

STATE OF NEW YORK
SUPREME COURT: COUNTY OF ERIE

KS-DOE-1;
KS-DOE-1A;
KS-DOE-2;
KS-DOE-2A;
KS-DOE-3;
KS-DOE-3A;
KS-DOE-4;
KS-DOE-4A;
KS-DOE-5;
KS-DOE-6;
KS-DOE-7;
KS-DOE-7A;
KS-DOE-8;
KS-DOE-9;
KS-DOE-9A;
KS-DOE-10;
KS-DOE-10A;
KS-DOE-11;
KS-DOE-11A;
KS-DOE-12;
KS-DOE-12A;
KS-DOE-13; and
KS-DOE-14;

SUMMONS

Index No. _____

Plaintiff(s),

v.

THE DIOCESE OF BUFFALO, N.Y.;
THE FOUNDATION OF THE ROMAN
CATHOLIC DIOCESE OF BUFFALO, N.Y., INC.;
MOST REVEREND RICHARD J. MALONE,
a/k/a BISHOP RICHARD J. MALONE;
MOST REVEREND EDWARD U. KMIEC,
a/k/a BISHOP EDWARD U. KMIEC;
ST. JOSEPH INVESTMENT FUND, INC.;
GEORGE J. EBERL;
SOCIETY OF JESUS, USA-NORTHEAST
PROVINCE A/K/A THE JESUITS;
REV. RONALD SILVERIO;

REV. BASIL ORMSBY, S.J.;
 REV. FLORIAN JASINSKI;
 REV. JOSEPH PERSICH, S.J.;
 REV. DAVID BIALAKOWSKI;
 REV. FREDERICK FINGERLE;
 MONSIGNOR MICHAEL HARRINGTON;
 MONSIGNOR WILLIAM STANTON;
 REV. THEODORE PODSON;
 REV. NELSON KINMARTIN;
 REV. RONALD SADJAK;
 ST. BRIDGETS R.C. CHURCH;
 ALL SAINTS R.C. CHURCH;
 BLESSED TRINITY R.C. CHURCH;
 HOLY FAMILY R.C. CHURCH;
 ST. TERESAS R.C. CHURCH;
 ST. JOSAPHATS R.C. CHURCH;
 ST. JOHN GAULBERT R.C. CHURCH;
 IMMACULATE CONCEPTION R.C. CHURCH;
 CANISIUS HIGH SCHOOL OF BUFFALO;
 CALASANCTIUS SCHOOL OF BUFFALO;
 BISHOP TURNER HIGH SCHOOL;
 CHRIST THE KING SEMINARY;
 ATTORNEY(S) ABC;
 ACCOUNTANT(S) XYZ;
 FIDELIS CARE as a Trademark for the CENTENE
 CORPORATION and CATHOLIC HEALTH OF
 WNY and its subsidiaries;
 CATHOLIC CEMETERIES OF THE ROMAN
 CATHOLIC DIOCESE OF BUFFALO, INC.; and
 CHRIST THE KING SEMINARY FUND, INC.,

Defendant(s)

TO THE ABOVE-NAMED DEFENDANT(S)

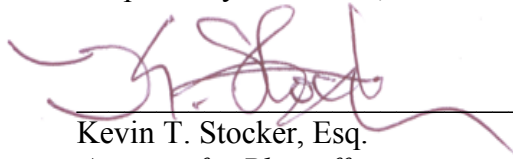
YOU ARE HEREBY SUMMONED to answer the Complaint in this action and to serve a copy of your Answer upon Plaintiff's attorney at the address stated below within twenty (20) days after the personal service of this Summons, exclusive of the day of service, (or within thirty (30) days after service is complete 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.

Plaintiff(s) designate Erie County as the place of trial. The basis of venue is the location of Plaintiff(s)' residences, Defendant(s)' operations, as well as Defendant(s)' headquarters located at 795 Main Street, Buffalo, NY 14203 and/or the places of the causes of action complained of herein.

Dated: August 14, 2019
Tonawanda, New York

Respectfully Submitted,



Kevin T. Stocker, Esq.
Attorney for Plaintiffs
2645 Sheridan Drive
Tonawanda, New York 14150
Telephone: (716) 832-3006
Fax (716) 832-3660

STATE OF NEW YORK
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COMPLAINT

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 FIDELIS CARE as a Trademark for the CENTENE
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 WNY and its subsidiaries;
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 CHRIST THE KING SEMINARY FUND, INC.,

Defendant(s)

Plaintiff(s), KS-Doe-1; KS-Doe-1a; KS-Doe-2; KS-Doe-2a; KS-Doe-3; KS-Doe-3a;
 KS-Doe-4; KS-Doe-4a; KS-Doe-5; KS-Doe-6; KS-Doe-7; KS-Doe-7a; KS-Doe-8; KS-Doe-9;
 KS-Doe-9a; KS-Doe-10; KS-Doe-10a; KS-Doe-11; KS-Doe-11a; KS-Doe-12; KS-Doe-12a;
 KS-Doe-13; and KS-Doe-14, by their attorneys, The Law Office of Kevin T. Stocker, Esq., PC,
 brings this action against The Foundation of the Roman Catholic Diocese of Buffalo, Inc.; The
 Diocese of Buffalo; Bishop Richard J. Malone; Bishop Edward U. Kmiec; The St. Joseph

Investment Fund, Inc.; George J. Eberl; Society of Jesus - USA-Northeast Province a/k/a The Jesuits; Rev. Ronald Silverio; Rev. Basil Ormsby, S.J.; Rev. Florian Jasinski; Rev. Joseph Persich, S.J.; Rev. David Bialakowski; Rev. Frederick Fingerle; Monsignor Michael Harrington; Monsignor William Stanton; Rev. Theodore Podson; Rev. Nelson Kinmartin; Rev. Ronald Sadjak; St. Bridget's R.C. Church; Immaculate Conception R.C. Church; All Saints R.C. Church; Blessed Trinity R.C. Church; Holy Family R.C. Church; St. Teresa's R.C. Church; St. Josaphat's R.C. Church; St. John Gualbert R.C. Church; Calasanctius School of Buffalo; Canisius High School of Buffalo; Bishop Turner High School of Buffalo and Christ the King Seminary; Attorney(s) ABC; Accountant(s) XYZ; Fidelis Care as a Trademark for the Centene Corporation and Catholic Health of WNY and its subsidiaries, Catholic Cemeteries of the Roman Catholic Diocese of Buffalo, Inc., and Christ the King Seminary Fund, Inc., here now allege, on personal knowledge as to each and every Plaintiff herein and on information and belief as to all other matters, as follows:

JURISDICTION AND VENUE

1. This Court has personal jurisdiction over the Defendants pursuant to CPLR §§ 301 and 302, in that the Defendants named herein reside in and/or conduct business in New York, and, at times relevant herein, conducted activities in New York that gives rise to the claims asserted.

