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Attorneys for Plaintiff

JA/GG DOE 2, representing one (1) plaintiff,

Plaintiff,

v.

ROMAN CATHOLIC DIOCESE OF PATERSON :
A/K/A DIOCESE OF PATERSON; ST. :
JOSEPH'S; BAYLEY-ELLARD REGIONAL :
HIGH SCHOOL A/K/A BAYLEY ELLARD HIGH :
SCHOOL; SISTERS OF THE SORROWFUL :
MOTHER (THIRD ORDER OF ST. FRANCIS) :
A/K/A SISTERS OF THE SORROWFUL :
MOTHER – ST. CLARE OF ASSISI REGION :
A/K/A CONGREGATION OF THE SISTERS OF :
THE SORROWFUL MOTHER THIRD ORDER :
OF ST. FRANCIS OF ASSISI F/K/A SISTERS OF :
THE SORROWFUL MOTHER – DENVILLE :
PROVINCE; ST. FRANCIS HEALTH RESORT :
A/K/A SAINT FRANCIS RESIDENTIAL :
COMMUNITY A/K/A ST. FRANCIS HEALTH :
RESORT, INC.; ABC ENTITY, its priests, :
reverends, teachers, deacons, directors, officers, :
employees, agents, servants, representatives and/or :
volunteers, is a fictitious name of an entity believed to :
have employed Father James T. Hanley and/or Father :
Thomas G. Rainforth and/or Father John G. Pisarcik; :
and **JOHN DOES 1-5**, individually, and in their :
capacity as a former and/or current priest, reverend, :
teacher, deacon, director, officer, employee, agent, :
servant, representative and/or volunteer of the :
defendants, are persons whose identities are unknown :
to Plaintiff, :

Defendants.

: SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION - MORRIS COUNTY

: DOCKET NO.: _____

CIVIL ACTION

COMPLAINT, JURY DEMAND AND
DESIGNATION OF TRIAL COUNSEL

Plaintiff, JA/GG DOE 2, by and through Plaintiff's attorneys, by way of Complaint against the Defendants, states and alleges as follows:

PARTIES

1. At all times material to this Complaint, Plaintiff resided in the State of New Jersey. Plaintiff is proceeding under a pseudonym pursuant to N.J.S.A. 2A:61B-1(f).

2. At all times material, Defendant Roman Catholic Diocese of Paterson a/k/a Diocese of Paterson (hereinafter "Diocese of Paterson") was and continues to be an organization or entity which includes, but is not limited to, civil corporations, decision making entities, officials, and representatives/agents/employees, authorized to conduct business and conducting business in the State of New Jersey with its principal place of business at 777 Valley Road, Clifton, New Jersey 07013. The Diocese of Paterson was established in approximately 1937. Later, the Diocese created a corporation to conduct some of its affairs. The Diocese of Paterson operates its affairs as both a corporate entity named Roman Catholic Diocese of Paterson and as an organization named, Diocese of Paterson, with the Bishop as the top official. Both of these entities and all other corporations and entities controlled by the Bishop are included in this Complaint as being the Diocese of Paterson. The Bishop is the top official of the Diocese of Paterson and is given authority over all matters within the Diocese of Paterson as a result of his position. The Diocese of Paterson functions as a business by engaging in numerous revenue producing activities and soliciting money from its members in exchange for its services. The Diocese of Paterson has several programs which seek out the participation of children in the Diocese of Paterson's activities. The Diocese of Paterson, through its officials, has control over those activities involving children. The Diocese of Paterson has the power to appoint, supervise, monitor and terminate each person working with children within the Diocese of Paterson.

3. The Diocese of Paterson is a resident of the State of New Jersey because its principal

place of business is in the state.

4. At all times material, Defendant St. Joseph's was and continues to be an organization authorized to conduct business and conducting business in the State of New Jersey, with its principal place of business at 4 New Street, Mendham, NJ 07945 and its current principal place of business at 8 West Main Street, Mendham, NJ 07945. St. Joseph's includes, but is not limited to, St. Joseph's and any other organizations and/or entities operating under the same or similar name with the same or similar principal place of business.

5. At all times material, St. Joseph's was and continues to be under the direct authority, control, and province of Defendant Diocese of Paterson and the Bishop of Defendant Diocese of Paterson. Defendant St. Joseph's includes any school affiliated with St. Joseph's. At all times material, Defendants St. Joseph's and Diocese of Paterson owned, operated, managed, maintained, and controlled St. Joseph's school.

6. At all times material, Bayley-Ellard Regional High School a/k/a Bayley Ellard High School ("Bayley Ellard") was an organization authorized to conduct business and conducting business in the State of New Jersey with its principal place of business at 205 Madison Ave., Madison, New Jersey 07940. Upon information and belief, Bayley Ellard closed in 2005. Upon information and belief, the debts, liabilities, and obligations of Bayley Ellard became the debts, liabilities, and obligations of the Bishop of the Diocese of Paterson. The Bishop possesses the individual responsibility for the care of each parish and school and its members located within the counties which geographically comprise the Diocese. At all times material, Defendant Bayley Ellard was under the direct authority, control, and province of the Diocese of Paterson and the Bishop of the Diocese.

