

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

LG 4 DOE,

COMPLAINT

Plaintiff,

vs.

JAMES SPIELMAN,
THE DIOCESE OF BUFFALO, N.Y., and
ST. ALOYSIUS CHURCH OF SPRINGVILLE

Defendants.

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 DEFENDANT, JAMES SPIELMAN, HEREIN:**

1. Plaintiff, LG 4 DOE, is a resident of the City of Buffalo located within the County of Erie and State of New York.
2. This action is commenced pursuant to the Child Victim's Act.
3. At the time of the incidents set forth herein, Plaintiff, LG 4 DOE, (hereinafter referred to as "THE CHILD") was a minor having been born in 1957.
4. Upon information and belief, Defendant, JAMES SPIELMAN (hereinafter referred to as "THE CHILD MOLESTER") resides in the State of Alaska and/or has a place of business in the State of Alaska.
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. Upon information and belief, at all times herein mentioned, the Defendant, ST. ALOYSIUS CHURCH OF SPRINGVILLE, hereinafter referred to as "ST. ALOYSIUS CHURCH", located at 190 Franklin Street, Springville, NY 14141, 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 within the County of Erie and State of New York.

7. Defendant, ST. ALOYSIUS 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 hereinafter 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".

9. Upon information and belief, at all times herein mentioned, THE CHILD MOLESTER, was assigned to ST. ALOYSIUS CHURCH, as a priest by the Defendant, THE DIOCESE OF BUFFALO, N.Y., and was acting as its agent, employee or representative.

10. 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.

11. Beginning in approximately 1971, and continuing through approximately or about 1974, THE CHILD MOLESTER sexually assaulted and committed battery upon THE CHILD said sexual assault and battery constituted sexual crimes as defined in Article 130 of the Penal Law.

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

13. As a direct result of THE CHILD MOLESTER's conduct 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.

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

15. 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.

16. 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:**

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

18. Upon information and belief, Defendant, THE ROMAN CATHOLIC CHURCH, trained, hired, selected and approved THE CHILD MOLESTER as a priest at ST. ALOYSIUS CHURCH, placing him in a position of authority and power over THE CHILD, a parishioner at ST. ALOYSIUS CHURCH.

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

20. 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 significant number of its employees working as priests, were sexually abusing and/or sexually assaulting and/or sexually molesting and/or raping children.

21. 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 the Defendant, THE ROMAN CATHOLIC CHURCH, in the training, hiring, selecting and assignment of THE CHILD MOLESTER

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

23. As a result of the foregoing, Plaintiff has sustained general and special damages in an amount that exceeds the jurisdictional limits of all lower courts that would otherwise have jurisdiction.

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

24. Plaintiff repeats, reiterates and re-alleges each and every allegation contained in paragraphs "1" through "23" of this Complaint with the same force and effect as if fully set forth herein.

25. 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 the Defendant, THE ROMAN CATHOLIC CHURCH, in the retaining of THE CHILD MOLESTER.

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

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

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

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

29. 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 the Defendant, THE ROMAN CATHOLIC CHURCH, in supervising THE CHILD MOLESTER.

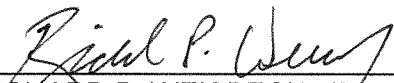
30. The acts and/or omissions of the Defendant, THE ROMAN CATHOLIC CHURCH, constitute reckless disregard for the safety of THE CHILD and other children.

31. As a result of the foregoing, THE CHILD has sustained general and special damages in an amount that exceeds the jurisdictional limits of all lower courts that 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 that 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 6, 2019

LIPSITZ GREEN SCIME CAMBRIA LLP

By: 
RICHARD P. WEISBECK, JR., ESQ.
CHRISTINA M. CROGLIO, ESQ.
Attorneys for Plaintiff
42 Delaware Avenue, Suite 120
Buffalo, New York 14202-3924
(716) 849-1333
[RPW: # 65547.0001]