

MONROE COUNTY CLERK'S OFFICE

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PAUL JAMES HANLY JR
One Court Street
Alton, IL 62002



The Church of St. Margaret Mary of the Town of Irondequoit,
Monroe County, New York, a/k/a, The Church of St. Margaret
Mary of the Town of Irondequoit, N.Y.
Kateri Tekakwitha Roman Catholic Parish, Monroe County, NY
St. John's Catholic Church of Clyde, a/k/a, St. John the
Evangelist Church

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: RR
Total Fees Paid:	\$210.00	

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



SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF MONROE

[Redacted Name]

Plaintiff,

v.

"THE CHURCH OF ST. MARGARET MARY" OF THE TOWN OF IRONDEQUOIT, MONROE COUNTY, NEW YORK, a/k/a, "THE CHURCH OF ST. MARGARET MARY" OF THE TOWN OF IRONDEQUOIT, N.Y.; KATERI TEKAKWITHA ROMAN CATHOLIC PARISH, MONROE COUNTY, NY; ST. JOHN'S CATHOLIC CHURCH OF CLYDE, a/k/a, ST. JOHN THE EVANGELIST CHURCH; and ST. JOSEPH THE WORKER ROMAN CATHOLIC PARISH, WAYNE COUNTY,

Defendants.

[Please see Attached Rider for Defendants' Addresses]

Index No.

SUMMONS

Date Index No. Purchased:
August 6, 2020

To the above named Defendant(s)

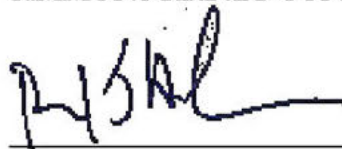
[Redacted Address]

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

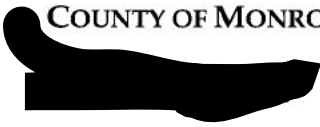
Dated: New York, New York
August 6, 2020

SIMMONS HANLY CONROY LLC



Paul J. Hanly, Jr.
Attorneys for Plaintiff
112 Madison Avenue, 7th Floor
New York, NY 10016
(212) 784-6401 Telephone
(212) 213-5949 Facsimile
phanly@simmonsfirm.com

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF MONROE



Plaintiff,

v.

“THE CHURCH OF ST. MARGARET MARY” OF THE TOWN OF IRONDEQUOIT, MONROE COUNTY, NEW YORK, a/k/a, “THE CHURCH OF ST. MARGARET MARY” OF THE TOWN OF IRONDEQUOIT, N.Y.; KATERI TEKAKWITHA ROMAN CATHOLIC PARISH, MONROE COUNTY, NY; ST. JOHN’S CATHOLIC CHURCH OF CLYDE, a/k/a, ST. JOHN THE EVANGELIST CHURCH; and ST. JOSEPH THE WORKER ROMAN CATHOLIC PARISH, WAYNE COUNTY,

Defendants.

Index No.

RIDER TO SUMMONS

Defendant/Counsel	Service Address
“THE CHURCH OF ST. MARGARET MARY” OF THE TOWN OF IRONDEQUOIT, MONROE COUNTY, NEW YORK, a/k/a, “THE CHURCH OF ST. MARGARET MARY” OF THE TOWN OF IRONDEQUOIT, N.Y.	445 Kings Highway South, Rochester, Monroe County, New York c/o Timothy P. Lyster, Esq. Woods Oviatt Gilman LLP 1900 Bausch & Lomb Place Rochester, New York 14604
KATERI TEKAKWITHA ROMAN CATHOLIC PARISH, MONROE COUNTY, NY	
ST. JOHN’S CATHOLIC CHURCH OF CLYDE, a/k/a, ST. JOHN THE EVANGELIST CHURCH	114 Sodus Street, Clyde, Wayne County, New York
ST. JOSEPH THE WORKER ROMAN CATHOLIC PARISH, WAYNE COUNTY	c/o Timothy P. Lyster, Esq. Woods Oviatt Gilman LLP 1900 Bausch & Lomb Place Rochester, New York 14604

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF MONROE

[Redacted Name]

Plaintiff,

v.