2. Venue for this action is proper in the County of Erie pursuant to CPLR 503 in that one or more Plaintiff(s) and Defendant(s) resides and transacts business in this County and all or a substantial part of the events and/or omissions upon which this action is predicated occurred therein.

PARTIES

3. Plaintiff(s), KS-Doe-1; KS-Doe-1a; KS-Doe-2; KS-Doe-2a; KS-Doe-3; KS-Doe-3a; KS-Doe-4; KS-Doe-4a; KS-Doe-5; KS-Doe-6; KS-Doe-7; KS-Doe-7a; KS-Doe-8; KS-Doe-9; KS-Doe-9a; KS-Doe-10; KS-Doe-10a; KS-Doe-11; KS-Doe-11a; KS-Doe-12; KS-Doe-12a; KS-Doe-13; and KS-Doe-14, have resided within the County of Erie and State of New York at all times relevant to the cause(s) of action that has accrued herein.

4. Defendant The Diocese of Buffalo, N.Y. (hereinafter “Diocese of Buffalo”) is a Roman Catholic diocese established and headquartered in Buffalo, New York with its principal place of business located at 795 Main Street, Buffalo, New York. At all relevant times, the Diocese of Buffalo operated educational schools during the periods 1975- 2016, under the names of Bishop Turner High School, Canisius High School, Calasactius School of Buffalo and Christ the King Seminary.

5. Defendant The Foundation of the Roman Catholic Diocese of Buffalo, N.Y., Inc., has its principal place of business located at 795 Main Street, Buffalo New York, and is an Incorporated Not-for-Profit organization which operates in soliciting and providing funds for the benefit of religious, educational and social enterprises.

6. Defendant St. Joseph Investment Fund, Inc., has its principal office located at 795 Main Street, Buffalo New York and is an Incorporated Not-for Profit organization serving as a private

grant-making foundation. Upon information and belief, it does not file a yearly tax return with the Internal Revenue Service based upon its designation as a religious entity.

7. Defendant George J. Eberle is an employee and vice-chairman of the Foundation of the Roman Catholic Diocese of Buffalo. Defendant, George J. Eberle's principal place of business is located at 795 Main Street, Buffalo, New York.

8. Defendant, Most Reverend Richard J. Malone, a/k/a Bishop Richard J. Malone (hereinafter "Bishop Malone"), was appointed as the bishop of the Diocese of Buffalo on or about the 10th day of August, 2012, as such said Bishop Malone was the Supervising Cleric and Administrator of the Diocese of Buffalo commencing on August 10th, 2012 and upon information and belief retains this position and title as of the date of the instant action herein.

9. Defendant Most Reverend Edward U. Kmiec, a/k/a Bishop Edward U. Kmiec (hereinafter "Bishop Kmiec"), was appointed bishop of the Diocese of Buffalo on or about the 28th day of October, 2004 and served as bishop until he tendered his resignation on August 10, 2012; as such he was the Supervising Cleric and Administrator of the Diocese of Buffalo during this period.

10. Defendant The Society of Jesus, USA- Northeast Province, a/k/a The Jesuits, is a not-for-profit corporation which at relevant times conducted activities in Erie County, New York including providing services and operating Canisius High School, Bishop Turner High School, Christ the King Seminary and providing services to the Calasanctius School of Buffalo.

11. Defendant(s), Canisius High School; Bishop Turner High School; the Calasanctius School of Buffalo and Christ The King Seminary are all religious, educational facilities operated, supervised and promulgated under the direction of the Diocese of Buffalo.

12. During the times relevant to the allegations set forth herein, Defendant(s), Rev. Ronald Silverio, Rev. Basil Ormsby, S.J., Rev. Florion Jasinski, Rev. Joseph Persich, S.J., Rev. David Bialakowski, Rev. Frederick Fingerle, Monsignor Michael Harrington, Monsignor William Stanton, Rev. Theodore Podson, Rev. Nelson Kinmartin and Rev. Ronald Sadjack, were all employed as priests and/or teachers at the schools, churches and “parishes” named herein. Through their positions as priests and teachers they were put into direct contact with the Plaintiff(s) as further delineated herein; whereby these Defendant priests used their positions of authority and trust over Plaintiff(s) to sexually abuse and injure them.

13. Defendant(s) Bridget’s R.C. Church, Immaculate Conception R.C. Church, All Saints R.C. Church, Blessed Trinity R.C. Church, St. Teresa’s R.C. Church, St. Josaphat’s R.C. Church, St. John Gualbert’s R.C. Church, Holy Family R.C. Church, St. Josaphat’s R.C. Church are all Roman Catholic houses of religious worship commonly described and denoted as “parishes,” which were operated at the direction and behest of the Diocese of Buffalo.

14. Defendant(s) Attorney(s) ABC and Accountant(s) XYZ are designated herein pending further discovery and disclosure as part of the allegations and facts plead herein.

FACTS COMMON TO ALL CLAIMS

15. Plaintiff, KS-DOE-1 and KS-Doe-2 while minors attended religious and educational services at the Holy Family R.C Church of Buffalo, a church and school within and under the auspices of the Diocese of Buffalo.

16. Plaintiff KS-Doe-1a is the spouse of Plaintiff KS-Doe-1.

17. Plaintiff KS-Doe-2a is the spouse of Plaintiff KS-Doe-2.

18. Based upon information and belief, and during the times set forth herein, Rev. Ronald Silverio was employed as a priest at Defendant, Holy Family R.C. Church.

19. Defendant, Rev. Ronald Silverio, through his position at, within, or for the Defendant(s), Rev. Ronald Silverio was placed in direct contact with Plaintiff(s), KS-DOE-1 and KS-Doe-2 who then used his position of authority and trust over Plaintiff, KS-DOE-1 and KS-Doe-2 to sexually abuse and injure them. Plaintiff(s) KS-Doe-1 and KS-Doe-2 were brothers.

20. On numerous occasions during a two-year period while Plaintiff, KS-DOE-1 and KS-Doe-2 were minors and were sexually abused by the Defendant, Rev. Ronald Silverio. Rev. Ronald Silverio while acting as a priest, counselor, teacher, trustee, director, officer, employee, agent, servant and/or volunteer of the Defendant(s) sexually assaulted, sexually abused and had

sexual contact with Plaintiff, KS-DOE-1 and KS-Doe-2 all in violation of the laws of New York State.

