

STATE OF NEW YORK
SUPREME COURT : COUNTY OF NIAGARA

VANESSA DEROSA, a/ka VANESSA DEROSA-WREST
1115 Pasadena Avenue
Niagara Falls, New York 14304

Plaintiff,

SUMMONS

v.

Index No.:

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

SAINT DOMINIC SAVIO MIDDLE SCHOOL
504 66th Street
Niagara Falls, New York 14304-3220, and

NIAGARA FALLS CATHOLIC SCHOOL NETWORK
5604 Lindbergh Avenue
Niagara Falls, New York 14304,

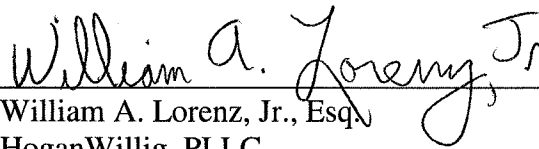
Defendants.

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 Plaintiff's attorney within 20 days after the service of this Summons, exclusive of the day of service, or within 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.

Niagara County is designated as the place of trial on the basis of the site of the incident and place of business of Defendants SAINT DOMINIC SAVIO MIDDLE SCHOOL, 504 66th Street, Niagara Falls, County of Niagara and State of New York, and NIAGARA FALLS CATHOLIC SCHOOL NETWORK, 5604 Lindbergh Avenue, Niagara Falls, County of Niagara and State of New York, as well as the residence of Plaintiff.

DATED: July 18, 2019
Amherst, New York


William A. Lorenz, Jr., Esq.
HoganWillig, PLLC
Attorneys for Plaintiff
2410 North Forest Road, Suite 301
Amherst, New York 14068
wlorenz@hoganwillig.com

HOGANWILLIG

Attorneys at Law

2410 NORTH FOREST ROAD | SUITE 301 | AMHERST, NEW YORK 14068

Phone: 716.636.7600 | Toll Free: 800.636.5255 | Fax: 716.636.7606 | www.hoganwillig.com

STATE OF NEW YORK
SUPREME COURT : COUNTY OF NIAGARA

VANESSA DEROSA, a/k/a VANESSA DEROSA-WREST,

VERIFIED COMPLAINT

Plaintiff,

Index No.:

v.

THE DIOCESE OF BUFFALO, NEW YORK,
SAINT DOMINIC SAVIO MIDDLE SCHOOL, and
NIAGARA FALLS CATHOLIC SCHOOL NETWORK,

Defendants.

Plaintiff VANESSA DEROSA, a/k/a VANESSA DEROSA-WREST, by and through her attorneys, HOGANWILLIG, PLLC, as and for her Complaint against Defendants THE DIOCESE OF BUFFALO, NEW YORK (Defendant "DIOCESE"), SAINT DOMINIC SAVIO MIDDLE SCHOOL (Defendant "ST. DOMINIC"), and NIAGARA FALLS CATHOLIC SCHOOL NETWORK (Defendant "NETWORK") herein, alleges as follows:

1. At all relevant times hereinafter mentioned, Plaintiff was a resident of the County of Niagara, State of New York, and is currently 29 years old.
2. Upon information and belief, and at all times hereinafter mentioned, Defendant THE DIOCESE OF BUFFALO, NEW YORK (hereafter "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.
3. At all relevant times hereinafter mentioned, Defendant DIOCESE operated schools for minor children, including, during the relevant times herein, Defendant ST. DOMINIC.

HOGANWILLIG

1

4. Upon information and belief, and at all relevant times hereinafter mentioned, Defendant ST. DOMINIC was a Roman Catholic middle school operated by Defendant DIOCESE located at 504 66th Street, Niagara Falls, County of Niagara, and State of New York.

5. Upon information and belief, and at all times hereinafter mentioned, Defendant NETWORK was and is a charitable organization and network of Catholic schools in Niagara Falls, New York with offices located at 5604 Lindbergh Avenue, Niagara Falls, County of Niagara, New York 14304.

