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GREGORY JOSEPH COLAVECCHIA



Diocese of Rochester  
Our Lady of Mount Carmel

State Fee Index Number	\$165.00	
County Fee Index Number	\$26.00	
State Fee Cultural Education	\$14.25	
State Fee Records Management	\$4.75	Employee: MJ
<b>Total Fees Paid:</b>	<b>\$210.00</b>	

State of New York

MONROE COUNTY CLERK'S OFFICE  
WARNING – THIS SHEET CONSTITUTES THE CLERKS  
ENDORSEMENT, REQUIRED BY SECTION 317-a(5) &  
SECTION 319 OF THE REAL PROPERTY LAW OF THE  
STATE OF NEW YORK. DO NOT DETACH OR REMOVE.

JAMIE ROMEO

MONROE COUNTY CLERK



STATE OF NEW YORK  
SUPREME COURT COUNTY OF MONROE



**SUMMONS**

v. Plaintiff,

Index No.:  
Date Filed:

DIOCESE OF ROCHESTER,  
1150 Buffalo Road  
Rochester, New York 14624

Child Victim's Act Proceeding  
NY CPLR 214-g

OUR LADY OF MOUNT CARMEL  
1150 Buffalo Road  
Rochester, New York 14624

Defendants.

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 plaintiffs' attorney within twenty (20) days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the state, or within thirty (30) days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Plaintiff designates Monroe County as the place of trial. The basis of the venue is one or more defendants resides in Monroe County and a substantial part of the events or omissions giving rise to the claim occurred in Monroe County.

DATED: Rochester, New York  
March 12, 2020

THE LAW OFFICE OF ROBERT KING  
Gregory J. Colavecchia, Esq.  
*Attorney for Plaintiff*  
19 West Main Street, Suite 250  
Rochester, NY 14614  
Telephone: (585) 270-8882

STATE OF NEW YORK.  
SUPREME COURT COUNTY OF MONROE

[REDACTED]

Plaintiff,

v.

DIOCESE OF ROCHESTER and  
OUR LADY OF MOUNT CARMEL

Defendants.

**COMPLAINT**

**Index No.:**

Plaintiff, [REDACTED] complaining through her attorneys, The Law Office of Robert King, PLLC, alleges as follows:

**JURISDICTION AND VENUE**

1. This Court has personal jurisdiction over the defendants pursuant to NY CPLR 301 and 302. Each defendant either resides or resided in New York, conducts or conducted business in New York, or at relevant times mentioned herein, conducted activities in New York that give rise to the claims asserted herein.

2. Venue for this action in the County of Monroe is proper pursuant to NY CPLR 503 as one or more defendants resides in Monroe County and a substantial part of the events or omissions giving rise to the claim occurred in Monroe County.

**PROCEEDING PURSUANT TO NY CPLR 214-g and 22 NYCRR 202.72**

3. This Complaint is being filed pursuant to NY CPLR 214-g and 22 NYCRR 202.72 (commonly known as “The Child Victim’s Act”).

4. Pursuant to NYCPLR 214-g, the action is timely commenced.

**THE PARTIES**

5. At the time of the commencement of this action, plaintiff, [REDACTED] was an individual residing in the County of Monroe, State of New York.

6. At the time of the incidents giving rise to this Complaint, plaintiff, [REDACTED] was an individual residing in the County of Monroe, State of New York.

7. At all times mentioned herein, defendant DIOCESE OF ROCHESTER was and is a religious corporation organized pursuant to the Religious Corporations Law, with its principal office located at 1150 Buffalo Road, Rochester, New York, in the County of Monroe.

8. At all times mentioned herein, defendant DIOCESE OF ROCHESTER, was the Roman Catholic diocese headquartered in Rochester, New York and operated the Roman Catholic churches and/or parishes in the greater Rochester, New York area.

9. At all times mentioned herein, defendant OUR LADY OF MOUNT CARMEL was a religious corporation organized pursuant to the Religious Corporations Law, with its principal offices located at 65 Woodward Street, Rochester, New York 14605 and/or 53 Ontario Street, Rochester, New York, 14605.

10. At all times mentioned herein, defendant OUR LADY OF MOUNT CARMEL, was a Roman Catholic church and/or parish which was managed, controlled, directed, overseen, and supervised by defendant DIOCESE OF ROCHESTER, its agents, servants, and/or employees.