“THE CHURCH OF ST. MARGARET MARY” OF THE TOWN OF IRONDEQUOIT, MONROE COUNTY, NEW YORK, a/k/a, “THE CHURCH OF ST. MARGARET MARY” OF THE TOWN OF IRONDEQUOIT, N.Y.; KATERI TEKAKWITHA ROMAN CATHOLIC PARISH, MONROE COUNTY, NY; ST. JOHN’S CATHOLIC CHURCH OF CLYDE, a/k/a, ST. JOHN THE EVANGELIST CHURCH; and ST. JOSEPH THE WORKER ROMAN CATHOLIC PARISH, WAYNE COUNTY,

Defendants.

Index No.

COMPLAINT

JURY TRIAL DEMANDED

Plaintiff [Redacted Name] by her attorneys Simmons Hanly Conroy LLC and the Law Offices of Mitchell Garabedian, brings this action against “The Church of St. Margaret Mary” of the Town of Irondequoit, Monroe County, New York, also known as “The Church of St. Margaret Mary” of the Town of Irondequoit, N.Y.; Kateri Tekakwitha Roman Catholic Parish, Monroe County, NY; St. John’s Catholic Church of Clyde, also known as St. John the Evangelist Church; and St. Joseph the Worker Roman Catholic Parish, Wayne County, and alleges, on personal knowledge as to herself 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 Monroe pursuant to CPLR

503 in that one or more of the Defendants reside in this County and a substantial part of the events or omissions giving rise to the claims asserted herein occurred in this County.

PARTIES

4. [REDACTED] (plaintiff") is an individual residing in Monroe County, New York.

5. Defendant "The Church of St. Margaret Mary" of the Town of Irondequoit, Monroe County, New York, also known as "The Church of St. Margaret Mary" of the Town of Irondequoit, N.Y. ("St. Margaret Mary") was a Roman Catholic parish within and under the authority of the Bishop of Rochester and was a religious corporation organized pursuant to the Religious Corporations Law with its principal office formerly at 401 Rogers Parkway, Rochester, Monroe County, New York and now at 445 Kings Highway South, Rochester, Monroe County, New York. At relevant and material times, the Roman Catholic Bishop of Rochester, New York was the President of St. Margaret Mary, and the Roman Catholic Vicar General of Rochester, New York was the Vice-President of St. Margaret Mary.

6. Defendant Kateri Tekakwitha Roman Catholic Parish, Monroe County, NY ("Kateri Tekakwitha") is a Roman Catholic parish within and under the authority of the Bishop of Rochester and is a religious corporation organized pursuant to the Religious Corporations Law with its principal office at 445 Kings Highway South, Rochester, Monroe County, New York. As a result of a corporate merger, Defendant Kateri Tekakwitha is the legal successor to Defendant St. Margaret Mary.

7. Defendant St. John's Catholic Church of Clyde, also known as St. John the Evangelist Church ("St. John") was a Roman Catholic parish within and under the authority of the Bishop of Rochester and was a New York domestic not-for-profit corporation with its principal office at 114 Sodus Street, Clyde, Wayne County, New York. At relevant and material times, the Roman Catholic Bishop of Rochester, New York was the President of St. John, and the Roman Catholic Vicar General of Rochester, New

York was the Vice-President of St. John.

8. Defendant St. Joseph the Worker Roman Catholic Parish, Wayne County ("St. Joseph") is a Roman Catholic parish within and under the authority of the Bishop of Rochester and is a religious corporation organized pursuant to the Religious Corporations Law with its principal office at 114 Sodus Street, Clyde, Wayne County, New York. As a result of a corporate merger, Defendant St. Joseph is the legal successor to Defendant St. John.

