

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ERIE

DANIEL VALVO,

*Plaintiff,*

v.

ST. JOSEPH'S CATHEDRAL, a/k/a, ST. JOSEPH CATHEDRAL;  
ST. BRENDAN'S CHURCH; and SS. BRENDAN & JUDE PARISH,

*Defendants.*

[Please see Attached Rider for Defendants' Addresses]

Index No.

SUMMONS

Date Index No. Purchased:  
October 1, 2020

To the above named Defendant(s)

[Redacted]

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 within 20 days after the service of this summons, exclusive of the day of service (or within 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.

The basis of venue is one or more Defendant resides in Erie County, New York, which is located in Erie County, New York.

Dated: New York, New York  
October 1, 2020

SIMMONS HANLY CONROY LLC



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SUPREME COURT OF THE STATE OF NEW YORK  
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& JUDE PARISH,

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**RIDER TO SUMMONS**

<b>Defendant/Counsel</b>	<b>Service Address</b>
ST. JOSEPH'S CATHEDRAL, a/k/a, ST. JOSEPH CATHEDRAL	50 Franklin Street, Buffalo, Erie County, New York
ST. BRENDAN'S CHURCH	11 South Main Street, Almond, Alleghany County, New York
SS. BRENDAN & JUDE PARISH	

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& JUDE PARISH,

*Defendants.*

Index No.

**COMPLAINT**

**JURY TRIAL DEMANDED**

Plaintiff Daniel Valvo, by his attorneys Simmons Hanly Conroy LLC and the Law Offices of Mitchell Garabedian, brings this action against St. Joseph's Cathedral, also known as St. Joseph Cathedral; St. Brendan's Church; and SS. Brendan & Jude Parish, and alleges, on personal knowledge as to himself and on information and belief as to all other matters, as follows:

**JURISDICTION AND VENUE**

1. This Court has personal jurisdiction over the Defendants pursuant to CPLR 301 and 302, in that the Defendants reside in New York.
2. This Court has jurisdiction over this action because the amount of damages Plaintiff seeks exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.
3. Venue for this action is proper in the County of Erie pursuant to CPLR 503 in that one or more of the Defendants reside in this County and a substantial part of the events or omissions giving rise to the claims asserted herein occurred in this County.

**PARTIES**

4. Plaintiff Daniel Valvo ("Plaintiff") is an individual residing in Erie County, New York.
5. Defendant St. Joseph's Cathedral, also known as St. Joseph Cathedral ("St.

Joseph's") is a Roman Catholic parish within and under the authority of the Bishop of Buffalo and is a religious corporation organized pursuant to the Religious Corporations Law with its principal office at 50 Franklin Street, Buffalo, Erie County, New York. At relevant and material times, the Roman Catholic Bishop of Buffalo, New York was the President of St. Joseph's, and the Roman Catholic Vicar General of Buffalo, New York was the Vice-President of St. Joseph's.

6. Defendant St. Brendan's Church ("St. Brendan's") was a Roman Catholic parish within and under the authority of the Bishop of Buffalo and was apparently a religious corporation organized pursuant to the Religious Corporations Law with its principal office at 11 South Main Street, Almond, Alleghany County, New York. At relevant and material times, the Roman Catholic Bishop of Buffalo, New York was the President of St. Brendan's, and the Roman Catholic Vicar General of Buffalo, New York was the Vice-President of St. Brendan's.

7. Defendant SS. Brendan & Jude Parish ("SS. Brendan & Jude") is a Roman Catholic parish within and under the authority of the Bishop of Buffalo and is a religious corporation organized pursuant to the Religious Corporations Law with its principal office at 11 South Main Street, Almond, Alleghany County, New York. As a result of a corporate merger, Defendant SS. Brendan & Jude is the legal successor to Defendant St. Brendan's.

### FACTS COMMON TO ALL CLAIMS

8. Plaintiff and his family were parishioners of and attended St. Joseph's when Plaintiff was a minor child. Plaintiff served as an altar boy at St. Joseph's and was a student at the parochial elementary school affiliated with St. Joseph's when Plaintiff was a minor child.

