

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

JA-501 DOE,

Plaintiff,

v.

ARCHDIOCESE OF NEW YORK;
JESUIT FATHERS AND BROTHERS
d/b/a THE NEW YORK PROVINCE OF
THE SOCEITY OF JESUS a/k/a U.S.A.
NORTHEAST PROVINCE OF THE
SOCIETY OF JESUS; REGIS HIGH
SCHOOL; and DOES 1-5 whose identities
are unknown to Plaintiff,

Defendants.

Index No. _____

SUMMONS

Date Index No. Purchased: November 2, 2023

TO THE ABOVE NAMED DEFENDANTS:

PLEASE TAKE NOTICE THAT YOU ARE HEREBY SUMMONED to answer the Complaint, a copy of which is hereby served upon you, and to serve a copy of your Answer to the Complaint upon the undersigned attorneys listed below 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); and in the case of your failure to appear or answer, judgment by default will be taken against you for the relief demanded herein.

The basis of venue is the principal place of business of Defendant Archdiocese of New York, which is 1011 First Avenue, New York, NY 10022.

Dated: November 2, 2023
New York, New York

/s/ Trusha Goffe
Jeffrey R. Anderson
Trusha Goffe
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**COMPLAINT
AND DEMAND
FOR JURY TRIAL**

Plaintiff, by and through Plaintiff’s attorneys, states and alleges as follows:

PARTIES

A. Plaintiff

1. At all times material, Plaintiff resided in the State of New York.

2. An Order to Show Cause is filed concurrently herewith if all Defendants have not consented to Plaintiff’s use of a pseudonym.

3. This action is brought pursuant to the New York Adult Survivors Act, CPLR § 214-j. The conduct at issue constituted sexual offense(s) against an adult in violation of a section within Article 130 of the New York Penal Law, or a predecessor statute that prohibited such conduct at the time of the act, and resulted in physical, psychological, and emotional injuries. As a civil cause of action was previously time-barred prior to November 24, 2022, the terms of the Adult Survivors Act, CPLR § 214-j, revive the claims set forth below.

B. Defendants

4. Whenever reference is made to any Defendant entity, such reference includes that entity, its parent companies, subsidiaries, affiliates, predecessors, and successors. In addition, whenever reference is made to any act, deed, or transaction of any entity, the allegation means that the entity engaged in the act, deed, or transaction by or through its officers, directors, agents, employees, or representatives while they were actively engaged in the management, direction, control, or transaction of the entity's business or affairs.

5. At all times material, Defendant Archdiocese of New York ("Archdiocese") was and continues to be an organization or entity which includes, but is not limited to, civil corporations, decision making entities, officials, and employees, authorized to conduct business and conducting business in the State of New York with its principal place of business at 1011 First Avenue, New York, NY 10022.

6. The Archdiocese was created in approximately 1850. Later, the Archdiocese created a corporation called the Archdiocese of New York to conduct some of its affairs. The Archdiocese operates its affairs as both a corporate entity and as the organization known as the Archdiocese of New York. Both of these entities and all other affiliated corporations and entities controlled by the Archbishop are included in this Complaint as the "Archdiocese." The Archdiocese functions as a business by engaging in numerous revenue producing activities and soliciting money from its members in exchange for its services.

7. The Archdiocese has the power to appoint, train, supervise, monitor, remove, and terminate each and every person working within the Archdiocese.

8. At all times material, Defendant Jesuit Fathers and Brothers a/k/a The New York Province of Society of Jesus a/k/a U.S.A. Northeast Province of the Society of Jesus ("Jesuits")

was and continues to be a Roman Catholic religious order of priests and brothers affiliated with the Roman Catholic Church with its headquarters and principal place of business at 39 East 83rd Street, New York, NY 10028.

9. The Jesuits is an organization or entity that includes, but is not limited to, civil corporations, decision making entities, officials, and employees, authorized to conduct business and conducting business in the State of New York and in the Archdiocese. The provincial is the top official of the Jesuits and is given authority over all matters dealing with the Jesuits as a result of his position. The Jesuits functions as a business by engaging in numerous revenue producing activities and soliciting money in exchange for its services.

10. At all times material, Defendant Regis High School was and continues to be an organization or entity authorized to conduct business and conducting business in the State of New York, with its principal place of business at 55 East 84th Street, New York, NY 10028. Regis High School includes, but is not limited to, Regis High School and any other organizations and/or entities operating under the same or similar name with the same or similar principal place of business.

11. At all times material, Regis High School was and continues to be under the direct authority, control, and province of Defendant Archdiocese, the Archbishop of Defendant Archdiocese, and the Jesuits.

12. Defendants Does 1 through 5 are unknown agents whose identities will be provided when they become known pursuant to CPLR § 1024.

13. The limitations of Article 16 of the CPLR do not apply because one or more of the exceptions set forth in CPLR § 1601 and/or § 1602 apply.

JURISDICTION

14. This Court has jurisdiction pursuant to CPLR § 301 as Defendants' principal places of business are in New York and because the unlawful conduct complained of herein occurred in New York.

