

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

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J. C.,

Plaintiff,

**AMENDED COMPLAINT**

-against-

Index No.950237/2021

ARCHDIOCESE OF NEW YORK; and OUR LADY OF  
PERPETUAL HELP CHURCH,

Defendants.

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TO THE SUPREME COURT OF THE STATE OF NEW YORK:

Plaintiff, J.C., by and through undersigned counsel, respectfully shows to this Court and  
alleges as follows:

**INTRODUCTION**

1. This is a revival action brought pursuant to the New York Child Victims Act, CPLR  
§ 214-g. As a minor, the Plaintiff was sexually abused and assaulted by a clergyman.

**PARTIES, JURISDICTION AND VENUE**

2. Plaintiff, J.C., is a citizen and resident of the State of Florida. Plaintiff brings this  
Complaint using a pseudonym because of the sensitive nature of the allegations of child sexual  
abuse in the Complaint, which is a matter of the utmost intimacy. Plaintiff fears embarrassment  
and further psychological damage if Plaintiff’s identity as a victim of child sexual abuse were to  
become publicly known.

3. Defendant, ARCHDIOCESE OF NEW YORK (hereinafter, “ARCHDIOCESE”),  
is a religious institution and organization with principal offices located at 1011 First Avenue, New

York, New York 10022. The ARCHDIOCESE controls all Catholic religious, charitable, pastoral, and educational functions in the boroughs of Manhattan, the Bronx, Staten Island, and in other counties in the greater New York metropolitan area. The ARCHDIOCESE operates and controls approximately 370 parishes, 274 schools and 90 Catholic charities. The ARCHDIOCESE is a citizen and resident of the State of New York.

4. Defendant, OUR LADY OF PERPETUAL HELP CHURCH (hereinafter “CHURCH”), is a Roman Catholic parish and church operating under the authority and control of the ARCHDIOCESE, with a principal place of business located at 535 Ashford Ave. Ardsley, NY 10502. CHURCH is a citizen and a resident of the State of New York.

5. At all times relevant and material hereto, FATHER GERALD BOYLE (hereinafter “FATHER BOYLE”) was a duly ordained Catholic Priest under the supervision and control of the ARCHDIOCESE, assigned to CHURCH.

6. This Court has subject matter jurisdiction of this action pursuant to Article VI of the New York Constitution.

7. Personal jurisdiction lies over Defendants as they are present and domiciled in the State of New York and/or transacts business within the State of New York and/or regularly solicits business in the state of New York and/or otherwise falls within the jurisdiction of the Court pursuant to CPLR § 302.

8. Venue of this action lies in the NEW YORK COUNTY as a substantial part of the events or omissions giving rise to the claim occurred in NEW YORK COUNTY and/or one or more of the Defendants resides in NEW YORK COUNTY.

9. The amount in controversy exceeds the jurisdictional limit of all lower courts.

### **DUTY**

**Defendant ARCHDIOCESE**

10. At all times relevant and material hereto, the ARCHDIOCESE, as principal, and CHURCH, as agent, were in an agency relationship, such that CHURCH acted on the ARCHDIOCESE's behalf, in accordance with the ARCHDIOCESE's instructions and directions on all matters, including those relating to the hiring, retention and supervision of personnel. The acts and omissions of CHURCH were subject to the ARCHDIOCESE's plenary control, and CHURCH consented to act subject to the ARCHDIOCESE's control.

11. At all times relevant and material hereto, the ARCHDIOCESE and Plaintiff were in a special relationship based on Plaintiff's participation or involvement in ARCHDIOCESE's youth-serving activities in which the ARCHDIOCESE owed Plaintiff a duty of reasonable care to prevent foreseeable harm.

12. At all times relevant and material hereto, the ARCHDIOCESE had a duty to act as a reasonably prudent parent would to protect Plaintiff from foreseeable harms on church grounds and during church-related activities. In this regard, the ARCHDIOCESE was in loco parentis with child parishioners, including Plaintiff.

