

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

HW 1 ROE and HW 2 ROE, Being Victims of Child
Sexual Abuse,

SUMMONS

Plaintiffs,

v.

Index No.:

THE DIOCESE OF BUFFALO, NEW YORK
795 Main Street
Buffalo, New York 14203,

USA NORTHEAST PROVINCE OF THE
SOCIETY OF JESUS
39 East 83 Street
New York, New York 10028,

SAINT ANN'S CHURCH AND SHRINE
501 Emslie Street
Buffalo, New York 14212, and

JOHN DOE, Being a Priest of the USA Northeast Province
Of The Society Of Jesus, Whose Identity
Is Currently Unknown,

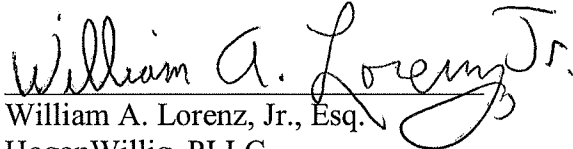
Defendants.

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 a Summons, to serve a Notice of Appearance, on Plaintiffs' attorney within **twenty** (20) days after the service of this Summons, exclusive of the day of service, or within **thirty** (30) days after completion of service where service is made in any other manner than by personal delivery within the State. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Complaint.

The action is brought in ERIE COUNTY based upon Plaintiffs' residence and the location of the incidents alleged herein.

DATED: July 15, 2019
Amherst, New York


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HOGANWILLIG

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

HW 1 ROE and HW 2 ROE, Being Victims of Child
Sexual Abuse,

Plaintiffs,

COMPLAINT

Index No.:

v.

THE DIOCESE OF BUFFALO, NEW YORK,
USA NORTHEAST PROVINCE OF THE
SOCIETY OF JESUS,
SAINT ANN'S CHURCH AND SHRINE, and
JOHN DOE, Being a Priest of the USA Northeast Province
Of The Society Of Jesus, Whose Identity Is Currently
Unknown,

Defendants.

Plaintiffs HW 1 ROE and HW 2 ROE, Being Victims of Child Sexual Abuse, by and through their attorneys, HOGANWILLIG, PLLC, as and for their Complaint against Defendants THE DIOCESE OF BUFFALO, NEW YORK ("DIOCESE"), USA NORTHEAST PROVINCE OF THE SOCIETY OF JESUS ("JESUITS"), SAINT ANN'S CHURCH AND SHRINE ("ST. ANN'S"), and JOHN DOE, Being a Priest of the USA Northeast Province Of The Society Of Jesus, Whose Identity Is Currently Unknown ("FR. DOE"), herein alleges as follows:

1. At all relevant times hereinafter mentioned, Plaintiff HW 1 ROE was and still is a resident of the County of Erie, State of New York.
2. At all relevant times hereinafter mentioned, Plaintiff HW 2 ROE was and still is a resident of the County of Erie, State of New York.
3. Plaintiffs HW 1 ROE and HW 2 ROE are biological sisters.

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4. Plaintiffs are filing under pseudonyms publicly, but their identities can be confidentially disclosed to Defendants in discovery not to be filed publicly.

5. Upon information and belief, and at all relevant times hereinafter mentioned, Defendant DIOCESE was and is a Roman Catholic diocese headquartered in Buffalo, New York, with its principal place of business located at 795 Main Street, Buffalo, New York.

6. Upon information and belief, and at all relevant times hereinafter mentioned, Defendant JESUITS was and is a Roman Catholic order of priests and brothers serving, among other places, the State of New York, with a principal place of business located at 39 East 83 Street, New York, New York 10028.

7. Upon information and belief, and at all relevant times hereinafter mentioned, Defendant ST. ANN'S was a Roman Catholic Church located at 501 Emslie Street, Buffalo, County of Erie, State of New York.

8. Upon information and belief, and at all relevant times hereinafter mentioned, Defendant ST. ANN'S was operated by Defendant DIOCESE.

9. Upon information and belief, and at all times hereinafter mentioned, Defendant JESUITS conducted activities in Erie County, New York, including providing priests to various schools, churches, and parishes owned and operated by Defendant DIOCESE and at the request of Defendant DIOCESE in the County of Erie and State of New York, including Defendant ST. ANN'S.

10. Upon information and belief, and at all relevant times hereinafter mentioned, Defendant FR. DOE was a Jesuit priest and member, agent, servant, and/or employee of Defendant JESUITS.

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Attorneys at Law

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FACTS COMMON TO ALL CLAIMS

11. Upon information and belief, Defendant FR. DOE was assigned via Defendants JESUITS and DIOCESE to Defendant ST. ANN'S in or about the 1970s.

