

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

**Index No.:** \_\_\_\_\_/19

-----X  
**RICHARD TOLLNER,**

**Plaintiff designates NASSAU COUNTY as place of trial.**

**Plaintiff,**

**The basis of venue is Defendants' principal place of business**

**-against -**

**DIOCESE OF ROCKVILLE CENTER, ST. PIUS X PREPARATORY SEMINARY, and ALAN PLACA,**

**SUMMONS**

**Defendants.**

**Plaintiff's residence address is 151 Methodist Hill Road Rensselaerville, NY 12147**


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 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 your failure to appear or answer, judgement will be taken for the relief demanded herein.

**A COPY OF THIS SUMMONS WAS FILED WITH THE CLERK OF THE COURT, NASSAU COUNTY ON \_\_\_\_\_ IN COMPLIANCE WITH CPLR §§305(a) AND 306(a).**

Dated: New York, New York  
August 14, 2019

MERSON LAW, PLLC

By:   
Jordan K. Merson  
Attorneys for Plaintiff  
150 East 58<sup>th</sup> Street 34<sup>th</sup> Floor  
New York, New York 10155  
(212) 603-9100

TO:  
**DIOCESE OF ROCKVILLE CENTER**  
50 N Park Ave,  
Rockville Centre, NY 11571

**ST. PIUS X PREPARATORY SEMINARY**  
1220 Front Street  
Uniondale, New York 12220

**ALAN PLACA**  
200 Eagleton Estate Blvd  
Palm Beach Gardens, FL 33418

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

**Index No.:**  
\_\_\_\_\_/19

-----X  
**RICHARD TOLLNER,**

**Plaintiff,**

**-against -**

**ATTORNEY  
VERIFICATION**

**DIOCESE OF ROCKVILLE CENTRE, ST. PIUS X  
PREPARATORY SEMINARY and ALAN PLACA,**

**Defendants.**

-----X  
JORDAN K. MERSON, an attorney duly admitted to practice in the Courts of New York State, and a member of the firm MERSON LAW, PLLC., attorneys for the plaintiffs in the within action, hereby affirms under penalty of perjury:

That he has read the within complaint and knows the contents thereof, and that the same is true to his own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters he believes it to be true.

That the sources of his information and knowledge are investigations and records in the file.

That the reason this verification is made by affirmant and not by the plaintiff is that the plaintiff is not within the County where the attorney has his office.

Dated: New York, New York  
August 14, 2019



\_\_\_\_\_  
JORDAN K. MERSON

SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF NASSAU

Index No.: \_\_\_\_\_/19

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**SUPREME COURT OF THE STATE OF NEW YORK  
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**Index No.:** \_\_\_\_\_/19

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**RICHARD TOLLNER,**

**Plaintiff,**

**-against -**

**VERIFIED  
COMPLAINT**

**DIOCESE OF ROCKVILLE CENTER, ST. PIUS X  
PREPARATORY SEMINARY and ALAN PLACA,**

**Defendant(s).**

-----X

Plaintiff(s), above named, complaining of the defendants, by **MERSON LAW,**

**PLLC.,** respectfully allege(s):

**NATURE OF THE CLAIM**

1. This is a case of plaintiff Richard Tollner who was sexually abused as a child by Monsignor Alan Placa (“Placa”) at and of St. Pius X Preparatory Seminary (“St. Pius”) and Diocese of Rockville Centre (“Diocese”).
2. Placa was an agent, servant and/or employee of St. Pius which operated under the exclusive control of the Diocese. Placa was known among the community and the children as a sexual predator.
3. Despite the Diocese and/or St. Pius’s knowledge that Placa sexually abused children and/or had the propensity to sexually abuse children, the Diocese and/or St. Pius allowed the Placa unfettered access to children, including on school and Diocese premises, without proper supervision.
4. In approximately 1975, Placa, while under the scope of employment with the Diocese and/or St. Pius and while acting on behalf of the Diocese and/or St. Pius, Placa would

sexually abuse Plaintiff, then approximately 16 years old, by raping him and otherwise sexually abusing him.