9. Father Louis J. Hendricks ("Father Hendricks") was ordained a Roman Catholic priest in approximately 1963. From approximately 1963 to approximately 1964, Father Hendricks served as a priest at Defendant St. Brendan's. From approximately 1965

to approximately 1974, Father Hendricks served as a priest at Defendant St. Joseph's, where Plaintiff and Plaintiff's family were parishioners when Plaintiff was a minor child. Father Hendricks died in approximately 1990.

10. Prior to Father Hendricks being assigned to Defendant St. Joseph's, Defendant St. Brendan's and its executive officers knew or should have known it was not safe to allow Father Hendricks to have unsupervised contact with minor children, in that Father Hendricks posed a sexual danger to minor children. The Roman Catholic Bishop and Vicar General of Buffalo concealed the information about the danger Father Hendricks posed to minor children, in order that the Roman Catholic Bishop and Vicar General of Buffalo could assign Father Hendricks to work at parishes, including St. Joseph's. Defendant St. Brendan's aided and abetted the Roman Catholic Bishop and Vicar General of Buffalo in concealing the information about the danger Father Hendricks posed to minor children.

11. Through his positions at, within, or for Defendant St. Joseph's, Father Hendricks was put in direct contact with members of the Plaintiff's family, including Plaintiff, a minor parishioner of Defendant St. Joseph's.

12. From approximately 1972 when Plaintiff was approximately ten years of age, to approximately 1974 when Plaintiff was approximately twelve years of age, Plaintiff served as an altar boy under the supervision of Father Hendricks and would, at times, be alone with Father Hendricks at St. Joseph's.

13. Father Hendricks used such encounters, gained through his position at St. Joseph's which granted him access to Plaintiff when Plaintiff was approximately ten to approximately twelve years of age, to sexually assault, sexually abuse, and/or have sexual contact with the Plaintiff on at least four occasions in violation of the laws of the State of New York.

#### **Defendants' Responsibility for the Abuse Committed by Father Hendricks**

14. At all times material hereto, Father Hendricks was under the management,

supervision, employ, direction and/or control of Defendants St. Joseph's and St. Brendan's.

15. Through his positions at, within, or for Defendant St. Joseph's, Father Hendricks was put in direct contact with Plaintiff.

16. Father Hendricks used his position at, within, or for Defendant St. Joseph's and the implicit representations made by Defendant St. Joseph's about Father Hendricks' character that accompanied that position, to gain Plaintiff's trust and confidence and to create an opportunity to be alone with, and to sexually touch, Plaintiff.

17. Defendant St. Joseph's had the duty to reasonably manage, supervise, control and/or direct priests who served at St. Joseph's, and specifically, had a duty not to aid pedophiles such as Father Hendricks by assigning, maintaining, and/or appointing them to positions with access to minors.

18. Defendant St. Brendan's had a duty to reasonably supervise, direct, manage, and control Father Hendricks when Father Hendricks was assigned to St. Brendan's. Defendant St. Brendan's had a duty not to assist, aid, and abet the Roman Catholic Bishop and Vicar General of Buffalo in concealing information which would have disclosed that Father Hendricks posed a danger to minor children when he had contact with such minors, especially when Defendant St. Brendan's knew or should have known that Father Hendricks posed such a danger and Father Hendricks was being transferred to other parishes where he would have unsupervised contact with minors. Defendant St. Brendan's assisted, aided, and abetted the Roman Catholic Bishop and Vicar General of Buffalo in concealing information showing that Father Hendricks posed a danger to minor children from parishes to which Father Hendricks was subsequently assigned.

19. As a result of Defendant St. Brendan's assisting, aiding, and abetting the Roman Catholic Bishop and Vicar General of Buffalo in concealing information which would have disclosed that Father Hendricks posed a danger to minor children, Father

Hendricks was assigned to St. Joseph's without any notice to the parishioners of St. Joseph's about the danger Father Hendricks posed to minor children. As a result, Father Hendricks had unsupervised access to Plaintiff, a minor child, who Father Hendricks sexually abused.

20. Defendants St. Joseph's and St. Brendan's knew and/or reasonably should have known, and/or knowingly condoned, and/or covered up, the inappropriate and unlawful sexual activities of Father Hendricks, who sexually abused Plaintiff.