13. At all times relevant and material hereto, the ARCHDIOCESE and FATHER BOYLE were in a special relationship of employer-employee, in which the ARCHDIOCESE owed a duty to control the acts and conduct of FATHER BOYLE to prevent foreseeable harm.

14. At all times relevant and material hereto, the ARCHDIOCESE had a duty to exercise reasonable care in the training of clergy, employees, and staff in the prevention of sexual abuse and protection of the safety of children in its care.

15. At all times relevant and material hereto, the ARCHDIOCESE had a duty to establish and implement policies and procedures in the exercise of reasonable care for the prevention of sexual abuse and protection of the safety of the children and parishioners in its care.

16. At all times relevant and material hereto, the ARCHDIOCESE had a duty to warn parishioners of dangers presented to children on church grounds and in engaging in church-related activities, including the dangers of sexual abuse.

17. At all times relevant and material hereto, the ARCHDIOCESE owed a duty to Plaintiff to use reasonable care to protect the safety, care, well-being, and health of Plaintiff while Plaintiff was under the care and custody, and/or in the presence of the ARCHDIOCESE.

18. At all times relevant and material hereto, the ARCHDIOCESE's duties encompassed using reasonable care in the retention, supervision, and hiring of FATHER BOYLE and the duty to otherwise provide a safe environment for Plaintiff.

19. At all times relevant and material hereto, the ARCHDIOCESE's duties encompassed the protection and supervision of Plaintiff, and otherwise providing a safe environment for Plaintiff while on CHURCH premises.

20. At all times relevant and material hereto, the ARCHDIOCESE had a duty to exercise reasonable care in the training of clergy, employees, administration, and staff in the prevention of sexual abuse and protection of the safety of children in its care.

### **Defendant CHURCH**

21. At all times relevant and material hereto, CHURCH and Plaintiff were in a special relationship based on Plaintiff's participation or involvement in CHURCH's youth-serving activities, in which CHURCH owed Plaintiff a duty of reasonable care to prevent foreseeable harm.

22. At all times relevant and material hereto, CHURCH had a duty to act as a reasonably prudent parent would to protect Plaintiff from foreseeable harms on church grounds and during church-related activities. In this regard, CHURCH was in loco parentis with minor parishioners engaging in church-related activities, including Plaintiff.

23. At all times relevant and material hereto, CHURCH and FATHER BOYLE were in a special relationship of employer-employee, in which CHURCH owed a duty to control the acts and conduct of FATHER BOYLE to prevent foreseeable harm.

24. At all times relevant and material hereto, CHURCH had a duty to exercise reasonable care in the training of clergy, employees, administration, and staff in the prevention of sexual abuse and protection of the safety of children in its care.

25. At all times relevant and material hereto, CHURCH had a duty to establish and implement policies and procedures in the exercise of reasonable care for the prevention of sexual abuse and protection of the safety of the children and parishioners in its care.

26. At all times relevant and material hereto, CHURCH had a duty to warn parishioners of dangers presented to children on church grounds and in engaging in church-related activities, including the dangers of sexual abuse.

27. At all times relevant and material hereto, CHURCH owed a duty to Plaintiff to use reasonable care to protect the safety, care, well-being, and health of Plaintiff while Plaintiff was under the care and custody, and/or in the presence of CHURCH.

28. At all times relevant and material hereto, CHURCH's duties encompassed using reasonable care in the retention, supervision, and hiring of FATHER BOYLE and the duty to otherwise provide a safe environment for Plaintiff.

29. At all times relevant and material hereto, CHURCH's duties encompassed the protection and supervision of Plaintiff, and otherwise providing a safe environment for Plaintiff while on CHURCH premises.

30. At all times relevant and material hereto, CHURCH had a duty to exercise reasonable care in the training of clergy, employees, administration, and staff in the prevention of sexual abuse and protection of the safety of children in its care.

