

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ERIE

BRIAN GISCLAIR-SULLIVAN, f/k/a, BRIAN SULLIVAN,

*Plaintiff,*

v.

THE DIOCESE OF BUFFALO, N.Y.; ST. STEPHEN'S ROMAN  
CATHOLIC CHURCH OF GRAND ISLAND, N.Y.; BUFFALO  
REGIONAL COMMUNITY OF THE SISTERS OF MERCY, a/k/a,  
SISTERS OF MERCY OF THE AMERICAS, REGIONAL  
COMMUNITY OF BUFFALO, a/k/a, SISTERS OF MERCY OF THE  
BUFFALO DIOCESE; SISTERS OF MERCY OF THE AMERICAS  
NEW YORK, PENNSYLVANIA, PACIFIC WEST COMMUNITY,  
INC.; and OUR LADY OF MERCY GENERALATE,

*Defendants.*

[Please see Attached Rider for Defendants' Addresses]

Index No.

SUMMONS

Date Index No. Purchased:  
December 27, 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, New York, which is located in Erie County, New York.

Dated: New York, New York  
December 27, 2019

SIMMONS HANLY CONROY LLC



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

BRIAN GISCLAIR-SULLIVAN, f/k/a, BRIAN SULLIVAN,

*Plaintiff,*

v.

THE DIOCESE OF BUFFALO, N.Y.; ST. STEPHEN’S ROMAN CATHOLIC CHURCH OF GRAND ISLAND, N.Y.; BUFFALO REGIONAL COMMUNITY OF THE SISTERS OF MERCY, a/k/a, SISTERS OF MERCY OF THE AMERICAS, REGIONAL COMMUNITY OF BUFFALO, a/k/a, SISTERS OF MERCY OF THE BUFFALO DIOCESE; SISTERS OF MERCY OF THE AMERICAS NEW YORK, PENNSYLVANIA, PACIFIC WEST COMMUNITY, INC.; and OUR LADY OF MERCY GENERALATE,

*Defendants.*

Index No.

**RIDER TO SUMMONS**

<b>Defendant/Counsel</b>	<b>Service Address</b>
THE DIOCESE OF BUFFALO, N.Y.	Randall D. White Connors LLP 1000 Liberty Building 424 Main Street, Buffalo, NY 14202
ST. STEPHEN’S ROMAN CATHOLIC CHURCH OF GRAND ISLAND, N.Y.	2100 Baseline Road, Grand Island, Erie County, New York
BUFFALO REGIONAL COMMUNITY OF THE SISTERS OF MERCY, a/k/a, SISTERS OF MERCY OF THE AMERICAS, REGIONAL COMMUNITY OF BUFFALO, a/k/a, SISTERS OF MERCY OF THE BUFFALO DIOCESE	625 Abbott Road, Buffalo, Erie County, New York
SISTERS OF MERCY OF THE AMERICAS NEW YORK, PENNSYLVANIA, PACIFIC WEST COMMUNITY, INC.	221 Bolivar Street, Suite 101, Jefferson City, Missouri. MO
OUR LADY OF MERCY GENERALATE	625 Abbott Road, Buffalo, Erie County, New York

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

BRIAN GISCLAIR-SULLIVAN, f/k/a, BRIAN SULLIVAN,

*Plaintiff,*

v.

THE DIOCESE OF BUFFALO, N.Y.; ST. STEPHEN’S ROMAN CATHOLIC CHURCH OF GRAND ISLAND, N.Y.; BUFFALO REGIONAL COMMUNITY OF THE SISTERS OF MERCY, a/k/a, SISTERS OF MERCY OF THE AMERICAS, REGIONAL COMMUNITY OF BUFFALO, a/k/a, SISTERS OF MERCY OF THE BUFFALO DIOCESE; SISTERS OF MERCY OF THE AMERICAS NEW YORK, PENNSYLVANIA, PACIFIC WEST COMMUNITY, INC.; and OUR LADY OF MERCY GENERALATE,

*Defendants.*

Index No.