6. Upon information and belief, and at all relevant times hereinafter mentioned, Patricia Muscatello (hereafter "Muscatello"), was Principal of Defendant ST. DOMINIC.

7. Upon information and belief, and at all times hereinafter mentioned, Muscatello was employed by Defendant DIOCESE from September 2002 through July 2004 as Principal of Defendant ST. DOMINIC.

8. Upon information and belief, and at all times hereinafter mentioned, Father Stewart Lindsay (hereafter "Fr. Lindsay") was and is a resident of the County of Niagara, State of New York.

9. Upon information and belief, and at all times hereinafter mentioned, Fr. Lindsay was employed by Defendant DIOCESE from September 2002 through July 2004 as a Canonical Liaison of Defendant ST. DOMINIC.

10. Upon information and belief, and at all times hereinafter mentioned, Christian Butler (hereafter "Butler") was employed by Defendant DIOCESE from September 2002 through July 2004 as a computer teacher of Defendant ST. DOMINIC.

11. Plaintiff was a student at Defendant ST. DOMINIC from September 2002 through June 2003, and was in Butler's class.

HOGANWILLIG

2

12. During the above referenced time period, Plaintiff was the victim of sexual harassment, sexual abuse, and violence by or at the direction of Butler, and with the acquiescence, approval, participation, and implied permission of Defendants DIOCESE, ST. DOMINIC, and NETWORK.

13. Some of the incidents experienced by Plaintiff included, but are not limited to, the following:

- A. Starting in October 2002, then-infant Plaintiff was asked several times by Butler to stay after class to talk alone, and on at least one occasion was asked by him to get naked;
- B. Butler asked then-infant Plaintiff to baby-sit for his kids in Winter 2002, offering to pay her in 'favors';
- C. Butler followed then-infant Plaintiff home from several of her cheerleading games from October 2002-June 2003, asking her on at least one occasion to get in the car and have sex with him in the backseat;
- D. On at least one occasion, Butler offered to let then-infant Plaintiff use his cell phone if she took off her clothes in front of him;
- E. While then-infant Plaintiff was in the cafeteria on at least one occasion, Butler walked up behind her and hit the back of her knee, causing her to fall backward and her buttocks to touch his crotch area;
- F. Butler told then-infant Plaintiff she had a "nice ass" in January 2003;
- G. In January 2003, Butler chased then-infant Plaintiff through the hallways of Defendant ST. DOMINIC, eventually catching her and shoving her around by her shirt demanding to know if she had a tape recorder;

HOGAN WILLIG

3

H. Then-infant Plaintiff was exposed to pornographic images in Butler's classroom.

14. Upon information and belief, Butler pled guilty to the reduced charges of Felony Possession of an Obscene Sexual Performance by a Child and two counts of Endangering the Welfare of a Child in March 2005 in the County of Niagara, State of New York.

15. Upon information and belief, during the above referenced time period, numerous students and parents of students attending Defendant ST. DOMINIC reported acts of sexual harassment, sexual abuse, and violence to Muscatello, Lindsay, and others who were managers and agents of Defendant ST. DOMINIC and Butler.

16. Upon information and belief, during the above referenced time period, the Vice Principal and teachers at Defendant ST. DOMINIC reported acts of sexual harassment, sexual abuse, and violence against students, specifically including Plaintiff, at Defendant ST. DOMINIC by Butler to Muscatello and Lindsay.

17. Defendant DIOCESE and Defendant NETWORK, of which Defendant DIOCESE is part of, knew or should have known of the reported acts of sexual harassment, sexual abuse, and violence concerning Butler against students at Defendant ST. DOMINIC, including Plaintiff.

18. All Defendants stood in loco parentis, and had a duty to protect Plaintiff and her emotional and physical well-being.

19. Defendants DIOCESE and NETWORK are individually responsible and are also responsible under the doctrines of vicarious responsibility and respondent superior.

