

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ERIE**

CAROLYN ANDERSON, f/k/a, CAROLYN CATALINO,

Plaintiff,

v.

DIANNA VACCO, a/k/a, DIANNA MROZ; THE DIOCESE OF  
BUFFALO, N.Y.; MOST PRECIOUS BLOOD ROMAN CATHOLIC  
CHURCH SOCIETY OF ANGOLA, a/k/a, MOST PRECIOUS  
BLOOD ROM. CATH. CHURCH SOCIETY OF ANGOLA; and MOST  
PRECIOUS BLOOD SCHOOL,

Defendants.

Index No.

**SUMMONS**

Date Index No. Purchased:  
Oct. 8, 2019

To the above named Defendant(s)

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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 attorney within 20 days after the service of this summons, exclusive of the day of service (or within 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.

The basis of venue is one or more Defendant resides in Erie County, which is located in Erie County, New York.

Dated: New York, New York  
October 8, 2019

SIMMONS HANLY CONROY LLC



Paul J. Hanly, Jr.  
*Attorneys for Plaintiff*  
112 Madison Avenue, 7<sup>th</sup> Floor  
New York, NY 10016  
(212) 784-6401 Telephone  
(212) 213-5949 Facsimile  
phanly@simmonsfirm.com

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ERIE**

CAROLYN ANDERSON, f/k/a, CAROLYN CATALINO,

Plaintiff,

v.

DIANNA VACCO, a/k/a, DIANNA MROZ; THE DIOCESE  
OF BUFFALO, N.Y.; MOST PRECIOUS BLOOD ROMAN  
CATHOLIC CHURCH SOCIETY OF ANGOLA, a/k/a, MOST  
PRECIOUS BLOOD ROM. CATH. CHURCH SOCIETY OF  
ANGOLA; and MOST PRECIOUS BLOOD SCHOOL,

Defendants.

Index No.

**RIDER TO SUMMONS**

<b>Defendant/Counsel</b>	<b>Service Address</b>
DIANNA VACCO, a/k/a, DIANNA MROZ	61 Seahill Drive Saint Augustine, Florida
THE DIOCESE OF BUFFALO, N.Y.	795 Main Street Buffalo, Erie County, New York
MOST PRECIOUS BLOOD ROMAN CATHOLIC CHURCH SOCIETY OF ANGOLA, a/k/a, MOST PRECIOUS BLOOD ROM. CATH. CHURCH SOCIETY OF ANGOLA	22 Prospect Street Angola, Erie County, New York
MOST PRECIOUS BLOOD SCHOOL	22 Prospect Street Angola, Erie County, New York

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ERIE**

CAROLYN ANDERSON, f/k/a, CAROLYN CATALINO,

Plaintiff,

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DIANNA VACCO, a/k/a, DIANNA MROZ; THE DIOCESE  
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Defendants.

Index No.

**COMPLAINT**

**JURY TRIAL DEMANDED**

Plaintiff Carolyn Anderson, formerly known as Carolyn Catalino, by her attorneys Simmons Hanly Conroy LLC and the Law Offices of Mitchell Garabedian, brings this action against Dianna Vacco, also known as Dianna Mroz; The Diocese of Buffalo, N.Y.; Most Precious Blood Roman Catholic Church Society of Angola, also known as Most Precious Blood Rom. Cath. Church Society of Angola; and Most Precious Blood School, and alleges, on personal knowledge as to herself 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 each Defendant either resides in New York or conducts or, at relevant times conducted, activities in New York that give rise to the claims asserted herein.

2. This Court has jurisdiction over this action because the amount of damages Plaintiff seeks exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

3. Venue for this action is proper in the County of Erie pursuant to CPLR 503

in that one or more of the Defendants reside in this County and a substantial part of the events or omissions giving rise to the claims asserted herein occurred in this County.

### **PARTIES**

4. Plaintiff Carolyn Anderson, formerly known as Carolyn Catalino (“Plaintiff”) is an individual residing in Ellicottville, Cattaraugus County, New York.

5. Defendant Dianna Vacco, also known as Dianna Mroz (“Ms. Vacco”) is an individual with a residential address at 61 Seahill Drive, Saint Augustine, Florida. At all relevant times, Ms. Vacco served as a teacher at Defendant Most Precious Blood School.

