

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

CC 2 DOE

SUMMONS

██████████
Elma, New York 14059,

Index No.

Plaintiff,

v.

UPPER NEW YORK ANNUAL CONFERENCE
OF THE UNITED METHODIST CHURCH
7481 Henry Clay Boulevard
Liverpool, New York 13088

MARILLA UNITED METHODIST CHURCH
1910 Two Rod Road
Marilla, New York 14102,

Defendants.

TO THE ABOVE-NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED AND REQUIRED to serve upon Plaintiff's attorneys, at the address stated below, a written Answer to the attached Complaint.


If this Summons is served upon you within the State of New York by personal service, you must respond within twenty (20) days after service, not counting the day of service. If this Summons is not personally delivered to you within the State of New York, you must respond within thirty (30) days after service is completed, as provided by law.

If you do not respond to the attached Complaint within the applicable time limitation stated above, a Judgment will be entered against you by default for the relief demanded in the Complaint without further notice to you.

This action is brought within the County of Erie and the State of New York because of the residence of the Plaintiff.

Collins & Collins
ATTORNEYS, LLC

DATED: Buffalo, New York
December 16, 2019



ALISON K. HASELEY, ESQ.
 COLLINS & COLLINS ATTORNEYS, LLC
Attorneys for Plaintiff
 267 North Street
 Buffalo, New York 14201
 (716) 885-9700

Collins & Collins
ATTORNEYS, LLC

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

CC 2 DOE,

COMPLAINT

Index No.

Plaintiff,

v.

UPPER NEW YORK ANNUAL CONFERENCE
OF THE UNITED METHODIST CHURCH,
MARILLA UNITED METHODIST CHURCH,

Defendants.

Plaintiff, CC-2 DOE, by and through his attorneys, Collins & Collins Attorneys, LLC, for his complaint in this action hereby alleges:

1. At all times herein mentioned, plaintiff, CC 2 DOE, resided in the State of New York, County of Erie.

2. This action is commenced pursuant to the provisions of the New York Child Victim's Act.

3. Upon information and belief, at all times mentioned herein, defendant UPPER NEW YORK ANNUAL CONFERENCE OF THE UNITED METHODIST CHURCH, was and is a religious corporation duly organized as an advisory and governing body under Religious Corporations Law § 15 and *The Book of Discipline of the United Methodist Church*.

4. Upon information and belief, at all times mentioned herein, defendant MARILLA UNITED METHODIST CHURCH is and was a domestic corporation doing business and transacting business in the County of Erie, State of New York.

Collins & Collins
ATTORNEYS, LLC

5. Defendant, UPPER NEW YORK ANNUAL CONFERENCE OF THE UNITED METHODIST CHURCH, serves as the regional connection between all local United Methodist churches in upstate New York.

6. Upon information and belief, at all times herein mentioned, defendant, MARILLA UNITED METHODIST CHURCH, employed David Jelliff as a Minister.

7. In 1993, plaintiff, CC 2 DOE, was a parishioner of the defendant, MARILLA UNITED METHODIST CHURCH.

8. In or about March of 1993, David Jelliff sexually abused the plaintiff, who was then an infant.

9. David Jelliff used his position with the MARILLA UNITED METHODIST CHURCH to gain access to the infant plaintiff, and to sexually abuse the plaintiff.

10. David Jelliff was arrested for third degree sexual abuse as a result of the incident.

11. At all times herein, David Jelliff was employed by, and under the direct supervision and control of the defendant, MARILLA UNITED METHODIST CHURCH.

12. Due to the negligence of the defendant, MARILLA UNITED METHODIST CHURCH, and its agents, servants, employees, and/or assigns, the plaintiff has sustained profound mental and emotional injuries.

13. The aforesaid abuse was caused as a result of the negligence of the defendant, MARILLA UNITED METHODIST CHURCH, which includes but is not limited to, vicarious liability for its employees, negligent supervision of said employees, negligent hiring and retention of employees, failing to provide a safe environment to its congregants, failing to report incidents of abuse, covering up incidents of abuse, aiding pedophiles such as David Jelliff by assigning, maintaining and/or appointing them to positions in which they would have access to minors.


Collins & Collins
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14. As a result of the forgoing, the plaintiff, CC 2 DOE, has been damaged in an amount in excess of the jurisdictional limits of all lower Courts in which this action may otherwise have been brought.

15. This action falls within an exception set forth in CPLR § 1602

WHEREFORE, plaintiff hereby demands judgment against the defendant, MARILLA UNITED METHODIST CHURCH, in an amount to be determined by a jury upon a trial of this action, plus the costs and disbursements.

DATED: Buffalo, New York
December 16, 2019


ALISON K. HASELEY, ESQ.
COLLINS & COLLINS ATTORNEYS, LLC
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