### **BACKGROUND AND FACTS OF SEXUAL ABUSE**

31. At all times relevant and material hereto, Plaintiff was a parishioner at CHURCH and participated in Defendants' youth-serving activities and those of its employee-agent clergy.

32. At all times relevant and material hereto, FATHER BOYLE was a Priest employed by ARCHDIOCESE and assigned to CHURCH.

33. At all times relevant and material hereto, FATHER BOYLE was over eighteen (18) years of age.

34. Plaintiff was sexually abused by FATHER BOYLE on multiple occasions from approximately 1961-1962, when Plaintiff was between 8-9 years old. The acts of sexual abuse occurred in rectory of the CHURCH.

35. In 2020, Father Gerald Boyle was accused of sexually abusing a minor from approximately 1969 to 1970 at St. John's Parish in Goshen, New York.

36. The acts of sexual assault and abuse perpetrated by FATHER BOYLE against Plaintiff included conduct which constitutes a sexual offense on a minor as defined in Article 130 of the New York Penal Law or the use of a child in a sexual performance as defined in § 263.05 of the New York Penal Law, including without limitation, conduct constituting rape (consisting of sexual intercourse) (N.Y. Penal Law §§ 130.25 - 130.35); criminal sexual act (consisting of oral

or anal sexual conduct) (N.Y. Penal Law §§ 130.40 - 130.53), and/or sexual abuse (consisting of sexual contact) (N.Y. Penal Law §§ 130.55 - 130.77).

### **NOTICE – FORESEEABILITY**

37. Upon information and belief, FATHER BOYLE was at all times relevant and material hereto a sexual predator who sexually abused minor children during his employment by the ARCHDIOCESE and CHURCH.

38. At all times relevant and material hereto, the Defendants knew, or in the exercise of reasonable care should have known, that FATHER BOYLE had a propensity for the conduct which caused injury to Plaintiff, particularly that FATHER BOYLE had a propensity to engage in the sexual abuse of children.

39. At all times relevant and material hereto, it was reasonably foreseeable to the Defendants that FATHER BOYLE would commit acts of child sexual abuse or assault on a child.

40. At all times relevant and material hereto, the Defendants knew or should have known that FATHER BOYLE was unfit, dangerous, and a threat to the health, safety and welfare of the children entrusted to FATHER BOYLE's counsel, care and/or protection.

41. With such actual and/or constructive knowledge, the Defendants provided FATHER BOYLE unfettered access to Plaintiff and gave FATHER BOYLE the opportunity to commit foreseeable acts of child sexual abuse or assault.

### **The Archdiocese's Concealment of Acts of Sexual Abuse by Clergy**

42. The Archbishop of the ARCHDIOCESE at all relevant times knew that clergy of the ARCHDIOCESE, under its supervision and control, were grooming and sexually molesting children with whom the clergy would have contact in their ministry and in their educational and pastoral functions.

43. At all relevant times, the Archbishop knew that this was a widespread, ubiquitous, and systemic problem in the ARCHDIOCESE, involving many clergymen and numerous victims.

44. Despite receiving credible allegations of child sexual abuse against clergy, the Archbishop acted to conceal these allegations in an effort to avoid scandal and accountability.

45. This concealment was in accordance with a policy of the ARCHDIOCESE, as agent, and the Holy See, as principal. In 1922, the Holy See released a confidential document to its Archbishops and other officials of Catholic organizations regarding the handling of cases of solicitation of sex in the confessional. This document mandated a specific procedure for Holy See's agents, including the ARCHDIOCESE, to use when a cleric abused children using the confessional. This document required strict secrecy. The 1922 document showed that the Holy See and its agents were fully aware that there was a systemic problem of clergy sexually molesting children using the confessional.

46. In 1962, the Holy See released the confidential document, *Instruction on The Manner of Proceeding in Cases of Solicitation* (The Vatican Press, 1962) (hereinafter referred to as "*Crimen Sollicitationis*"). The heading of the document states, "From the Supreme and Holy Congregation of the Holy Office To All Patriarchs, Bishops, Archbishops and Other Diocesan Ordinaries 'Even of the Oriental Rite,'" and contains specific instructions regarding the handling of child sex abuse by clergy. According to the document itself, it is an "instruction, ordering upon those to whom it pertains to keep and observe it in the minutest detail" (*Crimen Sollicitationis* at paragraph 24).