6. Defendant The Diocese of Buffalo, N.Y. (“Diocese of Buffalo”) is a religious corporation organized pursuant to the New York Religious Corporations Law, with its principal office at 795 Main Street, Buffalo, Erie County, New York. The Diocese of Buffalo is a Roman Catholic diocese. At all relevant times, the Diocese of Buffalo created, oversaw, supervised, managed, controlled, directed and operated parishes, churches, and/or schools of the Diocese of Buffalo, including during all relevant times, Most Precious Blood Roman Catholic Church Society of Angola, also known as Most Precious Blood Rom. Cath. Church Society of Angola; and Most Precious Blood School.

7. Defendant Most Precious Blood Roman Catholic Church Society of Angola, also known as Most Precious Blood Rom. Cath. Church Society of Angola (“Most Precious Blood Church”) is a Roman Catholic parish within and under the authority of the Diocese of Buffalo and is a religious corporation organized pursuant to the Religious Corporations Law with its principal office at 22 Prospect Street, Angola, Erie County, New York. At all relevant times, the Diocese of Buffalo created, oversaw, supervised, managed, controlled, directed and operated Most Precious Blood Church.

8. Defendant Most Precious Blood School was a Roman Catholic elementary school with its principal office at 22 Prospect Street, Angola, Erie County, New York, within the Diocese of Buffalo. During all relevant times, Most Precious Blood School was operated by Defendants Diocese of Buffalo and Most Precious Blood Church.

## FACTS COMMON TO ALL CLAIMS

9. Plaintiff and her family were parishioners of and attended Most Precious Blood Church when Plaintiff was a minor child. In approximately 1980 when Plaintiff was approximately ten years of age, Plaintiff began attending Most Precious Blood School, the parochial elementary school affiliated with Most Precious Blood Church. Plaintiff attended Most Precious Blood School from approximately 1980 until approximately 1983, when Plaintiff was approximately ten to approximately thirteen years of age.

10. During the times relevant to the allegations set forth herein, Defendant Ms. Vacco was assigned by Defendants Diocese of Buffalo and Most Precious Blood Church to be a teacher at Most Precious Blood School, where Plaintiff was a student.

11. Through her positions at, within, or for Defendants Diocese of Buffalo, Most Precious Blood Church, and Most Precious Blood School, Ms. Vacco was put in direct contact with Plaintiff, a minor parishioner and student of the Diocese of Buffalo. Plaintiff came to know Ms. Vacco when Ms. Vacco was Plaintiff's sixth grade teacher at Most Precious Blood School, from approximately 1980 when Plaintiff was approximately ten years of age, until approximately 1981 when Plaintiff was approximately 11 years of age.

12. From approximately 1980 when Plaintiff was approximately eleven years of age, to approximately 1985 when Plaintiff was approximately fifteen years of age, Ms. Vacco spent time with Plaintiff at locations including but not limited to: Most Precious Blood School; Ms. Vacco's home in North Collins, Erie County, New York; Plaintiff's home in Angola, Erie County, New York; school buses travelling within New York; Ms. Vacco's car travelling within New York; and Ms. Vacco's home in Florida.

13. Ms. Vacco used such encounters, gained through her position at Most Precious Blood School which granted her access to Plaintiff beginning when Plaintiff was approximately ten years of age, to sexually assault, sexually abuse, and have sexual

contact with the Plaintiff on at least two hundred occasions when Plaintiff was approximately eleven to approximately fifteen years of age, in violation of the laws of the State of New York.

**Supervisory Defendants' Responsibility for the Abuse Committed by Ms. Vacco**

14. At all times material hereto, Ms. Vacco was under the management, supervision, employ, direction and/or control of Defendants Diocese of Buffalo, Most Precious Blood Church, and Most Precious Blood School.

15. Through her positions at, within, or for Defendants Diocese of Buffalo, Most Precious Blood Church, and Most Precious Blood School, Ms. Vacco was put in direct contact with Plaintiff.

16. Ms. Vacco used her position at, within, or for Defendants Diocese of Buffalo, Most Precious Blood Church, and Most Precious Blood School and the implicit representations made by them about her character that accompanied that position, to gain Plaintiff's trust and confidence and to create an opportunity to be alone with, and touch, Plaintiff.

17. Defendants Diocese of Buffalo, Most Precious Blood Church, and Most Precious Blood School had the duty to reasonably manage, supervise, control and/or direct teachers and employees who worked at Most Precious Blood School, and specifically, had a duty not to aid pedophiles such as Ms. Vacco by assigning, maintaining, and/or appointing them to positions with access to minors.