21. At all times material hereto, Rev. Ronald Silverio was under the direct supervision, employ and/or control of the Defendant(s).

22. All the Defendant(s) knew and/or reasonably should have known, and/or knowingly condoned, and/or covered up, the inappropriate and unlawful criminal conduct activities of Rev. Ronald Silverio who sexually assaulted Plaintiff, KS-DOE-1 and KS-Doe-2.

23. Defendant(s) had the responsibility to supervise and/ or direct priests serving at Holy Family R.C. Church of Buffalo, and specifically had a duty not to aid a pedophile such as Rev. Ronald Silverio, by assigning, maintaining and/or appointing him to a position with access to minors.

24. That, Plaintiff, KS-DOE-3, attended religious and educational services at Canisius High School of Buffalo, a school operated within and under the auspices of the Diocese of Buffalo.

25. That Plaintiff, KS-Doe-3a is the current spouse of Plaintiff, KS-Doe-3.

26. Based upon information and belief, and during times set forth herein, Rev. Basil Ormsby, S.J was employed as a priest and educational instructor/teacher at Defendant, Canisius High School of Buffalo.

27. Defendant, Rev. Basil Ormsby, S.J. through his position as a priest and educator, was placed in direct contact with Plaintiff, KS-DOE-3, who then utilized his position of authority and trust over Plaintiff KS-DOE-3, to sexually abuse and injure him.

28. At all times material hereto, Defendant, Basil Ormsby, S.J. was under the direct supervision, employ and/or control of the Defendant(s).

29. Plaintiff, KS-Doe-3 was approximately 14 years of age when he was sexually assaulted by Defendant, Basil Ormsby, S.J.

30. All the Defendant(s) knew and/or reasonably should have known, and /or knowingly condoned, and/or covered up, the inappropriate and unlawful criminal conduct activities of Rev. Basil Ormsby, S.J. who sexually assaulted Plaintiff, KS-Doe-3.

31. Defendant(s) had the responsibility to supervise and/or direct priests serving at Canisius High School, and specifically had a duty not to aid a pedophile such as Rev. Basil Ormsby, S.J., by assigning, maintaining, and/or appointing him to a position which will provide him with access to minors.

32. All Defendant(s) individually, jointly and/or severally, violated various New York Statutes, including, but not limited to N.Y. Soc. Serv. Law Section 413 and 420, which require

school officials and teachers to report suspected cases of child abuse and impose liability for failure to report.

33. Plaintiff, KS-Doe-4 at the age of 12 years attended religious and educational instruction classes as a student at the St. Josaphat's R.C. Church. A church and school within and under the auspices of the Diocese of Buffalo.

34. Plaintiff, KS-Doe-4a is the spouse of Plaintiff, KS-Doe-4.

35. Based upon information and belief, and during the times set forth herein, Rev. Florian Jasinski was employed as a priest at Defendant, St. Josaphat's R.C. Church.

36. Defendant, Rev. Florian Jasinski, through his position at, within or for the Defendant(s), Rev. Florian Jasinski was placed in direct contact with Plaintiff, KS-Doe-4, who then used his position of authority and trust over Plaintiff KS-Doe-4, to sexually assault, abuse and injure her.

37. Defendant, Rev. Florian Jasinski while acting as a priest, counselor, teacher, trustee, director, officer, employee, agent, servant and/or volunteer of the Defendant(s) sexually abused and had sexual contact with Plaintiff, KS-Doe-4, all in violation of the Laws of New York State.

38. Defendant(s) had the responsibility to supervise and/or direct priests serving at St. Josaphat's R.C. Church, and specifically had a duty not to aid a pedophile such as Rev. Florian Jasinski, by assigning, maintaining and/or appointing him to a position with access to minors.

39. The abuse sustained by, Plaintiff, KS-Doe-4 was reported to supervisory members of the St. Josaphat's R.C. Church. Notwithstanding said reporting, no action was taken. All Defendant(s), individually, jointly, and/or severally, violated various New York Statutes including, but not limited to N.Y. Soc. Serv. Law Section 413 and 420, which require school officials and teachers to report suspected cases of child abuse and impose liability for failure to report.

40. As a result of the Defendant(s) contact described herein, Plaintiff, KS-Doe-4 sustained permanent mental and physical injury.

41. Plaintiff, KS-Doe-5 attended Canisius High School of Buffalo when he was approximately 14 years of age. Canisius High School of Buffalo is a sectarian High School located within the City of Buffalo and within and under the auspices of the Diocese of Buffalo.

42. Based upon information and belief, and during the times set forth herein, Rev. Joseph Persich, S.J. was employed as a priest at Defendant, Canisius High School of Buffalo.

43. Defendant, Rev. Joseph Persich, S.J. through his position at, within or for the Defendant(s), Rev. Joseph Persich, S.J. was placed in direct contact with Plaintiff, KS-Doe-5, who then used his position of authority and trust over Plaintiff, KS-Doe-5 to sexually assault him. Notwithstanding, Plaintiff's physical resistance to Defendant's, Rev. Joseph Persich, S.J. wrongful, wanton conduct continued to sexually assault him. Subsequently, Plaintiff, KS-Doe-5

removed himself from attending Canisius High School and in fact transferred to another High School within the Buffalo, New York area.

44. Defendant, Rev. Joseph Persich, S.J. while acting as a priest, counselor, teacher, trustee, director, officer, employee, agent, servant and/or volunteer of the Defendant(s) sexually abused the Plaintiff, KS-Doe-5 all in violation of the laws of New York State.

45. Defendant(s) had the responsibility to supervise and/or direct priests serving at Canisius High School, and specifically had a duty not to aid a pedophile such as Rev. Joseph Persich, S.J., by assigning him to a position with access to minors.

46. Plaintiff, KS-Doe-5, suffered permanent physical and psychological injuries as a result of the wrongful criminal conduct of the Defendant(s).

47. Plaintiff, Charles KS-Doe-6 and was the victim of sexual assault(s) perpetrated by Defendant, Rev. Ronald Sadjack.

48. Defendant, Rev. Ronald Sadjack was employed as a priest at Defendant, Christ the King Seminary of East Aurora, New York. A religious school and priest training facility located within and under the auspices of the Diocese of Buffalo.