7. At all times material, Defendant Sisters of the Sorrowful Mother (Third Order of St. Francis) a/k/a Sisters of the Sorrowful Mother – St. Clare of Assisi Region a/k/a Congregation of the

Sisters of the Sorrowful Mother Third Order of St. Francis of Assisi f/k/a Sisters of the Sorrowful Mother – Denville Province (hereinafter “Sisters”) was and is a Roman Catholic religious order of women with its principal place of business located at 9 Pocono Road, Denville, NJ 07834 and 815 Westhaven Drive, Ste. 100, Oshkosh, WI 54904. Sisters were and continue 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 Jersey. The Sisters and its agents and employees were and continue to be responsible for the selection and assignment of personnel, supervision of personal activities, the exercise of authority over carious members of its religious order, and the maintenance of the well-being of its members attending schools, parishes, and facilities and/or resorts which are staffed and/or operated by the Sisters. The Superior General is the top official of the Sisters and is given authority over all matters dealing with the Sisters as a result of her position. The Sisters function as a business by engaging in numerous revenue producing activities and soliciting money in exchange for its services. The Sisters have several programs and/or facilities which seek out the participation of children in the Sisters’ activities. The Sisters, through its officials, have control over those activities and/or facilities involving children. The Sisters have the power to appoint, supervise, monitor, and fire each person working with children within the Sisters and/or any facility owned and/or operated by the Sisters.

8. At all times material, Defendant St. Francis Health Resort a/k/a Saint Francis Residential Community a/k/a St. Francis Health Resort, Inc. (hereinafter “Health Resort”) was and continues to be an organization authorized to conduct business and conducting business in the State of New Jersey, with its principal place of business at 122 Diamond Spring Road, Denville, NJ 07834. At all times material, Health Resort was and is a ministry of the Sisters and a facility owned and/or operated by the Sisters. Health Resort includes, but is not limited to, Health Resort and any other organizations and/or entities operating under the same or similar name with the same or similar

principal place of business.

9. At all times material, Health Resort was and continues to be under the direct authority, control, and province of Defendant Sisters. At all times material, Defendants Health Resort and Sisters owned, and/or operated, and/or managed, and/or maintained, and/or controlled Health Resort.

10. The Diocese of Paterson, St. Joseph's, Bayley Ellard, St. Francis Health Resort, and Sisters are collectively referred to as "Defendants" herein.

11. 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.

12. The Defendant ABC ENTITY, its priests, reverends, teachers, deacons, directors, officers, employees, agents, servants, representatives and/or volunteers, is a fictitious name of an entity believed to have employed Father James T. Hanley and/or Father Thomas G. Rainforth and/or Father John G. Pisarcik.

13. The Defendant JOHN DOES 1-5, individually, and in their capacity as a former and/or current priest, reverend, teacher, deacon, director, officer, employee, agent, servant, representative and/or volunteer of the Defendants, are persons whose identities are unknown to Plaintiff.

JURISDICTION, VENUE AND NEW LAWS

14. This Court has jurisdiction over this action as Defendants Diocese of Paterson's, St. Joseph's, Bayley Ellard's, and Health Resort's principal places of business are in New Jersey and because the unlawful conduct complained of herein occurred in New Jersey.

15. Venue is proper in this county pursuant to New Jersey Court Rule 4:3-2 because this

County is the principal place of business of Defendant Diocese of Paterson. In addition, events that are relevant to this action occurred within this County.

16. Recently, New Jersey passed into law Bills S477 and A3648, which became effective December 1, 2019. These new laws extend the statute of limitations in civil actions for sexual abuse claims, as well as created a two (2) year window for parties to bring previously time-barred actions based on sexual abuse. The new laws also expand the categories of potential defendants in civil actions and permit retroactive application of standards of liability to past acts of abuse for which liability did not previously exist. The said new laws apply to the parties herein.

FACTUAL ALLEGATIONS

17. At all times material, Father James T. Hanley (“Fr. Hanley”) was a Roman Catholic cleric employed by Defendants Diocese of Paterson and St. Joseph’s. Fr. Hanley remained under the direct supervision, employ, and control of Defendants Diocese of Paterson and St. Joseph’s.

18. At all times material, Father Thomas G. Rainforth (“Fr. Rainforth”) was a Roman Catholic cleric employed by Defendants Diocese of Paterson and St. Joseph’s. Fr. Rainforth remained under the direct supervision, employ, and control of Defendants Diocese of Paterson and St. Joseph’s.

19. At all times material, Father John G. Pisarcik (“Fr. Pisarcik”) was a Roman Catholic cleric employed by Diocese of Patterson, Bayley Ellard, Health Resort, and Sisters. Fr. Pisarcik remained under the direct supervision, employ, and control of Diocese of Patterson, Bayley Ellard, Health Resort, and Sisters.

20. Defendants Diocese of Paterson and St. Joseph’s placed Fr. Hanley and Fr. Rainforth in positions where Fr. Hanley and Fr. Rainforth had access to and worked with children as an integral part of their work.

21. Defendants Diocese of Patterson, Bayley Ellard, Health Resort, and Sisters placed Fr. Pisarcik in positions where Fr. Pisarcik had access to and worked with children as an integral part

of his work.

22. Plaintiff was raised in a devout Roman Catholic family and attended St. Joseph's in Medham, New Jersey, in the Diocese of Paterson and Bayley Ellard in Madison, New Jersey, which was in the Diocese of Paterson. Plaintiff and Plaintiff's family came in contact with Fr. Hanley and Fr. Rainforth as an agent and representative of Defendants Diocese of Paterson and St. Joseph's, and at St. Joseph's. Plaintiff and Plaintiff's family came in contact with Fr. Pisarcik as an agent and representative of Defendants Diocese of Patterson, Bayley Ellard, St. Francis Health Resort, and Sisters, and initially at Bayley Ellard.

