

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

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[REDACTED],

**Index No.:**

Plaintiff,

v.

ST. JOHN OF GOD ROMAN  
CATHOLIC CHURCH a/k/a  
ST. JOHN OF GOD PARISH,

**SUMMONS**

Defendants.

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To the above-named Defendants:

**YOU ARE HEREBY SUMMONED** to Answer the attached Complaint in this action and to serve upon Plaintiff's attorneys a copy of your Answer, or, if the Complaint is not served with this Summons, to serve a notice of appearance, on the Plaintiffs' 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.

**PLEASE TAKE NOTICE** in case of your failure to appear or answer, judgement will be taken against you by default for the relief demanded in the Complaint.

Dated: June 24, 2021  
New York, New York

Respectfully Submitted,



Kathleen Thomas, Esq.  
kat@tlclawllc.com  
Thomas Legal Counselors At Law  
11 Broadway, Suite 615  
New York, NY 10004

**DEFENDANT'S ADDRESS:**

ST. JOHN OF GOD ROMAN CATHOLIC CHURCH  
A/K/A ST. JOHN OF GOD PARISH's:

84 Carleton Ave, Central Islip, NY 11722 (in Suffolk County, New York)

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU**

-----X

**Index No.:**


Plaintiff,

v.

**COMPLAINT  
JURY TRIAL DEMAND**ST. JOHN OF GOD ROMAN  
CATHOLIC CHURCH a/k/a  
ST. JOHN OF GOD PARISH

Defendants.

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Plaintiff “” (“Plaintiff”), by and through his attorneys, Thomas Counselor at Law, LLC as and for his Complaint in this matter against Defendants ST. JOHN OF GOD ROMAN CATHOLIC CHURCH a/k/a ST. JOHN OF GOD PARISH, hereby alleges as follows:

**NATURE OF CLAIM**

1. This case is brought pursuant to New York’s Child Victims Act (“CVA”) (CPLR § 214-g).
2. Pursuant to the CVA, Plaintiff timely brings his causes of action within the two year “retroactive revival window” which removes the previously applicable statute of limitations.
3. Pursuant to the CVA, Defendants are liable for the intentional and negligent acts and omissions which contributed to Plaintiff being a victim of child sexual abuse and resulted in serious psychological and emotional harms suffered by Plaintiff.
4. As defined by the CVA, Plaintiff was less than eighteen years of age at the times of the criminal sexual assaults and sexual abuse alleged herein.
5. Plaintiff may bring the causes of action against Defendants in this matter pursuant to the CVA statute of limitations set forth in the CVA § 3.

CPLR 1603 – NO APPORTIONMENT OF LIABILITY

6. Pursuant to CPLR 1603, the foregoing causes of action are exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(2), CPLR 1602(5), 1602(7) and 1602(11), thus precluding defendants from limiting their liability by apportioning some portion of liability to any joint tortfeasor.

JURISDICTION AND VENUE

7. This Court has jurisdiction over all Defendants pursuant to CPLR § 301 and § 302, in that the Defendants have principal places of businesses within the State of New York, transact business, and contracts to supply services within the State of New York and committed tortious acts within the State of New York.

8. This Court has jurisdiction over this action because the amount of damages Plaintiff seeks exceed the jurisdictional limits of all lower courts that would otherwise have jurisdiction.

9. Venue for this action is proper in the County of Nassau pursuant to CPLR § 503, in that Defendant resides in this County.

PARTIES

10. Plaintiff “[REDACTED]” (hereinafter “Plaintiff”) is an adult resident of the State of Delaware.

11. “Defendant” in this matter refers to the named Defendants and its predecessors, successors, affiliates, subsidiaries, and parent companies.

12. At all times material, Defendant ST. JOHN OF GOD ROMAN CATHOLIC CHURCH A/K/A ST. JOHN OF GOD PARISH’s (hereinafter “Defendant Church”) principal place of business is at 84 Carleton Ave, Central Islip, NY 11722 in Suffolk County, New York.

