

ERIE COUNTY SUPREME COURT
THE STATE OF NEW YORK

JUDITH WILCOX HALSEY

Plaintiff,

v.

SISTERS OF THE GOOD SHEPHERD,
PROVINCE OF NEW YORK, INC.;
SISTERS OF OUR LADY OF THE
GOOD SHEPHERD; THE ROMAN
CATHOLIC RELIGIOUS INSTITUTE OF
THE RELIGIOUS OF THE GOOD
SHEPHERD; THE ROMAN CATHOLIC
DIOCESE OF BUFFALO, NEW YORK;
and BISHOP RICHARD J. MALONE,

Defendants.

Index No.:
Filed:

Plaintiff designates
ERIE COUNTY as place of trial

The basis of venue is
DEFENDANT'S PRINCIPAL PLACE OF
BUSINESS (NY CPLR § 503)

Child Victims Act Proceeding (22 NYCRR
202.72)

Plaintiff resides in NC

SUMMONS

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 twenty (20) days after service of this summons, exclusive of the day of service (or within thirty (30) days after 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: December 19, 2019

Respectfully submitted,

/s/ Andrew S. Janet

Andrew S. Janet
Seth L. Cardeli
Richard M. Serbin (pro hac vice to be applied for)
Natalie D'Antonio (pro hac vice to be applied for)

Janet, Janet & Suggs, LLC
4 Reservoir Circle, Suite 200
Baltimore, Maryland 21208
Telephone: 410-653-3200
Facsimile: 410-653-9030
Email: rms@serbinlaw.net
Email: asjanet@jjsjustice.com

Attorneys for Plaintiff

ERIE COUNTY SUPREME COURT
THE STATE OF NEW YORK

<p>JUDITH WILCOX HALSEY,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>SISTERS OF THE GOOD SHEPHERD, PROVINCE OF NEW YORK, INC.; SISTERS OF OUR LADY OF THE GOOD SHEPHERD; THE ROMAN CATHOLIC RELIGIOUS INSTITUTE OF THE RELIGIOUS OF THE GOOD SHEPHERD; THE ROMAN CATHOLIC DIOCESE OF BUFFALO, NEW YORK; and BISHOP RICHARD J. MALONE,</p> <p style="text-align: center;">Defendants.</p>	<p>Index No.:</p>	
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VERIFIED COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, by her attorneys Janet, Janet & Suggs, LLC, as and for their complaint as to Defendants, respectfully show this Honorable Court and allege upon information and belief as follows:

1. This is a claim allowed by the Child Victims Act (CVA), NY CPLR § 214-g and 22 NYCRR § 202.72, because it pertains to intentional or negligent acts or omissions by a person for physical, psychological, or other injury suffered as a result of child sexual abuse. The claim is for negligence; negligent hiring, supervision, monitoring, training, and retention; breach of fiduciary duty; constructive fraud; and civil conspiracy to commit fraud, all of which Defendants herein committed upon Plaintiff on or around 1956, and for which Plaintiff seeks compensatory and punitive damages.

THE PARTIES

2. At all times relevant to the wrongful conduct complained of herein, Plaintiff JUDITH WILCOX HALSEY was a resident of the County of Erie in the State of New York. She currently resides in Pfafftown, NC, and continues to suffer damages there.

3. Plaintiff alleges that sexual offenses, as defined by New York Penal Laws § 130, were committed against Plaintiff when she was a minor.

4. Defendant SISTERS OF THE GOOD SHEPHERD, PROVINCE OF NEW YORK, INC. is a religious organization with its principal offices at 25-30 21st Avenue, Astoria, NY 11105, doing business as a religious organization including the operation of children's homes, schools and institutions, convents, monasteries, social service programs and advocacy centers. Each of these entities is operated by the SISTERS OF THE GOOD SHEPHERD or their affiliated organizations.

5. Defendants SISTERS OF OUR LADY OF THE GOOD SHEPHERD and THE ROMAN CATHOLIC RELIGIOUS INSTITUTE OF THE RELIGIOUS OF THE GOOD SHEPHERD are religious corporations that are the predecessors to the SISTERS OF THE GOOD SHEPHERD, PROVINCE OF NEW YORK, INC., when the corporations merged in 2009. Its offices are now located at 25-30 21st Avenue, Astoria, NY 11105. Prior to the merger it was doing business as a religious organization including via the operation of children's homes, schools and institutions, convents, monasteries, social service programs and advocacy centers. Together with its predecessor affiliated organizations these programs were operated by the SISTERS OF THE GOOD SHEPHERD (hereinafter jointly referred to as SGS).