49. That Defendant, Rev. Ronald Sadjack, through his position at, within, or for the Defendant(s), Rev. Ronald Sadjack was placed in direct contact with Plaintiff, KS-Doe-6, who used his position of authority over Plaintiff, KS-Doe-6 to sexual assault and abuse him.

50. Defendant, Rev. Ronald Sadjack while acting as a priest, counselor, teacher, trustee, director, officer, employee, agent, servant and/or volunteer of the Defendant(s) sexually abused and had sexual contact with Plaintiff, KS-Doe-6 all in violation of the laws of New York State.

51. Defendant(s) had the responsibility to supervise and/or direct priests serving at Christ the King Seminary of Buffalo, and specifically had a duty not to aid a pedophile such as Rev. Ronald Sadjack, by assigning, maintaining, and/or appointing him to a position with access to minors.

52. Plaintiff, KS-Doe-6 suffered permanent mental and physical injuries as a result of the wrongful conduct of the Defendant(s).

53. Plaintiff, KS-Doe-7 attended Defendant, All Saints R.C. Church where he received religious and educational services. All Saints R.C. Church is within and was operated under the auspices of the Diocese of Buffalo.

54. Plaintiff, KS-Doe-7a is the current spouse of Plaintiff, KS-Doe-7.

55. Based upon information and belief, and during times set forth herein, Rev. Frederick Fingerle was employed as a priest and educator, was placed in direct contact with Plaintiff, KS-Doe-7, who then used his position of authority and trust over Plaintiff, KS-Doe-7 to sexually abuse and injure him.

56. At all times material hereto, Defendant, Rev. Frederick Fingerle, was under the direct supervision, employ and /or control of the Defendant(s).

57. Plaintiff, KS-Doe-7 was approximately 5 to 6 years of age when he was sexually assaulted by Defendant, Rev. Frederick Fingerle.

58. All the Defendant(s) knew and/or reasonably should have known, and/or knowingly condoned, and/or covered up, the inappropriate and unlawful criminal conduct activities of Rev. Frederick Fingerle who assaulted, Plaintiff, KS-Doe-7.

59. Defendant(s) had the responsibility to supervise and/ or direct priests serving at All Saints R.C. Church, and specifically had a duty not to aid a pedophile such as Rev. Frederick Fingerle, by assigning, maintaining and/or appointing him to a position with access to minors.

60. All defendant(s) individually, jointly and/or severally, violated various New York Statutes, including, but not limited to N.Y. Soc. Serv. Law Sections 413 and 420, which require school officials and teachers to report suspected cases of child abuse and impose liability for failure to report.

61. Plaintiff, KS-DOE-8 at the age of 12 attended Immaculate Conception R.C. Church where he received religious and educational services. This was a “parish “ school and church within and under the auspices of the Diocese of Buffalo.

62. Based upon information and belief, and during the times set forth herein, Monsignor Michael Harrington was employed as a priest at Defendant, Immaculate Conception R.C. Church.

63. Defendant, Monsignor Michael Harrington, through his position at, within, or for the Defendant(s) Monsignor Michael Harrington was placed in direct contact with Plaintiff, KS-DOE-8, who then used his position of authority and trust over Plaintiff, KS-DOE-8 to sexually assault and abuse him. Said abuse occurred at numerous locations including an overnight trip to New York City where Defendant, Monsignor Michael Harrington, repeatedly sexually assaulted the Plaintiff, KS-DOE-8 over a period of five (5) days.

64. Defendant, Monsignor Michael Harrington sexually assaulted Plaintiff, KS-DOE-8 who was 12 years old at the time, thus was a minor.

65. The Defendant, Monsignor Michael Harrington while acting as a priest, counselor, teacher, trustee, director, officer, employee, agent, servant and/or volunteer of the Defendant(s) sexually assaulted, abused and had sexual contact with Plaintiff, KS-DOE-8 all in violation of the laws of New York State.

66. At all times material hereto, Defendant(s) Monsignor Michael Harrington was under the direct supervision, employ and/or control of the Defendant(s).

67. All the Defendant(s) knew and/or reasonably should have known, and /or knowingly condoned, and/or covered up, the inappropriate and unlawful conduct of Defendant, Monsignor Michael Harrington.

68. Defendant(s) had the responsibility to supervise and/or direct priests serving at Immaculate R.C. Church, and specifically had a duty not to aid a pedophile such as, Defendant, Monsignor Michael Harrington, by assigning, maintaining and /or appointing him to a position with access to minors.

69. Plaintiff, KS-DOE-9, attended religious and educational services at St. Bridget's R.C. Church, a church and school within and under the auspices of the Diocese of Buffalo.

70. Plaintiff, KS-Doe-9a is the spouse of Plaintiff, KS-Doe-9.

71. Based upon information and belief, and during times set forth herein, Defendant, Monsignor William Stanton was employed as a priest and educational instructor/teacher at Defendant, St. Bridget's R.C. Church.

72. Defendant, Monsignor William Stanton, through his position as a teacher and educator, was placed in direct contact with Plaintiff, KS-DOE-9, who then used his position of authority and trust over Plaintiff, KS-DOE-9, to assault and repeatedly sexually abuse her. This abuse took place while the Plaintiff, KS-DOE-9, was between the age of 8 years through age 14.

73. At all times material hereto, Defendant, Monsignor William Stanton, was under the direct supervision, employ and/or control of the Defendant(s).

74. All the Defendant(s) knew and/or reasonably should have known, and/or knowingly condoned, and/or covered up, the inappropriate criminal conduct of Defendant, Monsignor William Stanton, while he was sexually assaulting the minor, Plaintiff, KS-Doe-9.

75. Defendant(s) had the responsibility to supervise and/or direct priests serving at St. Bridget's R.C. Church, and specifically had a duty not to aid a pedophile such as, Defendant Monsignor William Stanton, by assigning, maintaining, and/or appointing him to a position which would provide him access to minors.

76. All Defendant(s) individually, jointly and/or severally, violated various New York Statutes, including, but not limited to N.Y. Soc. Serv. Law Sections 413 and 420, which requires school officials and teachers to report suspected cases of child abuse and impose liability for failure to report.

77. Plaintiff, KS-Doe-10 attended Defendant, Calasanctius School of Buffalo when he was 13 years of age, where he received educational services, a school within and under the auspices of the Diocese of Buffalo.

78. Plaintiff, KS-Doe-10a is the spouse of Plaintiff, KS-Doe-10.

79. Based upon information and belief, and during the times set forth herein, Rev. Theodore Podson was employed as a priest and educator at Defendant, Calasanctius School of Buffalo.

