duties in dealing with victims, PLACA often wearing a priest's collar, would identify himself as the Bishop's representative. Although he was also a civil lawyer, PLACA would not mention this fact during his dealings with victims.

47. PLACA, CALDWELL, ALESANDRO and other defendants whose names are unknown at this time to plaintiffs knew or should have known that the actions of these sexually abusive priests was criminal, yet none of these defendants or their superiors, including defendant MURPHY and his predecessor BISHOPS ever reported these crimes to any law enforcement entities.

48. PLACA, CALDWELL, ALESANDRO and other defendants working with the Intervention Team or the Office of Legal Affairs whose names are unknown at this time to plaintiffs knew or should have known the inherent conflict in their positions - counseling and pretending to protect the interests the victims, including plaintiffs, while in reality protecting the interests of the DIOCESE and its abuser priests, including defendant PRIESTS herein.

49. The personnel of the Office of Legal Affairs and the intervention team purposely sought to dissuade and otherwise use their position to deceive and manipulate the victims and their families into not pursuing legal action against the DIOCESE. In fact PLACA in furtherance of the plan to deceive plaintiffs and other parishioner/victims as to the true purpose of his role sought to have those answering his phone in the Office of Legal Affairs to simply saying "Father Placa" instead of the Office of Legal Affairs. G.J. at p. 122.

50. MURPHY, his predecessor BISHOPS, the DIOCESE, PLACA, ALESANDRO, CALDWELL and other unnamed defendants presently unknown to plaintiffs by their acts and omissions sought to convince those plaintiffs and others who did complain about a specific priest that their sexually abusive experience was an isolated circumstance, when in fact they knew of prior allegations and complaints regarding said priests, including Defendant PRIESTS herein.

51. In an effort to prevent public disclosure of the sexual abuse allegations, PLACA acting on behalf of the DIOCESE and the BISHOPS made payment for the victim's therapy expressly contingent upon the victim remaining silent about the abuse. Furthermore, the DIOCESE goal was not to assist the victim but to return the priest to ministry.

52. The re-assignment of sexual abuse offenders and the payment of monetary payments to victims to guarantee their silence had the effect of concealing and preventing the discovery of heinous crimes committed by priests.

53. As a result of said deceptive practices outlined herein, most victims who did complain to the DIOCESE, including some plaintiffs did not do so until after the Statute of Limitations on civil and

criminal actions had expired.

54. MURPHY, his predecessor BISHOPS, the DIOCESE, PLACA, CALDWELL and unnamed defendants aided and abetted the concealment of criminal conduct of defendant individual priests by failing and refusing to report to civil authorities allegations of sexual abuse by said priests, which caused, allowed and permitted additional children, including plaintiffs, to be molested by predatory priests. Fraudulent Concealment

55. MURPHY, the BISHOPS, the DIOCESE, PLACA, CALDWELL and unnamed defendants sought through their policies and practices outlined above in paragraphs "30" through "54" to fraudulently conceal from plaintiffs both the causes of action plaintiffs had against Defendants and the facts necessary for plaintiffs to know they had causes of action against said defendants. As a result of this fraudulent concealment, plaintiffs did not file their negligence actions within the statutorily proscribed periods.

56. On or around the period MARCH OF 2002 through JANUARY of 2003, through media reports both on television and in the newspapers and through knowledge gained about the aforementioned Suffolk County Grand Jury Report Plaintiffs for the first time discovered the efforts and massive campaign of defendants to fraudulently conceal their wrongful acts as alleged herein.

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

#### Further Facts Common to Plaintiffs

58. Each plaintiff was raised in a Roman Catholic family. As a result of each plaintiff's involvement in their respective parish churches, schools and the DIOCESE, each plaintiff had been taught to trust and rely upon their parish priests and clergy, including the respective priests who abused them as well as the DIOCESE, BISHOPS, PLACA, CALDWELL and the other unnamed defendants. As a result of this trust, reliance and belief, each plaintiff as a minor considered defendant priests, BISHOPS, PLACA, CALDWELL and other unnamed defendants in the DIOCESE, priests and pastors honored and revered individuals. Each defendant priest was regarded by those who they abused in such a revered fashion as described above. Furthermore, as a result of this trust, belief and reliance, each plaintiff as a minor developed respect for, felt obedience to and placed great confidence in the respective priests who abused them, the BISHOPS, the DIOCESE and all other named and unnamed defendants. By their deeds and actions, the various defendant priests, the BISHOPS, the DIOCESE and all other named and unnamed defendants explicitly and implicitly represented to each plaintiff and led each plaintiff to believe that they were benevolent and trustworthy stewards who would only act in the best interest of each plaintiff.

59. Each of the plaintiffs who attended parochial school had an expectation during that time period that they would be protected from harm by their teachers, parish school administrators, pastor and other parish priests during the time period that they were in school or otherwise under the care and supervision of the parish school. Furthermore each plaintiff so situated had an expectation that the DIOCESE, BISHOP and other defendants would not subject plaintiffs to harm.

#### Facts Specific to Individual Plaintiffs

60. Plaintiff BRIAN COMPASSO was sexually abused by defendant VOLLMER when he was approximately 16 years old. He was a member of a youth prayer group at St. Joseph's parish in Ronkonkoma led by Defendant VOLLMER, then a deacon. The sexual abuse occurred when Defendant VOLLMER took said plaintiff and other boys to his parent's home in Southampton, New York.

61. The sexual abuse included VOLLMER performing oral sex on the plaintiff, fondling plaintiff's genitals and laying on top of and grinding against Plaintiff's body.

62. That by reason of the said sexual abuse, Plaintiff, BRIAN COMPASSO, was caused to sustain severe and permanent personal injuries, has endured and will endure great mental distress and physical and emotional suffering, was required and will be required to undergo psychotherapy and hospitalization and will be permanently injured. The abuse caused Plaintiff BRIAN COMPASSO severe stress, anxiety, guilt, fear, humiliation and shame, and negatively impacted on plaintiff's ability to form relationships and his sense of self worth. It also caused him to abuse drugs and alcohol.

63. That after said sexual abuse was committed upon Plaintiff BRIAN COMPASSO by Defendant VOLLMER, said Plaintiff reported said sexual abuse of himself as well as his suspicions that Defendant VOLLMER was also sexually abusing plaintiff 3 to a priest and/or pastor assigned to St. Joseph. Subsequent thereto, Defendant VOLLMER was transferred to another parish.