47. The 1962 document reinforced that the Holy See and its agents to whom the document was directed had knowledge that there was a systemic problem of Catholic clergy sexually molesting children using the confessional.



48. At the same time, the Holy See was involved in the formation of secret facilities in the United States where sexually offending clergy would be sent for short periods of time. In 1962-63, Fr. Gerald Fitzgerald reported to the Pope on the problem of abuse of children by clergy and expressed concerns if these clergymen were returned to active duty.

49. Fr. Fitzgerald's reports were kept secret under the Holy See's standing policy to avoid scandal at all costs. His recommendation was ignored, however, and instead the Holy See made a choice to return known offending clergy to active duty. At this point, it is clear that the Holy See and its agents, including the ARCHDIOCESE, knew they had a widespread problem of clergy sexually molesting minors, and they participated in the creation and the operation of facilities in the United States where sexually offending clergy could be sent before they were moved to another parish to work and potentially abuse again.

50. The Holy See's policy of secrecy under penalty of immediate removal from the organization (excommunication) for all involved in an accusation of child sexual abuse created a shroud of secrecy insulating clergy from consequence. Through this policy and others, the Holy See and its agents, including the ARCHDIOCESE, knowingly allowed, permitted, and encouraged child sex abuse by the ARCHDIOCESE's clergy.

51. The Holy See mandates secrecy for all those involved, including agents and itself, in handling allegations of sexual abuse. Penalties for child sexual abuse include an order to move offending clergymen to other locations once they have been determined to be "delinquent." In response to allegations, the document mandates that supplementary penalties include: "As often as, in the prudent judgment of the Ordinary, it seems necessary for the amendment of the delinquent, for the removal of the near occasion [of soliciting in the future], or for the prevention of scandal or reparation for it, there should be added a prescription for a prohibition of remaining

in a certain place” (*Crimen Sollicitations* at paragraph 64). Under this policy of secrecy and transfers or reassignments, all involved are threatened with excommunication and, thus, damnation, if they do not comply.

52. The policy of secrecy and the severest of penalties for its violation were reiterated in documents issued by officials of the Holy See for the benefit of its agents, including the Archbishop of the ARCHDIOCESE, in 1988 and 2001.

53. The policies and practices of the ARCHDIOCESE designed to conceal sexual abuse by clergy and protect it from scandal and liability included the following:

- a. transfer and reassignment of clergy known or suspected to abuse minors to deflect attention from reports or allegations of child sexual abuse;
- b. concealing from parishioners and even other clergy that a clergymen reassigned to their parish posed a danger of sexual abuse to children;
- c. failing to alert parishioners from the clergymen’s prior assignments or his experience in seminary that their children were exposed to a known or suspected child molester;
- d. failing to report sexual abuse to criminal authorities; and
- e. otherwise protecting and fostering the interests of abusive clergy to the detriment of the victims and the community, for the purpose of avoiding scandal and public scrutiny.

54. Upon information and belief, the ARCHDIOCESE’s transfers and reassignments of accused clergy were pursuant to this policy and practice designed to conceal sexual abuse of clergy and protect the ARCHDIOCESE from scandal.

55. Indeed, the policy of secrecy and lack of consequences for the sexual abuse of children was perceived as a perquisite by clergy sex abusers. The Holy See and ARCHDIOCESE believed it to be perceived as a perquisite, which it condoned and used to its advantage in controlling clergymen.

56. Plaintiff was in a zone of foreseeable harm as a child engaged in Catholic activities in close proximity to or with Catholic clergy.

57. The ARCHDIOCESE was in the best position to protect against the risk of harm as it knew of the systemic problem and foreseeable proclivities of its clergymen to sexually abuse children.