6. House of the Good Shepherd Convent, a/k/a Our Lady of Charity, a/k/a Our Lady of Refuge, a/k/a Our Lady of Victory at all times material was operated by the SGS as a home for "fallen" girls a/k/a "The Magdalene Laundries" (hereinafter MAGDALENE LAUNDRIES) and was located at 485 Best Street, Buffalo, NY. Although MAGDALENE LAUNDRIES, as the institution identified herein closed in the mid to late 60s and is no longer in existence, its business records and historical documents, to the best of Plaintiff's knowledge, remain with SGS, at their offices located at 25-30 21st Avenue, Astoria, NY 11105.

7. Defendant, ROMAN CATHOLIC DIOCESE OF BUFFALO (hereinafter DIOCESE) is a religious corporation with principal offices at 795 Main Street, Buffalo, NY 14203; doing business as an organized religion including but not limited to the ownership,

management and operation of parishes, schools and other religiously affiliated entities within the counties of Erie; Niagara, Genesee; Orleans, Chautauqua, Wyoming, Cattaraugus and Allegany. At all times material, its Catholic Charities Agency accepted children who were wards of the State of New York for referral and placement in children's homes operated by the SGS, including the MAGDALENE LAUNDRIES institution. DIOCESE also assigned priests to provide religious and other Catholic services to the children at the MAGDALENE LAUNDRIES.

8. Defendant BISHOP RICHARD J. MALONE (hereinafter MALONE) (together with DIOCESE, hereinafter DIOCESAN DEFENDANTS) is an individual and was until December 3, 2019, the Bishop of the DIOCESE. He resigned in disgrace because of his and the DIOCESE'S mishandling of clergy child sexual abuse claims. (Together with DIOCESE hereinafter DIOCESAN DEFENDANTS). He was appointed Bishop on or about May 29, 2012. He resides at 795 Main Street, Buffalo, NY 14203.

9. Non-party, an unknown physician, who at all times material herein worked or volunteered at the MAGADALENE LAUNDRIES, performed internal medical examinations upon young girls, including Plaintiff. Said physician never identified himself at any time before, during or after the internal examination, nor was Plaintiff informed of his name by any of the sisters. His name, however, should be known to the Defendants who employed him.

10. Non-parties Bishop John F. O'Hara, served as bishop from 1945-1951; Bishop Joseph A. Burke served from 1952-1962; Bishop James A. McNulty served from 1963-1972; Bishop Edward D. Head served from 1973-1995; Bishop Henry J. Mansell served from 1995-2003; and Bishop Edward U. Kmiec served from 2004-2012.

11. Non-party the Vatican is an independent state and as such enjoys sovereignty under the exclusive jurisdiction of the Holy See. The Vatican was led by a pope at the times relevant to this Complaint, and acted in concert with the other entities and individuals as identified herein.

JURISDICTION AND VENUE

12. The Court has general personal jurisdiction over all Defendants because all of them are residents of the State of New York. The Court also has specific personal jurisdiction over all Defendants because the events at issue all transpired in the State of New York.

13. This Court has subject matter jurisdiction over this action because the amount of

damages Plaintiff seeks exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

14. Venue of this proceeding in Erie County is appropriate pursuant to CPLR § 503.
15. The causes of action from which this claim arose occurred in Buffalo, NY.

RELATIONSHIP BETWEEN THE PARTIES

16. The SGS operated, managed and were responsible for the nurturing and care of all children placed or admitted to the MAGDALENE LAUNDRIES, including the Plaintiff.

17. The children placed directly by the court at the MAGDALENE LAUNDRIES or admitted to the MAGDALENE LAUNDRIES by DIOCESE referral included children of all ages, including orphans, children whose families were unable to financially care for them and children who were deemed by the court to be incorrigible and in need of supervision.

18. The designated bishop of the DIOCESE was responsible for assigning, transferring and/or suspending all clergy, administrators and school principals within the DIOCESE. They all served at the Bishop's pleasure and were and are subject to the authority of the bishop.