18. Defendants Diocese of Buffalo, Most Precious Blood Church, and Most Precious Blood School knew and/or reasonably should have known, and/or knowingly condoned, and/or covered up, the inappropriate and unlawful sexual activities of Ms. Vacco, who sexually abused Plaintiff.

19. Defendant Diocese of Buffalo had a duty to the Plaintiff to properly supervise Diocese of Buffalo teachers to ensure that such teachers did not use their positions with the Diocese of Buffalo as a tool for grooming and assaulting vulnerable

children. Defendant Diocese of Buffalo knew or should have known that Ms. Vacco used her positions with the Diocese of Buffalo to sexually abuse minor children, including the Plaintiff.

### **Consequences of the Abuse**

20. Plaintiff suffered personal physical and psychological injuries and damages as a result of Ms. Vacco's actions, as well as other damages related thereto, as a result of the childhood sexual abuse Plaintiff sustained.

21. As a direct result of the Defendants Ms. Vacco's, Diocese of Buffalo's, Most Precious Blood Church's, and Most Precious Blood School's conduct described herein, Plaintiff suffered and will continue to suffer great pain of mind and body, severe and permanent emotional distress, and physical manifestations of emotional distress. Plaintiff was prevented from obtaining the full enjoyment of life; has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling; and has incurred and will continue to incur loss of income and/or loss of earning capacity. As a victim of Ms. Vacco's sexual abuse, Plaintiff is unable at this time to fully describe all of the details of that abuse and the extent of the harm she suffered as a result.

## **CAUSES OF ACTION**

### **FIRST CAUSE OF ACTION**

#### **Assault**

22. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 21 as if fully set forth herein.

23. From approximately 1980 when Plaintiff was approximately eleven years of age, to approximately 1985 when Plaintiff was approximately fifteen years of age, Ms. Vacco intentionally touched Plaintiff's body when Ms. Vacco engaged in the sexual behavior and lewd and lascivious conduct described above. Such conduct placed Plaintiff in imminent apprehension of harmful contact, including apprehension of further

sexual contact.

24. As a direct and proximate result of Defendant Ms. Vacco's actions, which included but were not limited to placing the Plaintiff in imminent and reasonable apprehension of harmful and offensive contact, Plaintiff suffered and will continue to suffer the severe injuries and damages described herein, including but not limited to, mental and emotional distress.

25. By reason of the foregoing, Defendant Ms. Vacco is liable to Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

## SECOND CAUSE OF ACTION

### Battery

26. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 21 as if fully set forth herein.

27. From approximately 1980 when Plaintiff was approximately eleven years of age, to approximately 1985 when Plaintiff was approximately fifteen years of age, Ms. Vacco intentionally touched Plaintiff's body when Ms. Vacco engaged in the sexual behavior and lewd and lascivious conduct described above. Such bodily contact was offensive and without consent, because Plaintiff, as a minor, was incapable of consenting to these acts.

28. As a direct and proximate result of Defendant Ms. Vacco's actions, which included but were not limited to unjustified harmful and offensive physical contact and touching, Plaintiff suffered and will continue to suffer the severe injuries and damages described herein, including but not limited to, mental and emotional distress.

29. By reason of the foregoing, Defendant Ms. Vacco is liable to Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

## THIRD CAUSE OF ACTION

### Intentional Infliction of Emotional Distress

30. Plaintiff repeats and re-alleges each and every allegation set forth in



paragraphs 1 through 21 as if fully set forth herein.

31. By engaging in the explicit sexual behavior and lewd and lascivious conduct described above, either Defendant Ms. Vacco intended to inflict emotional distress upon Plaintiff, or Defendant Ms. Vacco knew or should have known and recklessly disregarded the substantial likelihood that severe emotional distress would be the likely result of her conduct.

32. The conduct of Defendant Ms. Vacco in engaging in the explicit sexual behavior and lewd and lascivious conduct with a minor described above is extreme and outrageous, beyond all possible bounds of decency, and utterly intolerable in a civilized society.

33. The mental distress and emotional injuries Plaintiff suffered and will continue to suffer were and are lasting and severe.

34. As a direct and proximate result of Defendant Ms. Vacco engaging in the explicit sexual behavior and lewd and lascivious conduct described above, Plaintiff suffered and will continue to suffer the severe injuries described herein.

35. By reason of the foregoing, Defendant Ms. Vacco is liable to Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

#### FOURTH CAUSE OF ACTION

##### **Negligent Hiring/Retention/Supervision/Direction**

36. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 21 as if fully set forth herein.

