

NEW YORK STATE SUPREME COURT  
ERIE COUNTY

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JOSEPH PADUANO,

Plaintiff,

-against-

DIOCESE OF BUFFALO and ST. JOSEPH PARISH  
(NOW KNOWN AS MOST HOLY FAMILY OF JESUS,  
MARY & JOSEPH PARISH),

Defendants.

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Index No.: \_\_\_\_\_

Date Filed: November 6, 2019

**SUMMONS**

Plaintiff designates Erie County  
as the place of trial.

The basis of venue is one  
defendant's residence.

**Child Victims Act Proceeding**  
**22 NYCRR 202.72**


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 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.

Dated: November 6, 2019

Respectfully Yours,

MARSH LAW FIRM PLLC

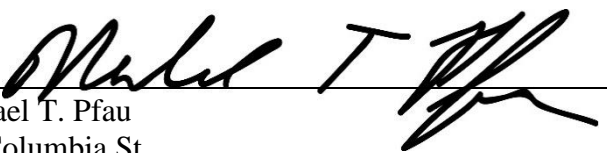
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**COMPLAINT**

**Child Victims Act Proceeding**  
**22 NYCRR 202.72**

Plaintiff Joseph Paduano, by and through his attorneys, the Marsh Law Firm PLLC and Pfau Cochran Vertetis Amala PLLC, respectfully alleges for his complaint the following:

**I. INTRODUCTION**

1. The Diocese of Buffalo (the “Diocese”) knew for decades that its priests, clergy, teachers, school administrators, employees, and volunteers were using their positions within the Diocese to groom and to sexually abuse children. Despite that knowledge, the Diocese failed to take reasonable steps to protect children from being sexually abused and actively concealed the abuse.

2. Since 2018, following decades of denial and cover-up, the Diocese of Buffalo began releasing the names of priests who were accused of sexually abusing children. While the Diocese of Buffalo has listed at least 80 priests with substantiated claims of sexual abuse of a minor, it has been reported that there are well over a 100 clergy in the Diocese of Buffalo who have faced allegations of sexually abusing a child. Based on the Diocese’s wrongful conduct, a reasonable person could and would conclude that it knowingly and recklessly disregarded the abuse of children and chose to protect its reputation and wealth over those who deserved protection. The result is not surprising: for decades hundreds, if not thousands, of children were

sexually abused by Catholic clergy and others who served the Diocese. The plaintiff in this lawsuit is one of many children who was sexually abused because of the Diocese's wrongful conduct.

## **II. PROCEEDING IN ACCORDANCE WITH CPLR 214-G AND 22 NYCRR 202.72**

3. This complaint is filed pursuant to the Child Victims Act (CVA) 2019 Sess. Law News of N.Y. Ch. 11 (S. 2440), CPLR 214-G, and 22 NYCRR 202.72. The CVA opened a historic one-year one-time window for victims and survivors of childhood sexual abuse in the State of New York to pursue lapsed claims. Prior to the passage of the CVA, plaintiff's claims were time-barred the day he turned 22 years old. The enactment of the CVA allows victims and survivors of childhood sexual abuse, for the first time in their lives, to pursue restorative justice in New York State.

## **III. PARTIES**

4. Plaintiff Joseph Paduano is an adult male who currently resides in Youngstown, NY.

5. Upon information and belief, the Diocese is currently a not-for-profit religious corporation organized under New York law with its principal office in Buffalo, New York.

6. Upon information and belief, at all relevant times the Diocese conducted business as the "Diocese of Buffalo" and/or "Buffalo Diocese."

7. Upon information and belief, at all relevant times the Diocese employed priests, school administrators, teachers, religious sisters, and/or others who served various Catholic institutions and families, including plaintiff Joseph Paduano and his family.

8. Upon information and belief, Father John Adriani ("Father Adriani") was a priest employed by the Diocese to serve Catholic families, including plaintiff Joseph Paduano and his family. During the time Father Adriani was employed by the Diocese, he used his position as a priest to groom and to sexually abuse plaintiff Joseph Paduano.