19. The SGS and DIOCESE were in a superior position to receive sensitive information regarding immoral and criminal conduct pertaining to each of the Sisters of the order assigned to care for the vulnerable children at the MAGDALENE LAUNDRIES and to supervise each person that had access to the children including the unknown physician.

20. The SGS and DIOCESE implicitly and explicitly represented to the Plaintiff, her parents and the judicial system through their words, actions and teachings that each sister, professional and lay person given direct access to the children at the MAGDALENE LAUNDRIES would act in the best interests of the children.

21. The SGS and DIOCESE were in a superior position to receive sensitive information regarding immoral and criminal conduct pertaining to any sister working within the MAGDALENE LAUNDRIES as well as any professional or layperson given access to the wards for whom they were responsible.

22. The priests who were assigned by the DIOCESE to the MAGDALENE LAUNDRIES as well as the sisters together taught Plaintiff in the classroom, during services, in the confessional, and otherwise, to trust obey and respect all nuns.

23. The DIOCESE, the MAGDALENE LAUNDRIES, and each of the DIOCESE's bishops owed a secular duty to Plaintiff grounded upon the duty of good faith and fair dealing, to act with the highest degree of trust and confidence. This relationship included the duty to warn, disclose, and protect parish children and students from sexual abuse and exploitation by clerics, seminarians, teachers, employees and volunteers whom Defendants promoted as being chaste, moral and safe.

24. The SGS and DIOCESE and each of its bishops solicited funds from the parishioners of its parishes and school attendees through assessments, direct appeals, and/or tuition, which was a primary incentive to focus on the reputation of the Catholic Church to the detriment of all other priorities.

25. At all times material herein Plaintiff and her parents entrusted her wellbeing to the DIOCESE, its school administrators, nuns, teachers, seminarians, the judicial system and employees including the SGS who were responsible for providing a safe environment. Each had a corresponding obligation to be solicitous for, as well as protective of the Plaintiff in the exercise of their positions of trust, confidentiality and moral authority.

26. SGS and the DIOCESE had the responsibility to manage, supervise, control and/or direct the MAGDALENE LAUNDRIES and DIOCESE employees and volunteers, so as to protect children including the Plaintiff; and to prohibit those that would do harm to children from any employment or assignments within the MAGDALENE LAUNDRIES.

27. At all times material the SGS and DIOCESE were acting *in loco parentis*, whereby Plaintiff, her parents and the public would reasonably expect that Plaintiff and other children at the MAGDALENE LAUNDRIES would be protected from child predators.

28. Defendants breached their duty to act *in loco parentis*.

29. The hierarchy of the Roman Catholic Church and, by implication, Defendants, have been aware of the serious problem of sexual abuse of children within the parishes, schools, convents, agencies and institutions since well before the incidents involving the Plaintiff.

30. The Vatican, as the governing body of the Catholic Church, was responsible for, among other things, maintaining the safety and well-being of members of the Catholic Church and oversight of all dioceses, clergy and Catholic operated institutions and agencies.

FACTS SPECIFIC TO THE PLAINTIFF

31. Plaintiff was born August 3, 1941.

32. In or around 1956, when Plaintiff was 14 years old she appeared before the family court without the benefit of counsel, was determined by a judge of the State of New York to be in need of supervision and was sent to the MAGDALENE LAUNDRIES.

33. Plaintiff has no knowledge of having been charged with a crime at the time she was remanded to the MAGDALENE LAUNDRIES.

34. Plaintiff was greeted at the MAGDALENE LAUNDRIES by Mother Gerard.

35. Three days after Plaintiff arrived at the Best Street MAGDALENE LAUNDRIES, Plaintiff was taken to a room by Mother Gerard and advised that she was to be examined by the school's doctor, who was never identified to Plaintiff.

36. The doctor entered the room but did not identify himself. Mother Gerard left the room leaving Plaintiff alone with the unknown man, who was purportedly the school's doctor.

37. Plaintiff was told by the unknown physician to remove her clothing, including her undergarments, and to sit on the bare table. He then instructed Plaintiff to lay down on the table and open her legs.

38. Plaintiff quickly discovered that the examination was limited to an internal examination, which she had never before experienced. She was embarrassed, scared and mortified by the thought of being exposed to a man she had never seen before and who had not bothered to even identify himself.

39. She moved to the end of the table whereupon the unknown physician began rubbing the exterior of Plaintiff's vaginal area.