37. Defendants Diocese of Buffalo, Most Precious Blood Church, and Most Precious Blood School owed a duty of care to all minor persons, including Plaintiff, who were likely to come within the influence or supervision of Ms. Vacco in her role as teacher, counselor, trustee, director, officer, employee, agent, servant and/or volunteer, to insure that Ms. Vacco did not use her assigned position to injure minors by sexual assault, sexual abuse, or sexual contact in violation of the laws of the State of New York.

38. Defendant Diocese of Buffalo at all relevant times held the parishes and schools of the Diocese of Buffalo out to be safe places for minors to attend, and its teachers as individuals to whom it was safe to entrust the care of minor children. Defendant Diocese of Buffalo entered into an express and/or implied duty to safely treat Plaintiff and assumed the duty to protect and care for her.

39. Ms. Vacco sexually assaulted, sexually abused, and/or had sexual contact with Plaintiff when Plaintiff was a minor in New York and Florida.

40. Defendants Diocese of Buffalo, Most Precious Blood Church, and Most Precious Blood School negligently hired, retained, directed, and supervised Ms. Vacco, though they knew or should have known that Ms. Vacco posed a threat of sexual abuse to minors.

41. Defendants Diocese of Buffalo, Most Precious Blood Church, and Most Precious Blood School knew or should have known of Ms. Vacco's propensity for the conduct which caused Plaintiff's injuries prior to, or at the time of, the injuries' occurrence.

42. Defendants Diocese of Buffalo, Most Precious Blood Church, and Most Precious Blood School were negligent in failing to properly supervise Ms. Vacco.

43. The sexual abuse of children by adults, including teachers, is a foreseeable result of negligence.

44. At all times material hereto, Defendants Diocese of Buffalo's, Most Precious Blood Church's, and Most Precious Blood School's actions were willful, wanton, malicious, reckless, negligent and/or outrageous in their disregard for the rights and safety of Plaintiff.

45. As a direct and proximate result, Plaintiff has suffered and will continue to suffer the injuries described herein.

46. By reason of the foregoing, Defendants Diocese of Buffalo, Most Precious Blood Church, and Most Precious Blood School are liable to the Plaintiff, jointly, severally

and/or in the alternative liable to the Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

**FIFTH CAUSE OF ACTION**  
**Negligence/Gross Negligence**

47. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 21 as if fully set forth herein.

48. Defendants Diocese of Buffalo, Most Precious Blood Church, and Most Precious Blood School knew, or were negligent in not knowing, that Ms. Vacco posed a threat of sexual abuse to children.

49. The acts of Ms. Vacco described hereinabove were undertaken, and/or enabled by, and/or during the course, and/or within the scope of her respective employment, appointment, assignment, and/or agency with Defendants Diocese of Buffalo, Most Precious Blood Church, and Most Precious Blood School.

50. Defendants Diocese of Buffalo, Most Precious Blood Church, and Most Precious Blood School owed Plaintiff, a minor at the relevant times of abuse, a duty to protect her from Ms. Vacco's sexual deviancy and the consequential damages, both prior to and/or subsequent to Ms. Vacco's misconduct.

51. Defendants Diocese of Buffalo's, Most Precious Blood Church's, and Most Precious Blood School's willful, wanton, grossly negligent and/or negligent act(s) of commission and/or omission, resulted directly and/or proximately in the damage set forth herein at length.

52. Defendants Diocese of Buffalo, Most Precious Blood Church, and Most Precious Blood School:

- a. gave 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 activities of Ms. Vacco;

- 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 premises or with instrumentalities under their control; and
- d. allowed the acts of omission and/or commission and/or any or all of the allegations set forth in this Complaint to occur.

53. At all times material hereto, with regard to the allegations contained herein, Ms. Vacco was under the supervision, employ, direction and/or control of Defendants Diocese of Buffalo, Most Precious Blood Church, and Most Precious Blood School.

54. At all times material hereto, Defendants Diocese of Buffalo's, Most Precious Blood Church's, and Most Precious Blood School's actions were willful, wanton, malicious, reckless, negligent and outrageous in their disregard for the rights and safety of Plaintiff, which amounted to conduct equivalent to criminality.

55. As a direct and/or indirect result of said conduct, Plaintiff has suffered and will continue to suffer the injuries and damages described herein.

