

STATE OF NEW YORK
SUPREME COURT: COUNTY OF ERIE

OF DOE 9,

Plaintiff,

SUMMONS

vs.

Index No.

ROMAN CATHOLIC DIOCESE
OF SYRACUSE,
240 East Onondaga Street
Syracuse, NY 13202

ROMAN CATHOLIC DIOCESE
OF SYRACUSE, INC.
240 East Onondaga Street
Syracuse, NY 13202

Defendants.

TO THE ABOVE-NAMED DEFENDANTS:

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

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

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

This action is brought in the County of Erie because it is the Plaintiff's County of residence.

DATED: Amherst, New York
January 8, 2020



Christopher J. O'Brien, Esq.
O'Brien & Ford, P.C.
Attorneys for Plaintiff
4925 Main Street, Suite 222
Buffalo, New York 14226
TEL: (716) 907-7777

STATE OF NEW YORK
SUPREME COURT: COUNTY OF ERIE

OF DOE 9,

COMPLAINT

Plaintiff,

Index No.

vs.

ROMAN CATHOLIC DIOCESE
OF SYRACUSE, ROMAN CATHOLIC
DIOCESE OF SYRACUSE, INC.,

Defendants.

Plaintiff, OF DOE 9, by his attorneys, O'Brien & Ford, P.C., as and for his
Complaint against the Defendants, hereby states and alleges:

1. At the current time, Plaintiff is an individual residing in the County of
Erie and State of New York.

2. Upon information and belief and at all times hereinafter referenced,
Defendant Roman Catholic Diocese of Syracuse was and is an organization or entity
organized, formed and existing pursuant to the laws of the State of New York and
conducting business within the State of New York with a principal place of business
being located at 240 East Onondaga Street, Syracuse, New York 13202.

3. The Roman Catholic Diocese of Syracuse operates its affairs both as an
organization known as The Roman Catholic Diocese of Syracuse and as a foundation
known as The Roman Catholic Diocese of Syracuse, Inc. located at 240 East Onondaga
Street, Syracuse, New York 13202.

4. Upon information and belief and at all times hereinafter referenced,
Defendant Roman Catholic Diocese of Syracuse, Inc. was and is a foundation formed,
organized and existing pursuant to the laws of the State of New York with a principal
place of business being located at 240 East Onondaga Street, Syracuse, New York 13202.

The foundation exists to solicit funds and to receive funds on behalf of The Roman Catholic Diocese of Syracuse.

5. The Roman Catholic Diocese of Syracuse operates its affairs as both a corporate entity, as the organization known as The Diocese of Syracuse as well as engaging in numerous revenue producing activities and fundraising activities whereby it solicits money from its members in exchange for its services and then deposits that money into the foundation.

6. The Diocese has at all times, had the power to appoint, train, supervise, monitor, remove and terminate each and every person working with children within the Diocese.

7. Upon information and belief and at all times hereinafter referenced, St. Rita Roman Catholic Church was a parish church and school located at 2530 Route 12 in Chenango Forks, New York, 13746.

8. At all times referenced herein, St. Rita Roman Catholic Church and its school were under the direct authority, control and province of Defendant The Roman Catholic Diocese of Syracuse and the Bishop of The Roman Catholic Diocese of Syracuse.

**AS AND FOR A FIRST SEPARATE AND
DISTINCT CAUSE OF ACTION AGAINST
ALL DEFENDANTS**

9. Plaintiff OF DOE 9 repeats and realleges the allegations contained in Paragraphs "1" through "8" as if more fully stated herein.

10. At all times material to this action, Jerome F. Weber was a Roman Catholic priest employed by The Roman Catholic Diocese of Syracuse and, as such, remained under the direct supervision, employ and control of the Defendants.

11. Defendants placed Father Weber in positions where he had access to and worked with children as an integral part of his work.

12. Defendants held their leaders and agents out as people of high morals, as possessing immense power, teaching families and children to obey these leaders and agents, teaching families and children to respect and revere these leaders and agents, soliciting youth and families to their programs, marketing to youth and families, recruiting youth and families and holding out that the people who worked in these programs were safe.