40. The unknown physician had no instruments, and did not utilize gloves when he inserted his fingers into Plaintiff's vagina. He inquired "does this hurt?" as he moved his fingers around inside Plaintiff, to which Plaintiff replied yes. The unknown physician then asked the outrageous question "does it feel good"?

41. The unknown physician concluded his examination and left the room, leaving Plaintiff terrified, humiliated, embarrassed and in a state of shock.

42. The examination was not medically necessary.

43. Failure to abide by the rules of the nuns resulted in the assignment of additional physical chores, and detention in dark, dank, locked closets for an indeterminable amount of time.

44. The MAGDALENE LAUNDRIES included a laundry facility that did laundry for hospitals, hotels and other commercial institutions. Plaintiff was assigned to the ironing room, which was difficult work for a 14 year old child, in extremely hot conditions. Plaintiff was also required to scrub and polish floors in the bathrooms, the long hallways, and the steps on her hands and knees for many hours.

45. It is believed and therefore averred that SGS and DIOCESE benefited financially from the MAGDALENE LAUNDRIES facility.

46. All of the counts described below involved gross negligence, reckless and willful disregard for Plaintiff's health and safety, and egregious conduct directed at both Plaintiff and other children, all of which evinced a high degree of moral turpitude.

47. As a direct result of the negligent, grossly negligent, intentional, careless, and/or reckless conduct of the DIOCESE and SGS, and their agents, servants, and/or employees, including but not limited to the unknown physician/man, Plaintiff has suffered serious and permanent physical and emotional injuries, including but not limited to:

- a. Ongoing humiliation, embarrassment, shame, and guilt;
- b. Emotional distress;
- c. Severe mental anguish and despair;
- d. Severe anxiety, nervousness, fearfulness, and panic attacks;
- e. Post-traumatic stress disorder;
- f. Depression;
- g. Hypertension;
- h. Irritability;
- i. Personality changes;
- j. Physical pain, nausea, and loss of sleep;
- k. A loss of enjoyment of life;
- l. A loss of faith;
- m. Difficulty in trusting and interacting with others, including those in positions of authority and/or those in intimate relationships with Plaintiff;
- n. A loss of earnings and earning capacity due to the trauma; and
- o. Other damages.

COUNT I
NEGLIGENCE
(AGAINST SGS and DIOCESE)

48. Plaintiff repeats and re-alleges each and every allegation set forth above as though fully set forth at length herein.

49. Defendants the SGS and the DIOCESE, by and through their agents, servants, and/or employees, knew or reasonably should have known of the unknown physician's sexual interest in children, that he had sexually assaulted other children before Plaintiff; that the sexual abuse took an emotional toll on other children before Plaintiff, and that the unknown physician was capable of committing immoral acts with Plaintiff and/or other children.

50. Plaintiff's care, welfare, and/or physical custody was entrusted to said Defendants at all times she was under the care and supervision of the MAGDALENE LAUNDRIES and the DIOCESE, and was on properties and premises operated by them.

51. Defendants SGS and the DIOCESE voluntarily accepted the entrusted care of Plaintiff and each had a duty to protect Plaintiff during the time that she was entrusted to their care. Said Defendants owed Plaintiff, a minor child, a special duty of care, in addition to duty of ordinary care, to care for and protect Plaintiff as a reasonably prudent parent would care for her.

52. Defendants SGS and the DIOCESE each also owed Plaintiff a duty to protect her from harm because these Defendants invited the placement of Plaintiff onto their property despite knowing the unknown physician represented a potential harm to Plaintiff and other minors.

53. Plaintiff was owed by said Defendants a duty to be protected from the harm inflicted upon Plaintiff by the unknown physician during the period in which Plaintiff was under their care, while she was a student and resident and when Plaintiff was on the premises owned and/or controlled by them.