12. Plaintiffs and their family were parishioners at Defendant ST. ANN'S in the early 1970s.

13. Through his positions at, within, or for Defendants JESUITS, DIOCESE, and ST. ANN'S, Defendant FR. DOE was put in direct contact with Plaintiffs, beginning in the early 1970s.

14. From approximately one (1) year, Plaintiffs were the victims or sexual harassment, sexual abuse, and violence by or at the direction of Defendant FR. DOE, and with the acquiescence, approval, participation, and implied permission of Defendants JESUITS, DIOCESE, and ST. ANN'S.

15. Upon information and belief, Defendant FR. DOE's sexual abuse began when Plaintiffs were both approximately 7-8 years old.

16. Upon information and belief, Defendant FR. DOE almost always abused Plaintiffs at the same time.

17. Upon information and belief, some of the incidents experienced by then-infant Plaintiffs include, but are not limited to, the following:

- a. On numerous occasions, Defendant FR. DOE would give communion wine to then-infant Plaintiffs prior to their first communions, to the point of intoxication.
- b. On numerous occasions, Defendant FR. DOE would make then-infant Plaintiffs undress in front of him in a back room at Defendant ST. ANN'S.

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Attorneys at Law

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- c. On numerous occasions, Defendant FR. DOE would bring then-infant Plaintiffs into a back room at Defendant ST. ANN'S to grope and fondle them, including placing then-infant Plaintiffs on his lap while he did so.
- d. On numerous occasions, Defendant FR. DOE would take then-infant Plaintiffs to a local pool and make them change clothes in the backseat while he watched.
- e. On numerous occasions, Defendant FR. DOE would keep then-infant Plaintiffs in his vehicle and kiss and grope them.

18. Upon information and belief, during the above referenced period, at least one other individual attending Defendant ST. ANN'S also reported acts of sexual harassment, sexual abuse, and violence by Defendant FR. DOE.

19. Upon information and belief, Plaintiffs contacted Defendant DIOCESE in or about 2018 to alert them to the abuse they suffered as infants at Defendant ST. ANN'S.

20. Upon information and belief, Defendant DIOCESE contacted Defendant JESUITS about Plaintiffs' abuse claims.

21. Upon information and belief, Defendant JESUITS invited Plaintiffs to visit their office and speak with representatives of Defendant JESUITS at 39 East 83 Street, New York New York 10028 in or about December 2018 to discuss the claims of abuse sustained at the hands of Defendant FR. DOE.

22. Upon information and belief, Defendant JESUITS, after inviting Plaintiffs to fly to New York in or about December 2018, took no action to address the claims of Plaintiffs or discuss a potential settlement.

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23. Venue is proper in Erie County based on Plaintiffs' residence and the location of the incidents alleged herein.

24. This action is brought pursuant to CPLR § 214-G, as added by the New York Child Victims Act, which has revived claims of child sexual abuse for a period of one year beginning on August 14, 2019, six months after the effective date of the section (February 14, 2019). This action is timely commenced.

AS AND FOR A FIRST CAUSE OF ACTION AGAINST DEFENDANTS: NEGLIGENCE

25. Plaintiffs repeat, reiterate, and reallege each and every allegation contained in paragraphs "1" through "24" as though more fully set forth herein.

26. Defendant FR. DOE, as an agent, servant and/or employee of Defendants DIOCESE, JESUITS, and ST. ANN'S, was a religious figure and educator who had physical custody of then-infant Plaintiffs for sanctioned activities such as attending mass, and owed Plaintiffs a duty of care.

27. Defendants were *in loco parentis* and owed Plaintiffs a duty of care.

28. Defendants breached their duty of care owed to Plaintiffs when they allowed Plaintiffs to be in contact with Defendant FR. DOE.

29. Defendants knew or should have known of the sexual abuse, sexual harassment, and violence at Defendant ST. ANN'S and while Plaintiffs were in the custody of Defendant FR. DOE, and breached their duty when they failed to report said abuse and failed to remove Defendant FR. DOE.

30. Defendants DIOCESE, JESUITS, and ST. ANN'S are individually responsible and are also responsible under the doctrines of vicarious responsibility and respondent superior.

31. Plaintiffs suffered severe emotional and mental suffering and distress due to Defendants' actions, as well as fear for their own physical safety.

32. As a result of Defendants' breach, Plaintiffs have incurred and will incur medical costs to treat their past, present, and future psychological suffering as a result of being victims of sexual abuse, sexual harassment, and violence while in Defendant FR. DOE's control at Defendant ST. ANN'S and elsewhere.

33. By reason of the foregoing, Plaintiffs have been damaged in an amount exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A SECOND CAUSE OF ACTION AGAINST DEFENDANTS:
FAILURE TO REPORT**

34. Plaintiffs repeat, reiterate, and reallege each and every allegation contained in paragraphs "1" through "33" as though more fully set forth herein.