64. Plaintiff WAYNE COMPASSO was sexually abused by defendant VOLLMER when he was approximately 17 years old. He is the older brother of Plaintiff BRIAN COMPASSO. He was a member of a youth prayer group at St. Joseph's parish in Ronkonkoma led by Defendant VOLLMER, then a deacon. The sexual abuse occurred when Defendant VOLLMER took said plaintiff and other boys to his parent's home in Southampton, New York. The sexual abuse included VOLLMER performing fondling plaintiff's genitals.

65. That by reason of the said sexual abuse, Plaintiff, WAYNE COMPASSO, was caused to sustain severe and permanent personal injuries, has endured and will endure great mental distress and physical and emotional suffering, was required and will be required to undergo psychotherapy and will be permanently injured. The abuse caused Plaintiff WAYNE COMPASSO severe stress, anxiety, guilt, fear, humiliation and shame, and negatively impacted on plaintiff's marriage.

66. Plaintiff 1 was sexually abused by defendant VOLLMER when he was approximately 15 years old. He was a member of a youth prayer group at St. Joseph's parish in Ronkonkoma led by Defendant VOLLMER, then a deacon. The sexual abuse occurred when Defendant VOLLMER took said plaintiff and other boys to his parent's home in Southampton, New York.

67. The sexual abuse included VOLLMER performing oral sex upon the plaintiff, fondling plaintiff's genitals and laying on top of and grinding against plaintiff's body. The abuse continued for approximately one year.

68. That by reason of the said sexual abuse, Plaintiff 1, was caused to sustain severe and permanent personal injuries, has endured and will endure great mental distress and physical and emotional suffering, was required and will be required to undergo psychotherapy, rehabilitation and hospitalization and will be permanently injured. The abuse caused Plaintiff severe stress, anxiety, guilt, fear, humiliation and shame, caused him to abuse alcohol and drugs and attempt suicide.

69. Plaintiff JOSEPH RUSSO was sexually abused by defendant VOLLMER when he was approximately 14 years old. He was a member of a youth prayer group at St. Joseph's parish in Ronkonkoma led by Defendant VOLLMER, then a deacon. The sexual abuse occurred when Defendant VOLLMER took said plaintiff and other boys to his parent's home in Southampton, New York. The sexual abuse included VOLLMER performing oral sex upon the plaintiff.

70. That by reason of the said sexual abuse, Plaintiff, JOSEPH RUSSO, was caused to sustain severe and permanent personal injuries, has endured and will endure great mental distress and physical and emotional suffering, was required and will be required to undergo psychotherapy and will be permanently injured. The abuse caused Plaintiff JOSEPH RUSSO severe stress, anxiety, guilt, fear, humiliation and shame and caused him to drop out of school and to abuse alcohol and drugs.

71. Plaintiff 3 was sexually abused by defendant VOLLMER from the time he was approximately 14 until he was 18 years old . He was a student and altar boy at St. Joseph's parish in Ronkonkoma , who was taught guitar by Defendant VOLLMER. The sexual abuse occurred many places, including in Defendant VOLLMER's room in the rectory at St. Joseph's, when he took said plaintiff on two trips to Yellowstone, at an Indiana campground, in motel rooms, at the Plaintiff's parent's home, in Defendant VOLLMER's room in the rectory at the parish of Our Lady of Perpetual Help in Lindenhurst, New York

and in Defendant VOLLMER's rectory room at the parish of St. Thomas the Apostle in West Hempstead, New York. Plaintiff would often spend the night in Defendant VOLLMER's rectory rooms at the various parishes.

72. The pastor and priests living in the rectory at St. Joseph, including but not limited to Father Peter Allen, Father Ted Howard, Father Charles Kohli and Father Ed Muhs knew or should have known that Plaintiff 3 and other boys were being sexually abused by Defendant VOLLMER in his room at the said rectory.

73. Defendant VOLLMER became entwined with plaintiff's family, often coming for dinner on Sundays and was invited on family vacations. He officiated at plaintiff's wedding and christened his first child.

74. The sexual abuse included VOLLMER performing oral sex upon the plaintiff, fondling plaintiff's genitals, touching , performing sex acts with others in front of plaintiff and forcing plaintiff to fondle VOLLMER'S genitals until he ejaculated.

75. That by reason of the said sexual abuse, Plaintiff, 3 was caused to sustain severe and permanent personal injuries, has endured and will endure great mental distress and physical and emotional suffering, was required and will be required to undergo psychotherapy and will be permanently injured. The abuse caused Plaintiff 3 severe stress, anxiety, guilt, fear, humiliation and shame. It has caused him repeated nightmares, insomnia and problems with anger management. He also has serious trust issues and intimacy problems.

76. Plaintiff 4 was sexually abused by defendant VOLLMER from the time he was approximately 13 until he was 15 years old . He was a student and altar boy at St. Thomas the Apostle in West Hempstead, and worked in the rectory there, where he was supervised by Defendant VOLLMER. The sexual abuse occurred many places, including in Defendant VOLLMER's room in the rectory at St. Thomas the Apostle.

77. Defendant VOLLMER was very close with plaintiff's family, often coming for dinner and officiating at family weddings and at plaintiff's wedding.

78. The sexual abuse included mutual masturbation and Defendant VOLLMER masturbating plaintiff both alone and in the company of other boys. Defendant VOLLMER would supply plaintiff with beer and pornography and would tell plaintiff that "guys do these things all the time". Plaintiff would often spend the night in Defendant VOLLMER's room at the rectory at St. Thomas the Apostle.

79. That by reason of the said sexual abuse, Plaintiff 4 was caused to sustain severe and permanent personal injuries, has endured and will endure great mental distress and physical and emotional suffering, was required and will be required to undergo psychotherapy, rehabilitation and hospitalization and will be permanently injured. The abuse caused Plaintiff 4 severe stress, anxiety, guilt, fear, humiliation and shame. It has caused him to abuse alcohol and drugs and to attempt suicide many times. He has suffered sexual confusion , nightmares and problems with anger management. He also has serious trust issues.