15. Venue is proper pursuant to CPLR § 503 in that New York County is the principal place of business of Defendants Archdiocese and Jesuits. In addition, many of the events giving rise to this action occurred in New York County.

FACTUAL ALLEGATIONS

16. At all times material, Father Robert Voelkle, S.J. ("Fr. Voelkle") was a Roman Catholic cleric employed by the Archdiocese, the Jesuits, and Regis High School. Fr. Voelkle remained under the direct supervision, employ, and control of Defendants.

17. Defendants placed Fr. Voelkle in positions where Fr. Voelkle had access to and worked with students and young adults as an integral part of their work.

18. Plaintiff, a devout Roman Catholic, attended Regis High School in New York, in the Archdiocese. Plaintiff first came in contact with Fr. Voelkle as an agent and representative of Defendants, and at Regis High School.

19. Plaintiff participated in Catholic activities at Regis High School and in the Archdiocese. Plaintiff, therefore, developed great admiration, trust, reverence, and respect for the Roman Catholic Church, including Defendants and their agents, including Fr. Voelkle.

20. In approximately 1979 or 1980, when Plaintiff was approximately 19 years old, Fr. Voelkle engaged in unpermitted sexual contact with Plaintiff in violation of at least one section of New York Penal Law Article 130 or a predecessor statute that prohibited such conduct at the time of the abuse.

21. Plaintiff's relationship to Defendants and Fr. Voelkle, as a vulnerable individual and participant in Catholic activities was one in which Plaintiff was subject to the ongoing influence of Defendants and Fr. Voelkle.

COUNT I: NEGLIGENCE

22. Plaintiff incorporates all consistent paragraphs of this Complaint as if fully set forth under this count.

23. Each Defendant owed Plaintiff a duty of reasonable care to protect the Plaintiff from injury.

24. Each Defendant owed Plaintiff a duty of care because each Defendant had a special relationship with Plaintiff.

25. Each Defendant owed Plaintiff a duty to protect Plaintiff from harm because each Defendant also had a special relationship with Fr. Voelkle.

26. Each Defendant owed Plaintiff a duty to control the conduct of Fr. Voelkle because each Defendant had complete ability to control Fr. Voelkle's access to individuals like Plaintiff to prevent the foreseeable harms associated with sexual abuse, giving rise to a special relationship with Fr. Voelkle and a duty to control Fr. Voelkle's conduct.

27. Defendants owed Plaintiff a duty of reasonable care because they solicited individuals for participation in their programs; encouraged individuals to participate in their programs; promoted their facilities and programs as being safe; held their agents, including Fr. Voelkle, out as safe; encouraged community members to spend time with their agents; and/or encouraged their agents, including Fr. Voelkle, to spend time with, interact with, and recruit community members.

28. Each Defendant breached its duties to Plaintiff. Defendants failed to use ordinary

care in determining whether their facilities were safe and/or determining whether they had sufficient information to represent their facilities as safe. Defendants' breach of their duties include, but are not limited to: failure to protect Plaintiff from a known danger, failure to have sufficient policies and procedures in place to prevent sex abuse, failure to properly implement policies and procedures to prevent sex abuse, failure to take reasonable measures to ensure that policies and procedures to prevent sex abuse were working, failure to adequately inform community members of the risks of sex abuse, failure to investigate risks of sexual abuse, failure to properly train the employees at institutions and programs within Defendants' geographical confines, failure to train the individuals within Defendants' geographical confines about the dangers of sexual abuse by clergy, failure to have any outside agency test their safety procedures, failure to protect the individuals in their programs from sex abuse, failure to adhere to the applicable standard of care for safety, failure to investigate the amount and type of information necessary to represent the institutions, programs, leaders and people as safe, failure to train their employees properly to identify signs of sexual abuse by fellow employees, failure by relying upon mental health professionals, and/or failure by relying on people who claimed that they could treat abusers.

29. Defendants also breached their duty to Plaintiff by failing to warn Plaintiff of the risk that Fr. Voelkle posed and the risks of sexual abuse in Catholic institutions. They also failed to warn Plaintiff about any of the knowledge that Defendants had about sexual abuse.

30. Defendants breached their duties to Plaintiff by failing to use reasonable care. Defendants' failures include, but are not limited to, failing to properly supervise Fr. Voelkle, failing to properly supervise Plaintiff, and failing to protect Plaintiff from a known danger.

31. Defendants additionally violated a legal duty by failing to report known and/or

suspected abuse by Fr. Voelkle and/or its other agents to the police and law enforcement.

32. Defendants knew or should have known that Fr. Voelkle was unfit to be in a position of authority before Fr. Voelkle sexually assaulted Plaintiff.

33. Prior to the sexual assault of Plaintiff, Defendants learned or should have learned that Fr. Voelkle posed a risk of harm. Defendants, by and through their agents, servants and/or employees, became aware, or should have become aware of Fr. Voelkle's propensity to commit sexual abuse and of the risk to Plaintiff's safety. At the very least, Defendants knew or should have known that they did not have sufficient information about whether or not their leaders and people working at Regis High School and other Catholic institutions within the Archdiocese of New York were safe.

