

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

MADONNA M. BISHOP,

Plaintiff,

v.

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

ST. ANN'S CHURCH AND SHRINE,
501 Emslie Street
Buffalo, New York 14212

USA NORTHEAST PROVINCE OF THE
SOCIETY OF JESUS,
39 East 83 Street
New York, New York 10028

FATHER NEIL L. VER'SCHNEIDER,
Arrupe House
1226 North 18th Street
Philadelphia, PA 19121-5026

Defendants.

SUMMONS

Index No.: _____

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 attorney(s) 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 basis of residence of plaintiff, who resides in Erie County, New York.

Dated: December 6, 2019
Hamburg, New York



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

MADONNA M. BISHOP,

Plaintiff,

COMPLAINT

v.

Index No.: _____

THE DIOCESE OF BUFFALO, N.Y.,

Child Victims Act Proceeding
22 NYCRR 202.72

ST. ANN'S CHURCH AND SHRINE,

USA NORTHEAST PROVINCE OF THE
SOCIETY OF JESUS,

FATHER NEIL L. VER'SCHNEIDER,

Defendants.

Plaintiff, MADONNA M. BISHOP, by her attorneys Chiacchia & Fleming, LLP, brings this action against THE DIOCESE OF BUFFALO, N.Y., ST. ANN'S CHURCH AND SHRINE, USA NORTHEAST PROVINCE OF THE SOCIETY OF JESUS and FATHER NEIL VER'SCHNEIDER and alleges, on personal knowledge as to herself and on information and belief as to all other matters, as follows:

JURISDICTION AND VENUE

1. This Court has personal jurisdiction over 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. Venue for this action is proper in the County of Erie pursuant to CPLR 503 in that one or more Defendant resides in this County and a substantial part of the events or omissions giving rise to the claims asserted herein occurred here.

3. This action is brought pursuant to CPLR § 214-G, as added by the New York

State Child Victims Act, which has revived claims of child sexual abuse for a period of one year beginning on August 14, 2019, six months after the effective date of the section (February 14, 2019). This action is timely.

PARTIES

4. Plaintiff MADONNA M. BISHOP (“Plaintiff”), is an individual residing in Erie County, New York.

5. Defendant THE DIOCESE OF BUFFALO, N.Y. (“DIOCESE”) is a Roman Catholic diocese headquartered in Buffalo, New York, with its principal place of business located at 795 Main Street, Buffalo, NY.

6. Upon information and belief, and at all relevant times hereinafter mentioned, Defendant ST. ANN'S CHURCH AND SHRINE (“ST. ANN’S”) was a Roman Catholic Church located at 501 Emslie Street, Buffalo, County of Erie, State of New York.

7. Upon information and belief, and at all relevant times hereinafter mentioned, Defendant USA NORTHEAST PROVINCE OF THE SOCIETY OF JESUS (“JESUITS”) was and is a Roman Catholic order of priests and brothers serving, among other places, the State of New York, with a principal place of business located at 39 East 83 Street, New York, New York.

8. Defendant FATHER NEIL L. VER’SCHNEIDER (“FATHER VER’SCHNEIDER”) is an individual residing in Philadelphia, Pennsylvania.

FACTS COMMON TO ALL CLAIMS

9. In or around 1970, when she was 8 years old, Plaintiff began attending Defendant ST. ANN’S, a church within and under the auspices of Defendant DIOCESE.

10. During the times relevant to the allegations set forth herein, Defendant FATHER VER’SCHNEIDER, was employed as a priest at Defendant ST. ANN’S. Defendant FATHER

VER'SCHNEIDER was a member of Defendant JESUITS.

11. Through his positions at, within, or for Defendants, Defendant FATHER VER'SCHNEIDER was put in direct contact with Plaintiff, a parishioner at Defendant ST. ANN'S. He was assigned to instruct her. It was under these circumstances that Plaintiff came to be under the direction and control of FATHER VER'SCHNEIDER, who used his position of authority and trust over Plaintiff to sexually abuse and harass her.

12. On numerous occasions, from approximately 1973 through 1974, while Plaintiff was a minor, Defendant FATHER VER'SCHNEIDER, while acting as a priest, counselor, trustee, director, officer, employee, agent, servant and/or volunteer of the Defendants sexually assaulted, sexually abused and/or had sexual contact with Plaintiff in violation of the laws of the State of New York. The abuse occurred when Plaintiff was approximately 10 years old and ending when she was approximately 11 years old.