80. Plaintiff LOUIS MARTINO was sexually abused by defendant VOLLMER from the time he was approximately 13 until he was 17 years old . He was a student at St. Thomas the Apostle in West Hempstead. The sexual abuse occurred in Defendant VOLLMER's rooms in the rectories at St. Thomas the Apostle and Our Lady of Lords in West Islip.

81. The sexual abuse included mutual masturbation, oral sex and anal sex both alone and in the company of other boys. Defendant VOLLMER would supply plaintiff with pornography and would tell plaintiff that "guys do these things all the time".

82. The pastor and priests living in the rectory at St. Thomas the Apostle, including but not limited to Msgr. Walsh, Father Bob Smith and Father William Costello knew or should have known that Plaintiff LOUIS MARTINO and other boys were being sexually abused by Defendant VOLLMER in his room at the said rectory.

83. Subsequent thereto, plaintiff LOUIS MARTINO phoned the DIOCESE and reported the sexual abuse committed upon him by Defendant VOLLMER. He was told it was not nice to make such allegations against a priest and that he could never pursue such a claim without proof, and was hung up on.

84. That by reason of the said sexual abuse, Plaintiff, LOUIS MARTINO was caused to sustain severe and permanent personal injuries, has endured and will endure great mental distress and physical and emotional suffering, was required and will be required to undergo psychotherapy and will be permanently injured. The abuse caused Plaintiff LOUIS MARTINO severe stress, anxiety, guilt, fear, depression, humiliation and shame. It has caused him to attempt suicide and has shattered his faith. He has suffered anger management and trust issues.

85. Plaintiff LOUIS MARTINO was sexually abused by defendant BROTHER MURPHY when he was 15 years old. He was a student at St. Mary's High School in Manhasset, where Defendant BROTHER MURPHY was a guidance counselor. The sexual abuse occurred on a school trip to the Marist Brothers Retreat House in Wappingers Falls, New York. The sexual abuse included oral sex.

86. That by reason of the said sexual abuse, Plaintiff, LOUIS MARTINO was caused to sustain severe and permanent personal injuries, has endured and will endure great mental distress and physical and emotional suffering, was required and will be required to undergo psychotherapy and will be permanently injured. The abuse caused Plaintiff LOUIS MARTINO severe stress, anxiety, guilt, fear, depression, humiliation and shame. It has caused him to attempt suicide and has shattered his faith. He has suffered anger management and trust issues.

87. Plaintiff 2 was sexually abused by defendant VOLLMER from the time he was approximately 13 until he was 15 years old. He was a student and altar boy at St. Thomas the Apostle in West Hempstead, and worked in the rectory there, where he was supervised by Defendant VOLLMER. Plaintiff was also involved in a teen group at the said school, led by Defendant VOLLMER. The sexual abuse occurred in Defendant VOLLMER's room in the rectory at St. Thomas the Apostle.

88. The sexual abuse included mutual masturbation and Defendant VOLLMER masturbating plaintiff both alone and in the company of other boys as well as oral sex. Defendant VOLLMER would supply plaintiff with pornography and would tell plaintiff that "guys do these things all the time".

89. The pastor and priests living in the rectory at St. Thomas the Apostle, including but not limited to Msgr. William Dunn and Father Richard Churchill knew or should have known that Plaintiff 2 and other boys were being sexually abused by Defendant VOLLMER in his room at the said rectory.

90. That by reason of the said sexual abuse, Plaintiff, 2 was caused to sustain severe and permanent personal injuries, has endured and will endure great mental distress and physical and emotional suffering, was required and will be required to undergo psychotherapy and will be permanently injured. The abuse caused Plaintiff 2 severe stress, anxiety, guilt, fear, humiliation and shame.

91. Plaintiff 5 was sexually abused by defendant VOLLMER when he was approximately 13 years old. He was a student and altar boy at Our Lady of Victory in Floral Park, where he was supervised by Defendant VOLLMER. The sexual abuse occurred in the sacristy and in the altar boy room of said church.

92. The sexual abuse included fondling of plaintiff's genitals and touching. Defendant VOLLMER would supply plaintiff with church wine. When plaintiff threatened to report the sexual abuse, Defendant threatened that no one would believe plaintiff, and that he would falsely tell everyone plaintiff was abusing drugs.

93. That by reason of the said sexual abuse, Plaintiff 5 was caused to sustain severe and permanent personal injuries, has endured and will endure great mental distress and physical and emotional suffering, was required and will be required to undergo psychotherapy and will be permanently injured. The abuse caused Plaintiff 5 severe stress, anxiety, guilt, fear, humiliation and shame, as well as trust issues and social problems.

94. Plaintiff MATTHEW MOSHER was sexually abused by defendant DITTA when he was approximately 9 through 14 years old . He was a student and altar boy at Our Lady of Grace in West Babylon , where he was supervised by Defendant DITTA, then a deacon. The sexual abuse occurred in many places, including the church at Our Lady of Grace, DITTA's rooms in the rectories at St. Margaret of Scotland in Selden and St. Louis de Monfort in Sound Beach as well on trips to Montauk and Yugoslavia. Plaintiff would often spend the night in Defendant DITTA's room in the rectory of St. Margaret's, and would have breakfast in the rectory with Defendant DITTA and the other priests who resided there.

95. Defendant DITTA befriended plaintiff's parents, often coming for dinner and spending time with plaintiff's family and was included in family vacations.

96. The sexual abuse included fondling of plaintiff's genitals, masturbation, sleeping together naked, among other things. Defendant DITTA would also grind his body against the plaintiff's and ejaculate on him, and force the plaintiff to suck on his breasts. Defendant DITTA also physically abused plaintiff, and on one occasion fractured his nose.

97. The pastor and priests living in the rectory at St. Margaret, including but not limited to Father Murphy, Father Flynn, Father Luke and Father Tom Payton knew or should have known that Plaintiff MATTHEW MOSHER was being sexually abused by Defendant DITTA in his room at the said rectory and other places. G.J. p.51-52.

98. That by reason of the said sexual abuse, Plaintiff, MATTHEW MOSHER was caused to sustain severe and permanent personal injuries, has endured and will endure great mental distress and physical and emotional suffering, was required and will be required to undergo psychotherapy and will be permanently injured. The abuse caused Plaintiff MATTHEW MOSHER severe stress, anxiety, guilt, fear, humiliation and shame, as well as trust issues, anger management and social problems, to abuse alcohol and drugs and to attempt suicide.

