

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

JAMES CHRISTOPHER GREIN,

Plaintiff(s),

-against-

ARCHDIOCESE OF NEW YORK and ROMAN CATHOLIC
CHURCH OF THE BLESSED SACRAMENT,

Defendant(s).

Index No.

Summons

Date Index No. Purchased:

August 14, 2019

To the above named Defendant(s)

Roman Catholic Church of the Blessed Sacrament
152 West 71st Street, New York, NY 10023

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 New York County
which is located in New York County, New York

Dated: New York, New York

August 14, 2019

SIMMONS HANLY CONROY LLC

by

Paul J. Hanly, Jr.

Attorneys for Plaintiff

112 Madison Avenue, 7th Floor
New York, NY 10016
Tel.: (212) 784-6401
Fax: (212) 213-5949
phanly@simmonsfirm.com

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August 14, 2019

To the above named Defendant(s)

Archdiocese of New York
1101 First Avenue, New York, NY 10022

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.

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

JAMES CHRISTOPHER GREIN,

Plaintiff,

v.

ARCHDIOCESE OF NEW YORK and ROMAN CATHOLIC
CHURCH OF THE BLESSED SACRAMENT,

Defendants.

Index No.

COMPLAINT

JURY TRIAL DEMANDED

Plaintiff James Christopher Grein, by his attorneys Simmons Hanly Conroy LLC and the Law Offices of Mitchell Garabedian, brings this action against the Archdiocese of New York and the Roman Catholic Church of The Blessed Sacrament 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 New York pursuant to CPLR 503 in that the Defendant religious corporations reside in this County.

PARTIES

4. Plaintiff James Christopher Grein ("Plaintiff") is an individual residing in Sterling, Virginia.
5. Defendant Archdiocese of New York is a religious corporation organized pursuant to the New York Religious Corporations Law, with its principal office at 1101

First Avenue, New York, NY 10022, in New York County, New York. The Archdiocese of New York is a Roman Catholic archdiocese. At all relevant times, the Archdiocese of New York created, oversaw, supervised, managed, controlled, directed and operated parishes or churches of the Archdiocese of New York, including during all relevant times, the Roman Catholic Church of the Blessed Sacrament, located on West 71st Street in New York, New York.

6. Defendant Roman Catholic Church of the Blessed Sacrament, (“Blessed Sacrament”) is a Roman Catholic Parish within and under the authority of the Archdiocese of New York and is a religious corporation organized pursuant to the Religious Corporations Law with its principal office at 152 West 71st Street, New York, NY 10023, in New York County, New York. At all relevant times, the Archdiocese of New York created, oversaw, supervised, managed, controlled, directed and operated Blessed Sacrament.

FACTS COMMON TO ALL CLAIMS

Defendants’ Background and Abuse of the Plaintiff

7. In or about 1958, Theodore E. McCarrick, later known as Theodore Cardinal McCarrick, was ordained a Roman Catholic priest for the Archdiocese of New York by Cardinal Francis Spellman.

8. Plaintiff was born in 1958. Plaintiff’s family were practicing members of the Roman Catholic Church. From about 1958 until about 1971, Plaintiff’s family lived in New Jersey. From at least about 1958 until about 1971, then Father Theodore E. McCarrick established a special relationship with Plaintiff’s family. Plaintiff understands that in 1958, then Father Theodore E. McCarrick baptized Plaintiff.

9. In or about 1965, Father Theodore E. McCarrick received the title of Monsignor from Pope Paul VI.

10. From about 1969 until about 1971, the then Monsignor Theodore E. McCarrick (“Monsignor McCarrick”) served as Associate Secretary of the Department of

Education of the Archdiocese of New York. From about sometime in 1971 through 1976, the then Monsignor McCarrick served as Secretary to Terence Cardinal Cooke, then Archbishop of the Archdiocese of New York. From 1969 through 1976, the Archdiocese of New York oversaw, supervised, managed, controlled, and directed the then Monsignor McCarrick.

11. From about 1969 until about 1971, the then Monsignor McCarrick also served as Parochial Vicar of Blessed Sacrament. From about 1969 until about 1971, Blessed Sacrament oversaw, supervised, managed, controlled, and directed the then Monsignor McCarrick.

