

NEW YORK STATE SUPREME COURT  
ONANDAGA COUNTY

-----X Index No.: \_\_\_\_\_

P.V., S.A., N.S., and T.T., Date Filed: \_\_\_\_\_

**SUMMONS**

Plaintiffs,

Plaintiffs designate Onandaga County as the place of trial.

-against-

DIOCESE OF SYRACUSE, CHRIST THE KING CHURCH, OSWEGO CATHOLIC HIGH SCHOOL, ST. BRIGID'S CHURCH, and SACRED HEART CHURCH,

The basis of venue is one defendant's residence.

Defendants.

**Child Victims Act Proceeding**  
**22 NYCRR 202.72**

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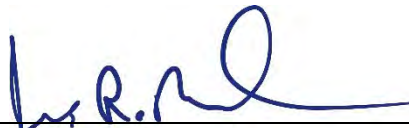
TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the plaintiffs' attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: August 14, 2019

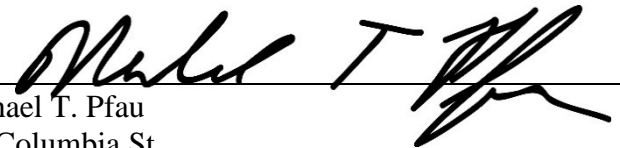
Respectfully Yours,

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Attorneys for Plaintiffs

NEW YORK STATE SUPREME COURT  
ONANDAGA COUNTY

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P.V., S.A., N.S., and T.T.,

Plaintiffs,

-against-

DIOCESE OF SYRACUSE, CHRIST THE KING  
CHURCH, OSWEGO CATHOLIC HIGH SCHOOL, ST.  
BRIGID'S CHURCH, and SACRED HEART CHURCH,

Defendants.  
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Index No.: \_\_\_\_\_/\_\_\_

**COMPLAINT**

**Child Victims Act Proceeding**  
**22 NYCRR 202.72**

Plaintiffs, by and through their attorneys, the Marsh Law Firm PLLC and Pfau Cochran Vertetis Amala PLLC, respectfully allege for their complaint the following:

**I. INTRODUCTION**

1. The Diocese of Syracuse (the “Diocese”) knew for decades that its priests, clergy, religious brothers, religious sisters, school administrators, teachers, employees, and volunteers were using their positions within the Diocese to groom and to sexually abuse children. Despite that knowledge, the Diocese failed to take reasonable steps to protect children from being sexually abused and actively concealed the abuse. In December of 2018, following decades of denial and cover-up, the Diocese released a list of 57 priests that it determined had been credibly accused of sexual abusing children. Based on the Diocese’s years of wrongful conduct, a reasonable person could and would conclude that it knowingly and recklessly disregarded the abuse of children and chose to protect its reputation and wealth over those who deserved protection. The result is not surprising: hundreds, if not thousands, of children were sexually abused by Catholic clergy and others who served the Diocese. The plaintiffs in this lawsuit are some of those children who were sexually abused because of the Diocese’s wrongful conduct.

## II. PROCEEDING IN ACCORDANCE WITH CPLR 214-G AND 22 NYCRR 202.72

2. This complaint is filed pursuant to the Child Victims Act (CVA) 2019 Sess. Law News of N.Y. Ch. 11 (S. 2440), CPLR 214-G, and 22 NYCRR 202.72. The CVA opened a historic one-year one-time window for victims and survivors of childhood sexual abuse in the State of New York to pursue lapsed claims. Prior to the passage of the CVA, each plaintiff's claims were time-barred the day they turned 22 years old. The enactment of the CVA allows plaintiffs, for the first time in their lives, to pursue restorative justice in New York State.

## III. PARTIES

3. Plaintiff P.V. is an adult male who currently resides in Jamesville, New York.

4. While he was a minor, plaintiff P.V. was a victim of one or more criminal sex acts in the State of New York. Since such criminal violation is the basis for this action, plaintiff P.V. is entitled to the protection of Civil Rights Law 50-b and will file a motion asking this Court for permission to proceed using a pseudonym.

5. In the alternative, plaintiff P.V. will seek a stipulation from the defendants agreeing to enter into a protective order which will ensure that his identity is protected from the public while allowing the defendants full access to information necessary for their defense.

6. Upon information and belief, the Diocese is currently a not-for-profit religious corporation organized under New York law with its principal office in Syracuse, New York.

7. Upon information and belief, at all relevant times the Diocese conducted business as the "Diocese of Syracuse" or "Syracuse Diocese."

8. Upon information and belief, at all relevant times the Diocese employed priests and others who served various Catholic institutions and families, including plaintiff P.V. and his family.

9. Upon information and belief, Father Albert Proud (“Father Proud”) was a priest employed by the Diocese to serve Catholic families, including plaintiff P.V. and his family. During the time Father Proud was employed by the Diocese, he used his position as a priest to groom and to sexually abuse plaintiff P.V.

10. To the extent that the Diocese was a different entity, corporation, or organization during the period of time during which Father Proud used his position as a priest to sexually abuse plaintiff P.V., such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

11. To the extent the Diocese is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Proud used his position as a priest to sexually abuse plaintiff P.V., such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

12. All such Diocese-related entities, corporations, or organizations are collectively referred to herein as the “Diocese.”

13. Upon information and belief, at all relevant times defendant Christ the King Church (“Christ the King”) was a not-for-profit religious corporation organized under New York law and wholly owned, operated, and controlled by the Diocese.

14. Upon information and belief, Christ the King is currently a not-for-profit religious corporation organized under New York law with its principal office in Liverpool, New York.

15. Upon information and belief, at all relevant times Christ the King conducted business as “Christ the King Church,” “Christ the King Parish and School,” “Christ the King Parish,” “Christ the King School,” or “Christ the King.”

16. Christ the King is a parish with a church located in Liverpool, New York.

17. Upon information and belief, Father Albert Proud was a priest employed by Christ the King to serve Catholic families in its geographic jurisdiction, including plaintiff P.V. and his family. During the time Father Albert Proud was employed by Christ the King, he used his position as a priest to groom and to sexually abuse plaintiff P.V.

18. To the extent that Christ the King was a different entity, corporation, or organization during the period of time during which Father Proud used his position as a priest to sexually abuse P.V., such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

19. To the extent Christ the King is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Proud used his position as a priest to sexually abuse P.V., such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

20. All such Christ the King-related entities, corporations, or organizations are collectively referred to herein as "Christ the King."

21. Plaintiff S.A. is an adult male who currently resides in West Columbia, South Carolina.

22. While he was a minor, plaintiff S.A. was a victim of one or more criminal sex acts in the State of New York. Since such criminal violation is the basis for this action, plaintiff S.A. is entitled to the protection of Civil Rights Law 50-b and will file a motion asking this Court for permission to proceed using a pseudonym.

23. In the alternative, plaintiff S.A. will seek a stipulation from the defendants agreeing to enter into a protective order which will ensure that his identity is protected from the public while allowing the defendants full access to information necessary for their defense.

24. Upon information and belief, the Diocese is currently a not-for-profit religious corporation organized under New York law with its principal office in Syracuse, New York.

25. Upon information and belief, at all relevant times the Diocese conducted business as the “Diocese of Syracuse” or “Syracuse Diocese.”

26. Upon information and belief, at all relevant times the Diocese employed priests and others who served various Catholic institutions and families, including plaintiff S.A. and his family.

27. Upon information and belief, Father Jerome F. Weber (“Father Weber”) was a priest employed by the Diocese to serve Catholic families, including plaintiff S.A. and his family. During the time Father Weber was employed by the Diocese, he used his position as a priest to groom and to sexually abuse plaintiff S.A.

28. To the extent that the Diocese was a different entity, corporation, or organization during the period of time during which Father Weber used his position as a priest to sexually abuse plaintiff S.A., such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

29. To the extent the Diocese is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Weber used his position as a priest to sexually abuse plaintiff S.A., such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

30. All such Diocese-related entities, corporations, or organizations are collectively referred to herein as the “Diocese.”