13. Defendant FATHER VER'SCHNEIDER provided special attention to Plaintiff and became close to Plaintiff's family. On numerous occasions, Defendant FATHER VER'SCHNEIDER took Plaintiff to the park and sexually assaulted, sexually abused and/or had sexual contact with Plaintiff.

14. At all times material hereto, Defendant FATHER VER'SCHNEIDER was under the direct supervision, employ and/or control of Defendants DIOCESE, ST. ANN'S and JESUITS.

15. All the Defendants knew and/or reasonably should have known, and/or knowingly condoned, and/or covered up, the inappropriate and unlawful sexual activities of Defendant FATHER VER'SCHNEIDER who sexually abused Plaintiff.

16. Defendants DIOCESE, ST. ANN'S and JESUITS had the responsibility to

supervise and/or direct priests serving at Defendant ST. ANN'S, and specifically, had a duty not to aid a pedophile such as Defendant FATHER VER'SCHNEIDER, by assigning, maintaining and/or appointing him to a position with access to minors.

17. All Defendants, individually, jointly and/or severally, violated various New York statutes, including, but not limited to N.Y. Soc. Serv. Law §§ 413 and 420, which require officials and teachers to report suspected cases of child abuse and impose liability for failure to report.

18. Plaintiff suffered personal physical and psychological injuries and damages as a result of Defendant FATHER VER'SCHEINDER's actions, as well as other damages related thereto, as a result of her childhood sexual abuse.

19. As a direct result of the Defendants' conduct described herein, Plaintiff suffered and will continue to suffer great pain of mind and body, severe and permanent emotional distress, physical manifestations of emotional distress, problems sleeping, concentrating, low self-confidence, low self-respect, low self-esteem, feeling of worthlessness, feeling shameful, and embarrassed, feeling alone and isolated, losing faith in God, feeling estranged from the church, struggling with alcohol & substance abuse problems, feeling helpless, and hopeless, problems with sexual intimacy, relationship problems, trust issues, feeling confused and angry, the feeling that the good things have been ruined, feeling sad and depressed, feeling anxiety, having panic attacks, crying, feeling dirty, used, and damaged, feeling suicidal, having flashbacks, feeling like she took the wrong road, feeling that her innocence was stolen, and feeling that her life was ruined. Plaintiff was prevented and will continue to be prevented from performing her normal daily activities and obtaining the full enjoyment of life; has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling; and, on information

and belief, has incurred and will continue to incur loss of income and/or loss of earning capacity. As a victim of Defendant FATHER VER'SCHNEIDER'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 she suffered as a result.

CAUSES OF ACTION

FIRST CAUSE OF ACTION Negligent Retention/Supervision/Direction

20. Plaintiff repeats and realleges each and every allegation set forth in the foregoing paragraphs as if fully set forth herein.

21. The sexual abuse of children by adults, including priests, is foreseeable.

22. By establishing, staffing, and/or operating Defendant ST. ANN'S, encouraging the instruction of Plaintiff at St. Ann's Church and Shrine, accepting her as a parishioner at St. Ann's Church and Shrine, and holding it out to be a safe environment for learning and engaging in youth activities, Defendants entered into an express and/or implied duty to provide a reasonably safe environment for Plaintiff and assumed the duty to protect and care for her.

23. Defendants DIOCESE, ST. ANN'S and JESUITS negligently retained, directed, and supervised Defendant FATHER VER'SCHNEIDER when they knew or should have known that he posed a threat of sexual abuse to children.

24. Defendants DIOCESE, ST. ANN'S and JESUITS knew or should have known of Defendant FATHER VER'SCHNEIDER propensity for the conduct which caused Plaintiff's injuries prior to the injuries' occurrence.

25. Defendant FATHER VER'SCHNEIDER sexually assaulted, sexually abused and/or had sexual contact with Plaintiff while under the direct supervision, employ and/or control of Defendants DIOCESE, ST. ANN'S and JESUITS.

26. Defendants DIOCESE, ST. ANN'S and JESUITS were put on notice of Defendant FATHER VER'SCHNEIDER's improper and inappropriate actions with Plaintiff and other children.