12. Through his positions at, within, or for the Defendants, the then Monsignor McCarrick maintained direct contact with members of the Plaintiff's family, including Plaintiff, then a minor.

13. In about 1969, when Plaintiff was approximately eleven years old, the then Monsignor McCarrick visited Plaintiff's family in New Jersey. At that time, when Monsignor McCarrick was alone with Plaintiff, Monsignor McCarrick exposed Monsignor McCarrick's genitals to Plaintiff.

14. Several months later in about 1969, when Plaintiff was approximately eleven years old, the then Monsignor McCarrick visited Plaintiff's grandparents' home in New Jersey, where the then Monsignor McCarrick again arranged for Plaintiff to be in a room alone with Monsignor McCarrick. In that room at that time, the then Monsignor McCarrick had Plaintiff recite the Act of Contrition. Monsignor McCarrick then ran Monsignor McCarrick's hands down Plaintiff's body, pulled Plaintiff's pants down and fondled Plaintiff's penis and testicles, skin on skin.

15. Starting from about 1970 the then Archbishop of New York was aware of the then Monsignor McCarrick's special relationship with the then minor Plaintiff. In about 1970, Terence Cardinal Cooke, at that time the Archbishop of New York, traveled with Monsignor McCarrick to attend a party at Plaintiff's grandparents' home in New

Jersey. At that party, Plaintiff was introduced to Cardinal Cooke by Monsignor McCarrick as Monsignor McCarrick's "special boy." Cardinal Cooke also saw the then approximately twelve year old Plaintiff sitting on Monsignor McCarrick's lap.

16. From about 1969 until about 1971, the then Monsignor McCarrick took Plaintiff to Blessed Sacrament numerous times so that Plaintiff could serve as an altar boy at Blessed Sacrament. Plaintiff was introduced to the Pastor of Blessed Sacrament by Monsignor McCarrick as Monsignor McCarrick's "special boy." In front of the Pastor of Blessed Sacrament, Monsignor McCarrick was in close physical contact with the then minor Plaintiff.

17. From about 1969 through at least approximately 1975, the then Monsignor McCarrick took Plaintiff to visit different parishes of the Archdiocese of New York. During these various visits to parishes of the Archdiocese of New York, the then Monsignor McCarrick fondled and kissed Plaintiff's penis, skin on skin.

18. In addition to the above, from approximately 1971 through part of 1976, from when Plaintiff was approximately twelve years of age through approximately seventeen years of age, the then Monsignor McCarrick had sexual contact with Plaintiff and sexually assaulted and/or sexually abused Plaintiff in New York, California and Massachusetts. Such abusive acts by the then Monsignor McCarrick in New York, California and Massachusetts included, but were not limited to, fondling Plaintiff's penis, skin on skin; masturbating Plaintiff to ejaculation; providing the then minor Plaintiff with alcoholic drinks causing intoxication; the then Monsignor McCarrick touching Plaintiff's penis with McCarrick's penis, skin on skin and the then Monsignor McCarrick rubbing McCarrick's penis against Plaintiff's bare chest, skin on skin, until McCarrick ejaculated.

19. Monsignor McCarrick used his positions with the Archdiocese of New York and Blessed Sacrament to gain access to the Plaintiff, when Plaintiff was a minor, to sexually assault, sexually abuse, and/or have sexual contact with the Plaintiff.

Defendants' Responsibility for the Abuse Committed by Monsignor McCarrick

20. At all times material hereto, from 1969 through 1976, Monsignor McCarrick was under the management, supervision, employ, direction and/or control of Defendant the Archdiocese of New York. At all times material from 1969 through 1971, Monsignor McCarrick was also under the management, supervision, employ, direction and/or control of Blessed Sacrament.

21. Defendants Archdiocese of New York and Blessed Sacrament had the duty to reasonably manage, supervise, control and/or direct priests who served at Blessed Sacrament, and specifically, had a duty not to aid pedophiles such as Monsignor McCarrick by assigning, maintaining, and/or appointing them to positions with access to minors.