35. Defendants JESUITS, DIOCESE, and ST. ANN'S, through its agents, servants, and employees, were Mandated Reporters under New York Social Services Law.

36. Defendants, through their agents, servants, and employees, had reasonable cause to suspect that Plaintiffs were being abused and/or maltreated by Defendant FR. DOE over at least a one (1) year period in the early 1970s.

37. Defendants, through their agents, servants, and employees, knowingly and willfully failed to report the suspected child abuse or maltreatment to anyone, including the police or Child Protective Services.

38. Defendants did not provide their employees with written information on reporting requirements.

39. Defendants failed to follow the policies of required reporting including, but not limited to, the policies listed in the Code of Conduct for Priests, Deacons, Pastoral Ministers,

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Administrators, Staff and Volunteers, as well as New York Consolidated Laws, Social Services Law - SOS § 413.

40. Defendants are liable for the failure to report pursuant to New York Consolidated Laws, Social Services Law - SOS § 420.

41. The knowing and willful failure of Defendants, through the inaction of their agents, servants, and employees, to report the child abuse and maltreatment of Plaintiffs was a proximate cause of Plaintiffs' damages.

42. By reason of the foregoing, Plaintiffs have been damaged in an amount exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A THIRD CAUSE OF ACTION AGAINST DEFENDANTS:
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

43. Plaintiffs repeat, reiterate, and reallege each and every allegation contained in paragraphs "1" through "42" as though more fully set forth herein. Defendants DIOCESE and ST. ANN'S willfully and/or intentionally ignored Plaintiffs' repeated requests to address the issues of sexual abuse, sexual harassment, and violence in Defendant ST. ANN'S as described previously herein.

44. During the time period referenced above in the early 1970s, Defendants DIOCESE, JESUITS, and ST. ANN'S allowed Defendant FR. DOE unrestricted access to Plaintiffs and willfully and/or intentionally ignored complaints against Defendant FR. DOE of sexual abuse, sexual harassment, and violence.

45. During the time period referenced above, Defendants DIOCESE, JESUITS, and ST. ANN'S willfully and/or intentionally ignored Plaintiffs' safety by requiring and allowing Plaintiffs to be watched by Defendant FR. DOE by himself before, during, and after religious activities.

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46. Defendants DIOCESE, JESUITS, and ST. ANN'S were deliberately indifferent to the risk of sexual harassment and violence posed to Plaintiffs by being alone with Defendant FR. DOE.

47. Defendants willfully and/or intentionally created a hostile and unsafe religious and educational environment that no child would be able to tolerate.

48. Defendants, in order to avoid embarrassment, scandal, and negative publicity, intended to cause Plaintiffs shame, humiliation, and extreme emotional distress so they would stay silent, and not report the abuse.

49. Defendants behaved in a manner toward Plaintiffs that was so outrageous as to exceed all reasonable bounds of decency.

50. Defendants knew with substantial certainty or should have known that their behavior would cause Plaintiffs to be victims of sexual abuse, sexual harassment, and violence.

51. Defendants knew with substantial certainty or should have known that their behavior would cause severe emotional distress to Plaintiffs.

52. The foregoing acts of Defendants caused Plaintiffs physical, mental and emotional distress.

53. By reason of the foregoing, Plaintiffs have been damaged in an amount exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A FOURTH CAUSE OF ACTION AGAINST DEFENDANTS:
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

54. Plaintiffs repeat, reiterate, and reallege each and every allegation contained in paragraphs "1" through "53" as though more fully set forth herein.

55. Defendants DIOCESE, JESUITS, and ST. ANN'S, through their agents, servants, and/or employees, were negligent when they allowed Plaintiffs to continue to be exposed to

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Defendant FR. DOE after being provided with and/or ignoring allegations of sexual harassment, sexual abuse, and violence committed by Defendant FR. DOE.

56. Defendants DIOCESE, JESUITS, and ST. ANN’S knew or should have known this inaction would subject Plaintiff to further sexual harassment, sexual abuse, and violence, and knew or should have known this would unreasonably endanger Plaintiffs’ safety, cause them to fear for their safety, and cause them severe emotional distress.

57. Defendants DIOCESE, JESUITS, and ST. ANN’S owed a duty to Plaintiffs to protect them from sexual harassment, sexual abuse, and violence from Defendant FR. DOE, including but not limited to when on the premises of Defendant ST. ANN’S.

58. Defendants DIOCESE, JESUITS, and ST. ANN’S breached the duty owed to Plaintiffs to protect them from sexual abuse, sexual harassment, and violence from Defendant FR. DOE, including but not limited to when on the premises of Defendant ST. ANN’S.

59. Plaintiffs suffered severe emotional and mental suffering and distress due to Defendants’ actions, as well as fear for their own physical safety.