20. Plaintiff has received professional counseling to treat her symptoms of Post Traumatic Stress Disorder and depression as a result of the sexual harassment, sexual abuse, and

violence she was subjected to at Defendant ST. DOMINIC by Butler and the inaction of Defendants DIOCESE and NETWORK through Muscatello and Lindsay.

21. Plaintiff has sustained psychological injuries as a result of the sexual harassment, sexual abuse, and violence she was subjected to at Defendant ST. DOMINIC by or at the direction of Butler.

22. Plaintiff is suffering from emotional pain and suffering, loss of enjoyment of life, and other injuries as a result of the sexual harassment, sexual abuse and violence that occurred at Defendant ST. DOMINIC by or at the direction of Butler and the negligence of Defendant DIOCESE and Defendant NETWORK through Muscatello and Lindsay.

23. Venue is proper based on the site of the incident and place of business of Defendants ST. DOMINIC and NETWORK, and Plaintiff's current residence.

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:
FAILURE TO REPORT**

25. Plaintiff repeats, reiterates, and realleges each and every allegation contained in paragraphs "1" through "24" as though more fully set forth herein.

26. Defendant ST. DOMINIC, through its agents, servants, and employees including Muscatello, were Mandated Reporters under New York Social Services Law.

27. Defendants DIOCESE, NETWORK, and ST. DOMINIC, through the inaction of

Muscatello and Fr. Lindsay, failed to timely and properly respond to the repeated complaints and/or requests to address the issue of sexual abuse, sexual harassment and violence at Defendant ST. DOMINIC by Plaintiff and other students, teachers and school officials.

28. Plaintiff and other students, teachers, and school officials complained to Muscatello and Lindsay specifically about Butler's harassment and abuse.

29. In November 2002, Vice Principal Mary Champoux found a note written between Plaintiff and Plaintiff's friend regarding the behavior of a teacher in Defendant ST. DOMINIC, and their reluctance to report him. This note was reviewed between Vice Principal Champoux and Muscatello. Muscatello did nothing in response to reviewing this note.

30. On January 13, 2003, four students met with Vice Principal Champoux about the situation between Butler and then-infant Plaintiff. Vice Principal Champoux spoke with Muscatello about this meeting. Muscatello again did nothing.

31. Plaintiff's father met with Muscatello and Butler on January 15, 2003. Butler said that Plaintiff had a "nice ass" in front of Muscatello. Despite being a Mandated Reporter, Muscatello did not report this to anyone, nor did she interview Plaintiff.

32. Muscatello and Lindsay had reasonable cause to suspect that Plaintiff was abused and/or maltreated by Butler.

33. Muscatello and Lindsay knowingly and willfully failed to report the suspected child abuse or maltreatment to anyone, including the police or Child Protective Services.

34. Defendants DIOCESE, NETWORK, and ST. DOMINIC did not provide their employees with written information on reporting requirements.

35. 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,

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

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

37. The knowing and willful failure of Defendants DIOCESE, NETWORK, and ST. DOMINIC, through the inaction of Muscatello and Lindsay, to report the child abuse and maltreatment of Plaintiff was a proximate cause of Plaintiff's damages.

38. By reason of the foregoing, Plaintiff has 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:
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

39. Plaintiff repeats, reiterates, and realleges each and every allegation contained in paragraphs "1" through "38" as though more fully set forth herein.

40. During the time period of September 2002 through June 2003, Defendants DIOCESE, NETWORK, and ST. DOMINIC, through the inaction of Muscatello and Lindsay, willfully and/or intentionally ignored Plaintiff's repeated requests to address the issues of sexual abuse, sexual harassment, and violence in Defendant ST. DOMINIC as described previously herein.