99. That in or about 1997 plaintiff MATTHEW MOSHER met with Defendant PLACA and reported the sexual abuse inflicted upon him by Defendant DITTA. At no time did Defendant PLACA disclose to plaintiff that he was not only a member of the "Intervention Team", but also an attorney for the DIOCESE. At no time did Defendant PLACA or DIOCESE report said crime of sexual abuse to the proper authorities. At no time did Defendant PLACA advise plaintiff to report said crime to the proper authorities. Defendant DITTA continued to work as a priest for the DIOCESE until his removal in or about March of 2002.

100. Plaintiff DANIEL HUNTER was sexually abused by REVEREND WILLIAM MICHAEL BURKE when he was approximately 11 through 13 years old . He was a student and altar boy at St. Lawrence the Martyr in Sayville, where he was supervised by BURKE. The sexual abuse occurred in many places, including the church at St. Lawrence, the room behind the auditorium at said school and in a house in Hampton Bays, New York.

101. BURKE befriended plaintiff's parents, who were very involved in the church, often coming for dinner and spending time with plaintiff's family. He showered the plaintiff with gifts.

102. The sexual abuse included fondling of plaintiff's genitals, forcing the plaintiff to fondle BURKE's genitals, masturbation and ejaculation on the plaintiff, kissing and touching. He told the plaintiff that's what men do to each other and that this behavior was normal. On one occasion, BURKE drugged the plaintiff and anally raped him. He threatened the plaintiff with bodily harm if he told anyone about the rape.

103. That by reason of the said sexual abuse, Plaintiff, DANIEL HUNTER was caused to sustain severe and permanent personal injuries, has endured and will endure great mental distress and physical and emotional suffering, was required and will be required to undergo psychotherapy and will be permanently injured. The abuse caused Plaintiff DANIEL HUNTER severe stress, anxiety, guilt, fear, humiliation and shame, as well as trust issues, anger management, self-esteem and social

problems, to abuse alcohol and drugs and to attempt suicide.

104. In or about 1973 plaintiff's father reported said sexual abuse of plaintiff DANIEL HUNTER to BISHOP McGANN and other representatives of the DIOCESE and parish including Father Gorman and Father Dahm. Shortly thereafter, BURKE was transferred to a parish in Sag Harbor, New York.

#### NATURE OF THE SPECIAL FIDUCIARY RELATIONSHIP THAT EXISTED BETWEEN THE PLAINTIFFS AS PARISHIONERS AND THE DIOCESE, THE BISHOPS, THE OFFICIALS OF THE DIOCESE, THE PARISH CHURCHES AND THE PARISH CLERGY

105. The DIOCESE by and through the BISHOPS, at all times relevant, were responsible for the creation and staffing of the parishes, parish churches, and parish and diocesan schools within the DIOCESE. Assisted by the Office of Priest Personnel or similarly titled office, MURPHY and the BISHOPS appointed all pastors and priests of churches within the DIOCESE. Said pastors, priests and other parish clergy served at the BISHOPS' pleasure. The BISHOPS were solely and ultimately responsible for assigning and transferring all parish clergy to/from parish churches and other diocesan entities such as hospitals and schools, within the DIOCESE.

106. The BISHOPS approved the transfers of all parish clergy into and out of the DIOCESE. The DIOCESE maintained the personnel records and secret archives of all parish clergy within the DIOCESE. The BISHOPS and the DIOCESE developed the policies and procedures to be followed by parish clergy and other priests within the DIOCESE. The BISHOPS and the DIOCESE were ultimately responsible for investigating complaints against its parish clergy. In this capacity, MURPHY and the BISHOPS, either directly or through DIOCESAN officials appointed by them, established the policies and procedures by which complaints of sexual abuse against parish clergy and priests were to be dealt with and investigated by the DIOCESE. This investigatory effort was primarily handled by the Intervention Team and later by the Office of Legal Affairs. MURPHY and the BISHOPS were also responsible for the removing and/or suspending parish clergy and priests from their duties.

107. The DIOCESE and MURPHY and the BISHOPS solicited funds for its support from the parishioners of its parishes through parish "assessments" and direct "appeals". The DIOCESE and The BISHOPS also provided funds to the parishes, as they deemed necessary and appointed the trustees of the parishes and approved parish and school budgets.

108. The DIOCESE, through its Education Department supervised all Catholic schools within its geographical boundaries and developed and approved the curriculum, both religious and secular, for all of these schools.

109. Upon information and belief, all of the plaintiffs were parishioners at various parishes in the DIOCESE and were either students at elementary and secondary schools operated by the DIOCESE or students receiving religious education on released time from public schools, involved in parish sponsored youth groups and/or altar boys.

110. Through control of and interaction with the parish churches and their direct knowledge of the functioning of the schools and various religious and recreation programs operating in each parish in the DIOCESE, the DIOCESE, MURPHY and the BISHOPS and the unnamed defendants were aware that among their parishioners there were significant numbers of young children and adolescents who because of their very status as minors were vulnerable to and trusting of parish priests. These children and adolescents were taught by the DIOCESE, the BISHOPS, pastors and parish clergy (including defendant priests) to place absolute trust in priests, pastors, MURPHY the BISHOPS, all unnamed defendants and the DIOCESE.

111. MURPHY and the BISHOPS, pastors, priests including all named and unnamed defendants knew or should have known that these minor parishioners through their participation in parish churches, parish schools, diocesan secondary schools and diocesan sponsored or developed educational and/or recreational programs had intimate, frequent and oftentimes private contact with parish clergy and priests assigned by the DIOCESE. In fact, the cultivation of personal, trusting relationships between parish clergy and children of a parish was and is a primary goal of the

DIOCESE and MURPHY.

112. MURPHY and the BISHOPS and priests including all named and unnamed defendants knew or should have known that these parish clergy had frequent, personal contact and special interaction with pre-teen and teenage altar servers, students in the DIOCESE'S parish and secondary schools and young male and female students in parish schools, religious education and recreation programs.