31. Upon information and belief, at all relevant times defendant St. Brigid's Church ("St. Brigid's") was a not-for-profit religious corporation organized under New York law and wholly owned, operated, and controlled by the Diocese.

32. Upon information and belief, St. Brigid's was a not-for-profit religious corporation organized under New York law with its principal office in Syracuse, NY.

33. Upon information and belief, at all relevant times St. Brigid's conducted business as "St. Brigid's Church," "St. Brigid's Parish," or "St. Brigid's."

34. St. Brigid's was a parish with a church and school located in Syracuse, New York.

35. Upon information and belief, Father Jerome F. Weber was a priest employed by St. Brigid's to serve Catholic families in its geographic jurisdiction, including plaintiff S.A. and his family. During the time Father Jerome F. Weber was employed by St. Brigid's, he used his position as a priest to groom and to sexually abuse plaintiff S.A.

36. To the extent that St. Brigid's was a different entity, corporation, or organization during the period of time during which Father Weber used his position as a priest to sexually abuse S.A., such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

37. To the extent St. Brigid's is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Weber used his position as a priest to sexually abuse S.A., such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

38. All such St. Brigid's-related entities, corporations, or organizations are collectively referred to herein as "St. Brigid's."

39. Plaintiff N.S. is an adult male who currently resides in San Diego, California.



40. While he was a minor, plaintiff N.S. was a victim of one or more criminal sex acts in the State of New York. Since such criminal violation is the basis for this action, plaintiff N.S. is entitled to the protection of Civil Rights Law 50-b and will file a motion asking this Court for permission to proceed using a pseudonym.

41. In the alternative, plaintiff N.S. will seek a stipulation from the defendants agreeing to enter into a protective order which will ensure that his identity is protected from the public while allowing the defendants full access to information necessary for their defense.

42. Upon information and belief, the Diocese is currently a not-for-profit religious corporation organized under New York law with its principal office in Syracuse, New York.

43. Upon information and belief, at all relevant times the Diocese conducted business as the “Diocese of Syracuse” or “Syracuse Diocese.”

44. Upon information and belief, at all relevant times the Diocese employed priests, school administrators, teachers, and others who served various Catholic institutions and families, including plaintiff N.S. and his family.

45. Upon information and belief, Father Albert Proud (“Father Proud”) was a priest, teacher, and school administrator employed by the Diocese to serve Catholic families, including plaintiff N.S. and his family. During the time Father Proud was employed by the Diocese, he used his position as a priest, teacher, and school administrator to groom and to sexually abuse plaintiff N.S.

46. To the extent that the Diocese was a different entity, corporation, or organization during the period of time during which Father Proud used his position as a priest, teacher, and school administrator to sexually abuse plaintiff N.S., such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

47. To the extent the Diocese is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Proud used his position as a priest, teacher, and school administrator to sexually abuse plaintiff N.S., such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

48. All such Diocese-related entities, corporations, or organizations are collectively referred to herein as the “Diocese.”

49. Upon information and belief, at all relevant times defendant Oswego Catholic High School (“OCHS”) was a not-for-profit religious corporation organized under New York law and wholly owned, operated, and controlled by the Diocese.

50. Upon information and belief, OCHS was a not-for-profit religious corporation organized under New York law with its principal office in Oswego, New York.

51. Upon information and belief, at all relevant times OCHS conducted business as “Oswego Catholic High School” or “Oswego High School.”

52. OCHS was a school located in Oswego, New York.

53. Upon information and belief, Father Albert Proud was a priest, teacher, and school administrator employed by OCHS to serve Catholic families whose children were enrolled at the school, including plaintiff N.S. and his family. During the time Father Albert Proud was employed by OCHS, he used his position as a priest, teacher, and school administrator to groom and to sexually abuse plaintiff N.S.

54. To the extent that OCHS was a different entity, corporation, or organization during the period of time during which Father Proud used his position as a priest, teacher, and school

administrator to sexually abuse N.S., such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

55. To the extent OCHS is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Proud used his position as a priest, teacher, and school administrator to sexually abuse N.S., such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

56. All such OCHS-related entities, corporations, or organizations are collectively referred to herein as "OCHS."

57. Plaintiff T.T. is an adult male who currently resides in Cicero, New York.

58. While he was a minor, plaintiff T.T. was a victim of one or more criminal sex acts in the State of New York. Since such criminal violation is the basis for this action, plaintiff T.T. is entitled to the protection of Civil Rights Law 50-b and will file a motion asking this Court for permission to proceed using a pseudonym.

59. In the alternative, plaintiff T.T. will seek a stipulation from the defendants agreeing to enter into a protective order which will ensure that his identity is protected from the public while allowing the defendants full access to information necessary for their defense.

60. Upon information and belief, the Diocese is currently a not-for-profit religious corporation organized under New York law with its principal office in Syracuse, New York.

61. Upon information and belief, at all relevant times the Diocese conducted business as the "Diocese of Syracuse" or "Syracuse Diocese."

62. Upon information and belief, at all relevant times the Diocese employed priests and others who served various Catholic institutions and families, including plaintiff T.T. and his family.

63. Upon information and belief, Father Francis J. Furfaro (“Father Furfaro”) was a priest employed by the Diocese to serve Catholic families, including plaintiff T.T. and his family. During the time Father Furfaro was employed by the Diocese, he used his position as a priest to groom and to sexually abuse plaintiff T.T.

64. To the extent that the Diocese was a different entity, corporation, or organization during the period of time during which Father Furfaro used his position as a priest to sexually abuse plaintiff T.T., such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

65. To the extent the Diocese is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Furfaro used his position as a priest to sexually abuse plaintiff T.T., such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

66. All such Diocese-related entities, corporations, or organizations are collectively referred to herein as the “Diocese.”

67. Upon information and belief, at all relevant times defendant Sacred Heart Church (“Sacred Heart”) was a not-for-profit religious corporation organized under New York law and wholly owned, operated, and controlled by the Diocese.

68. Upon information and belief, Sacred Heart is currently a not-for-profit religious corporation organized under New York law with its principal office in Cicero, NY.

69. Upon information and belief, at all relevant times Sacred Heart conducted business as “Sacred Heart Church,” “Sacred Heart Parish,” or “Sacred Heart.”

70. Sacred Heart is a parish with a church located in Cicero, New York.

71. Upon information and belief, Father Francis J. Furfaro was a priest employed by Sacred Heart to serve Catholic families in its geographic jurisdiction, including plaintiff T.T. and his family. During the time Father Francis J. Furfaro was employed by Sacred Heart, he used his position as a priest to groom and to sexually abuse plaintiff T.T.

72. To the extent that Sacred Heart was a different entity, corporation, or organization during the period of time during which Father Furfaro used his position as a priest to sexually abuse T.T., such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

73. To the extent Sacred Heart is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Furfaro used his position as a priest to sexually abuse T.T., such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

74. All such Sacred Heart-related entities, corporations, or organizations are collectively referred to herein as "Sacred Heart."

#### IV. VENUE

75. Venue is proper because the Diocese is a domestic corporation authorized to transact business in New York with its principal office located in Onandaga County.

76. Venue is proper because Christ the King has its principal office located in Liverpool, New York.

77. Venue is proper because St. Brigid's had its principal office located in Syracuse, New York.

78. Venue is proper because Sacred Heart has its principal office located in Cicero, New York.

79. Venue is proper because Onandaga is the county in which a substantial part of the events or omissions giving rise to each plaintiff's claim occurred.

80. Venue is proper because plaintiff P.V. currently resides in Jamesville, New York.

81. Venue is proper because plaintiff T.T. currently resides in Cicero, New York.

#### **V. STATEMENT OF FACTS AS TO PLAINTIFF S.A.**

82. Upon information and belief, at all relevant times the Diocese was the owner of St. Brigid's and held itself out to the public as the owner of St. Brigid's.

83. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled St. Brigid's.

84. Upon information and belief, at all relevant times the Diocese employed priests and others who served Catholic families at St. Brigid's, including plaintiff S.A. and his family.

85. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled St. Brigid's, and held out to the public its agents, servants, and employees as those who managed, maintained, operated, and controlled St. Brigid's.