9. To the extent that the Diocese was a different entity, corporation, or organization during the period of time during which Father Adriani used his position as a priest to sexually abuse plaintiff Joseph Paduano, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

10. To the extent the Diocese is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Adriani used his position as a priest to sexually abuse plaintiff Joseph Paduano, such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

11. All such Diocese-related entities, corporations, or organizations are collectively referred to herein as the “Diocese.”

12. Upon information and belief, at all relevant times defendant St. Joseph Parish (now known as Most Holy Family of Jesus, Mary & Joseph Parish) (“St. Joseph's”) was a not-for-profit religious corporation organized under New York law and wholly owned, operated, and controlled by the Diocese.

13. Upon information and belief, St. Joseph's is currently a not-for-profit religious corporation organized under New York law with its principal office in Niagara Falls, New York.

14. Upon information and belief, at all relevant times St. Joseph's conducted business as “Most Holy Family of Jesus, Mary & Joseph Parish,” “St. Joseph's Parish,” “St. Joseph's Church,” and/or “St. Joseph's.”

15. St. Joseph's is a parish located in Niagara Falls, New York.

16. Upon information and belief, Father John Adriani was a priest employed by St. Joseph's to serve Catholic families in its geographic jurisdiction, including plaintiff Joseph

Paduano and his family. During the time Father John Adriani was employed by St. Joseph's, he used his position as a priest to groom and to sexually abuse plaintiff Joseph Paduano.

17. To the extent that St. Joseph's was a different entity, corporation, or organization during the period of time during which Father Adriani used his position as a priest to sexually abuse Joseph Paduano, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

18. To the extent St. Joseph's is a successor to a different entity, corporation, or organization which existed during the period of time during which Father Adriani used his position as a priest to sexually abuse Joseph Paduano, such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

19. All such St. Joseph's-related entities, corporations, or organizations are collectively referred to herein as "St. Joseph's."

#### **IV. VENUE**

20. Venue is proper because the Diocese is a domestic corporation authorized to transact business in New York with its principal office located in Erie County.

#### **V. STATEMENT OF FACTS AS TO PLAINTIFF JOSEPH PADUANO**

21. Upon information and belief, at all relevant times the Diocese was the owner of St. Joseph's and held itself out to the public as the owner of St. Joseph's.

22. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled St. Joseph's.

23. Upon information and belief, at all relevant times the Diocese employed priests, school administrators, teachers, religious sisters, and/or others who served Catholic families at St. Joseph's, including plaintiff Joseph Paduano and his family.

24. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled St. Joseph's, and held out to the public its agents, servants, and employees as those who managed, maintained, operated, and controlled St. Joseph's.

25. Upon information and belief, at all relevant times the Diocese was responsible for the hiring and staffing, and did the hiring and staffing, at St. Joseph's.

26. Upon information and belief, at all relevant times the Diocese was responsible for and did the recruitment and staffing of volunteers at St. Joseph's.

27. Upon information and belief, at all relevant times the Diocese materially benefited from the operation of St. Joseph's, including the services of Father Adriani and the services of those who managed and supervised Father Adriani.

28. Upon information and belief, at all relevant times St. Joseph's owned a parish.

29. Upon information and belief, at all relevant times St. Joseph's held itself out to the public as the owner of St. Joseph's.

30. Upon information and belief, at all relevant times St. Joseph's employed priests, school administrators, teachers, religious sisters, and/or others who served Catholic families, including plaintiff Joseph Paduano and his family.

31. Upon information and belief, at all relevant times St. Joseph's, its agents, servants, and employees managed, maintained, operated, and controlled St. Joseph's, and held out to the public its agents, servants and employees as those who managed, maintained, operated, and controlled St. Joseph's.

32. Upon information and belief, at all relevant times St. Joseph's was responsible for and did the staffing and hiring at St. Joseph's.