13. At all times material, Defendant Church was and is, a domestic not-for-profit organization and entity authorized to conduct business and is conducting business in the State of New York.

14. Defendant Church includes, but is not limited to the St. John of God Roman Catholic Church (hereinafter “St. John of God Church” or “church”) and the St. John of God School located at 84 Carleton Ave, Central Islip, NY 11722, and any other organizations and/or entities operating under the same or similar name with the same or similar principal place of business.

15. At all times material, Defendants Church owned, operated, managed, maintained, and controlled St. John of God Church and St. John of God School.

16. At all times material, non-party DIOCESE OF ROCKVILLE CENTRE a/k/a THE ROMAN CATHOLIC DIOCESE OF ROCKVILLE CENTRE, NEW YORK (hereinafter “the Diocese”) was and is, an entity and organization, which creates, overseas, manages, owns, operates, controls, and directs a network of hundreds of schools, programs, parishes, and churches in in the State of New York, in the counties of Nassau and Suffolk, including Defendant Church.

#### STATEMENT OF FACTS

17. Plaintiff re-alleges and incorporates by reference each and every allegation contained in the preceding and subsequent paragraphs as though fully set forth herein.

18. Upon information and belief, the facts and background currently known to the Plaintiff are as follows:

19. At all times material, Defendant Church was the owner of the St. John of God Church.

20. At all times material, Defendant Church was the owner of the St. John of God School.

21. At all times material, Defendant Church oversaw, managed, controlled, and directed all employees, agents, staff, clergy, pastors, priests, seminarians, volunteers and other parish members assigned to work and/or perform services and duties in St. John of God Church and St. John of God School and associated entities, including Seminarian Paul Butler.

22. For decades, the Diocese and the entities within the Diocese's network and control, including but not limited to Defendant Church, denied, covered-up and actively concealed the child sexual abuse perpetrated at the hands of the priests, clergy, and others who were under the direction, control, management, and employment of Defendants.

23. As a result, numerous children were groomed, sexually abused, and assaulted by perpetrating priests, clergy, and others.

24. As a result of Defendant Church's gross failures in their duties to protect against, report, and intervene the bad acts concealed by Defendants, Plaintiff suffered serious child sexual abuse perpetrated against him by Paul Butler.

25. In approximately 1980, Paul Butler was assigned and directed by Defendants to work and perform ministerial services and clerical duties at St. John of God Church and St. John of God School.

26. At all times material, Paul Butler was on the staff of, acted as an agent of, and served as an employee of the Defendant Church.

27. At all times material, Defendant represented to Plaintiff and Plaintiff's parents, that Paul Butler was a qualified, safe, and a trustworthy leader of the parish, church, and

community, and would at all times Plaintiff was safe in the care, custody and control of Paul Butler.

28. Based upon Defendants representations, Plaintiff and Plaintiff's parents, reasonably believed that Plaintiff would be safe under the care and supervision of Paul Butler.

29. Unfortunately, the opposite was true. Due to Defendants' gross mishandling, failures in their duties, and negligence, Plaintiff was sexually abused, molested, fondled and assaulted by Paul Butler.

30. From approximately 1979 – 1984, when Plaintiff was approximately nine (9) years old to 13 years old, Plaintiff was enrolled at the St. John of God School and was an altar boy at the St. John of God Church under the care and supervision of Defendants.

31. From approximately 1979 – 1984, Plaintiff was an altar boy for the St. John of God Church and regularly performed altar boy services for funeral services and other church-sponsored events and masses.

32. During this time, Paul Butler was assigned by Defendants to actively perform duties, services, and ministerial work at St. John of God Church and School, including but not limited to, supervising and monitoring the Church altar boys' duties and schedule.

33. During this time, that Paul Butler was "put in charge of the altar boys" he developed inappropriately close relationships with the altar boys, began predatory grooming and gain the trust and obedience of the altar boys at the church, including Plaintiff, and Defendants, by and through their employees, witnessed the inappropriate relationships and grooming with Plaintiff.