13. The Plaintiff was raised in a devout Roman Catholic family and attended St. Rita Roman Catholic Church, Syracuse in the Diocese of Syracuse. Both the Plaintiff and the Plaintiff's family came into regular contact with Father Weber as an agent and representative of the Defendants.

14. While the Plaintiff was a young parishioner at St. Rita Roman Catholic Church, Father Jerome F. Weber sexually abused, groped, assaulted and otherwise molested the 15-year-old Plaintiff during the years of 1971 through 1972.

15. Plaintiff's relationship to the Defendants as an infant, parishioner and participant in church activities was one in which the Plaintiff was subject to the ongoing influence of all Defendants.

16. The culture of the Catholic church over Plaintiff created pressure on Plaintiff to not report the abuse that the Plaintiff had suffered.

17. Defendants knew or should have known that Father Weber was a danger to children before Father Weber sexually assaulted the Plaintiff.

18. Prior to the sexual abuse of Plaintiff, Defendants learned or should have learned that Father Weber was not fit to work with children. Defendants by and through their agents, servants and/or employees became aware or should have become aware of Father Weber's propensity to commit sexual abuse and of the risk to the Plaintiff's safety.

19. Due to the negligence of the Defendants, the Plaintiff has suffered and will continue to suffer pain and suffering.

20. As a result of the foregoing, the Plaintiff sustained pain and suffering in an amount which exceeds the jurisdictional limits of all Courts of lower jurisdiction.

**AS AND FOR A SECOND SEPARATE AND
DISTINCT CAUSE OF ACTION AGAINST
ALL DEFENDANTS**

21. Plaintiff OF DOE 9 repeats and realleges the allegations contained in Paragraphs "1" through "20" as if more fully stated herein.

22. At all times hereinafter referenced, Father Weber was employed by Defendants and was under each Defendants supervision, employ and control when he committed the wrongful acts alleged herein.

23. Father Weber engaged in the wrongful conduct while acting in the course and scope of his employment with the Defendants and accomplished the sexual abuse by virtue of his job/created authority.

24. Defendants had a duty arising from their employment of Father Weber to ensure that Father Weber did not sexually molest children. Due to the failure of the Defendants to properly train, supervise and instruct their employees as well as the failure to supervise, monitor, chaperone and or investigate Father Weber, the sexual abuse took place.

25. As a result of the foregoing, the Plaintiff sustained pain and suffering in an amount which exceeds the jurisdictional limits of all Courts of lower jurisdiction.

**AS AND FOR A THIRD SEPARATE AND
DISTINCT CAUSE OF ACTION AGAINST
ALL DEFENDANTS**

26. Plaintiff OF DOE 9 repeats and realleges the allegations contained in Paragraphs "1" through "25" as if more fully stated herein.

27. Defendants became aware, or should have become aware of Father Weber's propensities for child sexual abuse and failed to take any further action to remedy the problem and failed to investigate or remove Father Weber from working with children.

28. Defendants negligently and/or recklessly retained Father Weber with knowledge of Father Weber's propensity for this type of behavior, which resulted in Plaintiff's injuries in this action.

29. Defendants negligently and/or recklessly retained Father Weber in a position where he had access to children and could foreseeably cause harm which Plaintiff would not have been subjected to had the Defendants acted reasonably.

30. In failing to timely remove Father Weber from working with children or terminate the employment of Father Weber, Defendants negligently and/or recklessly failed to exercise the degree of care that a reasonably prudent person would have exercised under similar circumstances.

31. As a result of the foregoing, the Plaintiff sustained pain and suffering in an amount which exceeds the jurisdictional limits of all Courts of lower jurisdiction.

WHEREFORE, Plaintiff seeks judgment against all Defendants in an amount in excess of all Courts of lower jurisdiction on all causes of action listed above and such other and further relief as this Court deems appropriate and just.

DATED: Amherst, New York
January 8, 2020



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O'Brien & Ford, P.C.
Attorneys for Plaintiff
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