86. Upon information and belief, at all relevant times the Diocese was responsible for the hiring and staffing, and did the hiring and staffing, at St. Brigid's.

87. Upon information and belief, at all relevant times the Diocese was responsible for and did the recruitment and staffing of volunteers at St. Brigid's.

88. Upon information and belief, at all relevant times the Diocese materially benefited from the operation of St. Brigid's, including the services of Father Weber and the services of those who managed and supervised Father Weber.

89. Upon information and belief, at all relevant times St. Brigid's owned a parish and church.

90. Upon information and belief, at all relevant times St. Brigid's held itself out to the public as the owner of St. Brigid's.

91. Upon information and belief, at all relevant times St. Brigid's employed priests and others who served Catholic families, including plaintiff S.A. and his family.

92. Upon information and belief, at all relevant times St. Brigid's, its agents, servants, and employees managed, maintained, operated, and controlled St. Brigid's, and held out to the public its agents, servants and employees as those who managed, maintained, operated, and controlled St. Brigid's.

93. Upon information and belief, at all relevant times St. Brigid's was responsible for and did the staffing and hiring at St. Brigid's.

94. Upon information and belief, at all relevant times St. Brigid's was responsible for and did the recruitment and staffing of volunteers at St. Brigid's.

95. Upon information and belief, at all relevant times St. Brigid's materially benefitted from the operation of St. Brigid's, including the services of Father Weber and the services of those who managed and supervised Father Weber.

96. Upon information and belief, at all relevant times Father Weber was a priest of the Diocese.

97. Upon information and belief, at all relevant times Father Weber was on the staff of, acted as an agent of, and served as an employee of the Diocese.

98. Upon information and belief, at all relevant times Father Weber was acting in the course and scope of his employment with the Diocese.

99. Upon information and belief, at all relevant times Father Weber was employed by the Diocese and assigned to St. Brigid's.

100. Upon information and belief, at all relevant times Father Weber was a priest of St. Brigid's.

101. Upon information and belief, at all relevant times Father Weber was on the staff of, was an agent of, and served as an employee of St. Brigid's.

102. Upon information and belief, at all relevant times Father Weber was acting in the course and scope of his employment with St. Brigid's.

103. Upon information and belief, at all relevant times Father Weber had an office on the premises of St. Brigid's.

104. When plaintiff S.A. was a minor, he and his parents were members of the Diocese and St. Brigid's.

105. At all relevant times, the Diocese and St. Brigid's, their agents, servants, and employees, held Father Weber out to the public, to S.A., and to his parents, as their agent and employee.

106. At all relevant times, the Diocese and St. Brigid's, their agents, servants, and employees, held Father Weber out to the public, to S.A., and to his parents, as having been vetted, screened, and approved by those defendants.

107. At all relevant times, S.A. and his parents reasonably relied upon the acts and representations of the Diocese and St. Brigid's, their agents, servants, and employees, and reasonably believed that Father Weber was an agent or employee of those defendants who was vetted, screened, and approved by those defendants.

108. At all relevant times, S.A. and his parents trusted Father Weber because the Diocese and St. Brigid's held him out as someone who was safe and could be trusted with the supervision, care, custody, and control of S.A.



109. At all relevant times, S.A. and his parents believed that the Diocese and St. Brigid's would exercise such care as would a parent of ordinary prudence in comparable circumstances when those defendants assumed supervision, care, custody, and control of S.A.

110. When S.A. was a minor, Father Weber sexually abused him.

111. S.A. was sexually abused by Father Weber when S.A. was approximately 14 to 16 years old.

112. Based on the representations of the Diocese and St. Brigid's that Father Weber was safe and trustworthy, S.A. and his parents allowed S.A. to be under the supervision of, and in the care, custody, and control of, the Diocese and St. Brigid's, including during the times when S.A. was sexually abused by Father Weber.

113. Based on the representations of the Diocese and St. Brigid's that Father Weber was safe and trustworthy, S.A. and his parents allowed S.A. to be under the supervision of, and in the care, custody, and control of, Father Weber, including during the times when S.A. was sexually abused by Father Weber.

114. Neither S.A. nor his parents would have allowed him to be under the supervision of, or in the care, custody, or control of, the Diocese, St. Brigid's, or Father Weber if the Diocese or St. Brigid's had disclosed to S.A. or his parents that Father Weber was not safe and was not trustworthy, and that he in fact posed a danger to S.A. in that Father Weber was likely to sexually abuse S.A.

115. No parent of ordinary prudence in comparable circumstances would have allowed S.A. to be under the supervision of, or in the care, custody, or control of, the Diocese, St. Brigid's, or Father Weber if the Diocese or St. Brigid's had disclosed to S.A. or his parents that Father

Weber was not safe and was not trustworthy, and that he in fact posed a danger to S.A. in that Father Weber was likely to sexually abuse him.

116. From approximately 1967 through 1969, Father Weber exploited the trust and authority vested in him by defendants by grooming S.A. to gain his trust and to obtain control over him as part of Father Weber's plan to sexually molest and abuse S.A. and other children.

117. Father Weber used his position of trust and authority as a priest of the Diocese and of St. Brigid's to groom S.A. and to sexually abuse him multiple times, including when S.A. was under the supervision of, and in the care, custody, or control of, the Diocese, St. Brigid's, and Father Weber.

118. At certain times, the sexual abuse of S.A. by Father Weber occurred at St. Joseph's Hospital, including in a room at St. Joseph's Hospital where Father Weber visited S.A. when S.A. was recovering from a serious injury.

119. Upon information and belief, prior to the times mentioned herein, Father Weber was a known sexual abuser of children.

120. At all relevant times, defendants, their agents, servants, and employees, knew or should have known that Father Weber was a known sexual abuser of children.

121. At all relevant times, it was reasonably foreseeable to defendants, their agents, servants, and employees that Father Weber's sexual abuse of children would likely result in injury to others, including the sexual abuse of S.A. and other children by Father Weber.

122. Upon information and belief, at certain times between 1967 and 1969, defendants, their agents, servants, and employees knew or should have known that Father Weber was sexually abusing S.A. and other children at St. Brigid's and elsewhere.

123. Upon information and belief, defendants, their agents, servants, and employees knew or should have known that the sexual abuse by Father Weber of S.A. was ongoing.

124. Upon information and belief, the Diocese and St. Brigid's, their agents, servants, and employees, knew or should have known that Father Weber was likely to abuse children, including S.A., because Father Weber was suspected in the community of inappropriate conduct with children but was still permitted to visit S.A. at St. Joseph's Hospital.

125. Upon information and belief, the Diocese and St. Brigid's, their agents, servants, and employees, knew or should have known before and during Father Weber's sexual abuse of S.A. that priests and other persons serving the Diocese and St. Brigid's had used their positions with those defendants to groom and to sexually abuse children.

126. Upon information and belief, the Diocese and St. Brigid's, their agents, servants, and employees, knew or should have known before and during Father Weber's sexual abuse of S.A. that such priests and other persons could not be "cured" through treatment or counseling.

127. Upon information and belief, the Diocese and St. Brigid's, their agents, servants, and employees, concealed the sexual abuse of children by Father Weber in order to conceal their own bad acts in failing to protect children from him, to protect their reputation, and to prevent victims of such sexual abuse by him from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that Father Weber would continue to molest children.

128. Upon information and belief, the Diocese and St. Brigid's, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Father Weber would use his position with the defendants to sexually abuse children, including S.A.

129. Upon information and belief, the Diocese and St. Brigid's, their agents, servants, and employees, disregarded their knowledge that Father Weber would use his position with them to sexually abuse children, including S.A.

130. Upon information and belief, the Diocese and St. Brigid's, their agents, servants, and employees, acted in concert with each other or with Father Weber to conceal the danger that Father Weber posed to children, including S.A., so that Father Weber could continue serving them despite their knowledge of that danger.

131. Upon information and belief, the Diocese and St. Brigid's, their agents, servants, and employees, knew that their negligent, reckless, and outrageous conduct would inflict severe emotional and psychological distress, as well as personal physical injury, on others, including S.A., and he did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

132. Upon information and belief, the Diocese and St. Brigid's, their agents, servants, and employees, concealed the sexual abuse of children by priests and others in order to conceal their own bad acts in failing to protect children from being abused, to protect their reputation, and to prevent victims of such sexual abuse from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that those priests and other persons would continue to molest children.