27. All Defendants owed a duty of care to all persons, including Plaintiff, who were likely to come within the influence of Defendant FATHER VER'SCHNEIDER, in his role as a priest, counselor, trustee, director, officer, employee, agent, servant and/or volunteer, to insure that Defendant FATHER VER'SCHNEIDER did not abuse his authority as a priest, counselor, trustee, director, officer, employee, agent, servant and/or volunteer to injure minors by sexual assault, battery, and/or abuse.

28. At all times material hereto, Defendants' actions were willful, wanton, malicious, reckless and/or outrageous in their disregard for the rights and safety of Plaintiff.

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

30. By reason of the foregoing, the Defendants are liable to the Plaintiff, jointly, severally and/or in the alternative, for compensatory damages, and for punitive damages, together with interest and costs.

SECOND CAUSE OF ACTION
Negligence/Gross Negligence

31. Plaintiff repeats and realleges each and every allegation set forth in the foregoing paragraphs as if fully set forth herein.

32. Defendants DIOCESE, ST. ANN'S and JESUITS knew, or were negligent in not knowing, that Defendant FATHER VER'SCHNEIDER posed a threat of sexual abuse to children.

33. The acts of Defendant FATHER VER'SCHNEIDER described hereinabove were

undertaken, and/or enabled by, and/or during the course, and/or within the scope of his employment, appointment, and/or agency with the Defendants DIOCESE, ST. ANN'S and JESUITS.

34. Defendants DIOCESE, ST. ANN'S and JESUITS owed Plaintiff, at the relevant times a minor, a duty to protect her from Defendant FATHER VER'SCHNEIDER's sexual deviancy, both prior to and/or subsequent to his misconduct.

35. Defendants' 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.

36. Defendants DIOCESE, ST. ANN'S and JESUITS:

- 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 Defendant FATHER VER'SCHNEIDER;
- 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.

37. At all times material hereto, with regard to the allegations contained herein, Defendant FATHER VER'SCHNEIDER was under the direct supervision, employ and/or control

of Defendants DIOCESE, ST. ANN'S and JESUITS.

38. At all times material hereto, Defendants' actions were willful, wanton, malicious, reckless, and outrageous in their disregard for the rights and safety of Plaintiff, which amounted to conduct equivalent to criminality.

39. As a direct and/or indirect result of said conduct, Plaintiff has suffered the injuries and damages described herein.

40. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to the Plaintiff for compensatory damages, and for punitive damages, together with interest and costs.

THIRD CAUSE OF ACTION Breach of Fiduciary Duty

41. Plaintiff repeats and realleges each and every allegation set forth in the foregoing paragraphs as if fully set forth herein.

42. Through his positions at the Defendants DIOCESE, ST. ANN'S and JESUITS, Defendant FATHER VER'SCHNEIDER was put in direct contact with Plaintiff, then a minor, specifically being assigned to provide religious instruction, including religious training, spiritual guidance and/or counseling expounded by the Roman Catholic Church. It was under these circumstances that Plaintiff came to be under the direction and control of Defendant FATHER VER'SCHNEIDER, who used his position of authority and trust over Plaintiff to sexually abuse and harass her.

43. There exists a fiduciary relationship of trust, confidence, and reliance between Plaintiff and all Defendants herein.

44. Pursuant to their fiduciary relationship, Defendants were entrusted with the well-being, care, and safety of Plaintiff.

45. Pursuant to their fiduciary relationship, Defendants assumed a duty to act in the best interests of Plaintiff.

46. Defendants breached their fiduciary duties to Plaintiff.

47. At all times material hereto, Defendants' actions and/or inactions were willful, wanton, malicious, reckless, and outrageous in their disregard for the rights and safety of Plaintiff.

48. As a direct result of said conduct, Plaintiff has suffered injuries and damages described herein.

49. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Plaintiff for compensatory damages, and for punitive damages, together with interest and costs.

FOURTH CAUSE OF ACTION
Breach of Non-Delegable Duty

50. Plaintiff repeats and realleges each and every allegation set forth in the foregoing paragraphs as if fully set forth herein.

51. Plaintiff, when she was a minor, was placed in the care of all Defendants for the purposes of, *inter alia*, providing plaintiff with a safe environment to receive spiritual instruction, training, guidance and/or counseling. There existed a non-delegable duty of trust between Plaintiff and Defendants.