58. At all relevant times, while the ARCHDIOCESE had special and unique knowledge of the risk of child sexual abuse by its clergymen, such clergymen who would prey on children were outside the reasonable contemplation of the Catholic community and families who trusted clergy to have access to their children.

59. Plaintiff and those similarly situated had no opportunity to protect themselves against a danger that was solely within the knowledge of the ARCHDIOCESE.

60. The ARCHDIOCESE knew a significant percentage of clergymen were using their status and position to identify, recruit, groom and sexually assault vulnerable children in the Church.

61. Children engaging in Catholic activities within the ARCHDIOCESE were in this manner placed at risk of child sexual abuse. Because the ARCHDIOCESE maintained child sexual abuse by clergy in strict secrecy, parishioners, including Plaintiff's parents and/or guardians, were misled to believe that their clergy were safe around children.

62. As a result of the ARCHDIOCESE's secrecy and deceit, Plaintiff's parents/guardians trusted the ARCHDIOCESE and CHURCH, and continued Plaintiff's involvement with church-related activities at CHURCH.

### **BREACH**

63. Upon information and belief, at the time Plaintiff was first sexually assaulted by FATHER BOYLE and during the time that these sexual assaults continued, the ARCHDIOCESE and CHURCH knew or should have known that FATHER BOYLE posed a foreseeable risk of sexual assault to children with whom FATHER BOYLE would have contacts in his duties and activities as a Catholic clergyman.

64. At all times relevant and material hereto, the ARCHDIOCESE and CHURCH failed to warn Plaintiff and similarly situated individuals, and their parents and/or guardians, that FATHER BOYLE posed a risk of child sexual abuse.

65. Given Defendants' constructive and/or actual knowledge of FATHER BOYLE's dangerous sexual propensities, as described above, Defendants breached their duty to protect Plaintiff by allowing FATHER BOYLE to serve as clergy and granting him unfettered access to child parishioners and children engaged in church-related activity despite such knowledge of his dangerous sexual propensities, and by failing to institute any supervision of FATHER BOYLE's contacts with children, and failing to address and/or correct FATHER BOYLE's known inappropriate contacts with children.

66. As a direct and proximate result of the Defendants' breach of their duties, Plaintiff was sexually assaulted and abused by FATHER BOYLE while Plaintiff was a child parishioner at CHURCH.

67. At all times relevant and material hereto, the ARCHDIOCESE and CHURCH breached their duties by (i) failing to protect Plaintiff from sexual assault and lewd and lascivious acts committed by their agent and employee; (ii) failing to establish policies and procedures that were adequate to protect the health, safety and welfare of children within the parish and protect them from sexual abuse; (iii) failing to implement and enforce policies and procedures that were adequate to protect the health, safety, and welfare of children within the parish and protect them from sexual abuse; (iv) hiring, retaining, and/or failing to supervise FATHER BOYLE when they knew or should have known that he posed a substantial risk of harm to children; (v) failing to adequately monitor and supervise children at CHURCH and within the ARCHDIOCESE; (vi) failing to warn children within the parish and their parents of the danger of sexual abuse posed by FATHER BOYLE; (vii) hiring and retaining FATHER BOYLE as clergy with unfettered access to children; (viii) failing to adequately supervise FATHER BOYLE as an active clergyman of the ARCHDIOCESE; and (ix) granting and maintaining FATHER BOYLE faculties or authorization to act as clergy without making any warning or notice of his perverse sexual proclivities to the Catholic faithful who would have contacts with FATHER BOYLE.

68. At all times relevant and material hereto, the Defendants concealed their knowledge that clergy, specifically FATHER BOYLE, were unsafe.

69. At all times relevant and material hereto, Defendants failed to train clergy, employees, administrators, and staff in the prevention of child sexual abuse.

70. At all times relevant and material hereto, Defendants failed to warn Catholic families that their children were at risk of sexual abuse by clergy in general and FATHER BOYLE in particular.