34. Specifically, Paul Butler had a pattern and practice of meeting with some of the altar boys alone in the scarcity where he would give altar boys, as young as sixth grade level, the

unconsecrated wine, the communion hosts and frequently “wrestle with” and grab the young altar boys from behind. This was witnessed by Defendants.

35. Paul Butler would then instruct one altar boy to stay after for “additional religious education” and then proceed to sexually abuse the child alone in the scarcity.

36. Paul Butler’s sexual abuse of children occurred prior to, and during, the times of sexual abuse perpetrated against Plaintiff.

37. Paul Butler’s sexual abuse of children was so pervasive and apparent that the altar boys would warn one another about being left alone with Butler.

38. Starting in approximately 1980-1981, Paul Butler began grooming and abusing Plaintiff by giving Plaintiff alcohol, coming up behind Plaintiff and grabbing him and lifting him up, wrestling with Plaintiff, and putting his hands on Plaintiff’s private areas and buttocks.

39. Paul Butler sexual abuse escalated after several encounters with Plaintiff to the point where Butler repeatedly forcibly touched, grabbed and fondled Plaintiff’s genitals under Plaintiff’s clothing, and masturbated Plaintiff.

40. Starting in approximately 1981-1982, during the times that Plaintiff was scheduled to perform altar boy services, Paul Butler was permitted unfettered and unsupervised access to be alone with Plaintiff and other young altar boys around the time of funerals and other church services.

41. As a result of Defendants permitting unchecked, unfettered and unsupervised access to young minor boys, Paul Butler sexually abused Plaintiff at the Church.

42. The sexual abuse perpetrated against Plaintiff by Paul Butler continued until approximately 1982 - 1983.

43. In 1982-1983, after an incident of sexual abuse that lead to police involvement, Paul Butler was transferred out of the St. John of God Church parish and School to another parish within Long Island, New York.

44. Plaintiff was sexually abused by Paul Butler, as described herein, on more than five (5) separate occasions.

45. Paul Butler used his position as clergy, employee, and/or agent of Defendant to prey upon, intimidate and sexually abuse and forcibly touch Plaintiff.

46. Throughout Paul Butler employment with Defendant, and prior to the sexual abuse perpetrated against Plaintiff, Defendant had actual and constructive notice that the Paul Butler was sexually abusing children.

47. Despite warnings, notice, and “red flags” that Paul Butler was sexually abusing children, Defendant continued to allow Paul Butler unchecked and unfettered access to isolated and private meetings with underage children resulting in child sexual abuse perpetrated against Plaintiff.

**AS AND FOR THE FIRST CAUSE OF ACTION AS AGAINST ALL  
DEFENDANTS FOR NEGLIGENCE, GROSS NEGLIGENCE, RECKLESSNESS, AND  
FAILURE TO EXERCISE A REASONABLE STANDARD OF CARE**

1. Plaintiff re-alleges and incorporates by reference each and every allegation contained in the proceeding and subsequent paragraphs as though fully set forth herein.

2. Prior to sexual abuse perpetrated against Plaintiff as described herein, Defendants, their agents and/or employees, knew or should have known of Paul Butler propensities for the sexual misconduct perpetrated against Plaintiff.

3. Defendants, their agents and/or employees, had actual and constructive knowledge that Paul Butler was sexually abusing children.



4. However, even though Defendants knew, or should have known, that Paul Butler was abusing young children, Defendants did nothing to investigate or prevent further malfeasance by Paul Butler, demonstrating their conscious and reckless disregard for the safety of Plaintiff and other the children in their church and parish.

5. At all times material, Defendants, their agents and/or employees, had a duty to Plaintiff and similarly situated children to use the same degree of care as a reasonably prudent person would use to provide a safe and secure church environment free from foreseeable harms.