80. Defendant, Rev. Theodore Podson through his position at, within, or for the Defendant(s), used his position of authority and trust over Plaintiff, KS-Doe-10 to sexually assault and abuse him. On numerous occasions, Defendant, Theodore Podson supplied the Plaintiff, with alcoholic beverages and illicit drugs and proceeded to sexually assault the Plaintiff, KS-Doe-10.

81. Defendant, Rev. Theodore Podson while acting as a priest, counselor, teacher, trustee, director, officer, employee, agent, servant and/or volunteer of the Defendant(s) sexually assaulted and abused Plaintiff, KS-Doe-10 all in contravention of New York State Law.

82. At all times material hereto, Rev. Theodore Podson was under the direct supervision, employ and/or control of the Defendant(s).

83. All the Defendant(s) knew and/or reasonably should have known, and/or knowingly condoned, and/or covered up, the inappropriate and wrongful criminal conduct and activities of Defendant, Rev. Theodore Podson.

84. Defendant(s) had the responsibility to supervise and/or direct priests serving at Calasancius School of Buffalo, and specifically had a duty not to aid a pedophile such as Rev. Theodore, by assigning, maintaining and/or appointing him to a position which provides access to minors.

85. Plaintiff, KS-Doe-11, at the age of 12 to 13 years attended religious and educational services at the Defendant, Blessed Trinity R.C. Church, a church and school within and under the auspices of the Diocese of Buffalo.

86. Plaintiff, KS-Doe-11a is the spouse of Plaintiff, KS-Doe-11.

87. Based upon information and belief, and during the times set forth herein, Defendant, Rev. Basil Ormsby, S.J. was employed as a priest at Defendant, Blessed Trinity R.C. Church.

88. Defendant, Rev. Basil Ormsby, S.J. through his position as an educator and priest, was placed in direct contact with Plaintiff, KS-Doe-11, who then used his position of authority and trust over the Plaintiff, KS-Doe-11 to sexually abuse and injure him.

89. At all times material thereto, Defendant, Rev. Basil Ormsby, S.J. was under the direct supervision, employ and/or control of the Defendant(s).

90. All the Defendant(s) knew and/or reasonably should have known, and/or knowingly condoned, and/or covered up, the inappropriate unlawful conduct and activities of Defendant, Rev. Basil Ormsby, S.J., who sexually assaulted, Plaintiff, KS-Doe-11.

91. Defendant(s) had the responsibility to supervise and/or direct priests serving at Defendant, Blessed Trinity R.C. Church and specifically had a duty not to aid a pedophile such as Defendant, Rev. Basil Ormsby, S.J., by assigning, maintaining, and/or appointing him to a position which will provide him with access to minors.

92. All Defendant(s) individually, jointly and/or severally, violated New York Statutes, including, but not limited to N.Y. Soc. Serv. Law Sections 413 and 420, which require school officials and teachers to report suspected cases of child abuse and impose liability for failure to report.

93. Plaintiff, KS-Doe-12, attended religious and educational services at The Bishop Timon High School, a school within and under the auspices of the Diocese of Buffalo.

94. Plaintiff, KS-Doe-12a is the spouse of Plaintiff, KS-Doe-12.

95. Based upon information and belief, and during the times set forth herein, Defendant, Rev. Nelson Kinmartin was employed as a priest and educator at the Bishop Timon High School of Buffalo.

96. Defendant, Rev. Nelson Kinmartin, through his position as an educator and priest, was placed in direct contact with Plaintiff, KS-Doe-12, who then used his position of authority and trust over Plaintiff, KS-Doe-12 to sexually abuse him and injure him.

97. At all times material hereto, Defendant, Rev. Nelson Kinmartin, was under the direct supervision, employ and/or control of the Defendant(s).

98. All the Defendant(s) knew and/or reasonably should have known, and/or knowingly condoned, and/or covered up, the inappropriate unlawful conduct and activities of Defendant, Rev. Nelson Kinmartin, who sexually assaulted, Plaintiff, KS-Doe-12.

99. Defendant(s) had the responsibility to supervise and/or direct priests serving at Defendant, Bishop Timon High School, and specifically had a duty not to aid a pedophile such as Defendant, Rev. Nelson Kinmartin, by assigning, maintaining, and/or appointing him to apposition which will provide him with access to minors.

100. All the Defendant(s) individually, jointly, and/or severally, violated New York Statutes, including, but not limited to N.Y. Soc. Serv. Law Sections 413 and 420, which require

school officials and teachers to report suspected cases of child abuse and impose liability for failure to report.

101. Plaintiff(s) KS-Doe-13 and KS-Doe-14 bring this action as “whistleblowers” who sustained retaliation and abuse pursuant to their disclosure of the wrongful conduct transpiring within the organization known as the Diocese of Buffalo.

CAUSES OF ACTION

FIRST CAUSE OF ACTION

Intentional Sexual Crimes and Acts

102. Plaintiff(s) repeat and realleges each and every allegation set forth in paragraphs “1” through “101” as if fully set forth herein.

103. Plaintiff(s) herein have been raped, sexually abused and assaulted pursuant to Section 130 of the New York State Penal Law.

104. Said crimes committed by the Defendant(s) herein and as a direct result of the Defendant(s) conduct herein, has caused Plaintiff(s) to suffer and will continue to suffer great pain of mind and body, severe and permanent emotional distress, physical manifestations of emotional distress, problems sleeping and concentrating, low self-confidence, low self-respect,

low self-esteem, feeling of worthlessness, feeling shameful, and embarrassed, feeling alone and isolated, losing faith in God, feeling estranged from the church, struggling with alcohol problems, battling anorexia, feeling helpless and hopeless, problems with sexual intimacy, relationship problems, trust issues, feeling confused and angry, feeling that the good things have been ruined, feeling sad and depressed, feeling anxiety, having panic attacks, crying, feeling dirty and used, feeling suicidal, having flashbacks, feeling like they have taken the wrong road, feeling that their innocence was stolen, and feeling that their lives have been ruined.

105. Plaintiff(s) were prevented and will continue to be prevented from performing normal daily activities and obtaining the full enjoyment of life; has incurred and will incur in the future medical and psychological treatment together with the expenses associated therewith; and upon information and belief has incurred and will continue to incur loss income and/or loss of earning capacity as a result of the sexual abuse described herein.

SECOND CAUSE OF ACTION

Negligent Hiring/Retention

Supervision/Direction

106. Plaintiff(s) repeat and reallege each and every allegation set forth in paragraphs “1” through “105” as if fully set forth herein.