54. Said Defendants systematically breached their duty to Plaintiff by:

- a. Allowing the unknown physician or any other person to conduct an unnecessary internal exam on a 14 year old child;
- b. Leaving a child alone with the knowledge that she was going to undergo an internal exam by a man or doctor that did not have the necessary instruments to conduct the exam, or the necessary sanitary essentials to proceed with such an exam;
- c. Enabling the unknown physician with unrestricted access to children and placing

- them in a position of trust and authority;
- d. Allowing the unknown physician to come into contact with Plaintiff without effective supervision;
 - e. Failing to properly train and re-train staff who work with children about child supervision and detecting child sexual abuse;
 - f. Failing to properly monitor and/or supervise the unknown physician;
 - g. Failing to prevent the unknown physician from committing wrongful sexual acts with children, and Plaintiff in particular;
 - h. Failing to properly screen and hire agents, servants, and/or employees;
 - i. Failing to have procedures where residents could file complaints, and have their complaints properly investigated;
 - j. Failing to ensure that children were provided with trained and interested counselors;
 - k. Failing to monitor for and subsequently investigate allegations of sexual abuse committed by any employee or volunteer;
 - l. Failing to notify law enforcement agencies of allegations of residents against employees or volunteers or any other sexual predators;
 - m. Failing to implement and/or enforce protocols to ensure that children would not fall victim to sexual predators;
 - n. Failing to provide a safe environment where children were not subjected to sexual abuse;
 - o. Holding the unknown physician and all staff, employees and volunteers out to Plaintiff as being of sufficient moral and ethical repute; and
 - p. Failing to remove the unknown physician from a position where he could act on his propensities and dispositions to commit sexual, emotional and physical abuse.

55. It was reasonably foreseeable that if said Defendants did not adequately exercise or provide the duty of care owed to children in their care, including but not limited to Plaintiff, the children entrusted to their care would be vulnerable to sexual, physical and emotional abuse by servants, agents, and/or employees, including the unknown physician.

56. The failure of said Defendants to protect Plaintiff from the foreseeable harm of the unknown physician's sexual, physical and emotional misconduct was committed with

negligence, gross negligence, wanton recklessness, and/or reckless indifference to Plaintiff.

57. The Defendants' aforementioned negligence directly and proximately caused Plaintiff to sustain severe and permanent damages as described above.

WHEREFORE, Plaintiff demands judgment for compensatory and punitive damages against SGS and the DIOCESE, jointly and severally, in an amount exceeding the monetary jurisdictional limits of any and all lower Courts that would otherwise have jurisdiction, in amounts to be determined upon trial of this action, together with interest, costs, and any other appropriate relief.

COUNT II

NEGLIGENT SUPERVISION, MONITORING, TRAINING and RETENTION

(Against SGS and DIOCESE)

58. Plaintiff repeats and re-alleges each and every allegation set forth above as though fully set forth at length herein.

59. DIOCESAN DEFENDANTS and other Bishops of the DIOCESE were familiar with the acute problem of numerous priests, seminarians, deacons, teachers, nuns and other employees sexually violating children within the DIOCESE.

60. Prior to Plaintiff's exposure to the unknown physician, and thereafter including the period while Plaintiff was still being emotionally abused, the DIOCESE and each of its bishops were on notice of a policy wherein for the sake of the reputation of the Church and its schools, known child predators, whether priests, seminarians, nuns, deacons or teachers were protected from disclosure, with all information concerning their crimes against children hidden within the Church's secret archive records.

61. Prior to Plaintiff's exposure to the unknown physician and thereafter, including but not limited to the period Plaintiff was still being emotionally abused, it is believed and therefore averred that the DIOCESE and each of its bishops were on notice of a policy wherein for the sake of the reputation of the church and its schools known child predators, whether priests, seminarians, nuns, deacons or teachers were protected from being reported to police, district attorneys and/or child welfare authorities.

62. Supervision of agents, servants, and/or employees within Defendants' control was mandatory and created an unqualified duty upon them.

63. Said Defendants, by and through their agents, servants, and/or employees, each had a duty to engage in reasonable hiring, supervision, monitoring, training, and retention for any employees or volunteers who interacted with children.

64. Said Defendants, by and through their agents, servants, and/or employees, knew or reasonably should have known of the unknown physician's sexual interest in children, and/or the emotional abuse of children by staff at the MAGDALENE LAUNDRIES with children before Plaintiff, and that they were capable of committing sexual violence and/or physical and emotional abuse against Plaintiff and/or other children.

65. Said Defendants failed to properly observe, supervise, and monitor areas and individuals where it was known, knowable, and/or foreseeable that residents could fall victims of sexual abuse without proper supervision.