60. By reason of the foregoing, Plaintiffs have been damaged in an amount exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A FIFTH CAUSE OF ACTION AGAINST DEFENDANTS:
NEGLIGENT HIRING**

61. Plaintiffs repeat, reiterate, and reallege each and every allegation contained in paragraphs “1” through “60” as though more fully set forth herein.

62. Defendants owed Plaintiffs a duty of care to supervise and protect Plaintiffs.

63. Defendants DIOCESE, JESUITS, and ST. ANN’S were obligated to Plaintiffs to hire and/or assign personnel, including Defendant FR. DOE, to ensure that the religious environment at Defendant ST. ANN’S was a safe environment for everyone.

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64. Defendants DIOCESE, JESUITS, and ST. ANN'S knew or should have known at the time of Defendant FR. DOE's hiring of his propensity for the conduct which caused the injury.

65. Plaintiffs were the victims of sexual abuse, sexual harassment, and violence by or at the direction of Defendant FR. DOE.

66. Defendants DIOCESE, JESUITS, and ST. ANN'S breached their duty of care to Plaintiffs when they negligently hired Defendant FR. DOE.

67. Plaintiffs suffered severe emotional and mental suffering and distress due to Defendants' actions, as well as fear for their own physical safety.

68. By reason of the foregoing, Plaintiffs have been damaged in an amount exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A SIXTH CAUSE OF ACTION AGAINST DEFENDANTS:
NEGLIGENT SUPERVISION AND RETENTION

69. Plaintiffs repeat, reiterate, and reallege each and every allegation contained in paragraphs "1" through "68" as though more fully set forth herein.

70. Defendants DIOCESE, JESUITS, and ST. ANN'S owed Plaintiffs a duty of care to supervise and protect Plaintiffs.

71. Defendants DIOCESE, JESUITS, and ST. ANN'S were obligated to Plaintiffs to supervise the personnel at Defendant ST. ANN'S to ensure that the religious environment at Defendant ST. ANN'S was a reasonably safe environment for all parishioners.

72. Plaintiffs were the victims of sexual abuse, sexual harassment, and violence by or at the direction of Defendant FR. DOE.

73. Defendants DIOCESE, JESUITS, and ST. ANN'S knew or should have had knowledge of the sexual abuse, sexual harassment, and violence by or at the direction of

Defendant FR. DOE and negligently ignored the reports of the sexual abuse, sexual harassment, and violence by or at the direction of Defendant FR. DOE.

74. Defendants DIOCESE, JESUITS, and ST. ANN'S did not terminate the employment of Defendant FR. DOE despite the reports of Plaintiffs and other individuals concerning the sexual abuse, sexual harassment and violence committed by Defendant FR. DOE.

75. Defendants DIOCESE, JESUITS, and ST. ANN'S breached their duty of care to Plaintiffs when they negligently supervised and retained Defendant FR. DOE.

76. Plaintiffs suffered severe emotional and mental suffering and distress due to Defendants' actions, as well as fear for their own physical safety.

77. By reason of the foregoing, Plaintiffs have been damaged in an amount exceeding the jurisdictional limits of all lower courts, which would otherwise have jurisdiction.

**AS AND FOR A SEVENTH CAUSE OF ACTION AGAINST DEFENDANTS:
PUNITIVE DAMAGES**

78. Plaintiffs repeat, reiterate, and reallege each and every allegation contained in paragraphs "1" through "77" as though more fully set forth herein.

79. Defendants DIOCESE, JESUITS, and ST. ANN'S' knowledge of the violence, sexual harassment, and/or misconduct against Plaintiffs at Defendant ST. ANN'S by or at the direction of Defendant FR. DOE is tantamount to a wanton and conscious disregard for the safety of Plaintiff and others, and warrants the imposition of punitive damages.

80. By reason of the malicious, intentional, willful, and/or negligent conduct of Defendants herein, and by such other acts that were morally reprehensible, Defendants' conduct evidenced a callous disregard for the safety of Plaintiffs, and said acts constituted a wanton, reckless and/or malicious disregard for the rights of others and as a result thereof, Plaintiffs demand punitive damages.

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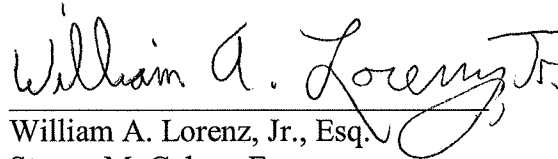
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81. By reason of the foregoing, Plaintiffs have been damaged in an amount exceeding the jurisdictional limits of all lower courts, which would otherwise have jurisdiction.

WHEREFORE, Plaintiffs demand judgment against Defendants in an amount which exceeds the jurisdictional limits of all other courts which might otherwise have jurisdiction, and for such other and further relief to Plaintiffs as this Court deems just and proper.

DATED: July 15, 2019
Amherst, New York



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