23. Plaintiff participated in youth activities and/or church activities at St. Joseph's and Bayley Ellard. Plaintiff, therefore, developed great admiration, trust, reverence, and respect for the Roman Catholic Church, including Defendants and their agents, including Fr. Pisarcik, Fr. Hanley, and Fr. Rainforth.

24. During and through these activities, Plaintiff, as a minor and vulnerable child, was dependent on Defendants and Fr. Hanley, Fr. Rainforth, and Fr. Pisarcik. Defendants had custody and/or supervision of Plaintiff and accepted the entrustment of Plaintiff and, therefore, had responsibility for Plaintiff and authority over Plaintiff.

25. From approximately 1974 to 1977, when Plaintiff was approximately 11 to 13 years old, Fr. Hanley engaged in unpermitted sexual contact with Plaintiff.

26. From approximately 1976 to 1977, when Plaintiff was approximately 13 years old, Fr. Rainforth engaged in unpermitted sexual contact with Plaintiff.

27. From approximately 1978 to 1990, when Plaintiff was approximately 15 to 27 years old, Fr. Pisarcik engaged in unpermitted sexual contact with Plaintiff.

28. Plaintiff's relationship to Defendants and Fr. Pisarcik, Fr. Hanley, and Fr. Rainforth, as a vulnerable child, parishioner, student and participant in church activities, was one in which

Plaintiff was subject to the ongoing influence of Defendants and Fr. Pisarcik, Fr. Hanley, and Fr. Rainforth.

29. The culture of the Catholic Church over Plaintiff created pressure on Plaintiff not to report the abuse Plaintiff suffered.

30. Defendants Diocese of Paterson and St. Joseph's knew or should have known that Fr. Hanley and/or Fr. Rainforth were a danger to children before Fr. Hanley and Fr. Rainforth sexually assaulted Plaintiff.

31. Defendants Diocese of Paterson, Bayley Ellard, Health Resort, and/or Sisters knew or should have known that Fr. Pisarcik was a danger to children before Pisarcik sexually assaulted Plaintiff.

32. Prior to the sexual abuse of Plaintiff, Defendants Diocese of Paterson and St. Joseph's learned or should have learned that Fr. Hanley and/or Fr. Rainforth was not fit to work with children. Defendants Diocese of Paterson and St. Joseph's, by and through their agents, servants and/or employees, became aware, or should have become aware of Fr. Hanley's and/or Fr. Rainforth's propensity to commit sexual abuse and of the risk to Plaintiff's safety. At the very least, Defendants Diocese of Paterson and St. Joseph's knew or should have known that they did not have sufficient information about whether or not their leaders and people working at Catholic institutions within the Diocese were safe.

33. Prior to the sexual abuse of Plaintiff, Defendants Diocese of Paterson, Bayley Ellard, Health Resort, and/or Sisters learned or should have learned that Pisarcik was not fit to work with children. Defendants Diocese of Paterson, Bayley Ellard, Health Resort, and/or Sisters, by and through their agents, servants and/or employees, became aware, or should have become aware of Pisarcik's propensity to commit sexual abuse and of the risk to Plaintiff's safety. At the very least, Defendants Diocese of Paterson, Bayley Ellard, Health Resort, and/or Sisters knew or should have

known that they did not have sufficient information about whether or not their leaders and people working at Catholic institutions within the Diocese were safe.

34. Defendants knew or should have known that there was a risk of child sex abuse for children participating in Catholic programs and activities within the Diocese and/or at facilities owned and/or operated by Defendants. 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 child sex abuse for children participating in Catholic programs and activities within the Diocese and/or visiting their facilities.

35. Defendants knew or should have known that Defendants had numerous agents who had sexually molested children. Defendants knew or should have known that child molesters have a high rate of recidivism. Defendants knew or should have known that some of the leaders and people working in Catholic institutions within the Diocese and/or at their facilities were not safe and that there was a specific danger of child sex abuse for children participating in their youth programs and/or visiting their facilities.

36. Instead, Defendants Diocese of Paterson and St. Joseph's negligently deemed that Fr. Hanley and/or Fr. Rainforth were fit to work with children and/or that any previous problems were fixed or cured and/or that Fr. Hanley and/or Fr. Rainforth would not sexually assault children and/or that Fr. Hanley and/or Fr. Rainforth would not injure children.

37. Instead, Defendants Diocese of Paterson, Bayley Ellard, Health Resort, and/or Sisters negligently deemed that Fr. Pisarcik was fit to work with children and/or that any previous problems were fixed or cured and/or that Fr. Pisarcik would not sexually assault children and/or that Fr. Pisarcik would not injure children.

38. Defendants Diocese of Paterson and St. Joseph's owed Plaintiff a duty of reasonable care because they had superior knowledge about the risk that Fr. Hanley and/or Fr. Rainforth posed

to Plaintiff, the risk of abuse in general in their programs and/or the risks that their facilities posed to minor children.

39. Defendants Diocese of Paterson, Bayley Ellard, Health Resort, and/or Sisters owed Plaintiff a duty of reasonable care because they had superior knowledge about the risk that Fr. Pisarcik posed to Plaintiff, the risk of abuse in general in their programs and/or the risks that their facilities posed to minor children.