41. During the time period referenced above, Defendants DIOCESE, NETWORK, and ST. DOMINIC, through the inaction of Muscatello and Lindsay, willfully and/or intentionally ignored Plaintiff's communications of concerns about the acts of sexual abuse, sexual harassment and violence at Defendant ST. DOMINIC by allowing Butler to remain in his position as a computer teacher at the school.

42. During the time period referenced above, Defendants DIOCESE, NETWORK, and ST. DOMINIC, through the inaction of Muscatello and Lindsay, willfully and/or intentionally ignored Plaintiff's safety by requiring Plaintiff to attend classes with Butler after she reported that she was a victim of sexual abuse, sexual harassment, and violence by or at the direction of Butler.

43. Defendants DIOCESE, NETWORK, and ST. DOMINIC, through the inaction of Muscatello and Lindsay, were deliberately indifferent to Plaintiff's concerns about violence and sexual harassment and/or abuse in Defendant ST. DOMINIC.

44. Defendants DIOCESE, NETWORK, and ST. DOMINIC, through the inaction of Muscatello and Lindsay, willfully and/or intentionally created a hostile and unsafe school environment that no child would be able to tolerate.

45. Defendants DIOCESE, NETWORK, and ST. DOMINIC, in order to avoid embarrassment, scandal, and negative publicity, intended to cause Plaintiff shame, humiliation, and extreme emotional distress so she would stay silent, and not report the abuse.

46. Defendants DIOCESE, NETWORK, and ST. DOMINIC, through the inaction of Muscatello and Lindsay, behaved in a manner toward Plaintiff that was so outrageous as to exceed all reasonable bounds of decency.

47. Defendants DIOCESE, NETWORK, and ST. DOMINIC, through the inaction of Muscatello and Lindsay, knew with substantial certainty or should have known that their behavior would cause Plaintiff to be a victim of sexual abuse, sexual harassment, and violence.

48. Defendants DIOCESE, NETWORK, and ST. DOMINIC, through the inaction of Muscatello and Lindsay, knew with substantial certainty that their behavior would cause severe emotional distress to Plaintiff.

49. The foregoing acts of Defendants caused Plaintiff physical, mental and emotional distress.

50. By reason of the foregoing, Plaintiff has 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:
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

51. Plaintiff repeats, reiterates, and realleges each and every allegation contained in paragraphs "1" through "50" as though more fully set forth herein.

52. Defendants DIOCESE, NETWORK, and ST. DOMINIC, through the inaction of Muscatello and Lindsay, were negligent for failing to address Plaintiff's requests to investigate and address the issue of sexual harassment, sexual abuse and violence at Defendant ST. DOMINIC and negligently ignored complaints and concerns from both Plaintiff and other students and faculty.

53. Defendants DIOCESE, NETWORK, and ST. DOMINIC, through the inaction of Muscatello and Lindsay, were negligent when they allowed Plaintiff to continue to be exposed to Butler after being provided with reports of sexual harassment, sexual abuse, and pornography committed by Butler.

54. Defendants DIOCESE, NETWORK, and ST. DOMINIC, through the inaction of Muscatello and Lindsay, knew or should have known this inaction would subject the students to further sexual harassment, sexual abuse and violence and pornography and knew or should have known this would unreasonably endanger the students' safety, cause them to fear for their safety and cause them severe emotional distress.

55. Defendants DIOCESE, NETWORK, and ST. DOMINIC owed a duty to Plaintiff to protect her from violence and sexual harassment and/or abuse at Defendant ST. DOMINIC.

56. Defendants DIOCESE, NETWORK, and ST. DOMINIC breached the duty owed to Plaintiff to protect her from violence and sexual harassment and/or abuse at Defendant ST. DOMINIC.

57. Plaintiff suffered severe emotional and mental suffering and distress due to Defendants' actions, as well as fear for her own physical safety.

58. By reason of the foregoing, Plaintiff has 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 HIRING**

59. Plaintiff repeats, reiterates, and realleges each and every allegation contained in paragraphs "1" through "58" as though more fully set forth herein.