133. By reason of the wrongful acts of the Diocese and St. Brigid's as detailed herein, S.A. sustained physical and psychological injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these

injuries are of a permanent and lasting nature, and S.A. has and/or will become obligated to expend sums of money for treatment.

## **VI. STATEMENT OF FACTS AS TO PLAINTIFF N.S.**

134. Upon information and belief, at all relevant times the Diocese was the owner of OCHS and held itself out to the public as the owner of OCHS.

135. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled OCHS.

136. Upon information and belief, at all relevant times the Diocese employed priests, school administrators, teachers, and others who served Catholic families at OCHS, including plaintiff N.S. and his family.

137. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled OCHS, and held out to the public its agents, servants, and employees as those who managed, maintained, operated, and controlled OCHS.

138. Upon information and belief, at all relevant times the Diocese was responsible for the hiring and staffing, and did the hiring and staffing, at OCHS.

139. Upon information and belief, at all relevant times the Diocese was responsible for and did the recruitment and staffing of volunteers at OCHS.

140. Upon information and belief, at all relevant times the Diocese materially benefited from the operation of OCHS, including the services of Father Proud and the services of those who managed and supervised Father Proud.

141. Upon information and belief, at all relevant times OCHS owned a school.

142. Upon information and belief, at all relevant times OCHS held itself out to the public as the owner of OCHS.

143. Upon information and belief, at all relevant times OCHS employed priests, school administrators, teachers, and others who served Catholic families, including plaintiff N.S. and his family.

144. Upon information and belief, at all relevant times OCHS, its agents, servants, and employees managed, maintained, operated, and controlled OCHS, and held out to the public its agents, servants and employees as those who managed, maintained, operated, and controlled OCHS.

145. Upon information and belief, at all relevant times OCHS was responsible for and did the staffing and hiring at OCHS.

146. Upon information and belief, at all relevant times OCHS was responsible for and did the recruitment and staffing of volunteers at OCHS.

147. Upon information and belief, at all relevant times OCHS materially benefitted from the operation of OCHS, including the services of Father Proud and the services of those who managed and supervised Father Proud.

148. Upon information and belief, at all relevant times Father Proud was a priest, teacher, and school administrator of the Diocese.

149. Upon information and belief, at all relevant times Father Proud was on the staff of, acted as an agent of, and served as an employee of the Diocese.

150. Upon information and belief, at all relevant times Father Proud was acting in the course and scope of his employment with the Diocese.

151. Upon information and belief, at all relevant times Father Titone was employed by the Diocese and assigned to St. Anthony's-St. Alphonsus.

152. Upon information and belief, at all relevant times Father Titone was a priest, teacher, and school administrator of St. Anthony's-St. Alphonsus.

153. Upon information and belief, at all relevant times Father Proud was on the staff of, was an agent of, and served as an employee of OCHS.

154. Upon information and belief, at all relevant times Father Proud was acting in the course and scope of his employment with OCHS.

155. Upon information and belief, at all relevant times Father Proud had an office at OCHS and had access to its other offices, rooms, and grounds.

156. When plaintiff N.S. was a minor, he and his parents were members of the Diocese, and N.S. was enrolled as a student of OCHS.

157. At all relevant times, the Diocese and OCHS, their agents, servants, and employees, held Father Proud out to the public, to N.S., and to his parents, as their agent and employee.

158. At all relevant times, the Diocese and OCHS, their agents, servants, and employees, held Father Proud out to the public, to N.S., and to his parents, as having been vetted, screened, and approved by those defendants.

159. At all relevant times, N.S. and his parents reasonably relied upon the acts and representations of the Diocese and OCHS, their agents, servants, and employees, and reasonably believed that Father Proud was an agent or employee of those defendants who was vetted, screened, and approved by those defendants.

160. At all relevant times, N.S. and his parents trusted Father Proud because the Diocese and OCHS held him out as someone who was safe and could be trusted with the supervision, care, custody, and control of N.S.

161. At all relevant times, N.S. and his parents believed that the Diocese and OCHS would exercise such care as would a parent of ordinary prudence in comparable circumstances when those defendants assumed supervision, care, custody, and control of N.S.

162. When N.S. was a minor, Father Proud sexually abused him.

163. N.S. was sexually abused by Father Proud when N.S. was approximately 15 to 16 years old.

164. Based on the representations of the Diocese and OCHS that Father Proud was safe and trustworthy, N.S. and his parents allowed N.S. to be under the supervision of, and in the care, custody, and control of, the Diocese and OCHS, including during the times when N.S. was sexually abused by Father Proud.

165. Based on the representations of the Diocese and OCHS that Father Proud was safe and trustworthy, N.S. and his parents allowed N.S. to be under the supervision of, and in the care, custody, and control of, Father Proud, including during the times when N.S. was sexually abused by Father Proud.

166. Neither N.S. nor his parents would have allowed him to be under the supervision of, or in the care, custody, or control of, the Diocese, OCHS, or Father Proud if the Diocese or OCHS had disclosed to N.S. or his parents that Father Proud was not safe and was not trustworthy, and that he in fact posed a danger to N.S. in that Father Proud was likely to sexually abuse N.S.

167. No parent of ordinary prudence in comparable circumstances would have allowed N.S. to be under the supervision of, or in the care, custody, or control of, the Diocese, OCHS, or Father Proud if the Diocese or OCHS had disclosed to N.S. or his parents that Father Proud was not safe and was not trustworthy, and that he in fact posed a danger to N.S. in that Father Proud was likely to sexually abuse him.



168. From approximately 1969 through 1970, Father Proud exploited the trust and authority vested in him by defendants by grooming N.S. to gain his trust and to obtain control over him as part of Father Proud's plan to sexually molest and abuse N.S. and other children.

169. Father Proud used his position of trust and authority as a priest, teacher, and school administrator of the Diocese and of OCHS to groom N.S. and to sexually abuse him multiple times, including when N.S. was under the supervision of, and in the care, custody, or control of, the Diocese, OCHS, and Father Proud.

170. At certain times, the sexual abuse of N.S. by Father Proud occurred at OCHS, including on the school grounds of OCHS, and also occurred in the vehicle that the Diocese and/or OCHS provided to Father Proud to use as part of his employment by them.

171. At certain times, Father Proud's sexual abuse of N.S. occurred during activities that were sponsored by, or were a direct result of activities sponsored by, the Diocese and OCHS, including when N.S. assisted Father Proud with school projects at the school.

172. Upon information and belief, prior to the times mentioned herein, Father Proud was a known sexual abuser of children.

173. At all relevant times, defendants, their agents, servants, and employees, knew or should have known that Father Proud was a known sexual abuser of children.

174. At all relevant times, it was reasonably foreseeable to defendants, their agents, servants, and employees that Father Proud's sexual abuse of children would likely result in injury to others, including the sexual abuse of N.S. and other children by Father Proud.

175. Upon information and belief, at certain times between 1969 and 1970, defendants, their agents, servants, and employees knew or should have known that Father Proud was sexually abusing N.S. and other children at OCHS and elsewhere.

176. Upon information and belief, defendants, their agents, servants, and employees knew or should have known that the sexual abuse by Father Proud of N.S. was ongoing.

177. Upon information and belief, the Diocese and OCHS, their agents, servants, and employees, knew or should have known before and during Father Proud's sexual abuse of N.S. that priests, school administrators, teachers, and other persons serving the Diocese and OCHS had used their positions with those defendants to groom and to sexually abuse children.

178. Upon information and belief, the Diocese and OCHS, their agents, servants, and employees, knew or should have known before and during Father Proud's sexual abuse of N.S. that such priests, school administrators, teachers, and other persons could not be "cured" through treatment or counseling.

179. Upon information and belief, the Diocese and OCHS, their agents, servants, and employees, concealed the sexual abuse of children by Father Proud in order to conceal their own bad acts in failing to protect children from him, to protect their reputation, and to prevent victims of such sexual abuse by him from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that Father Proud would continue to molest children.