22. Defendants knew and/or reasonably should have known, and/or knowingly condoned, and/or covered up, the inappropriate and unlawful sexual activities of Monsignor McCarrick, who sexually abused Plaintiff.

23. Defendant Archdiocese of New York had a duty to the Plaintiff to properly supervise Archdiocese of New York priests to ensure that priests did not use their positions with the Archdiocese of New York as a tool for grooming and assaulting vulnerable children. Defendant Archdiocese of New York knew or should have known that Monsignor McCarrick used his positions with the Archdiocese of New York to sexually abuse minor children, including the Plaintiff.

24. In approximately 1988, Theodore E. McCarrick then known as the Archbishop of the Archdiocese of Newark, brought Plaintiff to the Vatican to meet Pope John Paul II. After then Archbishop McCarrick introduced Plaintiff to Pope John Paul II, Archbishop McCarrick left the room. While Archbishop McCarrick was not present, Plaintiff told Pope John Paul II, while other Vatican officials were also present, that Archbishop McCarrick had been sexually abusing Plaintiff since Plaintiff was a young child. At that time, no action by the Catholic Church was taken against Archbishop

McCarrick; nor was any effort made at that time by the Defendants or the Catholic Church to mitigate or otherwise address Plaintiff's injuries.

Consequences of the Abuse

25. Plaintiff suffered personal physical and psychological injuries and damages as a result of Monsignor McCarrick's actions, as well as other damages related thereto, as a result of his childhood sexual abuse.

26. As a direct result of the Defendants' 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 Monsignor McCarrick's 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

27. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 26 as if fully set forth herein.

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

29. Defendant Archdiocese of New York at all relevant times held the parishes of the Archdiocese of New York out to be safe places for minors to attend, and its priests

as individuals to whom it was safe to entrust the care of minor children. Defendant Archdiocese of New York entered into an express and/or implied duty to safely treat Plaintiff and assumed the duty to protect and care for him.

30. Monsignor McCarrick sexually assaulted, sexually abused, and/or had sexual contact with Plaintiff when Plaintiff was a minor in New York, New Jersey, and at other locations.

31. Defendants Archdiocese of New York and Blessed Sacrament negligently hired, retained, directed, and supervised Monsignor McCarrick, though they knew or should have known that Monsignor McCarrick posed a threat of sexual abuse to minors.

32. Defendants Archdiocese of New York and Blessed Sacrament knew or should have known of Monsignor McCarrick's propensity for the conduct which caused Plaintiff's injuries prior to, or at the time of, the injuries' occurrence.

33. Defendants Archdiocese of New York, and Blessed Sacrament were negligent in failing to properly supervise Monsignor McCarrick.

34. The sexual abuse of children by adults, including priests, is a foreseeable result of negligence.

35. At all times material hereto, Defendants' actions were willful, wanton, malicious, reckless, and/or outrageous in their disregard for the rights and safety of Plaintiff.

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

37. 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.

SECOND CAUSE OF ACTION
Negligence/Gross Negligence

38. Plaintiff repeats and realleges each and every allegation set forth in

paragraphs 1 through 26 as if fully set forth herein.

39. Defendants Archdiocese of New York and Blessed Sacrament knew, or were negligent in not knowing, that Monsignor McCarrick posed a threat of sexual abuse to children.

40. The acts of Monsignor McCarrick described hereinabove were undertaken, and/or enabled by, and/or during the course, and/or within the scope of his respective employment, appointment, assignment, and/or agency with Defendants Archdiocese of New York and Blessed Sacrament.

41. Defendants owed Plaintiff, a minor at the relevant times of abuse, a duty to protect him from Monsignor McCarrick's sexual deviancy and the consequential damages, both prior to and/or subsequent to Monsignor McCarrick's misconduct.

42. Defendants' 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.

43. Defendants Archdiocese of New York and Blessed Sacrament:

- 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 Monsignor McCarrick;
- 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.

44. At all times material hereto, with regard to the allegations contained

herein, Monsignor McCarrick was under the supervision, employ, direction and/or control of Defendants Archdiocese of New York and Blessed Sacrament.