66. Said Defendants systematically breached their duty to Plaintiff by:

- a. Failing to protect Plaintiff from abusive conduct by the unknown physician;
- b. Allowing the unknown physician to conduct an unnecessary internal medical exam upon Plaintiff without any supervision, and in unsanitary conditions;
- c. Failing to properly train and re-train staff who work with children about child supervision and detecting child sexual abuse;
- d. Failing to properly monitor and/or supervise the unknown physician after providing them access to children;
- e. Failing to prevent the unknown physician from committing wrongful sexual acts and/or emotional and physical abuse on children;
- f. Failing to properly screen and hire agents, servants, and/or employees;
- g. Failing to properly investigate the actions of agents, servants, and/or employees to ensure that children were subjected to safe and appropriate counselors;
- h. Failing to monitor for and subsequently investigate acts of sexual abuse and immoral and/or physical and emotional conduct committed by the unknown physician, or any agent or employee;
- i. Failing to implement and/or enforce protocols to ensure that children residing at the MAGDALENE LAUNDRIES would have a process to enable them to file

claims dealing with sexual and/or physical and emotional assaults;

- j. Failing to provide a safe environment where children are protected from sexual and/or physical and emotional abuse ;
- k. Holding the unknown physician out to Plaintiff as being of sufficiently moral and ethical repute; and
- l. Failing to remove the unknown physician and other MAGDALENE LAUNDRIES staff from a position where he could act on his propensities and dispositions to commit sexual and/or physical and emotional abuse of children-residents.

67. The failure of said Defendants to protect Plaintiff from the foreseeable harm of the unknown physician's and other staff's sexual and/or physical and emotional misconduct was as a result of negligence, gross negligence, wanton, recklessness, and/or reckless indifference to Plaintiff.

68. The Defendants' aforementioned negligence directly and proximately caused Plaintiff to sustain severe and permanent damages as described above.

WHEREFORE, Plaintiff demands judgment for compensatory and punitive damages against SGS and DIOCESE, jointly and severally, in an amount exceeding the monetary jurisdictional limits of any and all lower Courts that would otherwise have jurisdiction, in amounts to be determined upon trial of this action, together with interest, costs, and any other appropriate relief.

COUNT III
BREACH OF FIDUCIARY DUTY
(Against SGS and DIOCESE)

69. Plaintiff repeats and re-alleges each and every allegation set forth above as though fully set forth at length herein.

70. While Plaintiff was a minor, said Defendants were entrusted by the court system of New York and her parents to provide Plaintiff with adequate and safe supervision.

71. At all times material, Defendants were entrusted with Plaintiff's care.

72. There existed a fiduciary relationship of trust, confidence, and reliance between

Plaintiff and said Defendants. This relationship was based on the entrustment of the Plaintiff while she was a minor child to the care and supervision of said Defendants. This entrustment of Plaintiff to their care and supervision required them to assume a fiduciary relationship and to act in the best interests of the Plaintiff and to protect her due to her age of minority and vulnerability.

73. Pursuant to this fiduciary relationship, said Defendants had a duty to ensure her well-being, care, and safety.

74. Pursuant to this fiduciary duty, said Defendants were responsible to act in the best interests of Plaintiff at all times.

75. Said Defendants breached their fiduciary duties to Plaintiff for all the reasons previously stated.

76. The Defendants' aforementioned breach of fiduciary duty directly and proximately caused Plaintiff to sustain severe and permanent damages as described above.

WHEREFORE, Plaintiff demands judgment for compensatory and punitive damages against SGS and DIOCESE, jointly and severally, in an amount exceeding the monetary jurisdictional limits of any and all lower Courts that would otherwise have jurisdiction, in amounts to be determined upon trial of this action, together with interest, costs, and any other appropriate relief.

COUNT IV

CONSTRUCTIVE FRAUD

(Against SGS and DIOCESE)

77. Plaintiff repeats and re-alleges each and every allegation set forth above as though fully set forth at length herein.

78. As described above, said Defendants each had a fiduciary and confidential relationship of trust and confidence with Plaintiff.

79. Plaintiff's position in the relationship with Defendants was one of subordinate weakness and dependence, whereas said Defendants were in a position of superior knowledge and influence, accordingly they did not deal on terms of equality.

80. Defendants knew or should have known of the acute problem of numerous

priests, nuns and employees sexually violating children, including in the DIOCESE and at the MAGDALENE LAUNDRIES.