107. The sexual abuse of children by adults, including priests and teachers, is foreseeable.

108. The Diocese of Buffalo by establishing, staffing, and/or operating Churches, Schools and places of worship and education, encouraged the enrollment and acceptance of minor child within their facilities.

109. That the Diocese of Buffalo held out their facilities to be safe environments for learning and engaging in youth activities; thus, the Defendant(s) entered into an express and/or implied duty to provide a reasonably safe environment for Plaintiff(s) and assumed the duty to protect and care for the Plaintiff(s).

110. Defendant(s) negligently hired, retained, directed, and supervised Defendant priests, when they knew or should have known that these priests posed a threat of sexual abuse and harm to children.

111. Defendant priests sexually assaulted, sexually abused and/or had sexual contact with Plaintiff(s) on Defendant(s) premises, including classrooms, churches, rectories, hotel rooms and other locations chosen by the Defendant(s).

112. Defendant(s) were put on notice of the Defendant priests improper and inappropriate actions and behavior.

113. Defendant(s) owed a duty of care to all persons, including Plaintiff(s), who were likely to come within the influence of the Defendant priests, in their roles as teachers, priests,

counselors, trustees, directors, officers, employees, agents, servants and/or volunteers, and to insure that the Defendant priests did not abuse their authority as teachers, priests, counselors, trustees, directors, officers, employees, agents, servants, and /or volunteers to injure minors by sexual assault, battery, and/or abuse.

114. At all times material hereto, Defendants' actions were willful, wanton, malicious, reckless, and/or outrageous in their disregard for the rights and safety of the Plaintiff(s).

115. As a direct and proximate result, Plaintiff(s) have suffered and will continue to suffer the injuries described herein.

116. By reason of the foregoing, the Defendant(s) are liable to the Plaintiff(s) jointly, severally, and/or in the alternative, for compensatory damages, and for punitive damages, together with interest and costs.

THIRD CAUSE OF ACTION

Negligence/Gross Negligence

117. Plaintiff(s) repeat and reallege each and every allegation set forth in paragraphs "1" through "116" as if fully set forth herein.

118. Defendant(s) knew, or were negligent in not knowing, that Defendant priests posed a threat of sexual abuse and harm to the Plaintiff(s).

119. The acts of the Defendant priests described hereinabove were undertaken, and/or enabled by, and/or during the course, and/or within the scope of the Defendant priests employment, appointment, and/or agency with the Defendant(s).

120. Defendant(s) owed Plaintiff(s) who at relevant times herein were minors, a duty to protect them from the sexual deviancy of the Defendant, priests, both prior to and/or subsequent to the misconduct committed herein.

121. Defendant(s) willful, wanton, gross negligent and /or negligent act(s) of commission and/or omission, resulted directly and /or proximately in the damages set forth at length.

122. Defendant(s)

- a. provided improper or ambiguous orders or failed to make proper regulations, and/or employed improper persons or instrumentalities in work involving risk of harm to others;
- b. failed adequately to supervise the acts of the Defendant, priests;
- c. permitted, and/or intentionally failed and/or neglected to prevent, negligent and/or grossly negligent conduct and/or allowed other tortious conduct by persons, whether or not their servants and/or agents and/or employees, upon or with instrumentalities under their control; and
- d. allowed the acts of omission and/or commission and/or any or all of the allegations in this Complaint to occur.

123. At all times material hereto, with regard to the allegations contained herein, the Defendant, priests were under the direct supervision, employ and/or control of the Diocese of Buffalo.

124. At all times material hereto, defendant(s) actions were willful, wanton, malicious, reckless, and outrageous in their disregard for the rights and safety of the Plaintiff(s), which represented criminal conduct.

125. As a direct result of said conduct, Plaintiff(s) have suffered the injuries and damages described herein.

126. By reason of the foregoing, Defendant(s), jointly, severally and/or in the alternative, are liable to the Plaintiff(s) for compensatory damages, and for punitive damages, together with interest and costs.

FOURTH CAUSE OF ACTION

Breach of Fiduciary Duty

127. Plaintiff(s) repeat and reallege each and every allegation set forth in paragraphs “1” through “126” as if more fully set forth herein.

128. Through their positions at the Defendant(s) facilities, Plaintiff(s) were placed in direct contact with minor children. The Defendant priests were specifically assigned to teach

both lay academic subjects and religious instruction, including religious training, spiritual guidance and/or counseling expounded by the Roman Catholic Church. It was under these circumstances that Plaintiff(s) came under the direction and control of the Defendant priests, who used their position of authority and trust over Plaintiff(s) to sexually abuse them.

129. There exists a fiduciary relationship of trust, confidence, and reliance between the Plaintiff(s) and all the Defendant(s) herein.

130. Pursuant to this fiduciary relationship, Defendant(s) assumed a duty to act in the best interests of the Plaintiff(s).

131. Defendant(s) breached their fiduciary duties to Plaintiff(s).

132. At all times material hereto, Defendant(s) actions and/or inactions were willful, wanton, malicious, reckless, and outrageous in their disregard for the rights and safety of the Plaintiff(s).

133. As a direct result of said conduct, Plaintiff(s) have suffered injuries and damages described herein.

134. By reason of the foregoing, Defendant(s), jointly, severally, and/or in the alternative, are liable to the Plaintiff for compensatory damages, and for punitive damages.

FIFTH CAUSE OF ACTION**Breach of Statutory Duty to Report Abuse under Soc. Serv. Law Sections 413 and 420**

135. Plaintiff(s) repeat and realleges each and every allegation set forth in paragraphs “1” through “134” as if more fully set forth herein.

136. Pursuant to N.Y. Soc. Serv. Law Sections 413 and 420, Defendant(s) had a statutory duty to report reasonable suspicion of abuse of children in their care.

137. Defendant(s) breached that duty by knowingly and willfully failing to report reasonable suspicion of abuse by Defendant priests.

138. As a direct and/or indirect result of said conduct, Plaintiff(s) have suffered injuries and damages described herein.

139. By reason of the forgoing, Defendant(s), jointly, severally, and/or in the alternative, are liable to Plaintiff(s) for compensatory damages, and for punitive damages, together with interest and costs.

SIXTH CAUSE OF ACTION**Violation of New York Debtor-Creditor Law**

140. Plaintiff(s) repeat and reallege each and every allegation set forth in paragraphs “1” through “139” as if fully set forth herein.

141. Upon information and belief, the Defendant Diocese of Buffalo has engaged and continues to engage in a course of conduct which seeks to diminish, reduce and hypothecate assets held by, owned and/or possessed by the Diocese of Buffalo.