**COMPLAINT**

**JURY TRIAL DEMANDED**

Plaintiff Brian Gisclair-Sullivan, formerly known as Brian Sullivan, by his attorneys Simmons Hanly Conroy LLC and the Law Offices of Mitchell Garabedian, brings this action against The Diocese of Buffalo, N.Y.; St. Stephen’s Roman Catholic Church of Grand Island, N.Y.; Buffalo Regional Community of the Sisters of Mercy, also known as Sisters of Mercy of the Americas, Regional Community of Buffalo, also known as Sisters of Mercy of the Buffalo Diocese; Sisters of Mercy of the Americas New York, Pennsylvania, Pacific West Community, Inc.; and Our Lady of Mercy Generalate, and alleges, on personal knowledge as to himself 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 Brian Gisclair-Sullivan, formerly known as Brian Sullivan (“Plaintiff”) is an individual residing in Pompano Beach, Florida.

5. 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, monasteries, and convents of the Diocese of Buffalo, including during all relevant times, St. Stephen’s Roman Catholic Church of Grand Island, N.Y.; and Our Lady of Mercy Generalate.

6. Defendant St. Stephen’s Roman Catholic Church of Grand Island, N.Y. (“St. Stephen’s”) 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 2100 Baseline Road, Grand Island, Erie County, New York. At all relevant times, the Diocese of Buffalo created, oversaw, supervised, managed, controlled, directed and operated St. Stephen’s.

7. Defendant Buffalo Regional Community of the Sisters of Mercy, also known as Sisters of Mercy of the Americas, Regional Community of Buffalo, also known as Sisters of Mercy of the Buffalo Diocese (“Buffalo Sisters”) is a New York domestic not-for-profit corporation, with its principal office at 625 Abbott Road, Buffalo, Erie County,

New York. At relevant times, Buffalo Sisters conducted activities in Erie County, New York, including creating, overseeing, supervising, managing, controlling, directing, and operating Our Lady of Mercy Generalate.

8. Defendant Sisters of Mercy of the Americas New York, Pennsylvania, Pacific West Community, Inc. ("MO Sisters") is a Missouri nonprofit corporation organized pursuant to the Missouri Nonprofit Corporation Act, with its principal office at 221 Bolivar Street, Suite 101, Jefferson City, Missouri. MO Sisters was formed in 2007, and, as a result of a corporate merger, MO Sisters is the legal successor to Buffalo Sisters.

9. Defendant Our Lady of Mercy Generalate ("Our Lady") was a Roman Catholic convent for religious sisters within the Diocese of Buffalo with its principal office formerly at 5245 Murphy Road, Orchard Park, Erie County, New York, and now at 625 Abbott Road, Buffalo, Erie County, New York. At all relevant times, Defendants Diocese of Buffalo and Buffalo Sisters created, oversaw, supervised, managed, controlled, directed and operated Our Lady.

#### **FACTS COMMON TO ALL CLAIMS**

10. Plaintiff and his family were parishioners of and attended St. Stephen's beginning in approximately 1977 when Plaintiff was approximately fourteen years of age. Plaintiff also served as a youth minister and participated in Catholic Youth Organization ("CYO") activities at St. Stephen's from approximately 1977 when Plaintiff was approximately fourteen years of age, to approximately 1981 when Plaintiff was approximately eighteen years of age.

11. During the times relevant to the allegations set forth herein, Father Clatus E. Snyder ("Father Snyder") was assigned by Defendant Diocese of Buffalo to be the chaplain at Our Lady. During relevant times, Father Snyder was also assigned by Defendant Diocese of Buffalo to perform weekend religious services at St. Stephen's, where Plaintiff and Plaintiff's family were parishioners. Father Snyder died in 2001.

12. Through his positions at, within, or for Defendants Diocese of Buffalo and

St. Stephen's, Father Snyder was put in direct contact with members of the Plaintiff's family, including Plaintiff, a minor parishioner of the Diocese of Buffalo.

13. From approximately 1977 when Plaintiff was approximately fourteen years of age, to approximately 1980 when Plaintiff was approximately seventeen years of age, Father Snyder would take Plaintiff on trips to locations including, but not limited to, Canada, Michigan, California, and Massachusetts. Father Snyder would also visit Plaintiff in Plaintiff's home in Grand Island, Erie County, New York. Plaintiff also visited and spent nights with Father Snyder in Father Snyder's residence at Our Lady; and in Father Snyder's home in Cheektowaga, Erie County, New York.