40. Defendants Diocese of Paterson and St. Joseph's owed a duty to Plaintiff to protect Plaintiff from harm because Defendants Diocese of Paterson's and St. Joseph's' actions created a foreseeable risk of harm to Plaintiff. As a vulnerable child participating in the programs and activities Defendants Diocese of Paterson and St. Joseph's offered to minors, Plaintiff was a foreseeable victim. As a vulnerable child who Fr. Hanley and/or Fr. Rainforth had access to through Defendants Diocese of Paterson's and St. Joseph's' facilities and programs, Plaintiff was a foreseeable victim.

41. Defendants Diocese of Paterson, Bayley Ellard, Health Resort, and/or Sisters owed a duty to Plaintiff to protect Plaintiff from harm because Defendants Diocese of Paterson's, Bayley Ellard's, Health Resort's, and/or Sisters' actions created a foreseeable risk of harm to Plaintiff. As a vulnerable child participating in the programs and activities Defendants Diocese of Paterson, Bayley Ellard, Health Resort, and/or Sisters offered to minors, Plaintiff was a foreseeable victim. As a vulnerable child who Fr. Pisarcik had access to through Defendants Diocese of Paterson's, Bayley Ellard's, Health Resort's, and/or Sisters' facilities and programs, Plaintiff was a foreseeable victim.

42. Defendants Diocese of Paterson and St. Joseph's also breached their duty to Plaintiff by actively maintaining and employing Fr. Hanley and/or Fr. Rainforth in a position of power and authority through which Fr. Hanley and/or Fr. Rainforth had access to children, including Plaintiff, and power and control over children, including Plaintiff.

43. Defendants Diocese of Paterson, Bayley Ellard, Health Resort, and/or Sisters also

breached their duty to Plaintiff by actively maintaining and employing Fr. Pisarcik in a position of power and authority through which Fr. Pisarcik had access to children, including Plaintiff, and power and control over children, including Plaintiff.

44. 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 to prevent child sex abuse, failure to properly implement policies and procedures to prevent child sex abuse, failure to take reasonable measures to make sure that policies and procedures to prevent child sex abuse were working, failure to adequately inform families and children of the risks of child sex abuse, failure to investigate risks of child sex abuse, failure to properly train the employees at institutions and programs within Defendants' geographical confines, failure to train parishioners within Defendants' geographical confines about the risk of sexual abuse, failure to have any outside agency test their safety procedures, failure to protect the children in their programs from child sex abuse, failure to adhere to the applicable standard of care for child 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 child 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 child molesters.

45. Defendants Diocese of Paterson and St. Joseph's also breached their duty to Plaintiff by failing to warn Plaintiff and Plaintiff's family of the risk that Fr. Hanley and/or Fr. Rainforth posed and the risks of child sexual abuse in Catholic institutions. They also failed to warn them about any of the knowledge that Defendants Diocese of Paterson and St. Joseph's had about child sexual abuse.

46. Defendants Diocese of Paterson, Bayley Ellard, Health Resort, and/or Sisters also

breached their duty to Plaintiff by failing to warn Plaintiff and Plaintiff's family of the risk that Fr. Pisarcik posed and the risks of child sexual abuse in Catholic institutions. They also failed to warn them about any of the knowledge that Defendants Diocese of Paterson, Bayley Ellard, Health Resort, and/or Sisters had about child sexual abuse.

47. Defendants Diocese of Paterson and St. Joseph's additionally violated a legal duty by failing to report known and/or suspected abuse of children by Fr. Hanley and/or Fr. Rainforth and/or its other agents to the child protection agencies, police and law enforcement.

48. Defendants Diocese of Paterson, Bayley Ellard, Health Resort, and/or Sisters additionally violated a legal duty by failing to report known and/or suspected abuse of children by Fr. Pisarcik and/or its other agents to the child protection agencies, police and law enforcement.

49. Defendants were negligent and/or made representations to Plaintiff and Plaintiff's family during each and every year of Plaintiff's minority.

50. As a result of Defendants' negligence as described herein, Plaintiff has suffered, and will continue to suffer, great pain of mind and body, severe and permanent emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, humiliation, physical, personal and psychological injuries. Plaintiff was prevented, and will continue to be prevented, from performing normal daily activities and obtaining the full enjoyment of life; and/or has incurred and will continue to incur expenses for psychological treatment, therapy, and counseling, and, on information and belief has and/or will incur loss of income and/or loss of earning capacity.

**COUNT I: PLAINTIFF V. DIOCESE OF PATERSON AND ST. JOSEPH'S –
NEGLIGENCE**

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

51. Defendants Diocese of Paterson and St. Joseph's owed Plaintiff a duty of reasonable

care to protect the Plaintiff from injury.

52. Defendants Diocese of Paterson and St. Joseph's owed Plaintiff a duty of care because each had a special relationship with Plaintiff.

53. Defendants Diocese of Paterson and St. Joseph's also had a duty arising from the special relationship that existed with Plaintiff, Plaintiff's parents, and other parents of young, innocent, vulnerable children, to properly train and supervise their clerics. This special relationship arose because of the high degree of vulnerability of the children entrusted to their care. As a result of this high degree of vulnerability and risk of sexual abuse inherent in such a special relationship, Defendants Diocese of Paterson and St. Joseph's had a duty to establish measures of protection not necessary for persons who are older and better able to safeguard themselves.

54. Defendants Diocese of Paterson and St. Joseph's owed Plaintiff a duty to protect Plaintiff from harm because each also had a special relationship with Fr. Hanley and/or Fr. Rainforth.