60. Defendants DIOCESE, NETWORK, and ST. DOMINIC owed Plaintiff a duty of care to supervise and protect Plaintiff.

61. Defendants DIOCESE, NETWORK, and ST. DOMINIC were obligated to Plaintiff to hire teachers at Defendant ST. DOMINIC to ensure that the school environment at Defendant ST. DOMINIC was a safe school environment for all children.

62. Defendants DIOCESE, NETWORK, and ST. DOMINIC knew or should have known at the time of Butler's hiring of his propensity for the conduct which caused the injury.

63. Plaintiff was the victim of sexual abuse, sexual harassment, and violence by or at the direction of Butler.

64. Defendants DIOCESE, NETWORK, and ST. DOMINIC breached their duty of care to Plaintiff when they negligently hired Butler.

65. Plaintiff suffered severe emotional and mental suffering and distress due to Defendants' actions, as well as fear for her own physical safety.

66. By reason of the foregoing, Plaintiff has 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 SUPERVISION AND RETENTION**

67. Plaintiff repeats, reiterates, and realleges each and every allegation contained in paragraphs "1" through "66" as though more fully set forth herein.

68. Defendants DIOCESE, NETWORK, and ST. DOMINIC owed Plaintiff a duty of care to supervise and protect Plaintiff.

69. Defendants DIOCESE, NETWORK, and ST. DOMINIC were obligated to Plaintiff to supervise the teachers at Defendant ST. DOMINIC to ensure that the school environment at Defendant ST. DOMINIC was a reasonably safe school environment for all children.

70. Plaintiff was a victim of sexual abuse, sexual harassment, and violence by or at the direction of Butler.

71. Defendants DIOCESE, NETWORK, and ST. DOMINIC, through Muscatello and Lindsay, had knowledge of the sexual abuse, sexual harassment, and violence by or at the direction of Butler and negligently ignored the reports of the sexual abuse, sexual harassment, and violence by or at the direction of Butler.

72. Defendants DIOCESE, NETWORK, and ST. DOMINIC did not terminate the employment of Butler despite the reports of teachers, students, and parents concerning the sexual abuse, sexual harassment and violence committed by Butler.

73. Defendants DIOCESE, NETWORK, and ST. DOMINIC breached their duty of care to Plaintiff when they negligently supervised and retained Butler.

74. Plaintiff suffered severe emotional and mental suffering and distress due to Defendants' actions, as well as fear for her own physical safety.

75. By reason of the foregoing, Plaintiff has 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:
VIOLATION OF TITLE IX OF THE EDUCATION AMENDMENTS OF 1972**

76. Plaintiff repeats, reiterates, and realleges each and every allegation contained in paragraphs "1" through "75" as though more fully set forth herein.

77. Title IX of the Education Amendment of 1972 forbids a "funding recipient" from discriminating on the basis of sex in educational programs and activities.

78. Upon information and belief, Defendant ST. DOMINIC is a "funding recipient" under Title IX.

79. Butler inappropriately touched Plaintiff and exposed Plaintiff to pornography and other provocative acts, in violation of Title IX.

80. Butler's verbal and physical conduct of a sexual nature was severe or pervasive enough to alter the conditions of Plaintiff's educational environment and created an abusive educational environment.

81. Upon information and belief, the sexual harassment and sexual abuse was reported by Plaintiff, teachers, school officials and other parents to Defendants DIOCESE, NETWORK, and ST. DOMINIC, through Muscatello and Lindsay.

82. Defendants DIOCESE, NETWORK, and ST. DOMINIC had the authority and duty to institute corrective measures on behalf of Defendant ST. DOMINIC.

83. Defendants DIOCESE, NETWORK, and ST. DOMINIC, through the inaction of

Muscatello and Lindsay, acted with deliberate indifference in failing to respond to the reports of sexual harassment and sexual abuse being perpetrated by Butler.