52. Plaintiff was a vulnerable child when placed within the care of Defendants.

53. As a consequence, Defendants DIOCESE, ST. ANN'S and JESUITS were in the best position to prevent Plaintiff's abuse, and to learn of Defendant FATHER VER'SCHNEIDER's repeated sexual abuse of Plaintiff and stop it.

54. By virtue of the fact that Plaintiff was sexually abused as a parishioner,

Defendants breached their non-delegable duty to Plaintiff.

55. At all times material hereto Defendant FATHER VER'SCHNEIDER was under the direct supervision, employ and/or control of Defendants DIOCESE, ST. ANN'S and JESUITS.

56. As a direct result of said conduct, Plaintiff has suffered injuries and damages described herein.

57. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Plaintiff for compensatory damages, and for punitive damages, together with interest and costs.

FIFTH CAUSE OF ACTION Fraudulent Concealment

58. Plaintiff repeats and realleges each and every allegation set forth in the foregoing paragraphs as if fully set forth herein.

59. Defendants allowed the acts of omission and/or commission and/or any or all of the allegations set forth in this Complaint, to occur.

60. Defendants DIOCESE, ST. ANN'S and JESUITS knew or should have known of Defendant FATHER VER'SCHNEIDER's propensity for the conduct which caused Plaintiff's injuries prior to the injuries' occurrence.

61. Defendants had a duty to report any reasonable suspicion of child abuse.

62. Defendants DIOCESE, ST. ANN'S and JESUITS owed a duty of care to all persons, including Plaintiff, who were likely to come within the influence of Defendant FATHER VER'SCHNEIDER in his role as a priest, counselor, trustee, director, officer, employee, agent, servant and/or volunteer, to insure that Defendant FATHER VER'SCHNEIDER did not abuse his authority as a priest, counselor, trustee, director, officer,

employee, agent, servant and/or volunteer to injure minors by sexual assault, battery, and/or abuse.

63. Defendants breached their duty by knowingly and willfully failing to report reasonable suspicion of abuse by Defendant FATHER VER'SCHNEIDER of children in their care.

64. Defendants DIOCESE, ST. ANN'S and JESUITS breached their duty by knowingly and willfully failing to disclose reasonable suspicions of abuse by Defendant FATHER VER'SCHNEIDER of children in their care to current or prospective students.

65. By knowingly and willfully failing to inform other current and prospective students of the abuse of Defendant FATHER VER'SCHNEIDER, Defendants DIOCESE, ST. ANN'S and JESUITS intended to defraud other current and prospective students.

66. When Plaintiff chose to attend St. Ann's Church and Shrine, she reasonably relied upon the Defendants' representation that Defendants would look out for Plaintiff's well-being, care, and safety.

67. While attending St. Ann's Church and Shrine, Plaintiff was sexually abused by Defendant FATHER VER'SCHNEIDER and has suffered injuries and damages described herein.

68. At all times material hereto, said Defendants' actions were willful, wanton, malicious, reckless, negligent, grossly negligent and/or outrageous in their disregard for the rights and safety of Plaintiff.

69. As a direct result of Defendants' conduct, Plaintiff has suffered the injuries and damages described herein.

70. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Plaintiff for compensatory damages, and for punitive damages, together with interest

and costs.

SIXTH CAUSE OF ACTION
Negligent Infliction of Emotional Distress

71. Plaintiff repeats and realleges each and every allegation set forth in the foregoing paragraphs as if fully set forth herein.

72. As described aforesaid, the actions of Defendants, their predecessors and/or successors, agents, servants and/or employees were conducted in a negligent and/or grossly negligent manner.

73. Defendants' actions endangered Plaintiff's safety and caused her to fear for her own safety.

74. As a direct and proximate result of Defendants' actions, which included but were not limited to, negligent and/or grossly negligent conduct, Plaintiff suffered the severe injuries and damages described herein, including but not limited to, mental and emotional distress.

75. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Plaintiff for compensatory damages, and for punitive damages, together with interest and costs.

SEVENTH CAUSE OF ACTION
Intentional Infliction of Emotional Distress

76. Plaintiff repeats and realleges each and every allegation set forth in the foregoing paragraphs as if fully set forth herein.