33. Upon information and belief, at all relevant times St. Joseph's was responsible for and did the recruitment and staffing of volunteers at St. Joseph's.

34. Upon information and belief, at all relevant times St. Joseph's materially benefitted from the operation of St. Joseph's, including the services of Father Adriani and the services of those who managed and supervised Father Adriani.

35. Upon information and belief, at all relevant times Father Adriani was a priest of the Diocese.

36. Upon information and belief, at all relevant times Father Adriani was on the staff of, acted as an agent of, and served as an employee of the Diocese.

37. Upon information and belief, at all relevant times Father Adriani was acting in the course and scope of his employment with the Diocese.

38. Upon information and belief, at all relevant times Father Adriani was employed by the Diocese and assigned to St. Joseph's.

39. Upon information and belief, at all relevant times Father Adriani was a priest of St. Joseph's.

40. Upon information and belief, at all relevant times Father Adriani was on the staff of, was an agent of, and served as an employee of St. Joseph's.

41. Upon information and belief, at all relevant times Father Adriani was acting in the course and scope of his employment with St. Joseph's.

42. Upon information and belief, at all relevant times Father Adriani had an office on the premises of St. Joseph's.

43. When plaintiff Joseph Paduano was a minor, he and his parents were members of the Diocese and St. Joseph's, including when Joseph was a parishioner.



44. At all relevant times, the Diocese and St. Joseph's, their agents, servants, and employees, held Father Adriani out to the public, to Joseph, and to his parents, as their agent and employee.

45. At all relevant times, the Diocese and St. Joseph's, their agents, servants, and employees, held Father Adriani out to the public, to Joseph, and to his parents, as having been vetted, screened, and approved by those defendants.

46. At all relevant times, Joseph and his parents reasonably relied upon the acts and representations of the Diocese and St. Joseph's, their agents, servants, and employees, and reasonably believed that Father Adriani was an agent or employee of those defendants who was vetted, screened, and approved by those defendants.

47. At all relevant times, Joseph and his parents trusted Father Adriani because the Diocese and St. Joseph's held him out as someone who was safe and could be trusted with the supervision, care, custody, and control of Joseph.

48. At all relevant times, Joseph and his parents believed that the Diocese and St. Joseph's would exercise such care as would a parent of ordinary prudence in comparable circumstances when those defendants assumed supervision, care, custody, and control of Joseph.

49. When Joseph was a minor, Father Adriani sexually abused him.

50. Joseph was sexually abused by Father Adriani when he was approximately 11 years old.

51. Based on the representations of the Diocese and St. Joseph's that Father Adriani was safe and trustworthy, Joseph and his parents allowed Joseph to be under the supervision of, and in the care, custody, and control of, the Diocese and St. Joseph's, including during the times when Joseph was sexually abused by Father Adriani.

52. Based on the representations of the Diocese and St. Joseph's that Father Adriani was safe and trustworthy, Joseph and his parents allowed Joseph to be under the supervision of, and in the care, custody, and control of, Father Adriani, including during the times when Joseph was sexually abused by Father Adriani.

53. Neither Joseph nor his parents would have allowed him to be under the supervision of, or in the care, custody, or control of, the Diocese, St. Joseph's, or Father Adriani if the Diocese or St. Joseph's had disclosed to Joseph or his parents that Father Adriani was not safe and was not trustworthy, and that he in fact posed a danger to Joseph in that Father Adriani was likely to sexually abuse Joseph.

54. No parent of ordinary prudence in comparable circumstances would have allowed Joseph to be under the supervision of, or in the care, custody, or control of, the Diocese, St. Joseph's, or Father Adriani if the Diocese or St. Joseph's had disclosed to Joseph or his parents that Father Adriani was not safe and was not trustworthy, and that he in fact posed a danger to Joseph in that Father Adriani was likely to sexually abuse him.

55. Around approximately 1953, Father Adriani exploited the trust and authority vested in him by defendants by grooming Joseph to gain his trust and to obtain control over him as part of Father Adriani's plan to sexually molest and abuse Joseph and other children.