180. Upon information and belief, the Diocese and OCHS, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Father Proud would use his position with the defendants to sexually abuse children, including N.S.

181. Upon information and belief, the Diocese and OCHS, their agents, servants, and employees, disregarded their knowledge that Father Proud would use his position with them to sexually abuse children, including N.S.

182. Upon information and belief, the Diocese and OCHS, their agents, servants, and employees, acted in concert with each other or with Father Proud to conceal the danger that Father Proud posed to children, including N.S., so that Father Proud could continue serving them despite their knowledge of that danger.

183. Upon information and belief, the Diocese and OCHS, their agents, servants, and employees, knew that their negligent, reckless, and outrageous conduct would inflict severe emotional and psychological distress, as well as personal physical injury, on others, including N.S., and he did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

184. Upon information and belief, the Diocese and OCHS, their agents, servants, and employees, concealed the sexual abuse of children by priests, school administrators, teachers, and others in order to conceal their own bad acts in failing to protect children from being abused, to protect their reputation, and to prevent victims of such sexual abuse from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that those priests, school administrators, teachers, and other persons would continue to molest children.

185. By reason of the wrongful acts of the Diocese and OCHS as detailed herein, N.S. sustained physical and psychological injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and N.S. has and/or will become obligated to expend sums of money for treatment.

**VII. STATEMENT OF FACTS AS TO PLAINTIFF P.V.**

186. Upon information and belief, at all relevant times the Diocese was the owner of Christ the King and held itself out to the public as the owner of Christ the King.

187. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled Christ the King.

188. Upon information and belief, at all relevant times the Diocese employed priests and others who served Catholic families at Christ the King, including plaintiff P.V. and his family.

189. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled Christ the King, and held out to the public its agents, servants, and employees as those who managed, maintained, operated, and controlled Christ the King.

190. Upon information and belief, at all relevant times the Diocese was responsible for the hiring and staffing, and did the hiring and staffing, at Christ the King.

191. Upon information and belief, at all relevant times the Diocese was responsible for and did the recruitment and staffing of volunteers at Christ the King.

192. Upon information and belief, at all relevant times the Diocese materially benefited from the operation of Christ the King, including the services of Father Proud and the services of those who managed and supervised Father Proud.

193. Upon information and belief, at all relevant times Christ the King owned a parish and church.

194. Upon information and belief, at all relevant times Christ the King held itself out to the public as the owner of Christ the King.

195. Upon information and belief, at all relevant times Christ the King employed priests and others who served Catholic families, including plaintiff P.V. and his family.

196. Upon information and belief, at all relevant times Christ the King, its agents, servants, and employees managed, maintained, operated, and controlled Christ the King, and held out to the public its agents, servants and employees as those who managed, maintained, operated, and controlled Christ the King.

197. Upon information and belief, at all relevant times Christ the King was responsible for and did the staffing and hiring at Christ the King.

198. Upon information and belief, at all relevant times Christ the King was responsible for and did the recruitment and staffing of volunteers at Christ the King.

199. Upon information and belief, at all relevant times Christ the King materially benefitted from the operation of Christ the King, including the services of Father Proud and the services of those who managed and supervised Father Proud.

200. Upon information and belief, at all relevant times Father Proud was a priest of the Diocese.

201. Upon information and belief, at all relevant times Father Proud was on the staff of, acted as an agent of, and served as an employee of the Diocese.

202. Upon information and belief, at all relevant times Father Proud was acting in the course and scope of his employment with the Diocese.

203. Upon information and belief, at all relevant times Father Proud was employed by the Diocese and assigned to Christ the King.

204. Upon information and belief, at all relevant times Father Proud was a priest of Christ the King.

205. Upon information and belief, at all relevant times Father Proud was on the staff of, was an agent of, and served as an employee of Christ the King.

206. Upon information and belief, at all relevant times Father Proud was acting in the course and scope of his employment with Christ the King.

207. Upon information and belief, at all relevant times Father Proud had an office on the premises of Christ the King.

208. When plaintiff P.V. was a minor, he and his parents were members of the Diocese and Christ the King.

209. At all relevant times, the Diocese and Christ the King, their agents, servants, and employees, held Father Proud out to the public, to P.V., and to his parents, as their agent and employee.

210. At all relevant times, the Diocese and Christ the King, their agents, servants, and employees, held Father Proud out to the public, to P.V., and to his parents, as having been vetted, screened, and approved by those defendants.

211. At all relevant times, P.V. and his parents reasonably relied upon the acts and representations of the Diocese and Christ the King, their agents, servants, and employees, and reasonably believed that Father Proud was an agent or employee of those defendants who was vetted, screened, and approved by those defendants.

212. At all relevant times, P.V. and his parents trusted Father Proud because the Diocese and Christ the King held him out as someone who was safe and could be trusted with the supervision, care, custody, and control of P.V.

213. At all relevant times, P.V. and his parents believed that the Diocese and Christ the King would exercise such care as would a parent of ordinary prudence in comparable circumstances when those defendants assumed supervision, care, custody, and control of P.V.

214. When P.V. was a minor, Father Proud sexually abused him.

215. P.V. was sexually abused by Father Proud when P.V. was approximately 9 to 11 years old.

216. Based on the representations of the Diocese and Christ the King that Father Proud was safe and trustworthy, P.V. and his parents allowed P.V. to be under the supervision of, and in the care, custody, and control of, the Diocese and Christ the King, including during the times when P.V. was sexually abused by Father Proud.

217. Based on the representations of the Diocese and Christ the King that Father Proud was safe and trustworthy, P.V. and his parents allowed P.V. to be under the supervision of, and in the care, custody, and control of, Father Proud, including during the times when P.V. was sexually abused by Father Proud.

218. Neither P.V. nor his parents would have allowed him to be under the supervision of, or in the care, custody, or control of, the Diocese, Christ the King, or Father Proud if the Diocese or Christ the King had disclosed to P.V. or his parents that Father Proud was not safe and was not trustworthy, and that he in fact posed a danger to P.V. in that Father Proud was likely to sexually abuse P.V.

219. No parent of ordinary prudence in comparable circumstances would have allowed P.V. to be under the supervision of, or in the care, custody, or control of, the Diocese, Christ the King, or Father Proud if the Diocese or Christ the King had disclosed to P.V. or his parents that Father Proud was not safe and was not trustworthy, and that he in fact posed a danger to P.V. in that Father Proud was likely to sexually abuse him.

220. From approximately 1974 through 1976, Father Proud exploited the trust and authority vested in him by defendants by grooming P.V. to gain his trust and to obtain control over him as part of Father Proud's plan to sexually molest and abuse P.V. and other children.

221. Father Proud used his position of trust and authority as a priest of the Diocese and of Christ the King to groom P.V. and to sexually abuse him multiple times, including when P.V. was under the supervision of, and in the care, custody, or control of, the Diocese, Christ the King, and Father Proud.

222. At certain times, the sexual abuse of P.V. by Father Proud occurred at Christ the King Church, including at the church and in the religious education classrooms.

223. At certain times, Father Proud's sexual abuse of P.V. occurred during activities that were sponsored by, or were a direct result of activities sponsored by, the Diocese and Christ the King, including during religious education classes and activities at Christ the King Church.

224. Upon information and belief, prior to the times mentioned herein, Father Proud was a known sexual abuser of children.

225. At all relevant times, defendants, their agents, servants, and employees, knew or should have known that Father Proud was a known sexual abuser of children.

226. At all relevant times, it was reasonably foreseeable to defendants, their agents, servants, and employees that Father Proud's sexual abuse of children would likely result in injury to others, including the sexual abuse of P.V. and other children by Father Proud.

227. Upon information and belief, at certain times between 1974 and 1976, defendants, their agents, servants, and employees knew or should have known that Father Proud was sexually abusing P.V. and other children at Christ the King and elsewhere.

228. Upon information and belief, defendants, their agents, servants, and employees knew or should have known that the sexual abuse by Father Proud of P.V. was ongoing.