113. Said defendants knew or should have known that as part of a priest's duties and in furtherance of cultivating a trusting relationship with children, that priests visited the children's homes to meet with the children and their parents. MURPHY and the BISHOPS also knew and approved of the fact that young children parishioners were present in parish rectories (priest/clergy residences) for a variety of purposes including work and that priests/clergy at times even took overnight trips with young children parishioners to their homes and other places both within and outside New York State.

114. Upon information and belief, the DIOCESE by and through the defendant priests was acting in the capacity of "in loco parentis" at all times when the plaintiffs were in the company of the defendant priests, except those periods when the children's parents were present. As such the DIOCESE was acting "in loco parentis" at all times that the defendant priests were grooming the children to be sexually abused and actually sexually abusing them.

115. Plaintiffs as children parishioners were taught and led to believe by the DIOCESE, MURPHY, the BISHOPS, defendant priests and other named and unnamed parish clergy that said defendants guided them and were to be trusted and respected without hesitation or question.

116. MURPHY, the BISHOPS, the DIOCESE, defendant priests and other named and unnamed parish clergy repeatedly instilled in plaintiffs as they did in all their parishioners the belief that priests are figures of authority who should be relied upon to protect the well being of children in the parishes and schools of DIOCESE. Plaintiffs like all children in the parish were taught to obey priests, rely on and trust them without doubt or question on issues affecting their physical and moral well being.

117. As a result of these teachings, MURPHY, the BISHOPS, and the DIOCESE occupied a superior position of influence and authority over the plaintiffs as well as all minors in parishes and students attending diocesan schools and religious programs. Through its parish clergy and priests, schools and religious programs, the DIOCESE taught unquestioned reliance on, and unquestioned acceptance of the authority of the BISHOPS, their appointees and parish clergy within the DIOCESE. The DIOCESE also taught its children to rely on the integrity and reliability of decisions made by the BISHOPS, their appointees and the priests.

118. MURPHY, the BISHOPS, the DIOCESE, PLACA, CALDWELL and the unnamed defendants through their intentional acts caused the parishioners in the DIOCESE, including the plaintiffs, to repose their trust and confidence in them.

119. The above actions and omissions of MURPHY, his predecessor BISHOPS, the DIOCESE, PLACA, CALDWELL and other unnamed defendants presently unknown to plaintiffs resulted in the deliberate suppression and distortion of the facts concerning said defendants' true knowledge and notice of the problem of sexual abuse by priests in the DIOCESE, including defendant priests as well as the specific actions that said defendants took to protect the sexually abusive priest and themselves from civil (and for that matter criminal) liability. As a result plaintiffs were deprived of specific facts which would have formed the bases of their actions for negligence against defendants MURPHY, his predecessor BISHOPS, the DIOCESE, PLACA, CALDWELL and other unnamed defendants presently unknown to plaintiffs. Said defendants' above-described concerted efforts to cover up effectively concealed the existence of their own negligent behavior from plaintiffs. Furthermore said concerted effort to cover up and conceal the prevalent abuse problem was itself a proximate cause of the defendant priests' abuse of the varied plaintiffs.

120. The result of the covert policy and practice to conceal the problem of sexual abuse was that the plaintiffs were deprived of the knowledge of the essential factual elements which would have formed

the basis of their rights to legal redress against THE BISHOPS, the DIOCESE, PLACA and the defendant priests.

121. The DIOCESE, BISHOPS, PLACA and other unnamed defendants purposely engaged in conduct that resulted in the prevention, hindrance and delay in the discovery of criminal conduct by priests. These defendants conceived and agreed to a plan using deception and intimidation to prevent victims from seeking legal solutions to their problems.

122. By reason of the egregious and unconscionable conduct of Defendants as herein alleged, it is inequitable to permit Defendants to interpose the affirmative defense of the statute of limitations, as set forth in General Obligations Law section 17-103 (4)(b).

#### AS AND FOR A FIRST CAUSE OF ACTION (SEXUAL ABUSE AND BATTERY)

123. Plaintiffs repeat and re-allege paragraphs 1 through 122 of this Complaint as if fully set forth herein.

124. Defendant priests who sexually abused plaintiffs are liable for sexual abuse and battery of the plaintiffs as set forth in the foregoing paragraphs.

125. That by reason of the said sexual abuse and battery, 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.

126. All other defendants by their intentional acts, omissions, negligence, knowing and willful failures to act affirmatively to prevent, detect, report or investigate, aided and abetted the foregoing Defendant Priests and are jointly and severally liable to the plaintiffs. Defendant MURPHY'S actions constituted gross negligence and were intended to harm the Plaintiffs.

127. Defendants MURPHY, DIOCESE and PLACA, by the use of fraudulent concealment, misrepresentation, deception, duress and coercion prior to, during and after termination of the sexual abuse of the plaintiffs by Defendant Priests induced and prevented the plaintiffs from timely asserting their claims against the Defendant Priests, MURPHY and the DIOCESE and reporting the Defendant Priests' conduct to lawful civil authorities and are, therefore, estopped from benefitting from their egregious, wrongful and illegal conduct through assertion of the statute of limitations.

#### AS AND FOR A SECOND CAUSE OF ACTION (INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS)

128. Plaintiffs repeat and re-allege paragraphs 1 through 127 of this Complaint as if fully set forth herein.

129. The conduct of Defendant PRIESTS, MURPHY, DIOCESE and PLACA was extreme and outrageous and intended to cause, or undertake in disregard of a probability of causing, severe emotional distress, and did in fact cause the injuries to plaintiffs resulting in severe emotional distress. Defendant MURPHY'S actions constituted gross negligence and were intended to harm plaintiffs.

130. Defendants MURPHY, DIOCESE and PLACA, by the use of fraudulent concealment, misrepresentation, deception, duress and coercion prior to, during and after termination of the sexual abuse of the plaintiffs by Defendant Priests induced and prevented the plaintiffs from timely asserting their claims against the Defendant Priests, MURPHY and the DIOCESE and reporting the Defendant Priests' conduct to lawful civil authorities and are, therefore, estopped from benefitting from their egregious, wrongful and illegal conduct through assertion of the statute of limitations.

#### AS AND FOR A THIRD CAUSE OF ACTION (NEGLIGENCE-FAILURE TO REMOVE DEFENDANT PRIESTS)

131. Plaintiffs repeat and re-allege paragraphs 1 through 130 of this Complaint as if fully set forth

herein.