21. Defendant St. Joseph's had a duty to the Plaintiff to properly supervise St. Joseph's priests to ensure that priests did not use their positions with St. Joseph's as a tool for grooming and assaulting vulnerable children. Defendant St. Joseph's knew or should have known that Father Hendricks used his positions with St. Joseph's to sexually abuse minor children, including the Plaintiff.

#### **Consequences of the Abuse**

22. Plaintiff suffered personal physical and psychological injuries and damages as a result of Father Hendricks' actions, as well as other damages related thereto, as a result of the childhood sexual abuse Plaintiff sustained.

23. As a direct result of the Defendants St. Joseph's and St. Brendan's conduct described herein, Plaintiff suffered and will continue to suffer great pain of mind and body, severe and permanent emotional distress, and physical manifestations of emotional distress. Plaintiff was prevented from obtaining the full enjoyment of life; has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling; and has incurred and will continue to incur loss of income and/or loss of earning capacity. As a victim of Father Hendricks' sexual abuse, Plaintiff is unable at this time to fully describe all of the details of that abuse and the extent of the harm he suffered as a result.

## CAUSES OF ACTION

### FIRST CAUSE OF ACTION

#### **Negligent Hiring/Retention/Supervision/Direction**

24. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 23 as if fully set forth herein.

25. Defendant St. Joseph's owed a duty of care to all minor persons, including Plaintiff, who were likely to come within the influence or supervision of Father Hendricks in his role as priest, counselor, trustee, director, officer, employee, agent, servant and/or volunteer, to insure that Father Hendricks did not use his assigned position to injure minors by sexual assault, sexual abuse, or sexual contact in violation of the laws of the State of New York.

26. Defendant St. Joseph's at all relevant times represented that its facilities were safe places for minors to attend or visit, and that its priests were individuals to whom it was safe to entrust the care of minor children. Defendant St. Joseph's entered into an express and/or implied duty to safely treat Plaintiff and assumed the duty to protect and care for him.

27. Father Hendricks sexually assaulted, sexually abused, and/or had sexual contact with Plaintiff when Plaintiff was a minor at St. Joseph's.

28. Defendant St. Joseph's negligently hired, retained, directed, and supervised Father Hendricks, though it knew or should have known that Father Hendricks posed a threat of sexual abuse to minors.

29. Defendant St. Joseph's knew or should have known of Father Hendricks' propensity for the conduct which caused Plaintiff's injuries prior to, or at the time of, the injuries' occurrence.

30. Defendant St. Joseph's was negligent in failing to properly supervise Father Hendricks.

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



result of negligence.

32. At all times material hereto, Defendant St. Joseph's actions were willful, wanton, malicious, reckless, negligent and/or outrageous in their disregard for the rights and safety of Plaintiff.

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

34. By reason of the foregoing, Defendant St. Joseph's is liable to the Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

## SECOND CAUSE OF ACTION

### Negligence/Gross Negligence

35. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 23 as if fully set forth herein.

36. Defendants St. Joseph's and St. Brendan's knew, or were negligent in not knowing, that Father Hendricks posed a threat of sexual abuse to children.

37. The acts of Father Hendricks described hereinabove were undertaken, and/or enabled by, and/or during the course, and/or within the scope of his employment, appointment, assignment, and/or agency with Defendant St. Joseph's.

38. Defendant St. Joseph's owed Plaintiff, a minor at the relevant times of abuse, a duty to protect him from Father Hendricks' sexual deviancy and the consequential damages, both prior to and/or subsequent to Father Hendricks' misconduct.

39. Defendant St. Brendan's had a duty not to assist, aid, and abet the Roman Catholic Bishop and Vicar General of Buffalo in concealing the danger Father Hendricks posed to minor children.

40. Defendants St. Joseph's and St. Brendan's 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.

41. Defendant St. Joseph's:
- 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 Father Hendricks;
  - 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.

42. At all times material hereto, with regard to the allegations contained herein, Father Hendricks was under the supervision, employ, direction and/or control of Defendants St. Joseph's and St. Brendan's.

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

44. As a direct and/or indirect result of said conduct, Plaintiff has suffered and will continue to suffer the injuries and damages described herein.