56. Father Adriani used his position of trust and authority as a priest of the Diocese and of St. Joseph's to groom Joseph and to sexually abuse him, including when Joseph was under the supervision of, and in the care, custody, or control of, the Diocese, St. Joseph's, and Father Adriani.

57. The sexual abuse of Joseph by Father Adriani occurred at St. Joseph's, including at the church.

58. Father Adriani's sexual abuse of Joseph occurred during activities that were sponsored by, or were a direct result of activities sponsored by, the Diocese and St. Joseph's, including during confirmation classes.

59. Upon information and belief, prior to the times mentioned herein, Father Adriani was a known sexual abuser of children.

60. At all relevant times, defendants, their agents, servants, and employees, knew or should have known that Father Adriani was a known sexual abuser of children.

61. At all relevant times, it was reasonably foreseeable to defendants, their agents, servants, and employees that Father Adriani's sexual abuse of children would likely result in injury to others, including the sexual abuse of Joseph and other children by Father Adriani.

62. The defendants, their agents, servants, and employees, knew or should have known that Father Adriani was sexually abusing Joseph and other children at St. Joseph's and elsewhere.

63. Upon information and belief, the Diocese and St. Joseph's, their agents, servants, and employees, knew or should have known before and during Father Adriani's sexual abuse of Joseph that priests, school administrators, teachers, religious sisters, and/or other persons serving the Diocese and St. Joseph's had used their positions with those defendants to groom and to sexually abuse children.

64. Upon information and belief, the Diocese and St. Joseph's, their agents, servants, and employees, knew or should have known before and during Father Adriani's sexual abuse of Joseph that such priests, school administrators, teachers, religious sisters, and/or other persons could not be "cured" through treatment or counseling.

65. Upon information and belief, the Diocese and St. Joseph's, their agents, servants, and employees, concealed the sexual abuse of children by Father Adriani in order to conceal their

own bad acts in failing to protect children from him, to protect their reputation, and to prevent victims of such sexual abuse by him from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that Father Adriani would continue to molest children.

66. Upon information and belief, the Diocese and St. Joseph's, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Father Adriani would use his position with the defendants to sexually abuse children, including Joseph.

67. Upon information and belief, the Diocese and St. Joseph's, their agents, servants, and employees, disregarded their knowledge that Father Adriani would use his position with them to sexually abuse children, including Joseph.

68. Upon information and belief, the Diocese and St. Joseph's, their agents, servants, and employees, acted in concert with each other or with Father Adriani to conceal the danger that Father Adriani posed to children, including Joseph, so that Father Adriani could continue serving them despite their knowledge of that danger.

69. Upon information and belief, the Diocese and St. Joseph's, their agents, servants, and employees, knew that their negligent, reckless, and outrageous conduct would inflict severe emotional and psychological distress, as well as personal physical injury, on others, including Joseph, and he did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

70. Upon information and belief, the Diocese and St. Joseph's, their agents, servants, and employees, concealed the sexual abuse of children by priests, school administrators, teachers, religious sisters, and/or others in order to conceal their own bad acts in failing to protect children from being abused, to protect their reputation, and to prevent victims of such sexual abuse from

coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that those priests, school administrators, teachers, religious sisters, and/or other persons would continue to molest children.

71. By reason of the wrongful acts of the Diocese and St. Joseph's as detailed herein, Joseph sustained physical and psychological injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and Joseph has and/or will become obligated to expend sums of money for treatment.

**VI. CAUSES OF ACTION AS TO PLAINTIFF JOSEPH PADUANO**

**A. FIRST CAUSE OF ACTION – NEGLIGENCE**

72. Plaintiff Joseph Paduano repeats and re-alleges all of his allegations above and below.

73. The Diocese and St. Joseph's had a duty to take reasonable steps to protect plaintiff Joseph Paduano, a child, from foreseeable harm when he was under their supervision and in their care, custody, and control.