132. Defendants MURPHY and the DIOCESE, 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 and 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.

133. Defendants MURPHY and the DIOCESE 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, causing, allowing and permitting heinous acts of sexual abuse to be committed upon Plaintiffs by Defendant Priests.

134. Due to the fact that Defendants had actual knowledge of the pervasive problem of pedophile priests including defendants VOLLMER, DITTA, BURKE and BROTHER MURPHY as more fully set forth herein, they had a duty to protect Plaintiffs and others from the foreseeable risk that the Plaintiffs would be sexually abused by Defendants.

135. Despite having actual and/or constructive notice of Defendant VOLLMER, DITTA, BURKE and BROTHER MURPHY's perverted proclivities, DIOCESE and Defendant MURPHY placed said Defendants in contact with the plaintiffs and other children, causing, allowing and permitting plaintiffs to be sexually and psychologically abused and permanently injured.

136. That by reason of the said failure to remove Defendant PRIESTS, 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.

137. Defendants MURPHY and the DIOCESE are jointly and severally liable to the plaintiffs for negligence in failing to remove Defendant Priests from contact with the plaintiffs. MURPHY'S actions and omissions constituted gross negligence and were intended to harm plaintiffs.

138. Defendants MURPHY, DIOCESE and PLACA, by the use of fraudulent concealment, misrepresentation, deception, duress and coercion prior to, during and after termination of the sexual abuse of the plaintiffs by Defendant Priests induced and prevented the plaintiffs from timely asserting their claims against the Defendant Priests, MURPHY and the DIOCESE and reporting the Defendant Priests' conduct to lawful civil authorities and are, therefore, estopped from benefitting from their egregious, wrongful and illegal conduct through assertion of the statute of limitations.

#### AS AND FOR A FOURTH CAUSE OF ACTION (NEGLIGENCE-FAILURE TO SUPERVISE DEFENDANT PRIESTS)

139. Plaintiffs repeat and re-allege paragraphs 1 through 138 of this Complaint as if fully set forth herein.

140. MURPHY and the DIOCESE 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 , supervise and periodically evaluate the defendant PRIESTS.

141. MURPHY and the DIOCESE failed to exercise the degree of care that a reasonably prudent person would have exercised under similar circumstances and failed to supervise, control and periodically evaluate Defendant Priests.

142. Despite the fact that Defendants DIOCESE and MURPHY had actual and/or constructive notice of the pedophilic disposition and perverted proclivities of Defendants VOLLMER, DITTA, BROTHER MURPHY and BURKE, said Defendants failed to timely investigate and/or evaluate said Defendant PRIESTS, causing, allowing and permitting plaintiffs to be sexually abused and permanently injured.

143. Despite the fact that Defendants DIOCESE and MURPHY knew or should have known that said Defendant PRIESTS were likely to commit sexual abuse on plaintiffs and other children with whom they would be put in contact, Defendant DIOCESE placed, transferred and continued Defendant PRIESTS in settings in which such sexual abuse occurred.

144. Due to the fact that Defendants had actual knowledge of the pervasive problem of pedophile priests including defendants VOLLMER, DITTA, BURKE and BROTHER MURPHY as more fully set forth herein, they had a duty to protect Plaintiffs and others from the foreseeable risk that the Plaintiffs would be sexually abused by Defendants.

145. That by reason of the said failure to supervise, 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.

146. MURPHY and the DIOCESE are jointly and severally liable to the plaintiffs for negligence in failing to control and supervise the acts of Defendant Priests. Said defendants' actions constituted gross negligence and were intended to harm plaintiffs.

147. Defendants MURPHY, DIOCESE and PLACA, by the use of fraudulent concealment, misrepresentation, deception, duress and coercion prior to, during and after termination of the sexual abuse of the plaintiffs by Defendant Priests induced and prevented the plaintiffs from timely asserting their claims against the Defendant Priests, MURPHY and the DIOCESE and reporting the Defendant Priests' conduct to lawful civil authorities and are, therefore, estopped from benefitting from their egregious, wrongful and illegal conduct through assertion of the statute of limitations.

AS AND FOR A FIFTH CAUSE OF ACTION (NEGLIGENCE-FAILURE TO INVESTIGATE CHILD ABUSE)

148. Plaintiffs repeat and re-allege paragraphs 1 through 147 of this Complaint as if fully set forth herein.

149. MURPHY and the DIOCESE, PLACA and CALDWELL had actual notice of the fact that priests/clergy both in the DIOCESE were sexually abusing children and they had actual notice of the criminal acts of defendant Priests and similar criminal acts of sexual abuse by priests/clergy unknown to the plaintiffs.

150. MURPHY, the DIOCESE, PLACA and CALDWELL 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 DIOCESE ,by Defendant Priests and 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.

151. MURPHY, the DIOCESE, PLACA and CALDWELL 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.

152. Defendants DIOCESE, MURPHY, PLACA, CALDWELL and ALESANDRO failed to investigate specific complaints against Defendant PRIESTS by plaintiffs and others, causing , allowing and permitting plaintiffs to be sexually abused and permanently injured.

153. The acts of MURPHY, the DIOCESE, PLACA and CALDWELL make them jointly and severally liable to the plaintiffs. These actions constituted gross negligence and were intended to harm plaintiffs.

154. Defendants MURPHY, DIOCESE and PLACA, by the use of fraudulent concealment, misrepresentation, deception, duress and coercion prior to, during and after termination of the sexual

abuse of the plaintiffs by Defendant Priests induced and prevented the plaintiffs from timely asserting their claims against the Defendant Priests, MURPHY and the DIOCESE and reporting the Defendant Priests' conduct to lawful civil authorities and are, therefore, estopped from benefitting from their egregious, wrongful and illegal conduct through assertion of the statute of limitations.

#### AS AND FOR A SIXTH CAUSE OF ACTION (NEGLIGENCE-FAILURE TO WARN)

155. Plaintiffs repeat and re-allege paragraphs 1 through 154 of this Complaint as if fully set forth herein.

156. Prior to plaintiffs being sexually abused, MURPHY, the DIOCESE, PLACA and CALDWELL were aware of the problem of sexual abuse of children by priests both unknown to plaintiffs as well as defendant Priests.

