

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

LG 46 DOE,

Plaintiff,

vs.

SUMMONS

YOUNG MEN'S CHRISTIAN
ASSOCIATION BUFFALO NIAGARA,
280 Cayuga Road
Cheektowaga, New York 14225

ALLIANCE OF NEW YORK
STATE YMCAS, INC.,
33 Elk Street, 2nd Floor
Albany, New York 12207

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 Plaintiff's residence located in Buffalo, New York.

DATED: Buffalo, New York
March 3, 2020

LIPSITZ GREEN SCIME CAMBRIA LLP

By: 
AMY C. KELLER, ESQ.
CHRISTINA M. CROGLIO, ESQ.

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STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

LG 46 DOE,

Plaintiff,

COMPLAINT

vs.

Index No.:

YOUNG MEN'S CHRISTIAN
ASSOCIATION BUFFALO NIAGARA, and
ALLIANCE OF NEW YORK STATE YMCAS, INC.,

Defendants.

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

**AS AND FOR A FIRST CAUSE OF ACTION AGAINST
DEFENDANTS, ABOVE NAMED, HEREIN,
PLAINTIFF, LG 46 DOE, ALLEGES AS FOLLOWS:**

1. Plaintiff, LG 46 DOE, is a resident of the County of Erie and 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 46 DOE, (hereinafter referred to as "THE CHILD") was an infant having been born in 1985.
4. Upon information and belief, at all times herein mentioned, Defendant, YOUNG MEN'S CHRISTIAN ASSOCIATION BUFFALO NIAGARA, 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 herein mentioned, Defendant, ALLIANCE OF NEW YORK STATE YMCAS, INC., 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 Albany and State of New York.

6. Defendants, YOUNG MEN'S CHRISTIAN ASSOCIATION BUFFALO NIAGARA and ALLIANCE OF NEW YORK STATE YMCAS, INC., are hereinafter collectively referred to as "YMCA."

7. Upon information and belief, James B. Jackson (hereinafter referred to as "THE CHILD MOLESTER") resides in the Village of Hamburg and State of New York.

8. Upon information and belief, at all times herein mentioned, THE CHILD MOLESTER was hired and employed by Defendant, YMCA, as a staff member to supervise and care for infant children.

9. Upon information and belief, at all times herein mentioned, the CHILD MOLESTER was assigned to Defendant, YOUNG MEN'S CHRISTIAN ASSOCIATION BUFFALO NIAGARA, as a staff member by Defendant, YMCA, and was acting as its agent, employee and/or representative.

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

11. At times hereinafter mentioned, THE CHILD, was a member of Defendant, YOUNG MEN'S CHRISTIAN ASSOCIATION BUFFALO NIAGARA.

12. Beginning on or about the 1st day of January 1992, and continuing through sometime in 1999, the CHILD MOLESTER sexually assaulted and committed battery upon THE CHILD at Defendant, YOUNG MEN'S CHRISTIAN ASSOCIATION BUFFALO NIAGARA, and said assault and battery constituted sexual offenses as defined in Article 130 of the Penal Law.

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

14. 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.

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

16. 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.

17. 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 DEFENDANTS, ABOVE NAMED, HEREIN:**

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

19. Upon information and belief, Defendant, YMCA, trained, hired, selected and approved THE CHILD MOLESTER as a staff member for Defendant, YMCA, placing him in a position with authority and power over THE CHILD.

20. Defendant, YMCA, 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.

21. Upon information and belief, prior to the incident set forth herein, Defendant, YMCA, was aware and was otherwise on actual notice that a number of its staff members, were sexually abusing and/or sexually assaulting and/or molesting and/or raping children.

22. 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, YMCA, in the training, hiring, selecting and assignment of THE CHILD MOLESTER.

23. The acts and/or omissions of Defendant, YMCA, constitute reckless disregard for the safety of THE CHILD and other children.

24. 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
DEFENDANTS, ABOVE NAMED, HEREIN:**

25. Plaintiff repeats, reiterates and re-alleges each and every allegation contained in paragraphs "1" through "24" of this Complaint with the same force and effect as if fully set forth herein.

26. 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, YMCA, in the retaining of THE CHILD MOLESTER.

27. The acts and/or omissions of Defendant, YMCA, constitute reckless disregard for the safety of THE CHILD and other children.

28. 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 DEFENDANTS, ABOVE NAMED, HEREIN:**

29. Plaintiff repeats, reiterates and re-alleges each and every allegation contained in paragraphs "1" through "28" of this Complaint with the same force and effect as if fully set forth herein.

30. 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, YMCA, in supervising THE CHILD MOLESTER.

31. The acts and/or omissions of Defendant, YMCA, constitute reckless disregard for the safety of THE CHILD and other children.

32. 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 FIFTH CAUSE OF ACTION AGAINST
DEFENDANTS, ABOVE NAMED, HEREIN:**

33. Plaintiff repeats, reiterates and re-alleges each and every allegation contained in paragraphs "1" through "32" of this Complaint with the same force and effect as if fully set forth herein.

34. Defendant, YMCA, is vicariously liable for the damages sustained by THE CHILD because THE CHILD MOLESTER was aided by his position with Defendant, YMCA, in committing the sexual assaults and battery upon THE CHILD.

35. 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 SIXTH CAUSE OF ACTION AGAINST
DEFENDANTS, ABOVE NAMED, HEREIN:**

36. Plaintiff repeats, reiterates and re-alleges each and every allegation contained in paragraphs "1" through "35" of this Complaint with the same force and effect as if fully set forth herein.

37. Defendant, YMCA, is vicariously liable for the actions of THE CHILD MOLESTER because Defendant, YMCA, materially increased the risk of sexual assault of sexual crimes upon THE CHILD and other children by conferring power or authority on its staff members over THE CHILD and other children.


38. Defendant, YMCA, is vicariously liable for the sexual assault and battery committed upon THE CHILD by THE CHILD MOLESTER because Defendant, YMCA, regularly placed THE CHILD MOLESTER and other staff members in situations of intimate or personal contact with THE CHILD and other young boys.

39. 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, Fourth, Fifth and Sixth 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
March 3, 2020

LIPSITZ GREEN SCIME CAMBRIA LLP

By: 
AMY C. KELLER, ESQ.
CHRISTINA M. CROGLIO, ESQ.

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