11. At all times mentioned herein, OUR LADY OF MOUNT CARMEL was a Roman Catholic church and/or parish operating under the authority of the defendant, DIOCESE OF ROCHESTER.

12. At all times mentioned herein, the physical property and location of OUR LADY OF MOUNT CARMEL was managed and controlled by the DIOCESE OF ROCHESTER.

13. Upon information and belief, the church and/or parish of OUR LADY OF MOUNT

CARMEL is no longer operating.

**FACTS**

14. At all times mentioned herein, the DIOCESE OF ROCHESTER employed, managed, supervised, and controlled the employees, agents, and/or representatives of OUR LADY OF MOUNT CARMEL, including but not limited to priests, nuns, and other staff and volunteers. This included while they were present at OUR LADY OF MOUNT CARMEL and while they were not at OUR LADY OF MOUNT CARMEL but were involved in off-site activities pursuant to their employment with OUR LADY OF MOUNT CARMEL.

15. At all times hereinafter mentioned and relevant to the allegations set forth in this Complaint, Father Dennis Shaw was a priest employed by the DIOCESE OF ROCHESTER.

16. At all times hereinafter mentioned and relevant to the allegations set forth in this Complaint, Father Dennis Shaw was a priest assigned by the DIOCESE OF ROCHESTER to OUR LADY OF MOUNT CARMEL, serving in that capacity between approximately 1988 and 2005.

17. At all times hereinafter mentioned and relevant to the allegations set forth in this Complaint, Father Dennis Shaw was a priest at OUR LADY OF MOUNT CARMEL, serving in that capacity between approximately 1988 and 2005.

18. At all times hereinafter mentioned and relevant to the allegations set forth in this Complaint, Father Dennis Shaw was employed by OUR LADY OF MOUNT CARMEL.

19. The plaintiff, [REDACTED] has a date of birth of [REDACTED]

20. As a child, [REDACTED] was a parishioner at OUR LADY OF MOUNT CARMEL.

21. [REDACTED] received her First Communion at OUR LADY OF MOUNT CARMEL in approximately 1995.

22. From approximately 1995 through and including 1998, [REDACTED] served as an

altar server at the OUR LADY OF MOUNT CARMEL church and/or parish.

23. As a priest employed by the DIOCESE OF ROCHESTER, Father Dennis Shaw had direct contact with [REDACTED] then a minor child.

24. As a priest employed by OUR LADY OF MOUNT CARMEL, Father Dennis Shaw had direct contact with [REDACTED] then a minor child.

25. Prior to his assignment by the DIOCESE OF ROCHESTER to OUR LADY OF MOUNT CARMEL, both the DIOCESE OF ROCHESTER and OUR LADY OF MOUNT CARMEL knew or reasonably should have known that Father Dennis Shaw had a propensity to sexually abuse children and posed a sexual danger to minor children. Yet, the defendants, their agents, representatives, and/or employees concealed that information and still allowed him to have direct, unsupervised access to children, including the plaintiff, [REDACTED]

26. On or about and between approximately 1995 and 1998, plaintiff [REDACTED] [REDACTED] was a parishioner and altar server at OUR LADY OF MOUNT CARMEL.

27. On or about and between approximately 1995 and 1998, Father Dennis Shaw, utilizing his position and access, sexually abused, sexually assaulted, and/or had unpermitted sexual contact with the plaintiff, [REDACTED] on numerous occasions.

28. Father Dennis Shaw's sexual abuse, sexual assault, and/or sexual contact with plaintiff [REDACTED] was in violation of the laws of the state of New York.

29. At all times herein mentioned, Father Dennis Shaw was under the management, supervision, employ, direction, control, and employ of the DIOCESE OF ROCHESTER and OUR LADY OF MOUNT CARMEL.