142. Upon information and belief, the Diocese of Buffalo, has engaged in a course of conduct in transferring, assigning and hypothecating assets in anticipation of foregoing debt obligations, engendered by lawsuits and other legal actions pending/or that will be pending, whereby the Diocese of Buffalo, will be name as a Defendant, together with Attorney(s) ABC and Accountant(s) XYZ who assisted, advised and facilitated this course of conduct.

143. The act and /or acts of transferring, assigning, or hypothecating assets in anticipation of forthcoming debt obligations constitutes a fraud upon creditors and/or potential creditors as defined with N.Y. Debtor-Creditor Law Section 275.

144. That upon information and belief, assets having a fair market value in excess of \$90 million dollars have been transferred, assigned and /or hypothecated to other entities by the Defendant, Diocese of Buffalo. Said entities include but are not limited to the Defendant(s)

Foundation of the Roman Catholic Diocese of Buffalo, N.Y., Inc., St. Joseph Investment Fund, Inc., Catholic Cemeteries of the Roman Catholic Diocese of Buffalo, Inc., Christ the King Seminary Fund, Inc., and/or Fidelis Care as a trademark of the Centene Corporation and Catholic Health of Buffalo and its' subsidiaries.

145. That upon information and belief, Defendant(s) Bishop Kmiec, Bishop Malone and George J. Eberl were responsible for the transfer, assignment and/or hypothecation of assets of the Diocese of Buffalo. This activity was promulgated and carried out in anticipation of forthcoming debt obligations engendered as a result of legal actions filed or legal actions that would be filed whereby the Diocese of Buffalo, would be named as a Defendant.

146. That upon information and belief, the Diocese of Buffalo has violated and continues to violate the New York State Debtor-Creditor Law including but not limited to Sections 274, 275 and 276.

147. That by reason of the foregoing, Defendant(s) jointly, severally, and/or in the alternative, are liable to Plaintiff(s) for all assets, funds and money fraudulently transferred, assigned and/or hypothecated, including the payment of counsel fees as defined within Section 276-A of the New York Debtor-Creditor Law.

SEVENTH CAUSE OF ACTION

Loss of Consortium

148. Plaintiff(s) repeat and reallege each and every allegation set forth in paragraphs “1” through “147” as if fully set forth herein.

149. Plaintiff(s) KS-Doe-1 and KS-Doe-1a; KS-Doe-2 and KS-Doe-2a; KS-Doe-3 and KS-Doe-3a; KS-Doe-4 and KS-Doe-4a; Ks-Doe-7 and KS-Doe-7a; KS-Doe-9 and KS-Doe-9a; KS-Doe-10 and KS-10a; KS-Doe-11 and KS-Doe-11a; KS-Doe-12 and KS-Doe-12a are married as husband and wife and continue to remain so married as of the filing of the action herein.

150. That as a result of the wrongful intentional, reckless, and negligent acts, together with the criminal acts of the Defendant(s) as heretofore alleged; Plaintiff(s) were caused to suffer, and will continue to suffer in the future, loss of consortium, loss of society, affection, assistance, and conjugal fellowship, all to the detriment of their marital relationship.

151. That all of the injuries and damages were caused solely and proximately by the wrongful conduct and omissions of the Defendant(s).

152. By reason of the foregoing, Defendant(s) jointly, severally, and/or in the alternative, are liable to Plaintiff(s) for compensatory damages, and for punitive damages, together with interest and costs.

EIGHT CAUSE OF ACTION**Whistle Blower Cause of Action**

153. Plaintiff(s) repeat and reallege each and every allegation set forth in paragraphs 1 through 150 as if fully set forth herein.

154. Plaintiff(s) KS-Doe-13 and KS-Doe-14 are former employees, assistants and volunteers of the Defendant, Diocese of Buffalo.

155. That Plaintiff(s) KS-Doe-13 and KS-Doe-14 became aware, informed and acutely knowledgeable concerning the wrongful contact being exhibited by members of the clergy: to wit; Priests employed by the Diocese of Buffalo.

156. New York Law as codified under The Labor and relevant sections including but not limited to N.Y. Labor Law Section 740; encourages employees to come forward and report violations on the part of their employers. To encourage this reporting New York Sate has enacted legislation to protect employees from be retaliated against for reporting wrongful conduct.

157. That Plaintiff(s) KS-Doe-13 and KS-Doe-14 reported wrongful conduct to the Diocese of Buffalo and other entities as was required pursuant to the NY Soc. Serv. Law Sections 413 and 420.

158. That as a result of Plaintiff(s) reporting and tendering information concerning wrongful conduct and acts, they were terminated from their employment with the Diocese of Buffalo.

159. The conduct on behalf of the Diocese of Buffalo in terminating Plaintiff(s) KS-Doe-13 and KS-Doe-14 constitutes retaliation as defined by the New York State Labor Law.

160. Plaintiff(s) have sustained pecuniary loss, compensatory loss, mental anguish and suffering as a result of the Diocese of Buffalo wrongful conduct in instituting retaliation against these plaintiff(s).

161. That all the injuries and damages were caused solely and proximately by the wrongful conduct of the Defendant(s). That the Defendant(s) have caused mental and physical pain and suffering among the Plaintiff(s). Defendant(s) Intentional/negligent infliction of emotional upset has damaged the Plaintiff(s).

162. By reason of the foregoing, Defendant(s) jointly, severally, and/or in the alternative, are liable to Plaintiff(s) for compensatory damages, and for punitive damages, together with the interest and costs.

NINTH CAUSE OF ACTION**The Racketeers Influenced and Corrupt Organizations Act (RICO)****18 U.S.C. Sections 1961-1968**

163. Plaintiff(s) repeat and reallege each and every allegation set forth in paragraphs “1” through “162” as if fully set forth herein

164. Defendant(s) are “persons” or entities within the meaning of U.S.C. Section 1961(3) who conducted the affairs of the enterprise through a pattern of racketeering activity in violation of U.S.C. 18 Section 1962.

165. The Diocese of Buffalo is an association-in-fact within the meaning of 18 U.S.C. Section 1961(4) consisting of (i) Defendant(s) including their employees and agents; (ii) the priests; (iii) accountants; (iv) attorneys and other co-conspirators as set forth herein. The Diocese of Buffalo, is an ongoing entity (enterprise) that functions as a continuing unit. The Diocese of Buffalo was created to perform all the operations and functions of a Roman Catholic religious organization, and was used as a tool to effectuate Defendant(s) pattern of racketeering.