34. Defendants knew or should have known that there was a risk of sex abuse for those participating in Catholic programs and activities within the Archdiocese. At the very least, Defendants knew or should have known that they did not have sufficient information about whether or not there was a risk of sex abuse for individuals participating in Catholic programs and activities within the Archdiocese.

35. Defendants knew or should have known that Defendants had numerous agents who had a history of sexual assault. Defendants knew or should have known that abusers have a high rate of recidivism. They knew or should have known that there was a specific danger of sex abuse for individuals participating in their programs.

36. However, despite this knowledge, Defendants negligently deemed that Fr. Voelkle was fit to be in a position of authority; and/or that any previous suitability problems Fr. Voelkle had were fixed and cured; and/or that Fr. Voelkle would not commit acts of sexual assault; and/or that Fr. Voelkle would not injure others.

37. Defendants' actions created a foreseeable risk of harm to Plaintiff. As a vulnerable individual participating in the programs and activities Defendants offered, Plaintiff was a foreseeable victim.

38. As a direct result of the foregoing, Plaintiff sustained physical, emotional, and psychological injuries, along with pain and suffering.

COUNT II: NEGLIGENT TRAINING AND SUPERVISION OF EMPLOYEES

39. Plaintiff incorporates all consistent paragraphs of this Complaint as if fully set forth under this count.

40. At all times material, Fr. Voelke was employed by Defendants and was under each Defendant's direct supervision, employ, and control when he committed the wrongful acts alleged herein. Fr. Voelke engaged in the wrongful conduct while acting in the course and scope of his employment with Defendants and/or accomplished the sexual abuse by virtue of his job-created authority.

41. Defendants had a duty, arising from their employment of Fr. Voelke, to ensure that he did not commit acts of sexual assault.

42. Further, Defendants owed a duty to train and educate employees and administrators and establish adequate and effective policies and procedures calculated to detect, prevent, and address inappropriate behavior and conduct by clerics.

43. The abuse complained of herein occurred on Defendants' property and/or with the use of their chattels.

44. Defendants breached their duties to Plaintiff by actively maintaining and employing Fr. Voelke in a position of power and authority through which Fr. Voelke had access to, and power and control over foreseeable victims, including Plaintiff.

45. Defendants were negligent in the training, supervision, and instruction of their employees. Defendants failed to timely and properly educate, train, supervise, and/or monitor their agents or employees with regard to policies and procedures that should be followed when sexual abuse is suspected or observed. Defendants were additionally negligent in failing to supervise, monitor, and/or investigate Fr. Voelkle and/or in failing to create, institute, and/or enforce rules, policies, procedures, and/or regulations to prevent Fr. Voelkle's sexual abuse of Plaintiff. In failing to properly supervise Fr. Voelkle, and in failing to establish such training procedures for employees and administrators, Defendants failed to exercise the degree of care that a reasonably prudent person would have exercised under similar circumstances.

46. As a direct result of the foregoing, Plaintiff sustained physical, emotional, and psychological injuries, along with pain and suffering.

COUNT III: NEGLIGENT RETENTION OF EMPLOYEES

47. Plaintiff incorporates all consistent paragraphs of this Complaint as if fully set forth under this count.

48. At all times material, Fr. Voelkle was employed by Defendants and was under each Defendant's direct supervision, employ, and control when he committed the wrongful acts alleged herein.

49. Defendants negligently retained Fr. Voelkle with knowledge of Fr. Voelkle's propensity for the type of behavior which resulted in Plaintiff's injuries in this action. Defendants failed to investigate Fr. Voelkle's past and/or current history of sexual abuse and, through the exercise of reasonable diligence, should have known of Fr. Voelkle's propensity for sexual abuse. Defendants should have made an appropriate investigation of Fr. Voelkle and failed to do so. An appropriate investigation would have revealed the unsuitability of Fr. Voelkle for continued

employment and it was unreasonable for Defendants to retain Fr. Voelkle in light of the information they knew or should have known.

50. Defendants negligently retained Fr. Voelkle in a position where he had access to individuals and could foreseeably cause harm which Plaintiff would not have been subjected to had Defendants taken reasonable care.

51. In failing to timely remove Fr. Voelkle from their position or terminate the employment of Fr. Voelkle, Defendants failed to exercise the degree of care that a reasonably prudent person would have exercised under similar circumstances.

52. As a direct result of the foregoing, Plaintiff sustained physical, emotional, and psychological injuries, along with pain and suffering.

PRAYER FOR RELIEF

WHEREFORE, based on the foregoing causes of action, Plaintiff prays for judgment against Defendants in an amount that will fully and fairly compensate Plaintiff for Plaintiff's injuries and damages and for any other relief the Court deems appropriate. The amount of damages sought in this Complaint exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

JURY DEMAND

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

Dated: November 2, 2023
New York, New York

/s/ Trusha Goffe
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