14. Father Snyder used such encounters, gained through his position at St. Stephen's which granted him access to Plaintiff when Plaintiff was approximately fourteen to approximately seventeen years of age, to sexually assault, sexually abuse, and/or have sexual contact with the Plaintiff on at least one hundred occasions in violation of the laws of the State of New York.

**Defendants' Responsibility for the Abuse Committed by Father Snyder**

15. At all times material hereto, Father Snyder was under the management, supervision, employ, direction and/or control of Defendants Diocese of Buffalo, St. Stephen's, Buffalo Sisters, and Our Lady.

16. Through his positions at, within, or for Defendants Diocese of Buffalo and St. Stephen's, Father Snyder was put in direct contact with Plaintiff.

17. Father Snyder used his positions at, within, or for Defendants Diocese of Buffalo, St. Stephen's, Buffalo Sisters, and Our Lady, as well as the implicit representations made by them about his character that accompanied those positions, to gain Plaintiff's trust and confidence and to create an opportunity to be alone with, and to sexually touch, Plaintiff.

18. Defendants Diocese of Buffalo and St. Stephen's had the duty to reasonably manage, supervise, control and/or direct priests who served at St. Stephen's,

and specifically, had a duty not to aid pedophiles such as Father Snyder by assigning, maintaining, and/or appointing them to positions with access to minors.

19. Defendants Buffalo Sisters and Our Lady had the duty to reasonably manage, supervise, control and/or direct priests who served at Our Lady, and specifically, had a duty not to aid pedophiles such as Father Snyder by assigning, maintaining, and/or appointing them to positions with access to minors.

20. Defendants Diocese of Buffalo, St. Stephen's, Buffalo Sisters, and Our Lady knew and/or reasonably should have known, and/or knowingly condoned, and/or covered up, the inappropriate and unlawful sexual activities of Father Snyder, who sexually abused Plaintiff.

21. Defendant Diocese of Buffalo had a duty to the Plaintiff to properly supervise Diocese of Buffalo priests to ensure that priests 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 Father Snyder used his positions with the Diocese of Buffalo to sexually abuse minor children, including the Plaintiff.

22. Defendants Buffalo Sisters and Our Lady had a duty to the Plaintiff to properly supervise employees and residents at Our Lady to ensure that they did not use their positions and/or residences at Our Lady to groom and assault vulnerable children. Defendants Buffalo Sisters and Our Lady knew or should have known that Father Snyder used his position and/or residence at Our Lady to sexually abuse minor children, including the Plaintiff.

**Consequences of the Abuse**

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

24. As a direct result of the Defendants Diocese of Buffalo's, St. Stephen's,



Buffalo Sisters', and Our Lady'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 Father Snyder'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 he suffered as a result.

### **CAUSES OF ACTION**

#### **FIRST CAUSE OF ACTION**

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

25. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 24 as if fully set forth herein.

26. Defendants Diocese of Buffalo and St. Stephen's owed a duty of care to all minor persons, including Plaintiff, who were likely to come within the influence or supervision of Father Snyder in his role as priest, counselor, trustee, director, officer, employee, agent, servant and/or volunteer, to insure that Father Snyder did not use his assigned position to injure minors by sexual assault, sexual abuse, or sexual contact in violation of the laws of the State of New York.

27. Defendant Diocese of Buffalo at all relevant times represented that the parishes and convents of the Diocese of Buffalo were safe places for minors to attend or visit, and that its priests were 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 him.

28. Defendants Buffalo Sisters and Our Lady owed a duty of care to all minor persons, including Plaintiff, who were likely to come within the influence or supervision of Father Snyder while such minors were visiting Our Lady, to insure that Father Snyder

did not use his assigned position at Our Lady to injure those minors by sexual assault, sexual abuse, or sexual contact in violation of the laws of the State of New York.

29. Defendants Buffalo Sisters and Our Lady at all relevant times represented that the facilities operated by them were safe places for minors to visit. Defendants Buffalo Sisters and Our Lady entered into an express and/or implied duty to safely treat Plaintiff and assumed the duty to protect and care for him when he was at Our Lady.

