

STATE OF NEW YORK  
SUPREME COURT : COUNTY OF ERIE

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LG 24 DOE

Plaintiff,

vs.

**SUMMONS**

THE DIOCESE OF BUFFALO, N.Y.  
195 Main Street  
Buffalo, New York 14203

Index No.:

FRED D. INGALLS  
462 Dartmouth Avenue  
Buffalo, New York 14215

HOLY FAMILY OF JESUS, MARY &  
JOSEPH PARISH, f/k/a ST. JOSEPH'S  
RC CHURCH,  
1413 Pine Avenue  
Niagara Falls, New York 14301

Defendants.

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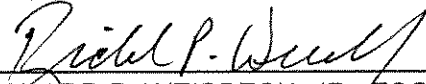
TO THE ABOVE NAMED DEFENDANTS:

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

Erie County is designated as the place of trial on the basis on the Defendant's place of business located in Buffalo, New York.

DATED: Buffalo, New York  
September 27, 2019

LIPSITZ GREEN SCIME CAMBRIA LLP

By:   
RICHARD P. WEISBECK, JR. ESQ.  
CHRISTINA M. CROGLIO, ESQ.

Attorneys for Plaintiff  
42 Delaware Avenue, Suite 120  
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(716) 849-1333  
[RPW : # 65776.0003 ]

STATE OF NEW YORK  
SUPREME COURT : COUNTY OF ERIE

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LG 24 DOE

Plaintiff,

**COMPLAINT**

vs.

Index No.:

THE DIOCESE OF BUFFALO, N.Y.,  
FRED D. INGALLS, and  
HOLY FAMILY OF JESUS, MARY &  
JOSEPH PARISH, f/k/a ST. JOSEPH'S  
RC CHURCH,

Defendants.

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

**AS AND FOR A FIRST CAUSE OF ACTION AGAINST  
DEFENDANTS, ABOVE NAMED, HEREIN,  
PLAINTIFF, LG 24 DOE, ALLEGES AS FOLLOWS:**

1. Plaintiff, LG 24 DOE, is a resident of the City of Niagara Falls located within the County of Niagara and State of New York.
2. This action is commenced pursuant to the provisions of the Child Victim's Act.
3. At the time of the incidents set forth herein, Plaintiff, LG 24 DOE, (hereinafter referred to as "THE CHILD") was an infant having been born in 1969.
4. 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.
5. Upon information and belief, Defendant, FRED D. INGALLS (hereinafter referred

to as "THE CHILD MOLESTER") resides in the City of Buffalo and State of New York.

6. Upon information and belief, at all times herein mentioned, Defendant, HOLY FAMILY OF JESUS, MARY & JOSEPH PARISH, f/k/a ST. JOSEPH'S RC CHURCH,(hereinafter referred to as "ST. JOSEPH'S RC CHURCH), was and still is a not-for-profit religious organization duly organized and existing under and by virtue of the laws of the State of New York, operating by and through Defendant, THE DIOCESE OF BUFFALO, N.Y., and maintains an office for the transaction of business located at 1413 Pine Avenue, Niagara Falls, New York.

7. Defendant ST. JOSEPH'S RC CHURCH and Defendant, THE DIOCESE OF BUFFALO, N.Y., are hereinafter collectively referred to as "THE ROMAN CATHOLIC CHURCH."

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

9. Upon information and belief, at all times herein mentioned, Joseph A. Schuster, (hereinafter referred to as "THE CHILD MOLESTER") was hired and employed by THE ROMAN CATHOLIC CHURCH and THE ROMAN CATHOLIC CHURCH conferred upon THE CHILD MOLESTER the religious title "Father."

10. Upon information and belief, THE CHILD MOLESTER Joseph A. Schuster, is deceased.

11. According to THE ROMAN CATHOLIC CHURCH doctrine, when a person physically dies, he or she lives forever through their "Soul" and according to THE ROMAN CATHOLIC CHURCH doctrine, THE CHILD MOLESTER, in all likelihood, therefore now resides in a place called "Hell" due to the sexual crimes he committed

against THE CHILD and other children. Despite exercising due diligence, THE CHILD is unable to locate "Hell" to serve THE CHILD MOLESTER with the Summons and Complaint. The limitations set forth in CPLR §1601 do not apply.

12. Upon information and belief, at all times herein mentioned, both CHILD MOLESTERS were assigned to ST. JOSEPH'S RC PARISH as priests by Defendant, THE DIOCESE OF BUFFALO, N.Y., or were granted access by THE ROMAN CATHOLIC CHURCH to children at ST. JOSEPH'S RC PARISH, and were acting as its agents, employees or representatives.

13. Upon information and belief, at all times herein mentioned, THE CHILD MOLESTERS were under the direction, supervision and control of Defendant, THE ROMAN CATHOLIC CHURCH.

14. Beginning on or about the 1<sup>st</sup> day of January 1976, and continuing through sometime in 1979, both CHILD MOLESTERS sexually assaulted and committed battery upon THE CHILD at ST. JOSEPH'S RC CHURCH and said assault and battery constituted sexual offenses as defined in Article 130 of the Penal Law.

15. The sexual crimes by THE CHILD MOLESTERS herein were willful, malicious and intentional and resulted in injury to THE CHILD.

16. As a direct result of conduct by THE CHILD MOLESTERS 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.

17. This action falls within one or more of the exceptions set forth in CPLR

§1602.

18. 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.

19. 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:**

20. Plaintiff repeats, reiterates and re-alleges each and every allegation contained in paragraphs "1" through "19" of this Complaint with the same force and effect as if fully set forth herein.

21. Upon information and belief, Defendant, THE ROMAN CATHOLIC CHURCH, trained, hired, selected and approved THE CHILD MOLESTERS as priests at ST. JOSEPH'S RC CHURCH, placing them in a position with authority and power over THE CHILD.

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

23. Upon information and belief, prior to the incident 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.

24. 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 MOLESTERS.

25. The acts and/or omissions of 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 THIRD 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 the retaining of THE CHILD MOLESTERS.

29. The acts and/or omissions of Defendant, THE 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.

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

31. Plaintiff repeats, reiterates and re-alleges each and every allegation contained in paragraphs "1" through "30" of this Complaint with the same force and effect as if fully set forth herein.

32. 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 MOLESTERS.


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

34. 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 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 24, 2019

LIPSITZ GREEN SCIME CAMBRIA LLP

By:   
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CHRISTINA M. CROGLIO, ESQ.  
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