77. During the time period from approximately 1973 through 1974, Defendants DIOCESE, ST. ANN'S and JESUITS allowed Defendant FATHER VER'SCHNEIDER unrestricted access to Plaintiff and willfully and/or intentionally ignored suspicious behavior and/or complaints against Defendant FATHER VER'SCHNEIDER of sexual assault, sexual

abuse and sexual contact.

78. During the time period referenced above, Defendants DIOCESE, ST. ANN'S and JESUITS willfully and/or intentionally ignored Plaintiff's safety by requiring Plaintiff to be under the supervision of Defendant FATHER VER'SCHNEIDER.

79. Defendants DIOCESE, ST. ANN'S and JESUITS were deliberately indifferent to the risk of sexual assault, sexual abuse, and sexual contact posed to Plaintiff by being alone with Defendant FATHER VER'SCHNEIDER.

80. Defendants DIOCESE, ST. ANN'S and JESUITS willfully and/or intentionally created a hostile and unsafe environment that no child would be able to tolerate.

81. Defendants DIOCESE, ST. ANN'S and JESUITS, in order to avoid embarrassment, scandal, and negative publicity, intended to cause Plaintiff shame, humiliation and extreme emotional distress so she would stay silent, and not report the abuse.

82. Defendants DIOCESE, ST. ANN'S and JESUITS behaved in a manner toward Plaintiff that was so outrageous as to exceed all reasonable bounds of decency.

83. Defendants DIOCESE, ST. ANN'S and JESUITS knew with substantial certainty or should have known that their behavior would cause Plaintiff to be a victim of sexual assault, sexual abuse and sexual contact.

84. Defendants DIOCESE, ST. ANN'S and JESUITS knew with substantial certainty or should have known that their behavior would cause severe emotional distress to Plaintiff.

85. The foregoing acts of Defendants caused Plaintiff physical, mental and emotional distress.

86. By reason of the foregoing, Plaintiff has been damaged in an amount exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

EIGHTH CAUSE OF ACTION
Breach of Duty *in Loco Parentis*

87. Plaintiff repeats and realleges each and every allegation set forth in foregoing paragraphs as if fully set forth herein.

88. Plaintiff when she was a minor was entrusted by her parent to the control of Defendants for the purposes of *inter alia*, providing Plaintiff with spiritual instruction, training, counseling and/or spiritual guidance as expounded by the Roman Catholic Church. Defendants owe – and owed -- a duty to parishioners entrusted to them to adequately supervise them to prevent foreseeable injuries to their students. As a result, Defendants owed a duty to Plaintiff *in loco parentis*.

89. Defendants breached their duty *in loco parentis*.

90. At all times material hereto, said Defendants' actions were willful, wanton, malicious, reckless, negligent, grossly negligent and/or outrageous in their disregard for the rights and safety of Plaintiff.

91. As a direct result of Defendants' conduct, Plaintiff has suffered the injuries and damages described herein.

92. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Plaintiff for compensatory damages, and for punitive damages, together with interest and costs.

NINTH CAUSE OF ACTION
Breach of Statutory Duty to Report Abuse under Soc. Serv. Law §§ 413, 420

93. Plaintiff repeats and realleges each and every allegation set forth in the foregoing paragraphs as if fully set forth herein.

94. Pursuant to N.Y. Soc. Serv. Law §§ 413 and 420, Defendants had a statutorily imposed duty to report reasonable suspicion of abuse of children in their care.

95. Defendants DIOCESE, ST. ANN'S and JESUITS breached that duty by knowingly and willfully failing to report reasonable suspicion of abuse by Defendant FATHER VER'SCHNEIDER of children in their care.

96. As a direct and/or indirect result of said conduct, Plaintiff has suffered injuries and damages described herein.

97. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Plaintiff for compensatory damages, and for punitive damages, together with interest and costs.

TENTH CAUSE OF ACTION
Nuisance (Common Law and N.Y. Penal Law 240.45)

98. Plaintiff repeats and realleges each and every allegation set forth in the foregoing paragraphs as if fully set forth herein.

99. Defendants' actions and omissions, as described above, have interrupted or interfered with the health, safety, and welfare of the general public.

100. Defendants have created and exposed the public to these unsafe conditions continuously and on an ongoing basis since at least the time that Plaintiff was sexually abused and has continued to expose the public to that unabated threat until the present day.

101. As a direct and proximate result of Defendants' conduct, Plaintiff has suffered special and individualized harms separate and distinct from the harms suffered by the public at large.