45. At all times material hereto, Defendants Archdiocese of New York's and Blessed Sacrament's actions were willful, wanton, malicious, reckless, and outrageous in their disregard for the rights and safety of Plaintiff, which amounted to conduct equivalent to criminality.

46. As a direct and/or indirect result of said conduct, Plaintiff has suffered the injuries and damages described herein.

47. 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**

48. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 26 as if fully set forth herein.

49. There exists a fiduciary relationship of trust, confidence, and reliance between Plaintiff and Defendants Archdiocese of New York and Blessed Sacrament. 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 Defendants Archdiocese of New York and Blessed Sacrament. This entrustment of the Plaintiff to the care and supervision of the Defendants, while the Plaintiff was a minor child, required the Defendants 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.

50. Pursuant to their fiduciary relationship, Defendants Archdiocese of New York and Blessed Sacrament were entrusted with the well-being, care, and safety of Plaintiff.

51. Pursuant to their fiduciary relationship, Defendants Archdiocese of New

York and Blessed Sacrament assumed a duty to act in the best interests of Plaintiff.

52. Defendants Archdiocese of New York and Blessed Sacrament breached their fiduciary duty to Plaintiff.

53. At all times material hereto, Defendants Archdiocese of New York's, and Blessed Sacrament's actions and/or inactions were willful, wanton, malicious, reckless, and outrageous in their disregard for the rights and safety of Plaintiff.

54. As a direct result of said conduct, Plaintiff has suffered the injuries and damages described herein.

55. 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.

FOURTH CAUSE OF ACTION

Negligent Infliction of Emotional Distress

56. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 26 as if fully set forth herein.

57. As described above, the actions of Defendants Archdiocese of New York, and Blessed Sacrament, their agents, servants, and/or employees were conducted in a negligent and/or grossly negligent manner.

58. Defendants Archdiocese of New York's and Blessed Sacrament's actions endangered Plaintiff's safety and caused him to fear for his own safety.

59. As a direct and proximate result of Defendants' actions, which included but were not limited to negligent and/or grossly negligent conduct, Plaintiff suffered the severe injuries and damages described herein, including but not limited to, mental and emotional distress.

60. 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.

FIFTH CAUSE OF ACTION
Breach of Duty *in Loco Parentis*

61. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 26 as if fully set forth herein.

62. While he was a minor, Plaintiff was entrusted by his parents to the control of the then Monsignor McCarrick, an agent or servant of the Defendants Archdiocese of New York and Blessed Sacrament, for the purposes of *inter alia*, providing Plaintiff with appropriate guidance and an opportunity to enjoy educational and youth activities under responsible adult supervision. These Defendants owe - and owed - a duty to children entrusted to them to act *in loco parentis* and to prevent foreseeable injuries.

63. Defendants Archdiocese of New York and Blessed Sacrament breached their duty to act *in loco parentis*.

64. At all times material hereto Defendants Archdiocese of New York's and Blessed Sacrament's actions were willful, wanton, malicious, reckless, negligent, grossly negligent and/or outrageous in their disregard for the rights and safety of Plaintiff.

65. As a direct result of Defendants Archdiocese of New York's and Blessed Sacrament's conduct, Plaintiff has suffered the injuries and damages described herein.

66. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to 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;
- E. Awarding such other and further relief as to this Court may seem just and proper.

JURY DEMAND

Plaintiffs demand a trial by jury on all issues so triable.

Dated: August 14, 2019
New York, New York

Respectfully Submitted,

/s/ Paul J. Hanly, Jr.
Paul J. Hanly, Jr.
phanly@simmonsfirm.com
Jayne Conroy
jconroy@simmonsfirm.com
Andrea Bierstein
abierstein@simmonsfirm.com
SIMMONS HANLY CONROY LLC
112 Madison Avenue
New York, NY 10016
(212) 784-6401 Telephone
(212) 213-5949 Facsimile

Attorneys for Plaintiff

Of counsel:
Mitchell Garabedian
mgarabedian@garabedianlaw.com
William H. Gordon
wgordon@garabedianlaw.com
LAW OFFICES OF MITCHELL GARABEDIAN
100 State Street, 6th Floor
Boston, MA 02109
Phone: (617) 523-6250