6. At all times material, Defendants, their agents and/or employees, negligently, recklessly, and carelessly breached their duty owed to Plaintiff to provide reasonable care and ensure a safe and suitable environment, including, but is not limited to, the following:

- a. Defendants failed to institute and/or implement and execute proper policies and procedures to ensure the safety of children in their church and parish;
- b. Defendants failed to institute and/or implement and execute proper policies and security measures that would have prevented Paul Butler from freely engaging in insulated and private interactions with children that resulted in foreseeable sexual abuse occurrences;
- c. Defendants failed to properly notify, train, and otherwise educate students and employees concerning the impropriety of sexual and non-sexual touching, sexual relations with students; and proper identification and intervention of foreseeable sexual abuse occurrences;
- d. Defendants failed to create and/or follow a safety protocol and any corresponding and related rules, regulations, policies, practices, and procedures

that would have discovered, prevented, and/or intervened the causes of action that resulted in Plaintiff's injuries;

e. Defendants failed to properly investigate reports of misconduct perpetrated by Paul Butler;

f. Defendants failed to report and notify the proper authorities upon discovery and notification of Paul Butler bad acts.

7. Defendants, their agents and/or employees, had a duty and opportunity to intervene and prevent the sexual abuse perpetrated against Plaintiff and failed to do so.

8. Defendants, their agents and/or employees, failed to discover, intervene, and come to the aide or rescue of Plaintiff, after placing him in an inadequately supervised and unsafe environment, in which it was reasonably foreseeable and known that criminal sexual misconduct and sexual abuse could occurred.

9. Defendants, their agents and/or employees, were negligent by failing to provide sufficient, competent and qualified pastors, clergy, administrators, staff, and other personnel for the care and supervision of Plaintiff and other similarly situated children; in failing to enact, adopt and enforce a program to reasonably ensure that children remained free from grooming, inappropriate touch, sexual misconduct, sexual assault and abuse.

10. Defendants, their agents and/or employees, knowingly, willfully, recklessly, and with gross negligence breached their duty of care to protect Plaintiff against the harms and injuries caused by child sexual abuse.

11. Defendants, their agents and/or employees, knowingly, willfully, and recklessly breached its duty of care by completely failing to supervise Plaintiff and allow him to be alone with Paul Butler and allowing Plaintiff to be sexually abused by their employees.

12. As a direct and proximate result of Defendants', their agents and/or employees, negligence, gross negligence, negligent supervision, and careless and reckless conduct, Plaintiff sustained in the past and will sustain in the future pain and suffering,

13. Plaintiff sustained said injuries by reason of carelessness, recklessness, breach of duties, and negligence of Defendants, their agents, employees, and/or contractors all without any negligence on the part of Plaintiff.

**AS AND FOR THE SECOND CAUSE OF ACTION AS AGAINST ALL  
DEFENDANTS FOR NEGLIGENT RETENTION**

14. Plaintiff re-alleges and incorporates by reference each and every allegation contained in the proceeding and subsequent paragraphs as though fully set forth herein.

15. Prior to sexual abuse perpetrated against Plaintiff as described herein, Defendants, their agents and/or employees, knew or should have known of the Paul Butler 's propensities for child sexual abuse perpetrated against Plaintiff.

16. At all relevant times, Defendants, their agents and/or employees, had a duty to reasonably ensure that Paul Butler would not use his position of power and trust in order to groom and sexually abuse children.

17. At all relevant times, Defendants, their agents and/or employees, negligently, grossly negligently, and/or recklessly retained, and supervised Paul Butler though they knew or should have known of his propensities for child sexual abuse.

18. At all relevant times, Defendants, their agents and/or employees, had a duty to properly investigate, check references, and take other appropriate measures to ensure that Paul Butler was properly vetted to work with children.

19. At all relevant times, Defendants, their agents and/or employees, failed in their duty to reasonably ensure that the Paul Butler did not use their position of power and trust to groom and sexually abuse children.

20. At all relevant times, Defendants, their agents and/or employees, failed to properly investigate and take appropriate measures to evaluate and supervise Paul Butler throughout his employment with Defendants.

21. In failing to timely remove Paul Butler from working with children or terminate the employment of Paul Butler, Defendants, their agents and/or employees, knowingly, negligently, recklessly and carelessly authorized and permitted Paul Butler to continue working with young children without adequate supervision, monitoring and accountability.

