

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

ANDREA D'ALIMONTE,

Plaintiff,

v.

THOMAS D. SKOWRONSKI; PATRICIA L.
SAAR

Defendants.

Index No. _____

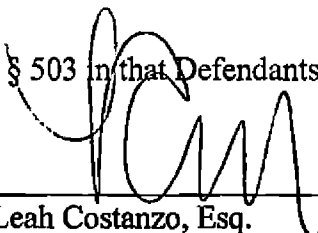
SUMMONS

TO THE ABOVE-NAMED DEFENDANTS:

PLEASE TAKE NOTICE THAT YOU ARE HEREBY SUMMONED to answer the Complaint, a copy of which is hereby served upon you, and to serve a copy of your Answer to the Complaint upon the undersigned attorneys listed below 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 the case of your failure to appear or answer, judgment by default will be taken against you for the relief demanded herein.

Venue is proper pursuant to C.P.L.R. § 503 in that Defendants reside in Erie County.

Dated: January 10, 2020.



Leah Costanzo, Esq.
STEVE BOYD, PC
40 North Forest Road
Williamsville, NY 14221
Telephone: (716) 400-0000
lcostanzo@steveboyd.com

Jeffrey R. Anderson
J. Michael Reck
JEFF ANDERSON & ASSOCIATES, P.A.
52 Duane Street, 7th Floor
New York, NY 10007
Telephone: (646) 759-2551
jeff@andersonadvocates.com
mreck@andersonadvocates.com

Counsel for Plaintiff

**STATE OF NEW YORK
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COMPLAINT

DEMAND FOR JURY TRIAL¹

Plaintiff, by and through Plaintiff's attorneys, states and alleges as follows:

PARTIES

1. At all times hereinafter mentioned, Plaintiff was and still is a resident of the City of Buffalo, County of Erie, and State of New York.

2. Upon information and belief, and at all relevant times hereinafter mentioned, Defendant Thomas D. Skowronski ("Skowronski") was and still is a resident of Cheektowaga, County of Erie and State of New York

3. Upon information and belief, and at all relevant times hereinafter mentioned, Defendant Patricia L. Saar ("Saar") was and still is a resident of Tonawanda, County of Erie and State of New York.

JURISDICTION

4. This Court has jurisdiction over Defendants pursuant to C.P.L.R. § 301.

5. Venue is proper pursuant to C.P.L.R. § 503 in that Defendants reside in Erie County.

6. This Complaint is brought under the Child Victims Act.

¹ Pursuant to §4 of the New York Child Victims Act, Plaintiff is entitled to a trial preference.

FACTS

7. At all times material, Defendants Skowronski and Saar owned and resided in the subject property located at 94 Glidden Street, Cheektowaga, County of Erie and State of New York (the "Property").

8. At all times material, Plaintiff was a minor child residing at the Property.

9. Plaintiff, as a minor and vulnerable child, was dependent on Defendants. Defendants had custody of Plaintiff and was entrusted with the safety of Plaintiff and, therefore, had responsibility for and authority over Plaintiff.

10. From approximately 1989 to 1995, when Plaintiff was approximately 5 to 10 years old, Defendant Skowronski engaged in repeated, intentional and unpermitted sexual contact with Plaintiff.

11. On or about April 4, 1995, the sexual abuse was reported to the Cheektowaga Police Department and Child Protective Services.

12. On or about August 17, 1995, Defendant Skowronski pled guilty to sexual abuse of Plaintiff, a minor, in the first degree, served seven years in prison.

13. Defendant Saar knew or should have known that Defendant Skowronski was a danger to children before Defendant Skowronski sexually assaulted Plaintiff.

14. Prior to the sexual abuse of Plaintiff, Defendant Saar knew or should have known that Defendant Skowronski was not fit to reside with children and became aware, or should have become aware of Skowronski's propensity to commit sexual abuse and of the risk to Plaintiff's safety.

15. Defendant Saar knew or should have known that there was a risk of sexual abuse of children residing at the Property.

16. Instead, Defendant Saar negligently deemed that Skowronski was fit to live with children and/or that any previous misconduct was fixed or cured and/or that Skowronski would not sexually assault children and/or that Skowronski would not injure children.