166. The Diocese of Buffalo falls within the meaning of 18 U.S.C. Section 1961(4) and consists of “persons” associated together for the common purpose of; (i) harassing, threatening, extorting, and misleading victims’ of sexual abuse committed by priests; and misleading the priests’ victims and the media to prevent the reporting, disclosure or prosecution of the priests’

sexual misconduct, and (ii) destroying, mutilating, or concealing records, documents or other evidence to prevent the use of such evidence to report or prosecute their sexual crimes.

167. The Diocese of Buffalo has conducted and participated in the criminal conduct through a pattern of racketeering activity within the meaning of 18 U.S.C. Section 1961(1) and 1961 (5), which includes multiple instances of tampering with a witness or victim in violation of 18 U.S.C. Section 1512, and multiple instances of obtaining victim(s) for the purpose of committing or attempting, but not limited to aggravated sexual abuse, rape and sodomy, in violation of N.Y. Penal Law Sections 130-130.50 and 18 U.S.C. Sections 1590 and 1591.

168. The Diocese of Buffalo engaged in and affected intrastate and interstate commerce, because, inter alia, the Diocese of Buffalo transferred, assigned, and relocated priests and other employees to other schools, parishes, churches, rest homes, and medical facilities within the state of New York and outside the borders' of New York State.

169. The Diocese of Buffalo engaged in intrastate and interstate commerce concerning the investigation, slander, blacklisting, and blackmailing of victims, and/or employees (whistleblowers) who sought to thwart, hinder or stop the illicit activity carried out by the Diocese of Buffalo, and its' employees and priests.

170. Within the Diocese of Buffalo there was a common communication network by which co-conspirators shared information on a regular basis. The Diocese of Buffalo used the

common communication network for the purpose of enabling the criminal sexual activities of the priests within the Diocese of Buffalo.

171. Each participant in the Diocese of Buffalo's racketeering "enterprise" has a systematic linkage to each other participant through organizational ties, organizational relationships, financial ties, and the continuing coordination of their activities, through the Diocese of Buffalo. The Defendant(s) and their co-conspirators functioned as a continuing unit with the purpose of furthering the illegal scheme, conduct and their common purpose.

172. The RICO Defendant(s) used the mails and wire for the transmission, delivery, and/or shipment of the following by the RICO Defendant(s) or third parties, that were foreseeably caused to be sent as a result of Defendant(s) illegal scheme:

- a. Contracts between the Diocese of Buffalo and accountants, and attorneys, who advised, counseled, and enabled the criminal RICO enterprise;
- b. Wires among the Diocese of Buffalo and organizations that assisted in facilitating the RICO enterprise;
- c. Payments to the law firms and accountants to perform their roles in concealing the misconduct of the Diocese of Buffalo;
- d. Emails from the law firms and accountants to perform their roles in concealing the sexual misconduct inherent within the Diocese of Buffalo;
- e. Emails to members and/or employees of the Diocese of Buffalo to manage the location and/or relocation of the employee (priests) or other perpetrators of the RICO organization.

173. The RICO Defendant(s) utilized the interstate mail and wires for the purpose of obtaining money or property, or concealing the transfer, assigning or hypothecating money or property, by the means of omissions, false pretenses, and misrepresentations described herein.

174. The RICO Defendant(s) also used the Internet and other electronic facilities to carry out the scheme and conceal the ongoing illicit activities.

175. The RICO Defendant(s) also communicated by U.S. mail, by interstate facsimile, and by interstate electronic mail with various other affiliates, regional offices, divisions, and other third-party entities in furtherance of the scheme.

176. The mail and wire transmissions described herein were made in furtherance of Defendant(s) scheme and common course of conduct to deceive the public about the illicit sexual conduct rampant within the Diocese of Buffalo.

177. By reason of the foregoing, the Defendant(s) are in violation of both the New York State and Federal RICO provisions and the Plaintiff(s) should be awarded damages forthwith.

TENTH CAUSE OF ACTION**Piercing The Corporate Veil****Alter Ego Doctrine**

178. Plaintiff(s) repeat and reallege each and every allegation set forth in paragraphs “1” through “177” as if fully set forth herein.

179. The Defendant, Diocese of Buffalo, promulgated, formed, and incorporated various business entities as apart of its’ business operations and organization.

180. That these entities were formed as Not-For -Profit Religious Corporations which would exempt them from various regulation a non-religious entity would be subject to.

181. Said religious not-for-profit corporations were not required to file yearly fiscal tax returns and were not subject to regulations similar other public corporations.

182. That the Defendant,” Diocese of Buffalo” has utilized these various entities and organizations to transfer, assign, commingle and conceal assets.

183. That the Defendant(s) corporate designations are alter egos of the “Defendant,” Diocese of Buffalo.

184. That Defendant(s), The Foundation of the Roman Catholic Diocese of Buffalo, N.Y., Inc. and the St. Joseph Investment Fund, Inc. are used to transfer, assign, commingle and/or conceal assets of the Defendant, the Diocese of Buffalo.

185. That, the corporations utilized by the Defendant, Diocese of Buffalo has been utilized for wrongdoing, fraud, and injustice to third parties.

186. Defendant, Diocese of Buffalo, has failed to maintain separate and distinct identity among the corporate Defendant(s). Said corporations are but an alter ego of the Diocese of Buffalo.

187. Wherefore, the corporations of The Foundation of the Roman Catholic Diocese of Buffalo, N.Y., Inc., and the St. Joseph Investment Fund, Inc. shall be dissolved by judicial decree.

WHEREFORE, Plaintiff(s) demand judgment against the Defendant(s) on each cause of action as follows:

- a. Awarding compensatory damages in an amount to be proved at trial;
- b. Awarding punitive damages to the extent permitted by law;
- c. Awarding prejudgment interest to the extent permitted by law;
- d. Awarding costs and fees of this action, including attorney's fees, to the extent permitted by law; and

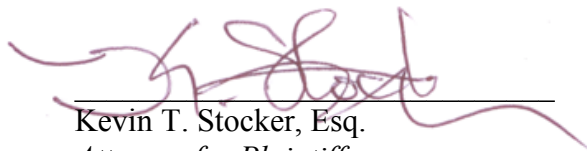
- e. Awarding such other and further relief as to this Court may seem just and proper.

JURY DEMAND

Plaintiff(s) demand a trial by jury on all issues so triable.

Dated: August 14, 2019
Tonawanda, New York

Respectfully Submitted,



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