22. At all relevant times, Defendants, their agents and/or employees, knowingly, negligently, recklessly and carelessly placed Paul Butler in a position to cause foreseeable harm, which would not have occurred had Defendants taken reasonable care in the decisions respecting the hiring and retention of the Paul Butler.

23. As a direct and proximate result of Defendants, their agents and/or employees, negligent retention, Plaintiff sustained in the past and will sustain in the future pain and suffering,

24. Plaintiff sustained said injuries by reason of carelessness, recklessness, breach of duties, and negligence of Defendants, their agents and/or employees, all without any negligence on the part of Plaintiff.

**AS AND FOR THE THIRD CAUSE OF ACTION AS AGAINST ALL  
DEFENDANTS FOR NEGLIGENT TRAINING AND NEGLIGENT  
SUPERVISION**

25. Plaintiff re-alleges and incorporates by reference each and every allegation contained in the proceeding and subsequent paragraphs as though fully set forth herein.

26. Paul Butler was under the direction, supervision, control, and management of Defendants at the times that the wrongful acts were committed.

27. At all relevant times, Paul Butler was acting within the scope of his employment by using their trust, power of authority, and position given to them by Defendants in order to accomplish their wrongful acts committed against children, including Plaintiff.

28. At all relevant times, Defendants, their agents and/or employees, had a duty to ensure that the children under their supervision, care, custody and control were not being molested and sexually abused by their employees.

29. At all relevant times, Defendants, their agents and/or employees, had a duty to properly supervise and monitor the work, activities, and duties of Paul Butler, and other clergy, pastors, and other employees.

30. At all relevant times, Defendants, their agents and/or employees, had a duty to ensure that Paul Butler, and other priest, pastors, clergy, and others were not abusing their position of power and trust to perpetrate sexual abuse against children under their supervision and care.

31. At all relevant times, Defendants, their agents and/or employees, had a duty to supervise, monitor, and inspect the churches under their direction, control, management, and supervision, in particular the St. John of God church, to ensure that there were no inappropriate private meetings alone with children where it was foreseeable that child sexual abuse could occur.

32. At all relevant times, Defendants, their agents and/or employees, failed in their duty to ensure that their employees were not sexually abusing children.

33. At all relevant times, Defendants, their agents and/or employees, failed in their duty to ensure that Paul Butler was not using their position of power and trust to cause foreseeable harms to the children under their supervision and care.

34. At all relevant times, Defendants, their agents and/or employees, failed in their duty to properly supervise and monitor the work, activities, and duties of Paul Butler, which resulted in the foreseeable harms caused to Plaintiff and other similarly situated children.

35. At all relevant times, Defendants, their agents and/or employees, failed in their duty to adequately and properly supervise, monitor, and inspect the premises of the church to ensure that children were being safely cared for, and not isolated with perpetrating adults.

36. At no time during the periods of time alleged did Defendants, their agents, employees, and/or contractors have in place a system or procedure to reasonably investigate, supervise and monitor employees, including Paul Butler to prevent pre-sexual grooming molestation and abuse of children, nor did they implement a system or procedure to oversee or monitor conduct towards young children.

37. As a direct and proximate result of Defendants', their agents and/or employees, negligent supervision and negligent training, Plaintiff sustained in the past and will sustain in the future pain and suffering.

38. Plaintiff sustained said injuries by reason of carelessness, recklessness, breach of duties, and negligence of Defendants', their agents and/or employees, all without any negligence on the part of Plaintiff.

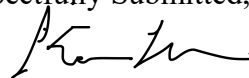
**WHEREFORE**, Plaintiff demands judgment against Defendants, for general, compensatory, special and punitive damages, in a sum which exceeds the jurisdictional limits of all lower Courts which might otherwise have jurisdiction; together with the costs and disbursements of this action and for such other and further relief as this Court deems just and proper.

**JURY DEMAND**

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

Dated: June 24, 2021  
New York, New York

Respectfully Submitted,



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