55. Defendants Diocese of Paterson and St. Joseph's owed Plaintiff a duty of reasonable care because they solicited youth and parents for participation in their youth programs; encouraged youth and parents to have the youth participate in their programs; undertook custody of minor children, including Plaintiff; promoted their facilities and programs as being safe for children; held their agents, including Fr. Hanley and/or Fr. Rainforth, out as safe to work with children; encouraged parents and children to spend time with their agents; and/or encouraged their agents, including Fr. Hanley and/or Fr. Rainforth, to spend time with, interact with, and recruit children.

56. By holding Fr. Hanley and/or Fr. Rainforth out as safe to work with children, and by undertaking the custody, supervision of, and/or care of the minor Plaintiff, Defendants Diocese of Paterson and St. Joseph's entered into a fiduciary relationship with the minor Plaintiff. As a result of Plaintiff being a minor, and by Defendants Diocese of Paterson and St. Joseph's undertaking the care and guidance of the then vulnerable minor Plaintiff, each Defendant Diocese of Paterson and St.

Joseph's held a position of empowerment over Plaintiff.

57. Further, Defendants Diocese of Paterson and St. Joseph's, by holding themselves out as being able to provide a safe environment for children, solicited and/or accepted this position of empowerment. Defendants Diocese of Paterson and St. Joseph's thus entered into a fiduciary relationship with Plaintiff. Defendants Diocese of Paterson and St. Joseph's exploited their position of empowerment, putting Plaintiff at risk to be sexually assaulted.

58. By accepting custody and/or supervision of the minor Plaintiff, Defendants Diocese of Paterson and St. Joseph's established an *in loco parentis* relationship with Plaintiff and in so doing, owed Plaintiff a duty to protect Plaintiff from injury. Further, Defendants Diocese of Paterson and St. Joseph's entered into a fiduciary relationship with Plaintiff by undertaking the custody, supervision of, and/or care of the minor Plaintiff. As a result of Plaintiff being a minor, and by Defendants Diocese of Paterson and St. Joseph's undertaking the care and guidance of the Plaintiff, Defendants Diocese of Paterson and St. Joseph's also held a position of empowerment over Plaintiff. Further, Defendants Diocese of Paterson and St. Joseph's, by holding themselves out as being able to provide a safe environment for children, solicited and/or accepted this position of empowerment. Defendants Diocese of Paterson and St. Joseph's, through its employees, exploited this power over Plaintiff and thereby put the minor Plaintiff at risk for sexual abuse.

59. By establishing and/or operating the Diocese of Paterson and St. Joseph's, accepting the minor Plaintiff as a participant in their programs, holding their facilities and programs out to be a safe environment for Plaintiff, accepting custody of the minor Plaintiff *in loco parentis*, and by establishing a fiduciary relationship with Plaintiff, Defendants Diocese of Paterson and St. Joseph's entered into an express and/or implied duty to properly supervise Plaintiff and provide a reasonably safe environment for children, who participated in their programs. Defendants Diocese of Paterson and St. Joseph's owed Plaintiff a duty to properly supervise Plaintiff to prevent harm from foreseeable

dangers. Defendants Diocese of Paterson and St. Joseph's had the duty to exercise the same degree of care over minors under their control as a reasonably prudent person would have exercised under similar circumstances.

60. By establishing and operating the Diocese of Paterson and St. Joseph's, which offered educational programs to children and which may have included a school, and by accepting the enrollment and participation of the minor Plaintiff as a participant in those educational programs, Defendants Diocese of Paterson and St. Joseph's owed Plaintiff a duty to properly supervise Plaintiff to prevent harm from generally foreseeable dangers.

61. Defendants Diocese of Paterson and St. Joseph's owed Plaintiff a duty to protect Plaintiff from harm because Defendants Diocese of Paterson and St. Joseph's invited Plaintiff onto their property and Fr. Hanley and/or Fr. Rainforth posed a dangerous condition on Defendants Diocese of Paterson's and St. Joseph's' property.

62. Defendants Diocese of Paterson and St. Joseph's breached its duties to Plaintiff by failing to use reasonable care. Each Defendant Diocese of Paterson's and St. Joseph's' failures include, but are not limited to, failing to properly supervise Fr. Hanley and/or Fr. Rainforth, failing to properly supervise Plaintiff and failing to protect Plaintiff from a known danger.

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

WHEREFORE, Plaintiff demands judgment against Defendants Diocese of Paterson and St. Joseph's, jointly and/or severally, for compensatory damages, together with interest and costs in an unspecified amount, plus costs, disbursements, reasonable attorneys' fees, interest, and such other and further relief as the court deems just and equitable.

COUNT II: PLAINTIFF V. DEFENDANTS DIOCESE OF PATERSON, BAYLEY ELLARD, HEALTH RESORT, AND SISTERS – NEGLIGENCE

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

64. Defendants Diocese of Paterson, and/or Bayley Ellard, and/or Health Resort, and/or Sisters owed Plaintiff a duty of reasonable care to protect the Plaintiff from injury.

65. Defendants Diocese of Paterson, and/or Bayley Ellard, and/or Health Resort, and/or Sisters owed Plaintiff a duty of care because each had a special relationship with Plaintiff.

66. Defendants Diocese of Paterson, and/or Bayley Ellard, and/or Health Resort, and/or Sisters also had a duty arising from the special relationship that existed with Plaintiff, Plaintiff's parents, and other parents of young, innocent, vulnerable children, to properly train and supervise their clerics and/or clerics working at facilities they owned and/or operated. This special relationship arose because of the high degree of vulnerability of the children entrusted to their care. As a result of this high degree of vulnerability and risk of sexual abuse inherent in such a special relationship, Defendants Diocese of Paterson, and/or Bayley Ellard, and/or Health Resort, and/or Sisters had a duty to establish measures of protection not necessary for persons who are older and better able to safeguard themselves.