FACTS COMMON TO ALL CLAIMS

9. Plaintiff and her family were parishioners of and attended St. Margaret Mary when Plaintiff was a minor child. Plaintiff also attended the parochial elementary school affiliated with St. Margaret Mary when Plaintiff was a minor child.

10. Father Gary P. Shaw ("Father Shaw") was ordained a Roman Catholic priest in approximately 1972. From approximately 1972 to approximately 1973, Father Shaw served as a priest at Defendant St. John. From approximately 1974 to approximately 1977, Father Shaw served as a priest at Defendant St. Margaret Mary, where Plaintiff and Plaintiff's family were parishioners when Plaintiff was a minor child. Father Shaw apparently left the Catholic priesthood in approximately 1977.

11. Prior to Father Shaw being assigned to Defendant St. Margaret Mary, Defendant St. John and its executive officers knew or should have known it was not safe to allow Father Shaw to have unsupervised contact with minor children, in that Father Shaw posed a sexual danger to minor children. The Roman Catholic Bishop and Vicar General of Rochester concealed the information about the danger Father Shaw posed to minor children, in order that the Roman Catholic Bishop and Vicar General of Rochester could assign Father Shaw to work at parishes, including St. Margaret Mary. Defendant St. John aided and abetted the Roman Catholic Bishop and Vicar General of Rochester in concealing the information about the danger Father Shaw posed to minor children.

12. Through his positions at, within, or for Defendant St. Margaret Mary,

Father Shaw was put in direct contact with members of the Plaintiff's family, including Plaintiff, a minor parishioner of Defendant St. Margaret Mary.

13. In approximately 1977 when Plaintiff was approximately fourteen years of age, Plaintiff went to St. Margaret Mary for confession. Plaintiff began making her confession, and then Father Shaw directed Plaintiff to come over to his side of the confessional.

14. Father Shaw used this encounter, gained through his position at St. Margaret Mary which granted him access to Plaintiff when Plaintiff was approximately fourteen years of age, to sexually assault, sexually abuse, and/or have sexual contact with the Plaintiff in violation of the laws of the State of New York.

Defendants' Responsibility for the Abuse Committed by Father Shaw

15. At all times material hereto, Father Shaw was under the management, supervision, employ, direction and/or control of Defendants St. Margaret Mary and St. John.

16. Through his positions at, within, or for Defendant St. Margaret Mary, Father Shaw was put in direct contact with Plaintiff.

17. Father Shaw used his position at, within, or for Defendant St. Margaret Mary and the implicit representations made by Defendant St. Margaret Mary about Father Shaw's character that accompanied that position, to gain Plaintiff's trust and confidence and to create an opportunity to be alone with, and to sexually touch, Plaintiff.

18. Defendant St. Margaret Mary had the duty to reasonably manage, supervise, control and/or direct priests who served at St. Margaret Mary, and specifically, had a duty not to aid pedophiles such as Father Shaw by assigning, maintaining, and/or appointing them to positions with access to minors.

19. Defendant St. John had a duty to reasonably supervise, direct, manage, and control Father Shaw when Father Shaw was assigned to St. John. Defendant St. John had a duty not to assist, aid, and abet the Roman Catholic Bishop and Vicar General of

Rochester in concealing information which would have disclosed that Father Shaw posed a danger to minor children when he had contact with such minors, especially when Defendant St. John knew or should have known that Father Shaw posed such a danger and Father Shaw was being transferred to other parishes where he would have unsupervised contact with minors. Defendant St. John assisted, aided, and abetted the Roman Catholic Bishop and Vicar General of Rochester in concealing information showing that Father Shaw posed a danger to minor children from parishes to which Father Shaw was subsequently assigned.

20. As a result of Defendant St. John assisting, aiding, and abetting the Roman Catholic Bishop and Vicar General of Rochester in concealing information which would have disclosed that Father Shaw posed a danger to minor children, Father Shaw was assigned to St. Margaret Mary without any notice to the parishioners of St. Margaret Mary about the danger Father Shaw posed to minor children. As a result, Father Shaw had unsupervised access to Plaintiff, a minor child, who Father Shaw sexually abused.