74. The Diocese and St. Joseph's also had a duty to take reasonable steps to prevent Father Adriani from using the tasks, premises, and instrumentalities of his position with the defendants to target, groom, and sexually abuse children, including Joseph.

75. The Diocese and St. Joseph's were supervising Joseph, and had care, custody, and control of Joseph, when he was a parishioner and at other times, during which time those defendants had a duty to take reasonable steps to protect him.

76. These circumstances created a special relationship between the Diocese and Joseph, and between St. Joseph's and Joseph, which imposed on each of those defendants a duty to exercise the degree of care of a parent of ordinary prudence in comparable circumstances.

77. The Diocese and St. Joseph's breached each of the foregoing duties by failing to exercise reasonable care to prevent Father Adriani from harming Joseph, including sexually abusing him.

78. In breaching their duties, including hiring, retaining, and failing to supervise Father Adriani, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn Joseph, his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for Joseph and other children who were under their supervision and in their care, custody, and control, the Diocese and St. Joseph's created a risk that Joseph would be sexually abused by Father Adriani. The Diocese and St. Joseph's through their actions and inactions created an environment that placed Joseph in danger of unreasonable risks of harm under the circumstances.

79. In breaching their duties, including hiring, retaining, and failing to supervise Father Adriani, giving him access to children, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn Joseph, his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for Joseph and other children who were under their supervision and in their care, custody, and control, the Diocese and St. Joseph's acted willfully and with conscious disregard for the need to protect Joseph. The Diocese

and St. Joseph's through their actions and inactions created an environment that placed Joseph in danger of unreasonable risks of harm under the circumstances.

80. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of Joseph.

81. As a direct and proximate result of the acts and omissions of the Diocese and St. Joseph's, Father Adriani groomed and sexually abused Joseph, which has caused Joseph to suffer general and special damages as more fully described herein.

**B. SECOND CAUSE OF ACTION – OUTRAGE AND INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

82. Plaintiff Joseph Paduano repeats and re-alleges all of his allegations above and below.

83. The Diocese and St. Joseph's engaged in reckless, extreme, and outrageous conduct by providing Father Adriani with access to children, including plaintiff Joseph Paduano, despite knowing that he would likely use his position to groom and to sexually abuse them, including Joseph. Their misconduct was so shocking and outrageous that it exceeds the reasonable bounds of decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard by them of the consequences that would follow.

84. As a result of this reckless, extreme, and outrageous conduct, Father Adriani gained access to Joseph and sexually abused him.

85. The Diocese and St. Joseph's knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and Joseph did in fact suffer severe emotional and psychological distress and personal physical injury as a result, including severe mental anguish, humiliation and emotional and physical distress.

**VII. CPLR 1603 – NO APPORTIONMENT OF LIABILITY**

86. Pursuant to CPLR 1603, the foregoing causes of action are exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(2), CPLR 1602(5), 1602(7) and 1602(11), thus precluding defendants from limiting their liability by apportioning some portion of liability to any joint tortfeasor.

**VIII. PRAYER FOR RELIEF**


87. Plaintiff Joseph Paduano demands judgment against the defendants named in his causes of action, together with compensatory and punitive damages to be determined at trial, and the interest, cost and disbursements pursuant to his causes of action, and such other and further relief as the Court deems just and proper.

88. Plaintiff Joseph Paduano specifically reserves the right to pursue additional causes of action, other than those outlined above, that are supported by the facts pleaded or that may be supported by other facts learned in discovery.

Dated: November 6, 2019

Respectfully Yours,

MARSH LAW FIRM PLLC

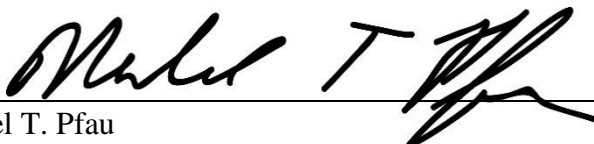
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