67. Defendants Diocese of Paterson, and/or Bayley Ellard, and/or Health Resort, and/or Sisters owed Plaintiff a duty to protect Plaintiff from harm because each also had a special relationship with Fr. Pisarcik.

68. Defendants Diocese of Paterson, and/or Bayley Ellard, and/or Health Resort, and/or Sisters owed Plaintiff a duty of reasonable care because they solicited youth and parents for participation in their youth programs; encouraged youth and parents to have the youth participate in their programs; undertook custody of minor children, including Plaintiff; promoted their facilities

and programs as being safe for children; held their agents, including Fr. Pisarcik, out as safe to work with children; encouraged parents and children to spend time with their agents; and/or encouraged their agents, including Fr. Pisarcik, to spend time with, interact with, and recruit children.

69. By holding Fr. Pisarcik out as safe to work with children, and by undertaking the custody, supervision of, and/or care of the minor Plaintiff, Defendants Diocese of Paterson, and/or Bayley Ellard, and/or Health Resort, and/or Sisters entered into a fiduciary relationship with the minor Plaintiff. As a result of Plaintiff being a minor, and by Defendants Diocese of Paterson, and/or Bayley Ellard, and/or Health Resort, and/or Sisters undertaking the care and guidance of the then vulnerable minor Plaintiff, each Defendant Diocese of Paterson, and/or Bayley Ellard, and/or Health Resort, and/or Sisters held a position of empowerment over Plaintiff.

70. Further, Defendants Diocese of Paterson, and/or Bayley Ellard, and/or Health Resort, and/or Sisters, by holding themselves out as being able to provide a safe environment for children, solicited and/or accepted this position of empowerment. Defendants Diocese of Paterson, and/or Bayley Ellard, and/or Health Resort, and/or Sisters thus entered into a fiduciary relationship with Plaintiff. Defendants exploited their position of empowerment, putting Plaintiff at risk to be sexually assaulted.

71. By accepting custody and/or supervision of the minor Plaintiff, Defendants Diocese of Paterson, and/or Bayley Ellard, and/or Health Resort, and/or Sisters established an *in loco parentis* relationship with Plaintiff and in so doing, owed Plaintiff a duty to protect Plaintiff from injury. Further, Defendants Diocese of Paterson, and/or Bayley Ellard, and/or Health Resort, and/or Sisters entered into a fiduciary relationship with Plaintiff by undertaking the custody, supervision of, and/or care of the minor Plaintiff. As a result of Plaintiff being a minor, and by Defendants Diocese of Paterson, and/or Bayley Ellard, and/or Health Resort, and/or Sisters undertaking the care and guidance of the Plaintiff, Defendants Diocese of Paterson, and/or Bayley Ellard, and/or Health

Resort, and/or Sisters also held a position of empowerment over Plaintiff. Further, Defendants Diocese of Paterson, and/or Bayley Ellard, and/or Health Resort, and/or Sisters, by holding themselves out as being able to provide a safe environment for children, solicited and/or accepted this position of empowerment. Defendants Diocese of Paterson, and/or Bayley Ellard, and/or Health Resort, and/or Sisters, through its employees, exploited this power over Plaintiff and thereby put the minor Plaintiff at risk for sexual abuse.

72. By establishing and/or operating the Diocese of Paterson, and/or Bayley Ellard, and/or Health Resort, and/or Sisters, accepting the minor Plaintiff as a participant in their programs, holding their facilities and programs out to be a safe environment for Plaintiff, accepting custody of the minor Plaintiff *in loco parentis*, and by establishing a fiduciary relationship with Plaintiff, Defendants Diocese of Paterson, and/or Bayley Ellard, and/or Health Resort, and/or Sisters entered into an express and/or implied duty to properly supervise Plaintiff and provide a reasonably safe environment for children, who participated in their programs. Defendants Diocese of Paterson, and/or Bayley Ellard, and/or Health Resort, and/or Sisters owed Plaintiff a duty to properly supervise Plaintiff to prevent harm from foreseeable dangers. Defendants Diocese of Paterson, and/or Bayley Ellard, and/or Health Resort, and/or Sisters had the duty to exercise the same degree of care over minors under their control as a reasonably prudent person would have exercised under similar circumstances.

73. By establishing and operating the Diocese of Paterson, and/or Bayley Ellard, and/or Health Resort, and/or Sisters, which offered educational programs to children and which may have included a school, and by accepting the enrollment and participation of the minor Plaintiff as a participant in those educational programs, Defendants Diocese of Paterson, and/or Bayley Ellard, and/or Health Resort, and/or Sisters owed Plaintiff a duty to properly supervise Plaintiff to prevent harm from generally foreseeable dangers.

74. Defendants Diocese of Paterson, and/or Bayley Ellard, and/or Health Resort, and/or Sisters owed Plaintiff a duty to protect Plaintiff from harm because Defendants Diocese of Paterson, and/or Bayley Ellard, and/or Health Resort, and/or Sisters invited Plaintiff onto their property and Fr. Pisarcik posed a dangerous condition on Defendants Diocese of Paterson's, and/or Bayley Ellard's, and/or Health Resort's, and/or Sisters' property.

