

STATE OF NEW YORK  
SUPREME COURT : COUNTY OF ERIE

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LG 10 DOE

Plaintiff,

**COMPLAINT**

vs.

MARK M. FRIEL and  
THE DIOCESE OF BUFFALO, N.Y.

Defendants.

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Plaintiff, above named, by his attorneys, LIPSITZ GREEN SCIME  
CAMBRIA LLP, for his Complaint against Defendants herein, alleges:

**AS AND FOR A FIRST CAUSE OF ACTION  
AGAINST DEFENDANT, MARK M. FRIEL,  
HEREIN:**

1. Plaintiff, LG 10 DOE, at all times hereinafter mentioned, was and still is a resident of the City of Plainfield located within the County of Union and State of New Jersey.
2. This action is commenced pursuant to the provisions of the New York Child Victim's Act.
3. At the time of the incidents set forth herein, Plaintiff, LG 10 DOE, (hereinafter referred to as "THE CHILD") was an infant having been born in 1962.
4. Defendant, MARK M. FRIEL, (hereinafter referred to as "THE CHILD MOLESTER") is a resident of the City of Lackawanna located within the County of Erie and State of New York.
5. Upon information and belief, at all times herein mentioned,

Defendant, THE DIOCESE OF BUFFALO, N.Y. was and still is a domestic not-for-profit corporation duly organized and existing under and by virtue of the laws of the State of New York and maintains an office for the transaction of business located within the County of Erie and State of New York.

6. Defendant, THE DIOCESE OF BUFFALO, N.Y., is hereinafter referred to as "THE ROMAN CATHOLIC CHURCH".

7. Upon information and belief, at all times herein mentioned, THE CHILD MOLESTER was hired and employed by Defendant, THE ROMAN CATHOLIC CHURCH, and THE ROMAN CATHOLIC CHURCH conferred upon THE CHILD MOLESTER the religious title "Father."

8. Upon information and belief, at all times herein mentioned, THE CHILD MOLESTER was assigned to Assumption of Blessed Virgin Mary Church in Lackawanna, New York as a priest by Defendant, THE DIOCESE OF BUFFALO, N.Y., and was acting as its agent, employee or representative.

9. Upon information and belief, at all times herein mentioned, THE CHILD MOLESTER was under the direction, supervision and control of Defendant, THE ROMAN CATHOLIC CHURCH.

10. On or about 1971 and continuing through 1973, THE CHILD MOLESTER sexually assaulted and committed battery upon THE CHILD and said assault and battery constituted sexual offenses as defined in Article 130 of the Penal Law.

11. The actions by THE CHILD MOLESTER herein were willful, malicious and intentional and resulted in injury to THE CHILD.

12. As a direct result of the conduct by THE CHILD MOLESTER as

described herein, THE CHILD has suffered, and continues to suffer great physical and emotional pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, flashbacks, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life, was prevented and will continue to be prevented from performing daily activities and obtaining full enjoyment of life, and has incurred and will continue to incur expenses for medical psychological treatment, therapy and counseling.

13. This action falls within one or more of the exceptions set forth in CPLR §1602.

14. As a result of the foregoing, THE CHILD, has sustained general and special damages in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

15. As a result of the foregoing, THE CHILD, claims punitive damages in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A SECOND CAUSE OF ACTION  
AGAINST DEFENDANT, THE ROMAN CATHOLIC  
CHURCH, HEREIN:**

16. Plaintiff repeats, reiterates and re-alleges each and every allegation contained in paragraphs "1" through "15" of this Complaint with the same force and effect as if fully set forth herein.

17. Upon information and belief, Defendant, THE ROMAN CATHOLIC CHURCH, trained, hired, selected and approved THE CHILD MOLESTER as a priest at Assumption of the Blessed Virgin Mary Church, placing him in a position with authority and power over THE CHILD.

18. Defendant, THE ROMAN CATHOLIC CHURCH, knew or reasonably should have known of the propensities of THE CHILD MOLESTER to commit acts of sexual assault, battery, rape and other sexual offenses against THE CHILD and other children.

19. Upon information and belief, prior to the incidents set forth herein, Defendant, THE ROMAN CATHOLIC CHURCH, was aware and was otherwise on actual notice that a number of its employees working as priests, were sexually abusing and/or sexually assaulting and/or molesting and/or raping children.

20. Upon information and belief, the aforesaid incidents and resultant injury and damages to THE CHILD were caused as a result of the negligence, carelessness and recklessness of Defendant, THE ROMAN CATHOLIC CHURCH, in the training, hiring, selecting and assignment of THE CHILD MOLESTER.

21. The acts and/or omissions of Defendant, THE ROMAN CATHOLIC CHURCH, constitute reckless disregard for the safety of THE CHILD and other children.

22. As a result of the foregoing, THE CHILD has sustained general and special damages in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A THIRD CAUSE OF  
ACTION AGAINST DEFENDANT, THE  
ROMAN CATHOLIC CHURCH, HEREIN:**

23. Plaintiff repeats, reiterates and re-alleges each and every allegation contained in paragraphs "1" through "22" of this Complaint with the same force

and effect as if fully set forth herein.

24. Upon information and belief, the aforesaid incidents and resultant injury to THE CHILD, were caused as a result of the negligence, carelessness and recklessness of Defendant, THE ROMAN CATHOLIC CHURCH, in the retaining THE CHILD MOLESTER.

25. The acts and/or omissions of the Defendant, THE ROMAN CATHOLIC CHURCH, constitute reckless disregard for the safety of THE CHILD and other children.

26. As a result of the foregoing, THE CHILD has sustained general and special damages in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A FOURTH CAUSE OF  
ACTION AGAINST DEFENDANT, THE  
ROMAN CATHOLIC CHURCH, HEREIN:**

27. Plaintiff repeats, reiterates and re-alleges each and every allegation contained in paragraphs "1" through "26" of this Complaint with the same force and effect as if fully set forth herein.

28. Upon information and belief, the aforesaid incidents and resultant injury to THE CHILD, were caused as a result of the negligence, carelessness and recklessness of Defendant, THE ROMAN CATHOLIC CHURCH, in supervising THE CHILD MOLESTER.

29. The acts and/or omissions of the Defendant, ROMAN CATHOLIC CHURCH, constitute reckless disregard for the safety of THE CHILD and other children.

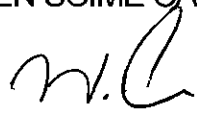
30. As a result of the foregoing, THE CHILD has sustained general and

special damages in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**WHEREFORE**, Plaintiff demands judgment against Defendants, either jointly or severally, in the First, Second, Third and Fourth Causes of Action in compensatory and punitive damages in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction, and for such other, further or different relief as the Court may deem just and proper, together with the costs and disbursements of the action.

DATED: Buffalo, New York  
September 17, 2019

LIPSITZ GREEN SCIME CAMBRIA LLP

By:   
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