45. Liabilities of Defendant St. Brendan's were transferred to, or assumed by, Defendant SS. Brendan & Jude. As a result, Defendant SS. Brendan & Jude is liable to the Plaintiff for the damages caused by Defendant St. Brendan's stated in this cause of action.

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

**THIRD CAUSE OF ACTION**  
**Breach of Fiduciary Duty**

47. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 23 as if fully set forth herein.

48. There exists a fiduciary relationship of trust, confidence, and reliance between Plaintiff and Defendant St. Joseph's. This relationship is based on the entrustment of the Plaintiff while he was a minor child to the care and supervision of the agent or servant of the Defendant St. Joseph's. This entrustment of the Plaintiff to the care and supervision of the Defendant St. Joseph's, while the Plaintiff was a minor child, required Defendant St. Joseph's to assume a fiduciary relationship and to act in the best interests of the Plaintiff, as well as to protect him while he was a minor and vulnerable child.

49. Pursuant to their fiduciary relationship, Defendant St. Joseph's was entrusted with the well-being, care, and safety of Plaintiff.

50. Pursuant to their fiduciary relationship, Defendant St. Joseph's assumed a duty to act in the best interests of Plaintiff.

51. Defendant St. Joseph's breached its fiduciary duty to Plaintiff.

52. At all times material hereto, the actions and/or inactions of Defendant St. Joseph's were willful, wanton, malicious, reckless, negligent and outrageous in their disregard for the rights and safety of Plaintiff.

53. As a direct result of said conduct, Plaintiff has suffered and will continue to suffer the injuries and damages described herein.

54. By reason of the foregoing, Defendant St. Joseph's is liable to the Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

**FOURTH CAUSE OF ACTION**  
**Aiding and Abetting Fraud**

55. Plaintiff repeats and re-alleges each and every allegation set forth in

paragraphs 1 through 23 as if fully set forth herein.

56. The Roman Catholic Bishop and Vicar General of Buffalo fraudulently concealed from the parishioners of St. Joseph's information that would have shown Father Hendricks was a danger to minor children.

57. Defendant St. Brendan's had information that would have shown Father Hendricks was a danger to minor children. Defendant St. Brendan's assisted the Roman Catholic Bishop and Vicar General of Buffalo in fraudulently concealing information from the parishioners about the danger Father Hendricks posed to parishioners.

58. If the information about the danger Father Hendricks posed to minors had not been concealed from parishioners, Father Hendricks would not have been assigned to St. Joseph's where Father Hendricks sexually assaulted, sexually abused, and/or had sexual contact with the Plaintiff.

59. To assist Buffalo's Roman Catholic Bishop and Vicar General in fraudulently concealing the information about Father Hendricks, Defendant St. Brendan's failed to disclose Father Hendricks' propensity to sexually abuse minors, and intentionally concealed knowledge of Father Hendricks' inappropriate and unlawful sexual activities, knowing that minor children, including Plaintiff, in other parishes where Father Hendricks was assigned would rely upon this material omission.

60. As a direct and/or indirect result of said conduct, Plaintiff has suffered and will continue to suffer the injuries and damages described herein.

61. Liabilities of Defendant St. Brendan's were transferred to, or assumed by, Defendant SS. Brendan & Jude. As a result, Defendant SS. Brendan & Jude is liable to the Plaintiff for the damages caused by Defendant St. Brendan's stated in this cause of action.

62. By reason of the foregoing, Defendants St. Brendan's and SS. Brendan & Jude are liable to the Plaintiff, jointly, severally and/or in the alternative liable to the Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

WHEREFORE Plaintiff, demands judgment against the Defendants on each cause of action as follows:

- A. Awarding compensatory damages in an amount to be proved at trial, but in any event in an amount that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction;
- B. Awarding punitive damages to the extent permitted by law;
- C. Awarding prejudgment interest to the extent permitted by law;
- D. Awarding costs and fees of this action, including attorneys' fees, to the extent permitted by law; and
- E. Awarding such other and further relief as to this Court may seem just and proper.

### JURY DEMAND

Plaintiff demands a trial by jury on all issues so triable.

Dated: October 1, 2020  
New York, New York

Respectfully Submitted,

/s/ Paul J. Hanly, Jr.

Paul J. Hanly, Jr.

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