75. Defendant Diocese of Paterson, and/or Bayley Ellard, and/or Health Resort, and/or Sisters breached its duties to Plaintiff by failing to use reasonable care. Each Defendant Diocese of Paterson's, and/or Bayley Ellard's, and/or Health Resort's, and/or Sisters's failures include, but are not limited to, failing to properly supervise Fr. Pisarcik, failing to properly supervise Plaintiff and failing to protect Plaintiff from a known danger.

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

WHEREFORE, Plaintiff demands judgment against Defendants Diocese of Paterson, Bayley Ellard, Health Resort, and Sisters, jointly and/or severally, for compensatory damages, together with interest and costs in an unspecified amount, plus costs, disbursements, reasonable attorneys' fees, interest, and such other and further relief as the court deems just and equitable.

**COUNT III: PLAINTIFF V. DIOCESE OF PATERSON AND ST. JOSEPH'S –
NEGLIGENT TRAINING AND SUPERVISION**

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

77. At all times material, Fr. Hanley and/or Fr. Rainforth were employed by Defendants Diocese of Paterson and St. Joseph's and was under each Defendant Diocese of Paterson's and St. Joseph's' direct supervision, employ, and control when they committed the wrongful acts alleged herein. Fr. Hanley and/or Fr. Rainforth engaged in the wrongful conduct while acting in the course

and scope of their employment with Defendants and/or accomplished the sexual abuse by virtue of their job-created authority.

78. Defendants Diocese of Paterson and St. Joseph's had a duty, arising from their employment of Fr. Hanley and/or Fr. Rainforth, to ensure that Fr. Hanley and/or Fr. Rainforth did not sexually molest children.

79. Further, Defendants Diocese of Paterson and St. Joseph's 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 between clerics and children.

80. Defendants Diocese of Paterson and St. Joseph's were negligent in the training, supervision, and instruction of their employees. Defendants Diocese of Paterson and St. Joseph's 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 of a child is suspected or observed.

81. Defendants Diocese of Paterson and St. Joseph's were additionally negligent in failing to supervise, monitor, chaperone, and/or investigate Fr. Hanley and/or Fr. Rainforth and/or in failing to create, institute, and/or enforce rules, policies, procedures, and/or regulations to prevent Fr. Hanley's and/or Fr. Rainforth's sexual abuse of Plaintiff.

82. In failing to properly supervise Fr. Hanley and/or Fr. Rainforth, and in failing to establish such training procedures for employees and administrators, Defendants Diocese of Paterson and St. Joseph's failed to exercise the degree of care that a reasonably prudent person would have exercised under similar circumstances.

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

WHEREFORE, Plaintiff demands judgment against Defendants Diocese of Paterson and St. Joseph's, jointly and/or severally, for compensatory damages, together with interest and costs in an unspecified amount, plus costs, disbursements, reasonable attorneys' fees, interest, and such other and further relief as the court deems just and equitable.

COUNT IV: PLAINTIFF V. DEFENDANTS DIOCESE OF PATERSON, BAYLEY ELLARD, HEALTH RESORT, AND SISTERS – NEGLIGENT TRAINING AND SUPERVISION

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

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

85. Defendants Diocese of Paterson, and/or Bayley Ellard, and/or Health Resort, and/or Sisters had a duty, arising from their employment of Fr. Pisarcik, to ensure that Fr. Pisarcik did not sexually molest children.

86. Further, Defendants Diocese of Paterson, and/or Bayley Ellard, and/or Health Resort, and/or Sisters 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 between clerics and children.

87. Defendants Diocese of Paterson, and/or Bayley Ellard, and/or Health Resort, and/or Sisters were negligent in the training, supervision, and instruction of their employees. Defendants

Diocese of Paterson, and/or Bayley Ellard, and/or Health Resort, and/or Sisters 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 of a child is suspected or observed.

88. Defendants Diocese of Paterson, and/or Bayley Ellard, and/or Health Resort, and/or Sisters were additionally negligent in failing to supervise, monitor, chaperone, and/or investigate Fr. Pisarcik and/or in failing to create, institute, and/or enforce rules, policies, procedures, and/or regulations to prevent Fr. Pisarcik's sexual abuse of Plaintiff.

89. In failing to properly supervise Fr. Pisarcik, and in failing to establish such training procedures for employees and administrators, Defendants Diocese of Paterson, and/or Bayley Ellard, and/or Health Resort, and/or Sisters failed to exercise the degree of care that a reasonably prudent person would have exercised under similar circumstances.

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

WHEREFORE, Plaintiff demands judgment against Defendants Diocese of Paterson, Bayley Ellard, Health Resort, and Sisters, jointly and/or severally, for compensatory damages, together with interest and costs in an unspecified amount, plus costs, disbursements, reasonable attorneys' fees, interest, and such other and further relief as the court deems just and equitable.

COUNT V: PLAINTIFF V. DIOCESE OF PATERSON AND ST. JOSEPH'S – NEGLIGENT RETENTION

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

91. At all times material, Fr. Hanley and/or Fr. Rainforth were employed by Defendants Diocese of Paterson and St. Joseph's and was under each Defendants Diocese of Paterson's and St. Joseph's' direct supervision, employ, and control when they committed the wrongful acts alleged

herein.

92. Defendants Diocese of Paterson and St. Joseph's became aware or should have become aware of Fr. Hanley's and/or Fr. Rainforth's propensity for sexual abuse, and failed to take any further action to remedy the problem and failed to investigate or remove Fr. Hanley and/or Fr. Rainforth from working with children.