81. Defendants betrayed the fiduciary duty owed to Plaintiff as a result of the relationship of trust and confidence, by their concealment of information about the unknown physician and MAGDALENE LAUNDRIES staff, and others that they knew or should have known created foreseeable risk to Plaintiff.

82. Defendants held themselves out as institutions that would protect vulnerable children, but their failure to disclose the information about the unknown physician and/or MAGDALENE LAUNDRY staff, and/or other sexually abusive employees was but one example of a course of conduct that had the intent and effect of deceiving and misleading Plaintiff and the public.

83. Defendants had an accumulation of knowledge of the sexual abuse of children by their servants, critical information that they kept from Plaintiff, her parents and the public. Further, when these Defendants did comment on this issue, they falsely assured the general public, parishioners, parents, and law enforcement authorities that they would responsibly deal with offending clerics, employees and volunteers.

84. Plaintiff justifiably relied on Defendants' representations that they would protect children from harm from individuals who had a proclivity to commit acts of sexual and/or physical and emotional abuse and indecent sexual acts against children.

85. The Defendants' aforementioned constructive fraud directly and proximately caused Plaintiff to sustain severe and permanent damages as described above.

WHEREFORE, Plaintiff demands judgment for compensatory and punitive damages against SGS and DIOCESE, jointly and severally, in an amount exceeding the monetary jurisdictional limits of any and all lower Courts that would otherwise have jurisdiction, in amounts to be determined upon trial of this action, together with interest, costs, and any other appropriate relief.

COUNT V
CIVIL CONSPIRACY TO COMMIT FRAUD
(Against SGS, MALONE and DIOCESE)

86. Plaintiff repeats and re-alleges each and every allegation set forth above as

though fully set forth at length herein.

87. Defendants engaged in a coordinated effort to conceal allegations of sexual assault and abuse of minors from the public that occurred at the MAGDALENE LAUNDRIES in churches and other locations by priests, seminarians, nuns, employees and volunteers.

88. Defendants have, for decades and continuing to the present day, adopted policies and practices intended to conceal sexual abuse committed by their priests, seminarians, nuns and employees. These policies and practices endangered numerous children in the past and were made with the knowledge that such policies would cause the repeated commission of a variety of intentional and negligent torts.

89. Defendants (as well as other U.S. dioceses) conspired to publicly deny responsibility for and conceal the immoral and sexually abusive crimes committed by their priests and employees against children and did so with the coordination of various popes and officials of the Vatican. Such purposeful and overt acts effectively protected child predators within the Catholic Church and elicited further abuse of innocent children.

90. The conspiracy not only included the Vatican and the appointed bishops of the DIOCESE, both current and past, but also the Vicar Generals and other priests assigned by each respective Bishop to receive complaints from child abuse survivors, interview victims, or their parents and, interview the accused cleric or employee dealing with immoral, evil and harmful conduct involving children. Each had a duty and responsibility to members of the parish and the flock of the diocese to report those who would do harm to children to police, district attorneys, and charge child welfare authorities. All failed to take such action. All permitted these child predators to remain in the clerical state or employment thereby creating foreseeable risk to the children each child predator came into contact with through their assignments.

91. The Vatican received laicization petitions and other information directly from dioceses throughout the United States containing information about priests known to be child molesters, but nevertheless chose not to implement procedures to protect children, to notify police, district attorneys or child welfare authorities. This decision or directive was known to each diocese within New York and indeed the United States, and its bishops, including DIOCESE.

92. Each Defendant undertook overt acts in furtherance of the common scheme, including but not limited to the following: 1) concealing the sexual assaults of and the identities

and patterns of its sexually abusive priests, seminarians, nuns and employees; 2) concealing sexual assaults and abuse committed by its agents from proper civil authorities; 3) attacking the credibility of victims of Defendants' agents; 4) protecting Defendants' agents from criminal prosecution for sexual assaults and abuse against children; 5) allowing known child molesters to live freely in the community without informing the public; 6) after receiving reports or notice of sexual misconduct by clerics, transferring them to new locations without warning parishioners or the public of the threat posed by such sexual abusers; 7) making affirmative representations regarding Defendants' agents' fitness for employment in positions that include working with children, while failing to disclose negative information regarding sexual misconduct by clerics; and 8) concealing Defendants' actions and their agents' actions from survivors of past abuse, thereby causing additional injuries and harm.