229. Upon information and belief, the Diocese and Christ the King, their agents, servants, and employees, knew or should have known before and during Father Proud's sexual



abuse of P.V. that priests and other persons serving the Diocese and Christ the King had used their positions with those defendants to groom and to sexually abuse children.

230. Upon information and belief, the Diocese and Christ the King, their agents, servants, and employees, knew or should have known before and during Father Proud's sexual abuse of P.V. that such priests and other persons could not be "cured" through treatment or counseling.

231. Upon information and belief, the Diocese and Christ the King, their agents, servants, and employees, concealed the sexual abuse of children by Father Proud in order to conceal their own bad acts in failing to protect children from him, to protect their reputation, and to prevent victims of such sexual abuse by him from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that Father Proud would continue to molest children.

232. Upon information and belief, the Diocese and Christ the King, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Father Proud would use his position with the defendants to sexually abuse children, including P.V.

233. Upon information and belief, the Diocese and Christ the King, their agents, servants, and employees, disregarded their knowledge that Father Proud would use his position with them to sexually abuse children, including P.V.

234. Upon information and belief, the Diocese and Christ the King, their agents, servants, and employees, acted in concert with each other or with Father Proud to conceal the danger that Father Proud posed to children, including P.V., so that Father Proud could continue serving them despite their knowledge of that danger.

235. Upon information and belief, the Diocese and Christ the King, their agents, servants, and employees, knew that their negligent, reckless, and outrageous conduct would inflict severe emotional and psychological distress, as well as personal physical injury, on others, including P.V., and he did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

236. Upon information and belief, the Diocese and Christ the King, their agents, servants, and employees, concealed the sexual abuse of children by priests and others in order to conceal their own bad acts in failing to protect children from being abused, to protect their reputation, and to prevent victims of such sexual abuse from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that those priests and other persons would continue to molest children.

237. By reason of the wrongful acts of the Diocese and Christ the King as detailed herein, P.V. sustained physical and psychological injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and P.V. has and/or will become obligated to expend sums of money for treatment.

#### **VIII. STATEMENT OF FACTS AS TO PLAINTIFF T.T.**

238. Upon information and belief, at all relevant times the Diocese was the owner of Sacred Heart and held itself out to the public as the owner of Sacred Heart.

239. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled Sacred Heart.

240. Upon information and belief, at all relevant times the Diocese employed priests and others who served Catholic families at Sacred Heart, including plaintiff T.T. and his family.

241. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled Sacred Heart, and held out to the public its agents, servants, and employees as those who managed, maintained, operated, and controlled Sacred Heart.

242. Upon information and belief, at all relevant times the Diocese was responsible for the hiring and staffing, and did the hiring and staffing, at Sacred Heart.

243. Upon information and belief, at all relevant times the Diocese was responsible for and did the recruitment and staffing of volunteers at Sacred Heart.

244. Upon information and belief, at all relevant times the Diocese materially benefited from the operation of Sacred Heart, including the services of Father Furfaro and the services of those who managed and supervised Father Furfaro.

245. Upon information and belief, at all relevant times Sacred Heart owned a parish and church.

246. Upon information and belief, at all relevant times Sacred Heart held itself out to the public as the owner of Sacred Heart.

247. Upon information and belief, at all relevant times Sacred Heart employed priests and others who served Catholic families, including plaintiff T.T. and his family.

248. Upon information and belief, at all relevant times Sacred Heart, its agents, servants, and employees managed, maintained, operated, and controlled Sacred Heart, and held out to the public its agents, servants and employees as those who managed, maintained, operated, and controlled Sacred Heart.

249. Upon information and belief, at all relevant times Sacred Heart was responsible for and did the staffing and hiring at Sacred Heart.

250. Upon information and belief, at all relevant times Sacred Heart was responsible for and did the recruitment and staffing of volunteers at Sacred Heart.

251. Upon information and belief, at all relevant times Sacred Heart materially benefitted from the operation of Sacred Heart, including the services of Father Furfaro and the services of those who managed and supervised Father Furfaro.

252. Upon information and belief, at all relevant times Father Furfaro was a priest of the Diocese.

253. Upon information and belief, at all relevant times Father Furfaro was on the staff of, acted as an agent of, and served as an employee of the Diocese.

254. Upon information and belief, at all relevant times Father Furfaro was acting in the course and scope of his employment with the Diocese.

255. Upon information and belief, at all relevant times Father Furfaro was employed by the Diocese and assigned to Sacred Heart.

256. Upon information and belief, at all relevant times Father Furfaro was a priest of Sacred Heart.

257. Upon information and belief, at all relevant times Father Furfaro was on the staff of, was an agent of, and served as an employee of Sacred Heart.

258. Upon information and belief, at all relevant times Father Furfaro was acting in the course and scope of his employment with Sacred Heart.

259. Upon information and belief, at all relevant times Father Furfaro had an office on the premises of Sacred Heart.

260. When plaintiff T.T. was a minor, he and his parents were members of the Diocese and Sacred Heart.

261. At all relevant times, the Diocese and Sacred Heart, their agents, servants, and employees, held Father Furfaro out to the public, to T.T., and to his parents, as their agent and employee.

262. At all relevant times, the Diocese and Sacred Heart, their agents, servants, and employees, held Father Furfaro out to the public, to T.T., and to his parents, as having been vetted, screened, and approved by those defendants.

263. At all relevant times, T.T. and his parents reasonably relied upon the acts and representations of the Diocese and Sacred Heart, their agents, servants, and employees, and reasonably believed that Father Furfaro was an agent or employee of those defendants who was vetted, screened, and approved by those defendants.

264. At all relevant times, T.T. and his parents trusted Father Furfaro because the Diocese and Sacred Heart held him out as someone who was safe and could be trusted with the supervision, care, custody, and control of T.T.

265. At all relevant times, T.T. and his parents believed that the Diocese and Sacred Heart would exercise such care as would a parent of ordinary prudence in comparable circumstances when those defendants assumed supervision, care, custody, and control of T.T.

266. When T.T. was a minor, Father Furfaro sexually abused him.

267. T.T. was sexually abused by Father Furfaro when T.T. was approximately 10 to 13 years old.

268. Based on the representations of the Diocese and Sacred Heart that Father Furfaro was safe and trustworthy, T.T. and his parents allowed T.T. to be under the supervision of, and in

the care, custody, and control of, the Diocese and Sacred Heart, including during the times when T.T. was sexually abused by Father Furfaro.

269. Based on the representations of the Diocese and Sacred Heart that Father Furfaro was safe and trustworthy, T.T. and his parents allowed T.T. to be under the supervision of, and in the care, custody, and control of, Father Furfaro, including during the times when T.T. was sexually abused by Father Furfaro.

270. Neither T.T. nor his parents would have allowed him to be under the supervision of, or in the care, custody, or control of, the Diocese, Sacred Heart, or Father Furfaro if the Diocese or Sacred Heart had disclosed to T.T. or his parents that Father Furfaro was not safe and was not trustworthy, and that he in fact posed a danger to T.T. in that Father Furfaro was likely to sexually abuse T.T.

271. No parent of ordinary prudence in comparable circumstances would have allowed T.T. to be under the supervision of, or in the care, custody, or control of, the Diocese, Sacred Heart, or Father Furfaro if the Diocese or Sacred Heart had disclosed to T.T. or his parents that Father Furfaro was not safe and was not trustworthy, and that he in fact posed a danger to T.T. in that Father Furfaro was likely to sexually abuse him.

272. From approximately 1991 through 1993, Father Furfaro exploited the trust and authority vested in him by defendants by grooming T.T. to gain his trust and to obtain control over him as part of Father Furfaro's plan to sexually molest and abuse T.T. and other children.

273. Father Furfaro used his position of trust and authority as a priest of the Diocese and of Sacred Heart to groom T.T. and to sexually abuse him multiple times, including when T.T. was under the supervision of, and in the care, custody, or control of, the Diocese, Sacred Heart, and Father Furfaro.

274. At certain times, the sexual abuse of T.T. by Father Furfaro occurred at Sacred Heart, including inside Father Furfaro's office at the church during religious education classes.