71. As a direct and proximate cause of the foregoing breaches of duty, FATHER BOYLE sexually assaulted Plaintiff while Plaintiff was a child parishioner at CHURCH.

72. The limitation of liability set forth in CPLR Art. 16 is not applicable to the claim of personal injury alleged herein, by reason of one or more of the exemptions provided in CPLR § 1602, including without limitation, that Defendants acted with reckless disregard for the safety of others, including Plaintiff, or knowingly or intentionally, in concert with FATHER BOYLE to retain FATHER BOYLE in ministry with unfettered access to children.

**COUNT I – NEGLIGENCE**  
**(against Defendant ARCHDIOCESE)**

73. Plaintiff repeats and realleges Paragraphs 1 through 72 above.

74. Defendant ARCHDIOCESE was negligent.

75. Defendant ARCHDIOCESE owed a duty of care to Plaintiff.

76. Defendant ARCHDIOCESE breached the duty of care owed to Plaintiff. Defendant ARCHDIOCESE, having actual or constructive notice of child sexual abuse perpetrated by its agents, including FATHER BOYLE, failed to protect Plaintiff, failed to control FATHER BOYLE, and otherwise failed to make its youth-serving activities and engagement safe.

77. Defendant ARCHDIOCESE knew or should have known that Plaintiff was being sexually abused and failed to take corrective action against the perpetrators of the sexual abuse, namely FATHER BOYLE, or otherwise make its environment safe for Plaintiff. Plaintiff was sexually abused after Defendant ARCHDIOCESE knew or should have known that Plaintiff was being sexually abused.

78. It was reasonably foreseeable to Defendant ARCHDIOCESE that in allowing clergy unsupervised and unfettered access to children that those children may be sexually abused.

79. Defendant ARCHDIOCESE was negligent in the hiring, supervision, placement, training, and retention of FATHER BOYLE.

80. As a direct and proximate result of Defendant ARCHDIOCESE's negligence, Plaintiff has suffered and continues to suffer severe and permanent psychological, emotional, and physical injuries, shame, humiliation, and the inability to lead a normal life.

**COUNT II – NEGLIGENCE**  
**(against Defendant CHURCH)**

81. Plaintiff repeats and realleges Paragraphs 1 through 72 above.

82. Defendant CHURCH was negligent.

83. Defendant CHURCH owed a duty of care to Plaintiff.

84. Defendant CHURCH breached the duty of care owed to Plaintiff. Defendant CHURCH, having actual or constructive notice of child sexual abuse perpetrated by its agents, including FATHER BOYLE, failed to protect Plaintiff, failed to control FATHER BOYLE, and otherwise failed to make its youth-serving activities and engagement safe.

85. Defendant CHURCH knew or should have known that Plaintiff was being sexually abused and failed to terminate the perpetrators of the sexual abuse, namely FATHER BOYLE, or otherwise make its environment safe for Plaintiff. Plaintiff was sexually abused after Defendant CHURCH knew or should have known that Plaintiff was being sexually abused.

86. It was reasonably foreseeable to Defendant CHURCH that in allowing clergy unsupervised and unfettered access to children that those children may be sexually abused.

87. Defendant CHURCH was negligent in the hiring, supervision, placement, training, and retention of FATHER BOYLE.

88. As a direct and proximate result of the negligence of Defendant CHURCH, Plaintiff has suffered and continues to suffer severe and permanent psychological, emotional, and physical injuries, shame, humiliation, and the inability to lead a normal life.

**DEMAND FOR A JURY TRIAL**

89. Plaintiff demands a Jury Trial in this action.

WHEREFORE, the amount in controversy exceeds the jurisdictional limits of all lower courts, and Plaintiff demands judgment against Defendants jointly and severally for compensatory damages, pain and suffering, punitive damages, attorney fees, the costs and disbursements of this action, and such other and further relief as this Court deems necessary just and proper.

Dated: New York, NY  
November 21, 2022

Respectfully submitted,

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Tel: (212) 390-0100

By  \_\_\_\_\_

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