93. Pope Francis issued a public statement on or about August 20, 2018 regarding the child sexual abuse crisis within the Catholic Church, stating that the Church "must acknowledge our past sins and mistakes" and admitting the Church "showed no care for the little ones" and "abandoned them." This was an admission of the complicity in the conspiracy of the Vatican.

94. Defendant MALONE has publicly admitted that priests and clerics within the DIOCESE were credibly accused of sexual misconduct with minors. Defendant DIOCESE has periodically increased the list to include the names of 180 priests, nuns and employees accused of sexual abuse of minors. The knowledge about many of these abusers was known for decades.

95. Defendants continue to conceal important information about the priests, clerics, nuns, employees and volunteers on that list and the names and information about accused priests not publicly disclosed. No information has been disclosed about the credibly accused priests' patterns of grooming and sexual abuse. As a result, children remain at risk of being sexually assaulted.

96. The Defendants similarly have not fully disclosed when and how they and their agents, servants, and/or employees first learned of the information about the accused priests, which would assist the public's investigation into the rampant problem of abuse in the Catholic Church.

97. In the case at hand, Defendants and their agents, servants, and/or employees acted with a common purpose in conspiring to conceal the improper and illegal activities taking place within the DIOCESE, and its institutions, including the MAGDALENE LAUNDRIES.

98. Each Defendant entered into the conspiracy with the common purpose of concealing

from the public the nature and scope of sexual abuse of minors in the DIOCESE.

99. Each Defendant entered into the conspiracy with the common purpose of continuing to hold out sexually abusive priests and DIOCESE employees as trustworthy members of the community.

100. Each Defendant entered into the conspiracy with the common purpose of delaying or preventing individuals from reporting sexual abuse to civil authorities.

101. It was essential for the Defendants to engage in such a conspiracy because doing so allowed Defendants to retain their positions of authority, trust, respect, and influence within their respective communities and on the national or international stage.

102. By engaging in this conspiracy, the Defendants directly caused and perpetuated the commission of various torts, including assault, sexual abuse, fraud, and/or other torts and wrongful acts.

103. Each Defendant intentionally entered into the agreement and performed the actions set forth above.

104. The Defendants' aforementioned civil conspiracy to conceal abuse of children to benefit the Church and its agents directly and proximately caused Plaintiff to sustain severe and permanent damages as described above.

105. The aforesaid conspiracy is a continuing conspiracy, that continues to this day.

WHEREFORE, Plaintiff demands judgment for compensatory and punitive damages against SGS, MALONE and DIOCESE, jointly and severally, in an amount exceeding the monetary jurisdictional limits of any and all lower Courts that would otherwise have jurisdiction, in amounts to be determined upon trial of this action, together with interest, costs, and any other appropriate relief.

JURY DEMAND

Plaintiff demands a trial by jury on all issues so triable. Pursuant to §4 of the New York Child Victims Act, Plaintiff is entitled to a trial preference.

Dated: December 19, 2019

Respectfully submitted,

/s/ Andrew S. Janet

Andrew S. Janet

Seth L. Cardeli

Richard M. Serbin (pro hac vice to be applied for)

Natalie D'Antonio (pro hac vice to be applied for)

Janet, Janet & Suggs, LLC

4 Reservoir Circle, Suite 200

Baltimore, Maryland 21208

Telephone: 410-653-3200

Facsimile: 410-653-9030

Email: rms@serbinlaw.net

Email: asjanet@jjsjustice.com

Attorneys for Plaintiff

VERIFICATION

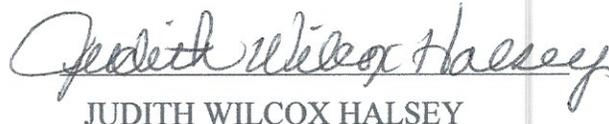
STATE OF NORTH CAROLINA :

SS:

COUNTY OF :

I, JUDITH WILCOX HALSEY, hereby state that I am the Plaintiff in the above and foregoing action; further I state that the facts set forth in the COMPLAINT to which this Verification is attached, are true to the best of my knowledge, information and belief.

I understand that my statements are made subject to New York Penal Law §210.10 providing for criminal penalties for unsworn falsification to authorities.



JUDITH WILCOX HALSEY

DATE: 12-6-19