

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

LG 45 DOE,

Plaintiff,

vs.

SUMMONS

THE DIOCESE OF BUFFALO, N.Y.
795 Main Street
Buffalo, New York 14203

MISSIONARY OBLATES OF
MARY IMMACULATE
King House Retreat & Renewal Center
700 N. 66th Street
Belleville, Illinois 62223

DONALD J. JOYCE
5722 Blanco Road
San Antonio, Texas 78216

Defendants.

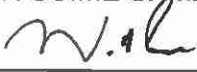
TO THE ABOVE NAMED DEFENDANTS:

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 the service of this Summons, exclusive of the day of service (or within THIRTY (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.

Erie County is designated as the place of trial on the basis on the Defendant's place of business located in Buffalo, New York.

DATED: Buffalo, New York
December 5, 2019

LIPSITZ GREEN SCIME CAMBRIA LLP

By: 

WILLIAM P. MOORE, ESQ.
CHRISTINA M. CROGLIO, ESQ.

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STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

LG 45 DOE,

Plaintiff,

COMPLAINT

vs.

THE DIOCESE OF BUFFALO, N.Y.,
MISSIONARY OBLATES OF
MARY IMMACULATE, and
DONALD J. JOYCE,

Defendants.

Plaintiff, above named, by his attorneys, LIPSITZ GREEN SCIME CAMBRIA LLP,
for his Complaint against Defendants, alleges:

**AS AND FOR A FIRST CAUSE OF ACTION AGAINST
DEFENDANTS, ABOVE NAMED, HEREIN,
PLAINTIFF, LG 45 DOE, ALLEGES AS FOLLOWS:**

1. Plaintiff, LG 45 DOE, is a resident of the City of Rochester, County of Monroe and the State of New York.
2. This action is commenced pursuant to the provisions of the Child Victims Act.
3. At the time of the incidents set forth herein, Plaintiff, LG 45 DOE, (hereinafter referred to as "THE CHILD") was an infant having been born in 1946.
4. Upon information and belief, at all times herein mentioned, Defendant, THE DIOCESE OF BUFFALO, N.Y., was and still is a domestic not-for-profit corporation duly organized and existing under and by virtue of the laws of the State of New York and maintains an office for the transaction of business located within the County of Erie and

State of New York.

5. Upon information and belief, at all times hereinafter mentioned, the defendant, MISSIONARY OBLATES OF MARY IMMACULATE, was and still is a foreign corporation not authorized to do business in the State of New York; jurisdiction over the defendant is asserted under New York Civil Practice Law and Rules § 302.

6. Upon information and belief, THE CHILD, was a student at Bishop Fallon High School which has since been closed and the defendants, THE DIOCESE OF BUFFALO, N.Y. and the MISSIONARY OBLATES OF MARY IMMACULATE, were and continue to be responsible parties who operated Bishop Fallon High School.

7. Defendants, THE DIOCESE OF BUFFALO, N.Y. and MISSIONARY OBLATES OF MARY IMMACULATE, are hereinafter collectively referred to as "THE ROMAN CATHOLIC CHURCH."

8. Upon information and belief, Defendant, DONALD J. JOYCE, (hereinafter referred to as "THE CHILD MOLESTER") resides in the City of San Antonio, County of Bexar and State of Texas.

9. Upon information and belief, at all times herein mentioned, THE CHILD MOLESTER was assigned to Bishop Fallon High School as a teacher by Defendants THE ROMAN CATHOLIC CHURCH, and was acting as their agent, employee or representative.

10. Upon information and belief, at all times herein mentioned, THE CHILD MOLESTER was under the direction, supervision and control of Defendant, THE ROMAN CATHOLIC CHURCH.

11. Occurring in or about 1963, THE CHILD MOLESTER sexually assaulted and committed battery upon THE CHILD and said assault and battery constituted sexual

offenses as defined in Article 130 of the Penal Law.

12. The sexual crimes by THE CHILD MOLESTER herein were willful, malicious and intentional and resulted in injury to THE CHILD.

13. As a direct result of conduct by THE CHILD MOLESTER as described herein, THE CHILD, has suffered, and continues to suffer great physical and emotional pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, flashbacks, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life, was prevented and will continue to be prevented from performing daily activities and obtaining full enjoyment of life, and has incurred and will continue to incur expenses for medical psychological treatment, therapy and counseling.