5. Plaintiff brings this lawsuit to recover for the emotional and physical suffering he endured because of the negligence of the Diocese of Rockville Centre and/or St. Pius X Preparatory Seminary and to make sure no other child is forced to suffer the abuse and physical and mental trauma she felt and continues to feel.

#### PARTIES

6. At all times herein mentioned defendant **DIOCESE OF ROCKVILLE CENTRE** was a not for profit corporation incorporated in the state of New York and by virtue of the laws of the State of New York.
7. At all times herein mentioned, defendant **DIOCESE OF ROCKVILLE CENTRE** was located at 50 N. Park Avenue, Rockville Centre, New York 11571.
8. At all times herein mentioned, defendant **ALAN PLACA** an agent, servant and/or employee operating under the direction and control of defendant **DIOCESE OF ROCKVILLE CENTRE**, and its agents, servants and/or employees.
9. At all times herein mentioned **ST. PIUS X PREPARATORY SEMINARY** was a not for profit corporation incorporated in the state of New York and by virtue of the laws of the State of New York.
10. At all times herein mentioned, defendant **ST. PIUS X PREPARATORY SEMINARY** was located at 1220 Front Street, Uniondale, New York 12220.
11. At all times herein mentioned, defendant **ALAN PLACA** was an agent, servant and/or employee operating under the direction and control of defendant **ST. PIUS X PREPARATORY SEMINARY**, and its agents, servants and/or employees.

12. At all times herein mentioned, defendant **DIOCESE OF ROCKVILLE CENTRE** and defendant **ST. PIUS X PREPARATORY SEMINARY** were agents, servants, employees and/or alter egos of each other.
13. At all times mentioned herein, defendant **DIOCESE OF ROCKVILLE CENTRE** operated and/or controlled St. Pius X Preparatory Seminary located at 1220 Front Street, Uniondale, New York 12220.

#### **FACTS OF THE CASE**

14. Defendant **DIOCESE OF ROCKVILLE CENTRE** and/or defendant **ST. PIUS X PREPARATORY SEMINARY's** negligence and recklessness caused defendant **ALAN PLACA** to have access to children, including on Diocese and/or property without supervision, despite their knowledge that defendant **ALAN PLACA** sexually abused children and/or had the propensity to sexually abuse children and therefore are responsible for the injuries that Plaintiff incurred because but for Defendant **DIOCESE OF ROCKVILLE CENTRE** and/or **ST. PIUS X PREPARATORY SEMINARY's** negligence, Plaintiff would not have suffered the mental and physical anguish inflicted by Placa. Defendants' gross negligence, reckless, wanton, and/or willful conduct supports punitive liability.
15. Placa sexually assaulted Plaintiff and other children of St. Pius. Nonetheless, defendant **DIOCESE OF ROCKVILLE CENTRE** and/or defendant **ST. PIUS X PREPARATORY SEMINARY** failed to remove Placa from his position or to take any steps to keep the dangerous predator away from children. In fact, the Diocese and/or St. Pius continued to allow, encourage and/or permit Placa to have unfettered access to children.



16. On or about January 15, 1975, Placa took Plaintiff into the Administration Area of St. Pius when school was closed and sexually abused him by fondling his penis over his clothes.
17. In or about the fall of 1975, Placa, Plaintiff, another student and Monsignor Brendan Riordan went to Fire Island where Placa drugged Plaintiff and the other student. When Riordan and the other student left the room, Placa forced plaintiff onto his hands and knees and anally raped Plaintiff until he ejaculated inside of Plaintiff. When the rape was over, Monsignor Brendan Riordan asked if it was okay before he re-entered the room.
18. Upon information and belief, several other students of Placa and St. Pius were sexually abused by Placa.
19. As such, Plaintiff suffered catastrophic and lifelong injuries as a result of defendant **DIOCESE OF ROCKVILLE CENTRE** and/or defendant **ST. PIUS X PREPARATORY SEMINARY's** negligence in undertaking a duty, including but not limited to in locis parentis, in failing to protect the children of its parishes and of its community safe from Placa despite the Diocese and/or St. Pius having knowledge that Placa abused and/or sexually abused children and/or had the propensity to abuse and/or sexually abuse children, and/or allowing Placa to continue to have his position of authority and power, with unfettered access to children, as well as the diocese failed to adequately supervise Placa.