30. Father Snyder sexually assaulted, sexually abused, and/or had sexual contact with Plaintiff when Plaintiff was a minor in locations including, but not limited to, Father Snyder's residence at Our Lady, Father Snyder's home in Cheektowaga, Erie County, New York, Plaintiff's home in Grand Island, Erie County, New York, and on trips to locations outside of New York State.

31. Defendants Diocese of Buffalo, St. Stephen's, Buffalo Sisters, and Our Lady negligently hired, retained, directed, and supervised Father Snyder, though they knew or should have known that Father Snyder posed a threat of sexual abuse to minors.

32. Defendants Diocese of Buffalo, St. Stephen's, Buffalo Sisters, and Our Lady knew or should have known of Father Snyder's propensity for the conduct which caused Plaintiff's injuries prior to, or at the time of, the injuries' occurrence.

33. Defendants Diocese of Buffalo, St. Stephen's, Buffalo Sisters, and Our Lady were negligent in failing to properly supervise Father Snyder.

34. The sexual abuse of children by adults, including priests, is a foreseeable result of negligence.

35. At all times material hereto, Defendants Diocese of Buffalo's, St. Stephen's, Buffalo Sisters', and Our Lady's actions were willful, wanton, malicious, reckless, negligent and/or outrageous in their disregard for the rights and safety of Plaintiff.

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

37. Liabilities of Defendant Buffalo Sisters were transferred to, or assumed by,

Defendant MO Sisters. As a result, Defendant MO Sisters is liable to the Plaintiff for the damages caused by Defendant Buffalo Sisters stated in this cause of action.

38. By reason of the foregoing, the Defendants 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.

**SECOND CAUSE OF ACTION**  
**Negligence/Gross Negligence**

39. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 24 as if fully set forth herein.

40. Defendants Diocese of Buffalo, St. Stephen's, Buffalo Sisters, and Our Lady knew, or were negligent in not knowing, that Father Snyder posed a threat of sexual abuse to children.

41. The acts of Father Snyder described hereinabove were undertaken, and/or enabled by, and/or during the course, and/or within the scope of his respective employment, appointment, assignment, and/or agency with Defendants Diocese of Buffalo, St. Stephen's, Buffalo Sisters, and Our Lady.

42. Defendants Diocese of Buffalo, St. Stephen's, Buffalo Sisters, and Our Lady owed Plaintiff, a minor at the relevant times of abuse, a duty to protect him from Father Snyder's sexual deviancy and the consequential damages, both prior to and/or subsequent to Father Snyder's misconduct.

43. Defendants Diocese of Buffalo's, St. Stephen's, Buffalo Sisters', and Our Lady'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.

44. Defendants Diocese of Buffalo, St. Stephen's, Buffalo Sisters, and Our Lady:

- 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 Father Snyder;
- 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.

45. At all times material hereto, with regard to the allegations contained herein, Father Snyder was under the supervision, employ, direction and/or control of Defendants Diocese of Buffalo, St. Stephen's, Buffalo Sisters, and Our Lady.

46. At all times material hereto, Defendants Diocese of Buffalo's, St. Stephen's, Buffalo Sisters', and Our Lady'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.

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

48. Liabilities of Defendant Buffalo Sisters were transferred to, or assumed by, Defendant MO Sisters. As a result, Defendant MO Sisters is liable to the Plaintiff for the damages caused by Defendant Buffalo Sisters stated in this cause of action.

49. By reason of the foregoing, the Defendants 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.

**THIRD CAUSE OF ACTION**  
**Breach of Non-Delegable Duty**

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

paragraphs 1 through 24 as if fully set forth herein.

51. Plaintiff, when he was a minor, was placed in the care and supervision of the Defendants Diocese of Buffalo and St. Stephen's for the purposes of, *inter alia*, providing Plaintiff with a safe environment in which to participate in religious, educational, youth and recreational activities. There existed a non-delegable duty of trust between Plaintiff and Defendants Diocese of Buffalo and St. Stephen's.