275. At certain times, Father Furfaro's sexual abuse of T.T. occurred during activities that were sponsored by, or were a direct result of activities sponsored by, the Diocese and Sacred Heart, including Catholic Youth Organization basketball games and at a confirmation retreat.

276. Upon information and belief, prior to the times mentioned herein, Father Furfaro was a known sexual abuser of children.

277. At all relevant times, defendants, their agents, servants, and employees, knew or should have known that Father Furfaro was a known sexual abuser of children.

278. At all relevant times, it was reasonably foreseeable to defendants, their agents, servants, and employees that Father Furfaro's sexual abuse of children would likely result in injury to others, including the sexual abuse of T.T. and other children by Father Furfaro.

279. Upon information and belief, at certain times between 1991 and 1993, defendants, their agents, servants, and employees knew or should have known that Father Furfaro was sexually abusing T.T. and other children at Sacred Heart and elsewhere.

280. Upon information and belief, defendants, their agents, servants, and employees knew or should have known that the sexual abuse by Father Furfaro of T.T. was ongoing.

281. Upon information and belief, the Diocese and Sacred Heart, their agents, servants, and employees, knew or should have known that Father Furfaro was likely to abuse children, including T.T., because one of their religious sisters, a nun, saw T.T. alone in an office with Father Furfaro, later questioned T.T. about what Father Furfaro was doing with him, and then told T.T. not to tell his family about his time alone with Father Furfaro.

282. Upon information and belief, the Diocese and Sacred Heart, their agents, servants, and employees, knew or should have known before and during Father Furfaro's sexual abuse of T.T. that priests and other persons serving the Diocese and Sacred Heart had used their positions with those defendants to groom and to sexually abuse children.

283. Upon information and belief, the Diocese and Sacred Heart, their agents, servants, and employees, knew or should have known before and during Father Furfaro's sexual abuse of T.T. that such priests and other persons could not be "cured" through treatment or counseling.

284. Upon information and belief, the Diocese and Sacred Heart, their agents, servants, and employees, concealed the sexual abuse of children by Father Furfaro in order to conceal their own bad acts in failing to protect children from him, to protect their reputation, and to prevent victims of such sexual abuse by him from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that Father Furfaro would continue to molest children.

285. Upon information and belief, the Diocese and Sacred Heart, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Father Furfaro would use his position with the defendants to sexually abuse children, including T.T.

286. Upon information and belief, the Diocese and Sacred Heart, their agents, servants, and employees, disregarded their knowledge that Father Furfaro would use his position with them to sexually abuse children, including T.T.

287. Upon information and belief, the Diocese and Sacred Heart, their agents, servants, and employees, acted in concert with each other or with Father Furfaro to conceal the danger that Father Furfaro posed to children, including T.T., so that Father Furfaro could continue serving them despite their knowledge of that danger.



288. Upon information and belief, the Diocese and Sacred Heart, their agents, servants, and employees, knew that their negligent, reckless, and outrageous conduct would inflict severe emotional and psychological distress, as well as personal physical injury, on others, including T.T., and he did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

289. Upon information and belief, the Diocese and Sacred Heart, their agents, servants, and employees, concealed the sexual abuse of children by priests and others in order to conceal their own bad acts in failing to protect children from being abused, to protect their reputation, and to prevent victims of such sexual abuse from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that those priests and other persons would continue to molest children.

290. By reason of the wrongful acts of the Diocese and Sacred Heart as detailed herein, T.T. sustained physical and psychological injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and T.T. has and/or will become obligated to expend sums of money for treatment.

## **IX. CAUSES OF ACTION AS TO PLAINTIFF S.A.**

### **A. FIRST CAUSE OF ACTION – NEGLIGENCE**

291. Plaintiff S.A. repeats and re-alleges all of his allegations above and below.

292. The Diocese and St. Brigid's had a duty to take reasonable steps to protect plaintiff S.A., a child, from foreseeable harm when he was under their supervision and in their care, custody, and control.

293. The Diocese and St. Brigid's also had a duty to take reasonable steps to prevent Father Weber from using the tasks, premises, and instrumentalities of his position with the defendants to target, groom, and sexually abuse children, including S.A.

294. These circumstances created a special relationship between the Diocese and S.A., and between St. Brigid's and S.A., which imposed on each of those defendants a duty to exercise the degree of care of a parent of ordinary prudence in comparable circumstances.

295. The Diocese and St. Brigid's breached each of the foregoing duties by failing to exercise reasonable care to prevent Father Weber from harming S.A., including sexually abusing him.

296. In breaching their duties, including hiring, retaining, and failing to supervise Father Weber, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn S.A., his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for S.A. and other children who were under their supervision and in their care, custody, and control, the Diocese and St. Brigid's created a risk that S.A. would be sexually abused by Father Weber. The Diocese and St. Brigid's through their actions and inactions created an environment that placed S.A. in danger of unreasonable risks of harm under the circumstances.

297. In breaching their duties, including hiring, retaining, and failing to supervise Father Weber, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn S.A., his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for S.A. and other children who were

under their supervision and in their care, custody, and control, the Diocese and St. Brigid's acted willfully and with conscious disregard for the need to protect S.A. The Diocese and St. Brigid's through their actions and inactions created an environment that placed S.A. in danger of unreasonable risks of harm under the circumstances.

298. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of S.A.

299. As a direct and proximate result of the acts and omissions of the Diocese and St. Brigid's, Father Weber groomed and sexually abused S.A., which has caused S.A. to suffer general and special damages as more fully described herein.

**B. SECOND CAUSE OF ACTION – OUTRAGE AND INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

300. Plaintiff S.A. repeats and re-alleges all of his allegations above and below.

301. The Diocese and St. Brigid's engaged in reckless, extreme, and outrageous conduct by providing Father Weber with access to children, including plaintiff S.A., despite knowing that he would likely use his position to groom and to sexually abuse them, including S.A. Their misconduct was so shocking and outrageous that it exceeds the reasonable bounds of decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard by them of the consequences that would follow.

302. As a result of this reckless, extreme, and outrageous conduct, Father Weber gained access to S.A. and sexually abused him.

303. The Diocese and St. Brigid's knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and S.A. did in fact suffer severe emotional and psychological distress and

personal physical injury as a result, including severe mental anguish, humiliation and emotional and physical distress.

**X. CAUSES OF ACTION AS TO PLAINTIFF N.S.**

**A. FIRST CAUSE OF ACTION – NEGLIGENCE**

304. Plaintiff N.S. repeats and re-alleges all of his allegations above and below.

305. The Diocese and OCHS had a duty to take reasonable steps to protect plaintiff N.S., a child, from foreseeable harm when he was under their supervision and in their care, custody, and control.

306. The Diocese and OCHS also had a duty to take reasonable steps to prevent Father Proud from using the tasks, premises, and instrumentalities of his position with the defendants to target, groom, and sexually abuse children, including N.S.

307. The Diocese and OCHS were supervising N.S., and had care, custody, and control of N.S., when he was a student of OCHS and at other times, during which time those defendants had a duty to take reasonable steps to protect him.

308. These circumstances created a special relationship between the Diocese and N.S., and between OCHS and N.S., which imposed on each of those defendants a duty to exercise the degree of care of a parent of ordinary prudence in comparable circumstances.

309. The Diocese and OCHS breached each of the foregoing duties by failing to exercise reasonable care to prevent Father Proud from harming N.S., including sexually abusing him.

310. In breaching their duties, including hiring, retaining, and failing to supervise Father Proud, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn N.S., his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for N.S. and other children who were

under their supervision and in their care, custody, and control, the Diocese and OCHS created a risk that N.S. would be sexually abused by Father Proud. The Diocese and OCHS through their actions and inactions created an environment that placed N.S. in danger of unreasonable risks of harm under the circumstances.

311. In breaching their duties, including hiring, retaining, and failing to supervise Father Proud, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn N.S., his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for N.S. and other children who were under their supervision and in their care, custody, and control, the Diocese and OCHS acted willfully and with conscious disregard for the need to protect N.S. The Diocese and OCHS through their actions and inactions created an environment that placed N.S. in danger of unreasonable risks of harm under the circumstances.

312. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of N.S.

313. As a direct and proximate result of the acts and omissions of the Diocese and OCHS, Father Proud groomed and sexually abused N.S., which has caused N.S. to suffer general and special damages as more fully described herein.

**B. SECOND CAUSE OF ACTION – OUTRAGE AND INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

314. Plaintiff N.S. repeats and re-alleges all of his allegations above and below.

315. The Diocese and OCHS engaged in reckless, extreme, and outrageous conduct by providing Father Proud with access to children, including plaintiff N.S., despite knowing that he would likely use his position to groom and to sexually abuse them, including N.S. Their

misconduct was so shocking and outrageous that it exceeds the reasonable bounds of decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard by them of the consequences that would follow.

316. As a result of this reckless, extreme, and outrageous conduct, Father Proud gained access to N.S. and sexually abused him.

317. The Diocese and OCHS knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and N.S. did in fact suffer severe emotional and psychological distress and personal physical injury as a result, including severe mental anguish, humiliation and emotional and physical distress.

## **XI. CAUSES OF ACTION AS TO PLAINTIFF P.V.**

### **A. FIRST CAUSE OF ACTION – NEGLIGENCE**

318. Plaintiff P.V. repeats and re-alleges all of his allegations above and below.

319. The Diocese and Christ the King had a duty to take reasonable steps to protect plaintiff P.V., a child, from foreseeable harm when he was under their supervision and in their care, custody, and control.

320. The Diocese and Christ the King also had a duty to take reasonable steps to prevent Father Proud from using the tasks, premises, and instrumentalities of his position with the defendants to target, groom, and sexually abuse children, including P.V.

321. The Diocese and Christ the King were supervising P.V., and had care, custody, and control of P.V., when he attended their services, when he participated in their religious education classes, and at other times, during which time those defendants had a duty to take reasonable steps to protect him.

322. These circumstances created a special relationship between the Diocese and P.V., and between Christ the King and P.V., which imposed on each of those defendants a duty to exercise the degree of care of a parent of ordinary prudence in comparable circumstances.

323. The Diocese and Christ the King breached each of the foregoing duties by failing to exercise reasonable care to prevent Father Proud from harming P.V., including sexually abusing him.

324. In breaching their duties, including hiring, retaining, and failing to supervise Father Proud, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn P.V., his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for P.V. and other children who were under their supervision and in their care, custody, and control, the Diocese and Christ the King created a risk that P.V. would be sexually abused by Father Proud. The Diocese and Christ the King through their actions and inactions created an environment that placed P.V. in danger of unreasonable risks of harm under the circumstances.

325. In breaching their duties, including hiring, retaining, and failing to supervise Father Proud, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn P.V., his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for P.V. and other children who were under their supervision and in their care, custody, and control, the Diocese and Christ the King acted willfully and with conscious disregard for the need to protect P.V. The Diocese and Christ

the King through their actions and inactions created an environment that placed P.V. in danger of unreasonable risks of harm under the circumstances.

326. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of P.V.

327. As a direct and proximate result of the acts and omissions of the Diocese and Christ the King, Father Proud groomed and sexually abused P.V., which has caused P.V. to suffer general and special damages as more fully described herein.

**B. SECOND CAUSE OF ACTION – OUTRAGE AND INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

328. Plaintiff P.V. repeats and re-alleges all of his allegations above and below.

329. The Diocese and Christ the King engaged in reckless, extreme, and outrageous conduct by providing Father Proud with access to children, including plaintiff P.V., despite knowing that he would likely use his position to groom and to sexually abuse them, including P.V. Their misconduct was so shocking and outrageous that it exceeds the reasonable bounds of decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard by them of the consequences that would follow.

330. As a result of this reckless, extreme, and outrageous conduct, Father Proud gained access to P.V. and sexually abused him.

331. The Diocese and Christ the King knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and P.V. did in fact suffer severe emotional and psychological distress and personal physical injury as a result, including severe mental anguish, humiliation and emotional and physical distress.



## **XII. CAUSES OF ACTION AS TO PLAINTIFF T.T.**

### **A. FIRST CAUSE OF ACTION – NEGLIGENCE**

332. Plaintiff T.T. repeats and re-alleges all of his allegations above and below.

333. The Diocese and Sacred Heart had a duty to take reasonable steps to protect plaintiff T.T., a child, from foreseeable harm when he was under their supervision and in their care, custody, and control.

334. The Diocese and Sacred Heart also had a duty to take reasonable steps to prevent Father Furfaro from using the tasks, premises, and instrumentalities of his position with the defendants to target, groom, and sexually abuse children, including T.T.

335. The Diocese and Sacred Heart were supervising T.T., and had care, custody, and control of T.T., when he was completing religious education with Father Furfaro, when he participated in their Catholic Youth Organization basketball program, when he attended a confirmation retreat, and at other times, during which time those defendants had a duty to take reasonable steps to protect him.

336. These circumstances created a special relationship between the Diocese and T.T., and between Sacred Heart and T.T., which imposed on each of those defendants a duty to exercise the degree of care of a parent of ordinary prudence in comparable circumstances.

337. The Diocese and Sacred Heart breached each of the foregoing duties by failing to exercise reasonable care to prevent Father Furfaro from harming T.T., including sexually abusing him.

338. In breaching their duties, including hiring, retaining, and failing to supervise Father Furfaro, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn T.T., his parents, and other parents of the danger of

sexual abuse, and failing to create a safe and secure environment for T.T. and other children who were under their supervision and in their care, custody, and control, the Diocese and Sacred Heart created a risk that T.T. would be sexually abused by Father Furfaro. The Diocese and Sacred Heart through their actions and inactions created an environment that placed T.T. in danger of unreasonable risks of harm under the circumstances.

339. In breaching their duties, including hiring, retaining, and failing to supervise Father Furfaro, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn T.T., his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for T.T. and other children who were under their supervision and in their care, custody, and control, the Diocese and Sacred Heart acted willfully and with conscious disregard for the need to protect T.T. The Diocese and Sacred Heart through their actions and inactions created an environment that placed T.T. in danger of unreasonable risks of harm under the circumstances.

340. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of T.T.

341. As a direct and proximate result of the acts and omissions of the Diocese and Sacred Heart, Father Furfaro groomed and sexually abused T.T., which has caused T.T. to suffer general and special damages as more fully described herein.

**B. SECOND CAUSE OF ACTION – OUTRAGE AND INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

342. Plaintiff T.T. repeats and re-alleges all of his allegations above and below.

343. The Diocese and Sacred Heart engaged in reckless, extreme, and outrageous conduct by providing Father Furfaro with access to children, including plaintiff T.T., despite

knowing that he would likely use his position to groom and to sexually abuse them, including T.T. Their misconduct was so shocking and outrageous that it exceeds the reasonable bounds of decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard by them of the consequences that would follow.

344. As a result of this reckless, extreme, and outrageous conduct, Father Furfaro gained access to T.T. and sexually abused him.

345. The Diocese and Sacred Heart knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and T.T. did in fact suffer severe emotional and psychological distress and personal physical injury as a result, including severe mental anguish, humiliation and emotional and physical distress.

### **XIII. CPLR 1603 – NO APPORTIONMENT OF LIABILITY**

346. Pursuant to CPLR 1603, the foregoing causes of action are exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(2), CPLR 1602(5), 1602(7) and 1602(11), thus precluding defendants from limiting their liability by apportioning some portion of liability to any joint tortfeasor.

### **XIV. PRAYER FOR RELIEF**

347. The plaintiffs demand judgment against the defendants named in their causes of action, together with compensatory and punitive damages to be determined at trial, and the interest, cost and disbursements pursuant to their causes of action, and such other and further relief as the Court deems just and proper.

348. The plaintiffs specifically reserve the right to pursue additional causes of action, other than those outlined above, that are supported by the facts pleaded or that may be supported by other facts learned in discovery.

Dated: August 14, 2019

Respectfully Yours,

MARSH LAW FIRM PLLC

By  \_\_\_\_\_

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