17. Defendant Saar owed Plaintiff a duty of reasonable care because she had superior knowledge about the risk that Defendant Skowronski posed to Plaintiff and the risk of abuse in general posed to minor children.

18. Defendant Saar owed a duty to Plaintiff to protect her from harm because Defendant Skowronski's actions created a foreseeable risk of harm to Plaintiff. As a vulnerable child who Defendant Skowronski had access to, Plaintiff was a foreseeable victim.

19. Defendant Saar violated her legal duty by failing to report known and/or suspected abuse of children by Defendant Skowronski to law enforcement.

20. As a direct result of the Defendants' negligence, Plaintiff has suffered, and will continue to suffer, great pain of mind and body, severe and permanent emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, humiliation and/or physical, personal and psychological injuries. Plaintiff was prevented, and will continue to be prevented, from performing normal daily activities and obtaining the full enjoyment of life; and/or has incurred and will continue to incur expenses for psychological treatment, therapy, and counseling, and, on information and belief has and/or will incur loss of income and/or loss of earning capacity.

AS AND FOR A FIRST CAUSE OF ACTION:
SEXUAL BATTERY
(Thomas D. Skowronski)

21. Plaintiff incorporates all consistent paragraphs of this Complaint as if fully set forth under this count.

22. From approximately 1989 to 1995, Defendant Skowronski engaged in repeated, intentional, unpermitted, harmful and offensive sexual contact with Plaintiff.

23. From approximately 1989 to 1995, Defendant Skowronski owed Plaintiff a duty of reasonable care because Defendant Skowronski had a special relationship with Plaintiff and knew or should have known of the potential harm and foreseeable dangers.

24. Defendant Skowronski exploited this special relationship with Plaintiff when Defendant Skowronski engaged in unpermitted sexual contact with Plaintiff from approximately 1989 to 1995, when Plaintiff was approximately 5 to 10 years old.

25. Plaintiff suffered severe emotional and mental suffering and distress due to Defendant Skowronski's actions, as well as fear for her own physical safety.

26. As a result of Defendant Skowronski's breach, Plaintiff has incurred and will continue to incur medical costs to treat her past, present, and future psychological suffering as a result of being a victim of sexual abuse, sexual harassment, and violence while in Defendant Skowronski's control.

27. 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.

AS AND FOR A SECOND CAUSE OF ACTION:

NEGLIGENCE
(Patricia L. Saar)

28. Plaintiff incorporates all consistent paragraphs of this Complaint as if fully set forth under this count.

29. Defendant Saar owed Plaintiff a duty of reasonable care to protect Plaintiff from injury or harm.

30. Defendant Saar owed Plaintiff a duty of reasonable care because Defendant Saar had a special relationship with Defendant Skowronski and knew or should have known of Defendant Skowronski's propensity, prior instances of harmful sexual conduct of minors and the potential for harm and foreseeable dangers to Plaintiff.

31. As a result of Defendant Saar's breach, Plaintiff has incurred and will continue to incur medical costs to treat her past, present, and future injuries as a result of being a victim of sexual abuse, sexual harassment, and violence while in Defendant Saar's control.

32. 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.

AS AND FOR A THIRD CAUSE OF ACTION AGAINST DEFENDANTS:
FAILURE TO REPORT
(Patricia L. Saar)

33. Plaintiff incorporates all consistent paragraphs of this Complaint as if fully set forth under this count.

34. Defendant Saar had reasonable cause to suspect that Plaintiff was being abused and/or maltreated by Defendant Skowronski over the approximate six (6) year period of 1989-1995.

35. Defendant Saar knowingly and willfully failed to report the suspected child abuse or maltreatment to anyone, including the police or Child Protective Services.

36. The knowing and willful failure of Defendant Saar to report the child abuse and maltreatment of Plaintiff was a proximate cause of Plaintiff's damages.

37. 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.