93. Defendants Diocese of Paterson and St. Joseph's negligently retained Fr. Hanley and/or Fr. Rainforth with knowledge of Fr. Hanley's and/or Fr. Rainforth's propensity for the type of behavior which resulted in Plaintiff's injuries in this action.

94. Defendants Diocese of Paterson and St. Joseph's negligently retained Fr. Hanley and/or Fr. Rainforth in a position where they had access to children and could foreseeably cause harm which Plaintiff would not have been subjected to had Defendants Diocese of Paterson and St. Joseph's taken reasonable care.

95. In failing to timely remove Fr. Hanley and/or Fr. Rainforth from working with children or terminate the employment of Fr. Hanley and/or Fr. Rainforth, Defendants Diocese of Paterson and St. Joseph's failed to exercise the degree of care that a reasonably prudent person would have exercised under similar circumstances.

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

WHEREFORE, Plaintiff demands judgment against Defendants Diocese of Paterson and St. Joseph's, jointly and/or severally, for compensatory damages, together with interest and costs in an unspecified amount, plus costs, disbursements, reasonable attorneys' fees, interest, and such other and further relief as the court deems just and equitable.

COUNT VI: PLAINTIFF V. DEFENDANTS DIOCESE OF PATERSON, BAYLEY ELLARD, HEALTH RESORT, AND SISTERS – NEGLIGENT RETENTION

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

97. At all times material, Fr. Pisarcik was employed by Defendants Diocese of Paterson, and/or Bayley Ellard, and/or Health Resort, and/or Sisters and was under each Defendant's direct supervision, employ, and control when he committed the wrongful acts alleged herein.

98. Defendants Diocese of Paterson and/or Bayley Ellard and/or Health Resort, and/or Sisters became aware or should have become aware of Fr. Pisarcik's propensity for sexual abuse, and failed to take any further action to remedy the problem and failed to investigate or remove Fr. Pisarcik from working with children.

99. Defendants Diocese of Paterson and/or Bayley Ellard and/or Health Resort, and/or Sisters negligently retained Fr. Pisarcik with knowledge of Fr. Pisarcik's propensity for the type of behavior which resulted in Plaintiff's injuries in this action.

100. Defendants Diocese of Paterson and/or Bayley Ellard and/or Health Resort, and/or Sisters negligently retained Fr. Pisarcik in a position where he had access to children and could foreseeably cause harm which Plaintiff would not have been subjected to had Defendants Diocese of Paterson and/or Bayley Ellard and/or Health Resort, and/or Sisters taken reasonable care.

101. In failing to timely remove Fr. Pisarcik from working with children or terminate the employment of Fr. Pisarcik, Defendants Diocese of Paterson and/or Bayley Ellard and/or Health Resort, and/or Sisters failed to exercise the degree of care that a reasonably prudent person would have exercised under similar circumstances.

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

WHEREFORE, Plaintiff demands judgment against Defendants Diocese of Paterson, Bayley Ellard, Health Resort, and Sisters, jointly and/or severally, for compensatory damages, together with interest and costs in an unspecified amount, plus costs, disbursements, reasonable attorneys’ fees, interest, and such other and further relief as the court deems just and equitable.

DEMAND FOR JURY TRIAL

The Plaintiff demands a trial by jury on all of the triable issues of this Complaint, pursuant to New Jersey Court Rules 1:8-2(b) and 4:35-1(a).

RULE 4:5-1 CERTIFICATION

I hereby certify that the matter in controversy is not the subject of any other pending and/or contemplated action or pending and or contemplated proceeding. I know of no other parties who should be joined in this action at this time.

GIANFORCARO LAW

JEFF ANDERSON & ASSOCIATES PA

/s/ Gregory G. Gianforcaro
Gregory G. Gianforcaro, Esq.
Attorneys for Plaintiff

/s/ Jeffrey R. Anderson / Trusha P. Goffe
Jeffrey R. Anderson, Esq.
Trusha P. Goffe, Esq.
Attorneys for Plaintiff

Dated: December 3, 2019

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, Plaintiff hereby designates Gregory G. Gianforcaro, Esq. as trial counsel for Plaintiff.

GIANFORCARO LAW

JEFF ANDERSON & ASSOCIATES PA

/s/ Gregory G. Gianforcaro
Gregory G. Gianforcaro, Esq.
Attorneys for Plaintiff

/s/ Jeffrey R. Anderson / Trusha P. Goffe
Jeffrey R. Anderson, Esq.
Trusha P. Goffe, Esq.
Attorneys for Plaintiff

Dated: December 3, 2019

Civil Case Information Statement

Case Details: MORRIS | Civil Part Docket# L-002541-19

Case Caption: DOE 2 JA/GG VS DIOCESE OF PATERSON
Case Initiation Date: 12/03/2019
Attorney Name: GREGORY GEORGE GIANFORCARO
Firm Name: GREGORY G. GIANFORCARO, ATTORNEY AT LAW
Address: 80 SOUTH MAIN STREET
PHILLIPSBURG NJ 08865
Phone: 9088592200
Name of Party: PLAINTIFF : DOE 2, JA/GG
Name of Defendant's Primary Insurance Company
(if known): Unknown

Case Type: PERSONAL INJURY
Document Type: Complaint with Jury Demand
Jury Demand: YES - 6 JURORS
Is this a professional malpractice case? NO
Related cases pending: NO
If yes, list docket numbers:
Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? NO

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Sexual Abuse Matter pursuant to new statute of limitations law

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO **Title 59?** NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule* 1:38-7(b)

12/03/2019
Dated

/s/ GREGORY GEORGE GIANFORCARO
Signed