56. By reason of the foregoing, Defendants Diocese of Buffalo, Most Precious Blood Church, and Most Precious Blood School are liable to the Plaintiff, jointly, severally and/or in the alternative liable to the Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

#### SIXTH CAUSE OF ACTION

#### **Breach of Non-Delegable Duty**

57. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 21 as if fully set forth herein.

58. Plaintiff, when she was a minor, was placed in the care and supervision of the Defendants Diocese of Buffalo, Most Precious Blood Church, and Most Precious

Blood School for the purposes of, *inter alia*, providing Plaintiff with a safe environment in which to participate in educational, youth, religious, and recreational activities. There existed a non-delegable duty of trust between Plaintiff and Defendants Diocese of Buffalo, Most Precious Blood Church, and Most Precious Blood School.

59. Plaintiff was a vulnerable child when placed within the care of Defendants Diocese of Buffalo, Most Precious Blood Church, and Most Precious Blood School.

60. As a consequence, Defendants Diocese of Buffalo, Most Precious Blood Church, and Most Precious Blood School were in the best position to prevent Plaintiff's abuse, to learn of Ms. Vacco's repeated sexual abuse of Plaintiff, and to stop it.

61. By virtue of the fact that Plaintiff was sexually abused as a minor child entrusted to the care of the Defendants Diocese of Buffalo, Most Precious Blood Church, and Most Precious Blood School, Defendants Diocese of Buffalo, Most Precious Blood Church, and Most Precious Blood School breached their non-delegable duty to Plaintiff.

62. At all times material hereto Ms. Vacco was under the supervision, employ, direction and/or control of the Defendants Diocese of Buffalo, Most Precious Blood Church, and Most Precious Blood School.

63. As a direct result of said conduct, Plaintiff has suffered and will continue to suffer the injuries and damages described herein.

64. By reason of the foregoing, Defendants Diocese of Buffalo, Most Precious Blood Church, and Most Precious Blood School are liable to the Plaintiff, jointly, severally and/or in the alternative liable to the Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

#### SEVENTH CAUSE OF ACTION

##### Breach of Fiduciary Duty

65. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 21 as if fully set forth herein.

66. There exists a fiduciary relationship of trust, confidence, and reliance

between Plaintiff and Defendants Diocese of Buffalo, Most Precious Blood Church, and Most Precious Blood School. This relationship is based on the entrustment of the Plaintiff while she was a minor child to the care and supervision of the Defendants Diocese of Buffalo, Most Precious Blood Church, and Most Precious Blood School. This entrustment of the Plaintiff to the care and supervision of the Defendants Diocese of Buffalo, Most Precious Blood Church, and Most Precious Blood School, while the Plaintiff was a minor child, required the Defendants Diocese of Buffalo, Most Precious Blood Church, and Most Precious Blood School to assume a fiduciary relationship and to act in the best interests of the Plaintiff, as well as to protect her while she was a minor and vulnerable child.

67. Pursuant to their fiduciary relationship, Defendants Diocese of Buffalo, Most Precious Blood Church, and Most Precious Blood School were entrusted with the well-being, care, and safety of Plaintiff.

68. Pursuant to their fiduciary relationship, Defendants Diocese of Buffalo, Most Precious Blood Church, and Most Precious Blood School assumed a duty to act in the best interests of Plaintiff.

69. Defendants Diocese of Buffalo, Most Precious Blood Church, and Most Precious Blood School breached their fiduciary duty to Plaintiff.

70. At all times material hereto, the actions and/or inactions of Defendants Diocese of Buffalo, Most Precious Blood Church, and Most Precious Blood School were willful, wanton, malicious, reckless, negligent and outrageous in their disregard for the rights and safety of Plaintiff.

71. As a direct result of said conduct, Plaintiff has suffered and will continue to suffer the injuries and damages described herein.

72. By reason of the foregoing, Defendants Diocese of Buffalo, Most Precious Blood Church, and Most Precious Blood School are liable to the Plaintiff, jointly, severally and/or in the alternative liable to the Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

**EIGHTH CAUSE OF ACTION****Negligent Infliction of Emotional Distress**

73. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 21 as if fully set forth herein.

74. As described above, the actions of Defendants Diocese of Buffalo, Most Precious Blood Church, and Most Precious Blood School, their agents, servants, and/or employees were conducted in a negligent and/or grossly negligent manner.

75. Defendants Diocese of Buffalo's, Most Precious Blood Church's, and Most Precious Blood School's actions endangered Plaintiff's safety and caused her to fear for her own safety.