157. MURPHY the DIOCESE, PLACA and CALDWELL by virtue of their knowledge of the problem of sexual abuse of children by parish clergy and priests, their employment of the abusive priests including defendant Priests and by virtue of their fiduciary relationship with plaintiffs as children, MURPHY, the DIOCESE, PLACA and CALDWELL had a duty and responsibility to warn plaintiffs and their parents of the dangers posed by sexually abusive priests including but not limited to defendant Priests and to prevent further acts by Defendant Priests and other priests unknown to the plaintiffs.

158. Despite the fact that DIOCESE had actual notice of the perverted proclivities and pedophilic dispositions of the Defendant PRIESTS herein, DIOCESE failed to warn plaintiffs, their parents, parishioners and the public at large of same, causing, allowing and permitting plaintiffs to be sexually abused and permanently injured.

159. Despite the fact that DIOCESE had constructive notice of the perverted proclivities and pedophilic dispositions of the Defendant PRIESTS herein, DIOCESE failed to warn plaintiffs, their parents, parishioners and the public at large of same, causing, allowing and permitting plaintiffs to be sexually abused and permanently injured.

160. MURPHY, the DIOCESE, PLACA and CALDWELL failed to prevent or stop the sexual abuse of the plaintiffs by the Defendant PRIESTS.

161. Despite the fact that DIOCESE had actual notice of prior acts of sexual abuse of minors by the Defendant PRIESTS herein, DIOCESE failed to warn plaintiffs, their parents, parishioners and the public at large of same, causing, allowing and permitting plaintiffs to be sexually abused and permanently injured.

162. Despite the fact that DIOCESE had constructive notice of prior acts of sexual abuse of minors by the Defendant PRIESTS herein, DIOCESE failed to warn plaintiffs, their parents, parishioners and the public at large of same, causing, allowing and permitting plaintiffs to be sexually abused and permanently injured.

163. Due to the fact that Defendants had actual knowledge of the pervasive problem of pedophile priests including defendants VOLLMER, DITTA, BURKE and BROTHER MURPHY as more fully set forth herein, they had a duty to protect Plaintiffs and others from the foreseeable risk that the Plaintiffs would be sexually abused by Defendants.

164. That by reason of the said failure to warn, 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.

165. The acts of MURPHY, the DIOCESE, PLACA and CALDWELL make them jointly and severally liable to the plaintiffs. Said defendants' actions constituted gross negligence and were intended to harm plaintiffs.

166. Defendants MURPHY, DIOCESE and PLACA, by the use of fraudulent concealment, misrepresentation, deception, duress and coercion prior to, during and after termination of the sexual abuse of the plaintiffs by Defendant Priests induced and prevented the plaintiffs from timely asserting their claims against the Defendant Priests, MURPHY and the DIOCESE and reporting the Defendant Priests' conduct to lawful civil authorities and are, therefore, estopped from benefitting from their egregious, wrongful and illegal conduct through assertion of the statute of limitations.

AS AND FOR A SEVENTH CAUSE OF ACTION (NEGLIGENCE-FAILURE TO TRAIN RELATING TO CHILD ABUSE)

167. Plaintiffs repeat and re-allege paragraphs 1 through 166 of this Complaint as if fully set forth herein.

168. MURPHY and the DIOCESE had knowledge of and were aware of the problem of sexual abuse of children by Defendant Priests and other parish clergy.

169. MURPHY and the DIOCESE had a duty and responsibility to train priests, clergy, diocesan officials/administrators, pastors of parishes within the DIOCESE and establish procedures to prevent and detect sexual abuse of children parishioners by priests and other clergy.

170. MURPHY and the DIOCESE had a duty and responsibility to educate plaintiffs, their parents and parishioners of the DIOCESE on the problem of sexual abuse of children by priests and clergy in a manner sufficient to prevent and detect such abuse.

171. MURPHY and the DIOCESE failed to establish education and training programs calculated to prevent and detect sexual abuse of children parishioners, including the plaintiffs by priests and clergy.

172. MURPHY and the DIOCESE 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 prevent and detect sexual abuse by Defendant Priests and other priests unknown to plaintiffs. MURPHY 'S and the DIOCESE'S actions constituted gross negligence and were intended to harm plaintiffs.

173. Defendants MURPHY, DIOCESE and PLACA, by the use of fraudulent concealment, misrepresentation, deception, duress and coercion prior to, during and after termination of the sexual abuse of the plaintiffs by Defendant Priests induced and prevented the plaintiffs from timely asserting their claims against the Defendant Priests, MURPHY and the DIOCESE and reporting the Defendant Priests' conduct to lawful civil authorities and are, therefore, estopped from benefitting from their egregious, wrongful and illegal conduct through assertion of the statute of limitations.

AS AND FOR AN EIGHTH CAUSE OF ACTION (BREACH OF FIDUCIARY DUTY)

174. Plaintiffs repeat and reallege paragraphs 1 through 173 of this Complaint as if fully set forth herein.

175. As set forth in the foregoing section on the nature of the fiduciary relationship (paragraphs through ), there existed a special fiduciary relationship between plaintiffs and MURPHY and the DIOCESE. These relationships were founded upon trust and confidence reposed by plaintiffs in the integrity and fidelity of Defendants.

176. Plaintiffs trusted and sought counseling from Defendants as vulnerable children, and there existed an imbalance of power between the parties at the time of the acts complained of herein.

177. By occupying a position of superiority, Defendants assumed a duty to act in good faith, but instead Defendants intentionally, recklessly and negligently violated plaintiffs' trust thus breaching their fiduciary duty to plaintiffs.

178. Defendants .MURPHY and the DIOCESE intentionally, recklessly and negligently breached their fiduciary duty to the plaintiffs.

179. As a result of this breach, the plaintiffs were damaged by Defendant Priests as well and MURPHY and the DIOCESE .

180. As a result, MURPHY and the DIOCESE are jointly and severally liable to the plaintiffs. MURPHY'S and the DIOCESE'S actions constituted gross negligence and were intended to harm plaintiffs.

181. Defendants MURPHY, DIOCESE and PLACA, by the use of fraudulent concealment, misrepresentation, deception, duress and coercion prior to, during and after termination of the sexual abuse of the plaintiffs by Defendant Priests induced and prevented the plaintiffs from timely asserting their claims against the Defendant Priests, MURPHY and the DIOCESE and reporting the Defendant Priests' conduct to lawful civil authorities and are, therefore, estopped from benefitting from their egregious, wrongful and illegal conduct through assertion of the statute of limitations.