102. The harm suffered by the Plaintiff is the exact type of harm that one would expect to result from the Defendants' acts and omissions.

103. Defendants DIOCESE, ST. ANN'S and JESUITS continue to conspire and engage and/or has conspired and engaged in efforts to: 1) conceal from the general public the sexual assaults committed by, the identities of, and the pedophilic/ephebophilic tendencies of Defendant FATHER VER'SCHNEIDER and the Diocese's other accused priests; and/or 2) conceal from proper civil authorities sexual assaults and abuse committed by Defendant FATHER VER'SCHNEIDER and the Diocese's other agents against minor children; and/or 3) attack the credibility of victims of the Diocese's agents; and/or 4) protect the Diocese's agents from criminal prosecution for their sexual assaults and abuse against children; and/or 5) allow known child molesters to live freely in the community without informing the public.

104. The net result of the aforementioned activities is that Defendants DIOCESE, ST. ANN'S and JESUITS has introduced the threat of criminal activity into the public sphere and has thereby impaired the public's health, safety, and welfare.

105. The conduct of Defendants DIOCESE, ST. ANN'S and JESUITS was especially injurious to Plaintiff's health, safety and welfare as because Plaintiff was sexually assaulted by Defendant FATHER VER'SCHNEIDER, an agent of Defendants DIOCESE, ST. ANN'S and JESUITS.

106. The conduct of Defendants DIOCESE, ST. ANN'S and JESUITS was further specially injurious to Plaintiff's health, safety and welfare in that when Plaintiff discovered Defendants' conduct, Plaintiff experienced mental, emotional and/or physical distress that she had been the victim of Defendants' conduct.

107. Plaintiff has suffered and/or continues to suffer special, particular, and peculiar psychological and emotional harm and/or peculiar pecuniary harm, different in kind from the general public, after learning of Defendants' conduct.

108. Plaintiffs injuries are also particular to her and different from certain members of the public who have not been harmed by the nuisance. People who have not been harmed by the nuisance include those who have not suffered any injury at all, those who are unaware of the nuisance, those who do not believe that the conduct of Defendants ever occurred, and those who think that any such conduct only occurred decades ago.

109. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Plaintiff for compensatory damages, and for punitive damages, together with interest and costs.

ELEVENTH CAUSE OF ACTION
Debts for Willful and Malicious Injury Nondischargeable

110. Plaintiff repeats and realleges each and every allegation set forth in the foregoing paragraphs as if fully set forth herein.

111. Pursuant to Section 523(a)(6) of the Bankruptcy Code, any debt “for willful and malicious injury by the debtor to another entity or to the property of another entity” is nondischargeable.

112. Defendants DIOCESE, ST. ANN’S and JESUITS allowed the acts of omission and/or commission and/or any or all of the allegations set forth in this Complaint, to occur.

113. Defendants DIOCESE, ST. ANN’S and JESUITS breached their duty by knowingly and willfully failing to report reasonable suspicion of abuse by Defendant FATHER VER’SCHNEIDER of children in their care.

114. Defendants DIOCESE, ST. ANN’S and JESUITS knowingly, willingly, and intentionally failed to report reasonable suspicion of abuse by Defendant FATHER VER’SCHNEIDER of children in their care.

115. The intentional acts of nondisclosure of Defendants DIOCESE, ST. ANN’S and

JESUITS allowed Defendant FATHER VER'SCHNEIDER to continue abusing children in Defendants' care, an injury that Defendants were substantially certain would occur.

116. This intentional act necessarily produced the harm that resulted.

117. Defendants' actions endangered Plaintiff's safety and caused her to fear for her own safety.

118. As a direct and proximate result of Defendants' actions, which included but were not limited to, negligent and/or grossly negligent conduct, Plaintiff suffered the severe injuries and damages described herein, including but not limited to, mental and emotional distress.

119. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Plaintiff for compensatory damages, and for punitive damages, together with interest and costs.

WHEREFORE, plaintiff respectfully requests judgment against Defendants herein in sums which exceed the jurisdictional limit of all lower courts which would otherwise have jurisdiction in this action, including compensatory damages, punitive damages, prejudgment interest to the extent permitted by law; costs, disbursements and fees of this action, including attorneys' fees, to the extent permitted by law; and any other relief as the Court deems just and proper.

Dated: December 6, 2019
Hamburg, New York



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