**AS AND FOR A FIRST CAUSE OF ACTION FOR NEGLIGENCE**

**AS TO THE DIOCESE OF ROCKVILLE CENTRE**

20. Plaintiffs repeat, reiterate and reallege each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 19. inclusive, with the same force and effect as if hereinafter set forth at length.
21. At all times mentioned herein, defendant **DIOCESE OF ROCKVILLE CENTRE** owed a duty of care, including but not limited to in locis parentis, to keep the children and students of its school and parish safe from the abuse and/or sexual abuse by its agents, servants and or employees under its supervision and control, including on company premises, that ultimately befell the plaintiff, and they had a duty to supervise Placa.
22. At all times mentioned herein, defendant **DIOCESE OF ROCKVILLE CENTRE** and/or its agents, servants and/or employees breached the above-stated duty in a negligent, reckless, willful and wanton manner, and caused Plaintiff to be sexually assaulted.
23. As a result of the negligence of defendant **DIOCESE OF ROCKVILLE CENTRE** and/or its agents, servants and/or employees, plaintiff was caused serious personal injuries, emotional distress, mental pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
24. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
25. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
26. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.

27. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR A SECOND CAUSE OF ACTION FOR NEGLIGENCE**

**AS TO ST. PIUS X PREPARATORY SEMINARY**

28. Plaintiffs repeat, reiterate and reallege each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 27. inclusive, with the same force and effect as if hereinafter set forth at length.
29. At all times mentioned herein, defendant **ST. PIUS X PREPARATORY SEMINARY** owed a duty of care, including but not limited to in locis parentis, to keep the students of its school safe from the abuse and/or sexual abuse by its agents, servants and or employees under its supervision and control that ultimately befell the plaintiff, and to properly supervise Placa.
30. At all times mentioned herein, defendant **ST. PIUS X PREPARATORY SEMINARY** and/or its agents, servants and/or employees breached the above-stated duty in a negligent, reckless, willful and wanton manner, and caused Plaintiff to be sexually assaulted.
31. As a result of the negligence of defendant **ST. PIUS X PREPARATORY SEMINARY** and/or its agents, servants and/or employees, plaintiff was caused serious personal injuries, emotional distress, mental pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
32. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
33. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.

34. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
35. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR A THIRD CAUSE OF ACTION FOR NEGLIGENT HIRING,**

**RETENTION AND SUPERVISION AS TO DIOCESE OF ROCKVILLE CENTRE**

36. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 35., inclusive, with the same force and effect as if hereinafter set forth at length.
37. Defendant **DIOCESE OF ROCKVILLE CENTRE** had a duty to supervise and prevent known risks of harm to the children and students of its of its school by its agents, servants and/or employees.
38. Defendant was negligent in hiring, retaining and supervising their personnel, such as Placa, who was careless, unskillful, negligent, reckless and acted in a willful and wanton manner in not possessing the requisite knowledge and skill of school officials and other home and school supervisors who should have properly been supervising the agents, servants and/or employees and church officials to ensure the safety of the children of its school.
39. Defendant **DIOCESE OF ROCKVILLE CENTRE** knew or should have known Placa sexually abused and/or had the propensity to sexually abuse children and did nothing to stop it, and failed to supervise Placa.
40. As a result of such negligent hiring, supervising and retention, Plaintiff was caused to suffer serious personal injuries, emotional distress, conscious pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.



41. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
42. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
43. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
44. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR A FOURTH CAUSE OF ACTION FOR NEGLIGENT HIRING,**

**RETENTION AND SUPERVISION AS TO ST. PIUS X PREPARATORY SEMINARY**

45. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 44., inclusive, with the same force and effect as if hereinafter set forth at length.
46. Defendant **ST. PIUS X PREPARATORY SEMINARY**, had a duty to supervise and prevent known risks of harm to the children of its of its home and school by its agents, servants and/or employees.
47. Defendant was negligent in hiring, retaining and supervising their personnel, such as Placa, who was careless, unskillful, negligent, reckless and acted in a willful and wanton manner in not possessing the requisite knowledge and skill of school officials and other home and school supervisors who should have properly been supervising the agents, servants and/or employees and church officials to ensure the safety of the children of its home and school.
48. Defendant **ST. PIUS X PREPARATORY SEMINARY** knew or should have known Placa sexually abused and/or had the propensity to sexually abuse children and did nothing to stop it, and failed to properly supervise Placa.



49. As a result of such negligent hiring, supervising and retention, Plaintiff was caused to suffer serious personal injuries, emotional distress, conscious pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
50. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
51. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
52. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
53. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR THE FIFTH CAUSE OF ACTION FOR NEGLIGENT INFLICTION  
OF EMOTIONAL DISTRESS AS TO DIOCESE OF ROCKVILLE CENTRE**

54. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 53., inclusive, with the same force and effect as if herein set forth at length.
55. Defendant **DIOCESE OF ROCKVILLE CENTRE** and their agents, servants and/or employees, knew or reasonably should have known that the failure to properly advise, supervise and hire Placa, the agent, servant and/or employee who sexually abused Plaintiff, would and did proximately result in physical and emotional distress to Plaintiff.
56. Defendant **DIOCESE OF ROCKVILLE CENTRE** and their agents, servants and/or employees knew or reasonably should have known that the sexual abuse and other

improper conduct would and did proximately result in physical and emotional distress to Plaintiff.

57. Defendant has the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff being sexually abused by Placa.
58. Despite said knowledge, power and duty, defendant negligently failed to act so as to stop, prevent, and prohibit the improper conduct that resulted in the Placa sexually abusing Plaintiff.
59. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
60. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
61. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
62. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR THE SIXTH CAUSE OF ACTION FOR NEGLIGENT INFLICTION  
OF EMOTIONAL DISTRESS AS TO ST. PIUS X PREPARATORY SEMINARY**

63. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 62., inclusive, with the same force and effect as if herein set forth at length.
64. Defendant **ST. PIUS X PREPARATORY SEMINARY** and their agents, servants and/or employees, knew or reasonably should have known that the failure to properly advise, supervise and hire Placa, the agent, servant and/or employee who sexually abused Plaintiff, would and did proximately result in physical and emotional distress to Plaintiff.

65. Defendant **ST. PIUS X PREPARATORY SEMINARY** and their agents, servants and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct would and did proximately result in physical and emotional distress to Plaintiff.
66. Defendant has the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff being sexually abused by Placa.
67. Despite said knowledge, power and duty, defendant negligently failed to act so as to stop, prevent, and prohibit the improper conduct that resulted in Placa sexually abusing Plaintiff.
68. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
69. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
70. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
71. This action falls within exceptions to Article 16 of the C.P.L.R.

**AND AS FOR THE SEVENTH CAUSE OF ACTION FOR ASSAULT  
AS TO ALAN PLACA**

72. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 71., inclusive, with the same force and effect as if herein set forth at length.
73. Defendant **ALAN PLACA** predatory, abusive, manipulative and unlawful acts against Plaintiff, created a reasonable apprehension in Plaintiff of immediate harmful or offensive contact to plaintiff's person, all of which were done intentionally by defendant **ALAN PLACA** to plaintiff without plaintiff's consent.

74. As a direct and proximate result of the aforementioned assault, Plaintiff has sustained in the past, and will continue to sustain in the future, serious and severe psychological injuries and emotional distress, mental anguish, embarrassment and humiliation.
75. As a direct and proximate result of the aforementioned assaults, plaintiff has incurred medical expenses and other economic damages, and will now be obligated to expend sums of money for medical care and attention in effort to cure himself of his injuries and to alleviate his pain and suffering, emotional distress, mental anguish, embarrassment and humiliation.
76. By reason of the foregoing, plaintiff is entitled to compensatory damages from defendant **ALAN PLACA** in such sums a jury would find fair, just and adequate, and the plaintiff is further entitled to punitive and exemplary damages from defendant **ALAN PLACA** in such sums as a jury would find fair, just and appropriate to deter said defendant and others from future similar misconduct.
77. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
78. This action falls within exceptions to Article 16 of the C.P.L.R.