AS AND FOR A NINTH CAUSE OF ACTION (NEGLIGENCE-FAILURE TO PROVIDE A SAFE AND SECURE ENVIRONMENT)

182. Plaintiffs repeats and re-allege paragraphs 1 through 181 of this Complaint as if fully set forth herein.

183. MURPHY, the DIOCESE, PLACA and CALDWELL by and through the Defendant Priests and other parish clergy acted in the capacity 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.

184. MURPHY, the BISHOPS, the DIOCESE, PLACA and CALDWELL 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.

185. MURPHY, the BISHOPS, the DIOCESE, PLACA and CALDWELL 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.

186. As a result, MURPHY, the BISHOPS, the DIOCESE, PLACA and CALDWELL are jointly and severally liable to plaintiffs for the acts of Defendant Priests. MURPHY'S actions constituted gross negligence and were intended to harm plaintiffs.

187. Defendants MURPHY, DIOCESE and PLACA, by the use of fraudulent concealment, misrepresentation, deception, duress and coercion prior to, during and after termination of the sexual abuse of the plaintiffs by Defendant Priests induced and prevented the plaintiffs from timely asserting their claims against the Defendant Priests, MURPHY and the DIOCESE and reporting the Defendant Priests' conduct to lawful civil authorities and are, therefore, estopped from benefitting from their egregious, wrongful and illegal conduct through assertion of the statute of limitations.

AS AND FOR A TENTH CAUSE OF ACTION (NEGLIGENCE -- MISREPRESENTATION OF RISK OF HARM)

188. Plaintiffs repeat and re-allege paragraphs 1 through 187 of this Complaint as if fully set forth herein.

189. MURPHY, the BISHOPS, the DIOCESE, PLACA and CALDWELL intentionally, negligently and recklessly misrepresented the risk of harm to plaintiffs from Defendant Priests.

190. Due to the fact that Defendants had actual knowledge of the pervasive problem of pedophile priests including defendants VOLLMER, DITTA, BURKE and BROTHER MURPHY as more fully set forth herein had a duty to protect Plaintiffs and others from the foreseeable risk that the Plaintiffs would be sexually abused by Defendants.

191. That by reason of the said misrepresentation of risk of harm, 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.

192. MURPHY, the BISHOPS, the DIOCESE, PLACA and CALDWELL are jointly and severally liable to plaintiffs. MURPHY'S actions constituted gross negligence and were intended to harm plaintiffs.

193. Defendants MURPHY, DIOCESE and PLACA, by the use of fraudulent concealment, misrepresentation, deception, duress and coercion prior to, during and after termination of the sexual abuse of the plaintiffs by Defendant Priests induced and prevented the plaintiffs from timely asserting their claims against the Defendant Priests, MURPHY and the DIOCESE and reporting the Defendant Priests' conduct to lawful civil authorities and are, therefore, estopped from benefitting from their egregious, wrongful and illegal conduct through assertion of the statute of limitations.

#### AS AND FOR AN ELEVENTH CAUSE OF ACTION (FRAUD)

194. Plaintiffs repeat, reiterate and re-allege each and every allegation contained in paragraphs "1" through " 193 " of the foregoing as though fully set forth at length herein.

195. As more fully set forth in paragraphs "30 " through "54 " herein, the internal policies and procedures of the DIOCESE for dealing with child sex abuse by clergy 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 DIOCESE, of which Defendants had both actual and constructive knowledge.

196. Defendants concealed the material facts of the known sexual abuse of pedophile priests within the DIOCESE, including Defendant priests, all to the detriment and harm of the Plaintiffs herein, falsely misrepresenting to the Plaintiffs and their parents that the schools and churches within the DIOCESE were safe and secure environments for the Plaintiffs and other children.

197. Plaintiffs and their parents justifiably relied on the representation by the DIOCESE by enrolling in schools run by the DIOCESE, by becoming altar boys supervised by known and unsupervised pedophile priests, including Defendant Priests, by taking part in youth prayer groups led by known pedophile priests, including Defendant priests, causing, allowing and permitting Plaintiffs to be sexually abused and permanently injured.

198. That by reason of the said 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.

199. That the details and extent of the fraud perpetrated upon the Plaintiffs and other parishioners by Defendants was not discovered by the Plaintiffs until the release of the Suffolk County Grand Jury Report on or about January 17, 2003. See Exhibit "A". 200. That in or about March 2002, Defendant BISHOP MURPHY made a public statement there was no priest serving within the DIOCESE who had credible allegations of child sexual abuse against him.

201. That said statement was known by Defendant BISHOP MURPHY to be false, and was intended to deceive Plaintiffs and other parishioners.

202. That said statement was made by Defendant BISHOP MURPHY with reckless indifference to error.

203. That at the time of said statement Defendants VOLLMER and DITTA were still acting as priests within the DIOCESE.

204. That Defendants BISHOP MURPHY and DIOCESE had actual knowledge that there were prior

allegations of child sexual abuse against Defendants VOLLMER and DITTA.

205. That due to subsequent media coverage of the falsity of said statement, Defendants VOLLMER and DITTA were removed from active duty by Defendants BISHOP MURPHY and DIOCESE.

206. That by reason of the said fraud perpetrated upon the Plaintiffs, they 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.

207. That because the fraud as herein alleged was perpetrated not only upon the Plaintiffs but upon the parishioners of the DIOCESE 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:

(a) Compensatory damages for pain and suffering, jointly and severally, against all defendants in the amount of FIVE HUNDRED MILLION (\$500,000,000) dollars;

(b) Special damages in the amount of FIFTY MILLION (\$50,000,000) dollars;

(c) Punitive damages in the amount of ONE BILLION (\$1,000,000,000) dollars;

(d) Interest and costs; and

(e) Such other and further relief as to this Court may be just and proper. Dated: Garden City, New York

April 11, 2003 DELL & LITTLE, LLP Attorneys for Plaintiffs

By \_\_\_\_\_ MELANIE LITTLE 350 Old Country Road Suite 105 Garden City, New York  
11530 (516) 294-5814