30. Defendant, DIOCESE OF ROCHESTER, knew or should have known, that Father Dennis Shaw had illegal, immoral, and inappropriate sexual contact with minors, including the plaintiff, [REDACTED]

31. Defendant, OUR LADY OF MOUNT CARMEL, knew or should have known, that Father Dennis Shaw had illegal, immoral, and inappropriate sexual contact with minors, including the plaintiff, [REDACTED]

32. Defendant, DIOCESE OF ROCHESTER, allowed and/or covered up and/or condoned Father Dennis Shaw's illegal, immoral, and inappropriate sexual contact with minors, including the plaintiff, [REDACTED]

33. Defendant, OUR LADY OF MOUNT CARMEL, allowed and/or covered up and/or condoned Father Dennis Shaw's illegal, immoral, and inappropriate sexual contact with minors, including the plaintiff, [REDACTED]

34. Plaintiff [REDACTED] has suffered physical, emotional, and psychological damages as a result of being sexually abused by Father Dennis Shaw while he was under the control, supervision, management, and employ of the Diocese of Rochester and Our Lady of Mount Carmel.

35. As a direct result of the conduct of defendants Diocese of Rochester and Our Lady of Mount Carmel, plaintiff [REDACTED] has suffered and will continue to suffer physical pain, emotional pain, emotional distress, and psychological pain.

36. As a direct result of being sexually abused as a child by Father Dennis Shaw, while under the control, supervision, management, and employ of defendants Diocese of Rochester and Our Lady of Mount Carmel, plaintiff [REDACTED] has been, and will continue to be unable to enjoy the full extent of life's pleasures.

37. As a direct result of being sexually abused as a child by Father Dennis Shaw, while under the control, supervision, management, and employ of defendants Diocese of Rochester and Our Lady of Mount Carmel, plaintiff [REDACTED] has incurred, and will continue to incur medical expenses for psychological and emotional treatment as well as diminished income and

earning capacity.

38. As a victim of 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.

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

39. The plaintiff repeats and realleges the allegations contained in paragraphs “1” through “38” both inclusive as if fully set forth herein, and further allege that:

40. At all times mentioned herein, defendants DIOCESE OF ROCHESTER and OUR LADY OF MOUNT CARMEL owed a duty of care to provide a safe atmosphere, free from sexual assault, sexual abuse and/or sexual contact, to its young children, students, altar servers, patrons, and parishioners, including plaintiff Amaryllis Figueroa, by its agents, representatives, employees, and/or clergymen under its supervision and control.

41. At all times mentioned herein, defendants DIOCESE OF ROCHESTER and OUR LADY OF MOUNT CARMEL, breached the above-stated duty in a negligent, willful, and wanton manner and caused plaintiff to be sexually assaulted, sexually abused, and/or sexually contacted by Father Dennis Shaw.

42. Defendants DIOCESE OF ROCHESTER and OUR LADY OF MOUNT CARMEL knew or were negligent in not knowing that Father Dennis Shaw posed a threat of sexual abuse and/or sexual assault to children he came into contact with, including plaintiff [REDACTED]

43. Defendants negligently placed Father Dennis Shaw in a position of power and a position to have direct contact with children, including plaintiff [REDACTED] knowing he posed such a threat.

44. The acts of Father Dennis Shaw described above were undertaken and/or enabled by,



and/or during the course of, and/or within the scope of his employment, assignment, and representation by, for, and of the DIOCESE OF ROCHESTER and OUR LADY OF MOUNT CARMEL.

45. Defendants DIOCESE OF ROCHESTER and OUR LADY OF MOUNT CARMEL:

- a. Failed to adequately supervise the activities of Father Dennis Shaw
- b. Failed to adequately supervise the church, rectory, and other buildings and/or rooms associated with the Our Lady of Mount Carmel parish.
- 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, including Father Dennis Shaw, upon their premises.
- d. Allowed the acts and/or omissions set forth in this Complaint to occur.
- e. Failed to make proper regulations and/or policies and/or orders to prevent the occurrence of sexual assault of children by its employees, representatives, and/or agents.

46. The defendants' willful, wanton, negligent, and/or grossly negligent acts or omissions resulted directly and proximately in the damages set forth herein.

47. As a direct and/or indirect result of the negligence and gross negligence of defendants DIOCESE OF ROCHESTER and OUR LADY OF MOUNT CARMEL and/or their agents, representatives, and employees, plaintiff [REDACTED] has suffered serious personal injuries, emotional distress, and psychological pain and suffering, and other losses which have yet to be ascertained.

48. By reason of the foregoing, defendant is liable to plaintiff for compensatory and punitive damages, together with costs and interest.