**AND AS FOR THE EIGHTH CAUSE OF ACTION FOR BATTERY  
AS TO ALAN PLACA**

79. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 78., inclusive, with the same force and effect as if herein set forth at length.
80. When Plaintiff was approximately eleven years old, defendant **ALAN PLACA** intentionally and unlawfully sexually abused Plaintiff by rubbing, fondling and/or groping his penis, and digitally and otherwise sodomizing plaintiff's anus.



81. Defendant **ALAN PLACA** unlawful, abusive, manipulative, and predatory acts against plaintiff, amounted to a series of harmful and offensive contacts to plaintiff's person all of which were done intentionally by defendant to plaintiff without plaintiff's consent.
82. As a direct and proximate result of the aforementioned batteries, Plaintiff has sustained in the past, and will continue to sustain in the future, psychological injury, pain and suffering, serious and severe psychological and emotional distress, mental anguish, embarrassment and humiliation.
83. By reason of the foregoing, plaintiff is entitled to compensatory damages from defendant **ALAN PLACA** in such sums a jury would find fair, just and adequate, and plaintiff is further entitled to punitive and exemplary damages from defendant **ALAN PLACA** in such sums as a jury would find fair, just and appropriate to deter said defendant and others from future similar misconduct.
84. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
85. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS FOR THE NINETH CAUSE OF ACTION FOR INTENTIONAL  
INFLICTION OF EMOTIONAL DISTRESS AGAINST ALAN PLACA**

86. Plaintiff repeats reiterates, and reallages each and every allegation contained in those paragraphs of the Complaint marked and designated 1. through 85., inclusive, with the same force and effect as if hereafter set forth at length.
87. Defendant **ALAN PLACA** engaged in outrageous conduct towards plaintiff with the intention to cause, or with reckless disregard for the probability of causing, plaintiff to suffer severe emotional distress by sexually assaulting him while he was an child patron at and of St. Sylvester Church.



- 88. As a proximate result of the aforementioned assaults, batteries, and other violations committed against Plaintiff, he has suffered and continues to suffer extreme mental distress, humiliation, anguish, and emotional and physical injuries, as well as economic losses, all his damage in amounts to be proven at trial.
- 89. Defendant **ALAN PLACA** committed the acts alleged herein maliciously, fraudulently, and oppressively with the wrongful intention of injuring plaintiff from an improper and evil motive amounting to malice and in conscious disregard of plaintiff's rights, entitling plaintiff to recover punitive damages in amounts to be proven at trial.
- 90. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
- 91. This action falls within the exceptions to Article 16 of the C.P.L.R.

WHEREFORE, plaintiff demands judgement against defendants in such sum as a jury would find fair, adequate and just.

Dated: New York, New York  
August 14, 2019

MERSON LAW, PLLC

By: 

Jordan K. Merson  
Sarah R. Cantos  
Attorneys for Plaintiff  
150 East 58<sup>th</sup> Street 34<sup>th</sup> Floor  
New York, New York 10155  
(212) 603-9100

Index No.

Year 2019

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

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RICHARD TOLLNER,

*Plaintiff,*

-against-

DIOCESE OF ROCKVILLE CENTER, ST. PIUS X  
PREPARATORY SEMINARY, and ALAN PLACA,

*Defendants.*

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SUMMONS AND VERIFIED COMPLAINT

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Merson Law, PLLC.

*Attorneys for Plaintiff(s)*

*Office and Post Office Address, Telephone*  
150 East 58<sup>th</sup> Street 34<sup>th</sup> Fl.  
New York, New York 10155  
(212) 603-9100

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To: All Parties

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