21. Defendants St. Margaret Mary and St. John knew and/or reasonably should have known, and/or knowingly condoned, and/or covered up, the inappropriate and unlawful sexual activities of Father Shaw, who sexually abused Plaintiff.

22. Defendant St. Margaret Mary had a duty to the Plaintiff to properly supervise St. Margaret Mary priests to ensure that priests did not use their positions with St. Margaret Mary as a tool for grooming and assaulting vulnerable children. Defendant St. Margaret Mary knew or should have known that Father Shaw used his positions with St. Margaret Mary to sexually abuse minor children, including the Plaintiff.

Consequences of the Abuse

23. Plaintiff suffered personal physical and psychological injuries and damages as a result of Father Shaw's actions, as well as other damages related thereto, as a result of the childhood sexual abuse Plaintiff sustained.

24. As a direct result of the Defendants St. Margaret Mary's and St. John's

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 Father Shaw’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 she suffered as a result.

CAUSES OF ACTION

FIRST CAUSE OF ACTION

Negligent Hiring/Retention/Supervision/Direction

25. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 24 as if fully set forth herein.

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

27. Defendant St. Margaret Mary at all relevant times represented that its facilities were safe places for minors to attend or visit, and that its priests were individuals to whom it was safe to entrust the care of minor children. Defendant St. Margaret Mary entered into an express and/or implied duty to safely treat Plaintiff and assumed the duty to protect and care for her.

28. Father Shaw sexually assaulted, sexually abused, and/or had sexual contact with Plaintiff when Plaintiff was a minor in St. Margaret Mary.

29. Defendant St. Margaret Mary negligently hired, retained, directed, and

supervised Father Shaw, though it knew or should have known that Father Shaw posed a threat of sexual abuse to minors.

30. Defendant St. Margaret Mary knew or should have known of Father Shaw’s propensity for the conduct which caused Plaintiff’s injuries prior to, or at the time of, the injuries’ occurrence.

31. Defendant St. Margaret Mary was negligent in failing to properly supervise Father Shaw.

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

33. At all times material hereto, Defendant St. Margaret Mary’s actions were willful, wanton, malicious, reckless, negligent and/or outrageous in their disregard for the rights and safety of Plaintiff.

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

35. Liabilities of Defendant St. Margaret Mary were transferred to, or assumed by, Defendant Kateri Tekakwitha. As a result, Defendant Kateri Tekakwitha is liable to the Plaintiff for the damages caused by Defendant St. Margaret Mary stated in this cause of action.

36. By reason of the foregoing, Defendants St. Margaret Mary and Kateri Tekakwitha 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**

37. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 24 as if fully set forth herein.

38. Defendants St. Margaret Mary and St. John knew, or were negligent in not

knowing, that Father Shaw posed a threat of sexual abuse to children.

39. The acts of Father Shaw 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 Defendant St. Margaret Mary.

40. Defendant St. Margaret Mary owed Plaintiff, a minor at the relevant times of abuse, a duty to protect her from Father Shaw's sexual deviancy and the consequential damages, both prior to and/or subsequent to Father Shaw's misconduct.

41. Defendant St. John had a duty not to assist, aid, and abet the Roman Catholic Bishop and Vicar General of Rochester in concealing the danger Father Shaw posed to minor children.

42. Defendants St. Margaret Mary's and St. John's 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. Defendant St. Margaret Mary:

- 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 Father Shaw;
- 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, Father Shaw was under the supervision, employ, direction and/or control of Defendants St. Margaret Mary and St. John.

45. At all times material hereto, Defendants St. Margaret Mary’s and St. John’s actions were willful, wanton, malicious, reckless, negligent 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 and will continue to suffer the injuries and damages described herein.

47. Liabilities of Defendant St. Margaret Mary were transferred to, or assumed by, Defendant Kateri Tekakwitha. As a result, Defendant Kateri Tekakwitha is liable to the Plaintiff for the damages caused by Defendant St. Margaret Mary stated in this cause of action.