84. The deliberate indifference of Defendants DIOCESE, NETWORK, and ST. DOMINIC, and the sexual harassment and sexual abuse committed by Butler, effectively barred Plaintiff access to various educational opportunities and benefits at Defendant ST. DOMINIC and subjected Plaintiff to discrimination on the basis of sex in violation of Title IX.

85. Plaintiff suffered severe emotional and mental suffering and distress due to Defendants' actions, as well as fear for her own physical safety.

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

87. Plaintiff also seeks attorneys' fees under Title IX.

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

88. Plaintiff repeats, reiterates, and realleges each and every allegation contained in paragraphs "1" through "87" as though more fully set forth herein.

89. Defendants DIOCESE, NETWORK, and ST. DOMINIC were educators who had physical custody of the Plaintiff during the school day, during school activities, and for school sanctioned clubs such as cheerleading; and owed Plaintiff a duty of care.

90. Defendants DIOCESE, NETWORK, and ST. DOMINIC were *in loco parentis* and owed plaintiff a duty of care.

91. Defendants ST. DOMINIC, MUSCATELLO, and LINDSAY breached their duty of care owed to Plaintiff when they committed the intentional and/or negligent acts referenced in the prior causes of action.

92. Defendants DIOCESE and NETWORK knew or should have known of the sexual

abuse, sexual harassment and violence occurring at Defendant ST. DOMINIC and breached their duty owed to Plaintiff when they failed to report the sexual abuse, sexual harassment and violence occurring at Defendant ST. DOMINIC and failed to remove Butler from Defendant ST. DOMINIC.

93. Plaintiff suffered severe emotional and mental suffering and distress due to Defendants' actions, as well as fear for her own physical safety.

94. As a result of Defendants' breach, Plaintiff has incurred and will incur medical costs to treat her past, present, and future psychological suffering of as a result of being a victim of sexual abuse, sexual harassment, and violence at Defendant ST. DOMINIC.

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

**AS AND FOR AN EIGHTH CAUSE OF ACTION AGAINST DEFENDANTS:
PUNITIVE DAMAGES**

96. Plaintiff repeats, reiterates, and realleges each and every allegation contained in paragraphs "1" through "95" as though more fully set forth herein.

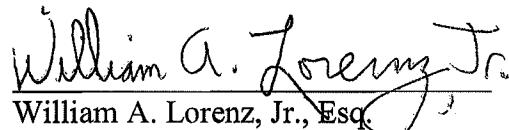
97. Defendants' knowledge of the violence, sexual harassment, and/or misconduct against Plaintiff at Defendant ST. DOMINIC by or at the direction of Butler is tantamount to a wanton and conscious disregard for the safety of Plaintiff and others, and warrants the imposition of punitive damages.

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

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

WHEREFORE, Plaintiff demands 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 Plaintiff as this Court deems just and proper.

DATED: July 18, 2019
Amherst, New York


William A. Lorenz, Jr., Esq.
Steven M. Cohen, Esq.
Scott Michael Duquin, Esq.
HoganWillig, PLLC
Attorneys for Plaintiff
2410 North Forest Road, Suite 301
Amherst, New York 14068
(716) 636-7600
wlorenz@hoganwillig.com

VERIFICATION

STATE OF NEW YORK)
COUNTY OF ERIE) ss:
)

VANESSA DEROSA-WREST, being duly sworn, deposes and says that: I am the Plaintiff herein; I have read the annexed Complaint and know the contents thereof, and the contents are true to my knowledge, except those matters alleged upon information and belief, and as to those matters, I believe them to be true:

Vanessa Derosa-Wrest

VANESSA DEROSA-WREST

Sworn to before me this 18th day of
July, 2019

William Arcona Lorenz Jr.

Notary Public

William Arcona Lorenz Jr
Notary Public, State of New York
Qualified in Erie County
Lic. # 02LO6285770
Commission Expires July 15, 2021