76. As a direct and proximate result of Defendants Diocese of Buffalo's, Most Precious Blood Church's, and Most Precious Blood School's actions, which included but were not limited to negligent and/or grossly negligent conduct, Plaintiff suffered and will continue to suffer the severe injuries and damages described herein, including but not limited to, mental and emotional distress.

77. By reason of the foregoing, Defendants Diocese of Buffalo, Most Precious Blood Church, and Most Precious Blood School are liable to the Plaintiff, jointly, severally and/or in the alternative liable to the Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

**NINTH CAUSE OF ACTION****Breach of Duty *in Loco Parentis***

78. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 21 as if fully set forth herein.

79. While she was a minor, Plaintiff was entrusted by her parents to the control of the Defendants Diocese of Buffalo, Most Precious Blood Church, and Most Precious Blood School, as well as directly to Ms. Vacco, an agent or servant of Defendants Diocese of Buffalo, Most Precious Blood Church, and Most Precious Blood School, for the

purposes of *inter alia*, providing Plaintiff with appropriate guidance and an opportunity to enjoy educational and youth activities under responsible adult supervision. These Defendants owe – and owed – a duty to children entrusted to them to act *in loco parentis* and to prevent foreseeable injuries.

80. Defendants Diocese of Buffalo, Most Precious Blood Church, and Most Precious Blood School breached their duty to act *in loco parentis*.

81. At all times material hereto, Defendants Diocese of Buffalo's, Most Precious Blood Church's, and Most Precious Blood School's actions were willful, wanton, malicious, reckless, negligent, grossly negligent and/or outrageous in their disregard for the rights and safety of Plaintiff.

82. As a direct result of Defendants Diocese of Buffalo's, Most Precious Blood Church's, and Most Precious Blood School's conduct, Plaintiff has suffered and will continue to suffer the injuries and damages described herein.

83. By reason of the foregoing, Defendants Diocese of Buffalo, Most Precious Blood Church, and Most Precious Blood School are liable to the Plaintiff, jointly, severally and/or in the alternative liable to the Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

#### TENTH CAUSE OF ACTION

##### **Breach of Statutory Duty to Report Abuse under Soc. Serv. Law §§ 413, 420**

84. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 21 as if fully set forth herein.

85. Pursuant to N.Y. Soc. Serv. Law §§ 413 and 420, Defendants Diocese of Buffalo, Most Precious Blood Church, and Most Precious Blood School had a statutorily imposed duty to report reasonable suspicion of abuse of children in their care.

86. Defendants Diocese of Buffalo, Most Precious Blood Church, and Most Precious Blood School breached that duty by knowingly and willfully failing to report reasonable suspicion of abuse by Ms. Vacco of children in their care.



87. As a direct and/or indirect result of said conduct, Plaintiff has suffered and will continue to suffer the injuries and damages described herein.

88. By reason of the foregoing, Defendants Diocese of Buffalo, Most Precious Blood Church, and Most Precious Blood School are liable to the Plaintiff, jointly, severally and/or in the alternative liable to the Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

WHEREFORE Plaintiff, demands judgment against the Defendants on each cause of action as follows:

- A. Awarding compensatory damages in an amount to be proved at trial, but in any event in an amount that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction;
- 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 attorneys' 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 demands a trial by jury on all issues so triable.

Dated: October 8, 2019  
New York, New York

Respectfully Submitted,

/s/ Paul J. Hanly, Jr.  
Paul J. Hanly, Jr.  
[phanly@simmonsfirm.com](mailto:phanly@simmonsfirm.com)  
Jayne Conroy  
[jconroy@simmonsfirm.com](mailto:jconroy@simmonsfirm.com)  
Andrea Bierstein

[abierstein@simmonsfirm.com](mailto:abierstein@simmonsfirm.com)  
SIMMONS HANLY CONROY LLC  
112 Madison Avenue  
New York, NY 10016  
(212) 784-6401 Telephone  
(212) 213-5949 Facsimile

*Attorneys for Plaintiff*

Of counsel:  
Mitchell Garabedian  
[mgarabedian@garabedianlaw.com](mailto:mgarabedian@garabedianlaw.com)  
William H. Gordon  
[wgordon@garabedianlaw.com](mailto:wgordon@garabedianlaw.com)  
LAW OFFICES OF MITCHELL GARABEDIAN  
100 State Street, 6th Floor  
Boston, MA 02109  
Phone: (617) 523-6250