48. Liabilities of Defendant St. John were transferred to, or assumed by, Defendant St. Joseph. As a result, Defendant St. Joseph is liable to the Plaintiff for the damages caused by Defendant St. John stated in this cause of action.

49. 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**

50. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 24 as if fully set forth herein.

51. There exists a fiduciary relationship of trust, confidence, and reliance between Plaintiff and Defendant St. Margaret Mary. This relationship is based on the entrustment of the Plaintiff while she was a minor child to the care and supervision of the agent or servant of the Defendant St. Margaret Mary. This entrustment of the Plaintiff to the care and supervision of the Defendant St. Margaret Mary, while the Plaintiff was a

minor child, required Defendant St. Margaret Mary to assume a fiduciary relationship and to act in the best interests of the Plaintiff, as well as to protect her while she was a minor and vulnerable child.

52. Pursuant to their fiduciary relationship, Defendant St. Margaret Mary was entrusted with the well-being, care, and safety of Plaintiff.

53. Pursuant to their fiduciary relationship, Defendant St. Margaret Mary assumed a duty to act in the best interests of Plaintiff.

54. Defendant St. Margaret Mary breached its fiduciary duty to Plaintiff.

55. At all times material hereto, the actions and/or inactions of Defendant St. Margaret Mary were willful, wanton, malicious, reckless, negligent and outrageous in their disregard for the rights and safety of Plaintiff.

56. As a direct result of said conduct, Plaintiff has suffered and will continue to suffer the injuries and damages described herein.

57. Liabilities of Defendant St. Margaret Mary were transferred to, or assumed by, Defendant Kateri Tekakwitha. As a result, Defendant Kateri Tekakwitha is liable to the Plaintiff for the damages caused by Defendant St. Margaret Mary stated in this cause of action.

58. By reason of the foregoing, Defendants St. Margaret Mary and Kateri Tekakwitha 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
Aiding and Abetting Fraud**

59. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 24 as if fully set forth herein.

60. The Roman Catholic Bishop and Vicar General of Rochester fraudulently concealed from the parishioners of St. Margaret Mary information that would have

shown Father Shaw was a danger to minor children.

61. Defendant St. John had information that would have shown Father Shaw was a danger to minor children. Defendant St. John assisted the Roman Catholic Bishop and Vicar General of Rochester in fraudulently concealing information from the parishioners about the danger Father Shaw posed to parishioners.

62. If the information about the danger Father Shaw posed to minors had not been concealed from parishioners, Father Shaw would not have been assigned to St. Margaret Mary where Father Shaw sexually assaulted, sexually abused, and/or had sexual contact with the Plaintiff.

63. To assist Rochester's Roman Catholic Bishop and Vicar General in fraudulently concealing the information about Father Shaw, Defendants St. John failed to disclose Father Shaw's propensity to sexually abuse minors, and intentionally concealed knowledge of Father Shaw's inappropriate and unlawful sexual activities, knowing that minor children, including Plaintiff, in other parishes where Father Shaw was assigned would rely upon this material omission.

64. As a direct and/or indirect result of said conduct, Plaintiff has suffered and will continue to suffer the injuries and damages described herein.

65. Liabilities of Defendant St. John were transferred to, or assumed by, Defendant St. Joseph. As a result, Defendant St. Joseph is liable to the Plaintiff for the damages caused by Defendant St. John stated in this cause of action.

66. By reason of the foregoing, Defendants St. John and St. Joseph 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.

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; and
- E. Awarding such other and further relief as to this Court may seem just and proper.

JURY DEMAND

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

Dated: August 6, 2020
New York, New York

Respectfully Submitted,

/s/ Paul J. Hanly, Jr.
 Paul J. Hanly, Jr.
phanly@simmonsfirm.com
 Jayne Conroy
jconroy@simmonsfirm.com
 Trent B. Miracle
tmiracle@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