AS AND FOR A SECOND CAUSE OF ACTION FOR  
NEGLIGENT HIRING/RETENTION/SUPERVISION/DIRECTION

49. The plaintiff repeats and realleges the allegations contained in paragraphs “1” through “48” both inclusive as if fully set forth herein, and further allege that:

50. The sexual abuse of children by adults, including priests, is foreseeable.

51. Defendants DIOCESE OF ROCHESTER and OUR LADY OF MOUNT CARMEL had a duty to supervise and prevent harm by its agents, representatives, employees and/or clergymen done to its parishioners, attendees, altar servers, and young children, including plaintiff [REDACTED]

52. At all times mentioned herein, defendants represented that the parish of Our Lady of Mount Carmel was a safe place to attend, learn, worship, pray, and participate in religious activities.

53. Defendants negligently hired, retained, directed, and supervised Father Dennis Shaw when they knew or should have known that he posed a threat of sexual assault and/or sexual abuse to children.

54. Defendants knew or should have known of Father Dennis Shaw’s propensity for the behavior, actions, and/or conduct which caused plaintiff’s injuries prior to the injuries occurring.

55. The injuries sustained by plaintiff could have and should have been avoided.

56. Defendants owed a duty of care to all children, including plaintiff [REDACTED] who were to come into contact with Father Dennis Shaw in his capacity as priest, teacher, agent, representative, or servant of the DIOCESE OF ROCHESTER and OUR LADY OF MOUNT CARMEL to ensure that he would not sexually assault, sexually abuse, or have unpermitted sexual contact with them, or attempt to or threaten to do the same.

57. Father Dennis Shaw sexually assaulted, sexually abused, and/or had unpermitted sexual contact with plaintiff, [REDACTED] on the property of OUR LADY OF MOUNT CARMEL on numerous occasions.

58. Defendants DIOCESE OF ROCHESTER and OUR LADY OF MOUNT CARMEL were negligent in hiring and retaining Father Dennis Shaw.

59. Defendants DIOCESE OF ROCHESTER and OUR LADY OF MOUNT CARMEL were negligent in failing to properly supervise, manage, and control Father Dennis Shaw.

60. At all times mentioned herein, defendants were willful, wanton, malicious, and/or reckless in their disregard for the safety and well-being of plaintiff [REDACTED]

61. As a direct and/or indirect result of the negligence and/or gross negligence of defendants, DIOCESE OF ROCHESTER and OUR LADY OF MOUNT CARMEL, and/or their agents, representatives, and employees, plaintiff [REDACTED] has suffered serious personal injuries, emotional distress, and psychological pain and suffering, and other losses which have yet to be ascertained.

62. By reason of the foregoing, defendant is liable to plaintiff for compensatory and punitive damages, together with costs and interest.

**AS AND FOR A THIRD CAUSE OF ACTION FOR  
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

63. The plaintiff repeats and realleges the allegations contained in paragraphs "1" through "62" both inclusive as if fully set forth herein, and further allege that:

64. As described herein, defendants DIOCESE OF ROCHESTER and OUR LADY OF MOUNT CARMEL, their predecessors, successors, agents, servants, and/or employees acted in a negligent and or grossly negligent manner.

65. The actions and/or omissions of the defendants endangered the plaintiff's safety and well-being and caused her to fear for her own safety.

66. As a direct and proximate result of defendants' actions and/or omissions, which included negligent and/or grossly negligent conduct, plaintiff [REDACTED] suffered severe injuries and damages, including but not limited to, mental and emotional distress.

67. By reason of the foregoing, defendants are jointly, severally and/or in the alternative are liable to the plaintiff for compensatory and punitive damages, together with costs and interest.

**JURISDICTONAL LIMITS**

68. The amount of damages sought in this action exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**JURY DEMAND**

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

WHEREFORE plaintiff demands judgment against the defendant for compensatory and punitive damages in an amount that is determined to be adequate, just, and reasonable by the trier of fact, together with the costs and disbursements of this action, and such other, further and different relief as the Court may seem just and proper.

DATED: March 12, 2020



THE LAW OFFICE OF ROBERT KING

*Attorney for Plaintiffs*

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19 West Main Street, Suite 250  
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