AS AND FOR A FOURTH CAUSE OF ACTION AGAINST DEFENDANTS:
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
(Thomas D. Skowronski)

38. Plaintiff incorporates all consistent paragraphs of this Complaint as if fully set forth under this count.

39. During the time period of approximately 1989 – 1995, Defendant Skowronski allowed himself unrestricted access to Plaintiff and willfully and/or intentionally ignored complaints of sexual abuse, sexual harassment, and violence by Plaintiff.

40. During the time period referenced above, Defendant Skowronski willfully and/or intentionally ignored Plaintiff's safety by being alone with Plaintiff.

41. Defendant Skowronski was deliberately indifferent to the risk of sexual harassment and violence posed to Plaintiff by being alone with Plaintiff.

42. Defendant Skowronski willfully and/or intentionally created a hostile and unsafe environment that no child would be able to tolerate.

43. Defendant Skowronski behaved in a manner toward Plaintiff that was so outrageous as to exceed all reasonable bounds of decency.

44. Defendant Skowronski knew that his behavior caused Plaintiff to be a victim of sexual abuse, sexual harassment, and violence.

45. Defendant Skowronski knew with substantial certainty or should have known that his behavior would cause severe emotional distress to Plaintiff.

46. The foregoing acts of Defendant Skowronski caused Plaintiff physical, mental and emotional distress and injury.

47. 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.

AS AND FOR A FIFTH CAUSE OF ACTION AGAINST DEFENDANTS:
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
(Patricia L. Saar)

48. Plaintiff incorporates all consistent paragraphs of this Complaint as if fully set forth under this count.

49. Defendant Saar was negligent when she allowed Plaintiff to be exposed to sexual harassment, sexual abuse, and violence committed by Defendant Skowronski.

50. Defendant Saar knew or should have known this inaction would subject Plaintiff to further sexual harassment, sexual abuse, and violence, and knew or should have known this would unreasonably endanger Plaintiff's safety, cause her to fear for her safety, and cause her severe emotional distress and injury.

51. Defendant Saar owed a duty to Plaintiff to protect her from sexual harassment, sexual abuse, and violence from Defendant Skowronski, including but not limited to when on the Property.

52. Defendant Saar breached the duty owed to Plaintiff to protect her from sexual harassment, sexual abuse, and violence from Defendant Skowronski, including but not limited to when on the Property.

53. Plaintiff suffered severe emotional and mental suffering and distress due to Defendants' actions, as well as fear for her own physical safety.

54. 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.

AS AND FOR A SIXTH CAUSE OF ACTION AGAINST DEFENDANTS:
PUNITIVE DAMAGES
(Thomas Skowronski; Patricia Saar)

55. Plaintiff incorporates all consistent paragraphs of this Complaint as if fully set forth under this count.

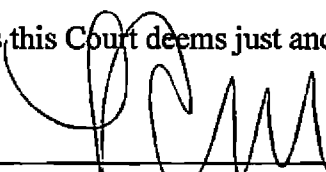
56. Defendant Saar's knowledge of the violence, sexual harassment, and/or misconduct against Plaintiff by or at the direction of Defendant Skowronski over an approximate six (6) year period of 1989-1995, including but not limited to while on the premises of the Property, is tantamount to a wanton and conscious disregard for the safety of Plaintiff and others, and warrants the imposition of punitive damages.

57. By reason of the malicious, intentional, willful, and/or negligent conduct of Defendants herein, and by such other acts that were morally reprehensible, Defendants' conduct evidenced a callous disregard for the safety of Plaintiff, and said acts constituted a wanton, reckless and/or malicious disregard for the rights of others and, as a result thereof, Plaintiff demands punitive damages.

58. 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.

WHEREFORE, Plaintiff demands judgment against Defendants in an amount which exceeds the jurisdictional limits of all other courts which might otherwise have jurisdiction, and for such other and further relief to Plaintiff as this Court deems just and proper.

DATED: January 10, 2020.



Leah Costanzo, Esq.
STEVE BOYD, PC
40 North Forest Road
Williamsville, NY 14221
Telephone: (716) 400-0000
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Jeffrey R. Anderson
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JEFF ANDERSON & ASSOCIATES, P.A.
52 Duane Street, 7th Floor
New York, NY 10007
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mreck@andersonadvocates.com

Counsel for Plaintiff