52. Plaintiff was a vulnerable child when placed within the care of Defendants Diocese of Buffalo and St. Stephen's.

53. As a consequence, Defendants Diocese of Buffalo and St. Stephen's were in the best position to prevent Plaintiff's abuse, to learn of Father Snyder's repeated sexual abuse of Plaintiff, and to stop it.

54. By virtue of the fact that Plaintiff was sexually abused as a minor child entrusted to the care of the Defendants Diocese of Buffalo and St. Stephen's, Defendants Diocese of Buffalo and St. Stephen's breached their non-delegable duty to Plaintiff.

55. At all times material hereto Father Snyder was under the supervision, employ, direction and/or control of the Defendants Diocese of Buffalo and St. Stephen's.

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

57. By reason of the foregoing, Defendants Diocese of Buffalo and St. Stephen's 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.

#### **FOURTH CAUSE OF ACTION**

##### **Breach of Fiduciary Duty**

58. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 24 as if fully set forth herein.

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

between Plaintiff and Defendants Diocese of Buffalo and St. Stephen's. This relationship is based on the entrustment of the Plaintiff while he was a minor child to the care and supervision of the agent or servant of the Defendants Diocese of Buffalo and St. Stephen's. This entrustment of the Plaintiff to the care and supervision of the Defendants Diocese of Buffalo and St. Stephen's, while the Plaintiff was a minor child, required the Defendants Diocese of Buffalo and St. Stephen's to assume a fiduciary relationship and to act in the best interests of the Plaintiff, as well as to protect him while he was a minor and vulnerable child.

60. Pursuant to their fiduciary relationship, Defendants Diocese of Buffalo and St. Stephen's were entrusted with the well-being, care, and safety of Plaintiff.

61. Pursuant to their fiduciary relationship, Defendants Diocese of Buffalo and St. Stephen's assumed a duty to act in the best interests of Plaintiff.

62. Defendants Diocese of Buffalo and St. Stephen's breached their fiduciary duty to Plaintiff.

63. At all times material hereto, the actions and/or inactions of Defendants Diocese of Buffalo and St. Stephen's were willful, wanton, malicious, reckless, negligent and outrageous in their disregard for the rights and safety of Plaintiff.

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

65. By reason of the foregoing, Defendants Diocese of Buffalo and St. Stephen's 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**

#### **Negligent Infliction of Emotional Distress**

66. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 24 as if fully set forth herein.

67. As described above, the actions of Defendants Diocese of Buffalo, St. Stephen's, Buffalo Sisters, and Our Lady, as well as their agents, servants, and/or employees were conducted in a negligent and/or grossly negligent manner.

68. Defendants Diocese of Buffalo's, St. Stephen's, Buffalo Sisters', and Our Lady's actions endangered Plaintiff's safety and caused him to fear for his own safety.

69. As a direct and proximate result of Defendants Diocese of Buffalo's, St. Stephen's, Buffalo Sisters', and Our Lady'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.

70. Liabilities of Defendant Buffalo Sisters were transferred to, or assumed by, Defendant MO Sisters. As a result, Defendant MO Sisters is liable to the Plaintiff for the damages caused by Defendant Buffalo Sisters stated in this cause of action.

71. By reason of the foregoing, the Defendants 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 Duty *in Loco Parentis***

72. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 24 as if fully set forth herein.

73. While he was a minor, Plaintiff was entrusted by his parents to the control of the Defendants Diocese of Buffalo and St. Stephen's, as well as directly to Father Snyder, an agent or servant of Defendants Diocese of Buffalo and St. Stephen's, 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.

74. Defendants Diocese of Buffalo and St. Stephen's breached their duty to act *in loco parentis*.

75. At all times material hereto, Defendants Diocese of Buffalo's and St. Stephen's actions were willful, wanton, malicious, reckless, negligent, grossly negligent and/or outrageous in their disregard for the rights and safety of Plaintiff.

76. As a direct result of Defendants Diocese of Buffalo's and St. Stephen's conduct, Plaintiff has suffered and will continue to suffer the injuries and damages described herein.

77. By reason of the foregoing, Defendants Diocese of Buffalo and St. Stephen's 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: December 27, 2019



New York, New York

Respectfully Submitted,

/s/ Paul J. Hanly, Jr. \_\_\_\_\_

Paul J. Hanly, Jr.

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