14. This action falls within one or more of the exceptions set forth in CPLR §1602.

15. As a result of the foregoing, THE CHILD, has sustained general and special damages in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

16. As a result of the foregoing, THE CHILD, claims punitive damages in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A SECOND CAUSE OF ACTION AGAINST
DEFENDANT, THE ROMAN CATHOLIC CHURCH,
HEREIN:**

17. Plaintiff repeats, reiterates and re-alleges each and every allegation contained in paragraphs "1" through "16" of this Complaint with the same force and effect as if fully set forth herein.

18. Upon information and belief, Defendant, THE ROMAN CATHOLIC CHURCH, trained, hired, selected and approved THE CHILD MOLESTER as a teacher at Bishop Fallon High School, placing him in a position with authority and power over THE CHILD, a student at Bishop Fallon High School.

19. Defendant, THE ROMAN CATHOLIC CHURCH, knew or reasonably should have known of the propensities of THE CHILD MOLESTER to commit acts of sexual assault, battery, rape and other sexual crimes against THE CHILD and other children.

20. Upon information and belief, prior to the incident set forth herein, Defendant, THE ROMAN CATHOLIC CHURCH, was aware and was otherwise on actual notice that a number of its priests, were sexually abusing and/or sexually assaulting and/or molesting and/or raping children.

21. Defendant, THE ROMAN CATHOLIC CHURCH, failed to warn and/or disclose to THE CHILD and/or the parents of THE CHILD of the danger THE CHILD MOLESTER posed to THE CHILD.

22. Defendant, THE ROMAN CATHOLIC CHURCH, failed to warn and/or disclose to THE CHILD and/or the parents of THE CHILD of the danger its priest posed to THE CHILD and other children.

23. Upon information and belief, the aforesaid incidents and resultant injury and damages to THE CHILD were caused as a result of the negligence, carelessness and recklessness of Defendant, THE ROMAN CATHOLIC CHURCH, in the training, hiring, selecting and assignment of THE CHILD MOLESTER.

24. The acts and/or omissions of Defendant, THE ROMAN CATHOLIC CHURCH, constitute reckless disregard for the safety of THE CHILD and other children.

25. As a result of the foregoing, THE CHILD has sustained general and special damages in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A THIRD CAUSE OF ACTION AGAINST
DEFENDANT, THE ROMAN CATHOLIC CHURCH,
HEREIN:**

26. Plaintiff repeats, reiterates and re-alleges each and every allegation contained in paragraphs "1" through "25" of this Complaint with the same force and effect as if fully set forth herein.

27. Upon information and belief, the aforesaid incidents and resultant injury to THE CHILD, were caused as a result of the negligence, carelessness and recklessness of Defendant, THE ROMAN CATHOLIC CHURCH, in the retaining of THE CHILD MOLESTER.

28. The acts and/or omissions of Defendant, THE ROMAN CATHOLIC CHURCH, constitute reckless disregard for the safety of THE CHILD and other children.

29. As a result of the foregoing, THE CHILD has sustained general and special damages in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A FOURTH CAUSE OF ACTION AGAINST
DEFENDANT, THE ROMAN CATHOLIC CHURCH,
HEREIN:**

30. Plaintiff repeats, reiterates and re-alleges each and every allegation contained in paragraphs "1" through "29" of this Complaint with the same force and effect as if fully set forth herein.

31. Upon information and belief, the aforesaid incidents and resultant injury to THE CHILD, were caused as a result of the negligence, carelessness and recklessness

of Defendant, THE ROMAN CATHOLIC CHURCH, in supervising THE CHILD MOLESTER.

32. The acts and/or omissions of Defendant, THE ROMAN CATHOLIC CHURCH, constitute reckless disregard for the safety of THE CHILD and other children.

33. As a result of the foregoing, THE CHILD has sustained general and special damages in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

WHEREFORE, Plaintiff demands judgment against Defendants, either jointly or severally, in the First, Second, Third and Fourth Causes of Action in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction, and for such other, further or different relief as the Court may deem just and proper, together with the costs and disbursements of the action.

DATED: Buffalo, New York
December 5, 2019

LIPSITZ GREEN SCIME CAMBRIA LLP

By:  _____

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