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*Attorneys for Plaintiff*

**JOHN BELLOCCHIO**, representing  
one (1) plaintiff,

*Plaintiff,*

v.

**THE ROMAN CATHOLIC  
ARCHDIOCESE OF NEWARK  
A/K/A ARCHDIOCESE OF  
NEWARK; THEODORE E.  
MCCARRICK; 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 former  
Cardinal Theodore E. McCarrick; 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 - ESSEX COUNTY

DOCKET NO.: \_\_\_\_\_

CIVIL ACTION

**COMPLAINT, JURY DEMAND AND  
DESIGNATION OF TRIAL COUNSEL**

Plaintiff, John Bellocchio, 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.
2. At all times material, Defendant The Roman Catholic Archdiocese of Newark a/k/a Archdiocese of Newark (hereinafter "Archdiocese of Newark") 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 171 Clifton Avenue, Newark, New Jersey 07104-9500. The Newark Diocese was established in approximately 1853, which was erected to an Archdiocese in approximately 1937. At some point, a corporation was formed called the Roman Catholic Diocese of Newark, which eventually became the Roman Catholic Archdiocese of Newark, to conduct some of its affairs. The Archdiocese of Newark operates its affairs as both a corporate entity and as an organization named the Roman Catholic Archdiocese of Newark, with the Archbishop as the top official. Both of these entities and all other corporations and entities controlled by the Archbishop are included in this Complaint as being the Archdiocese of Newark. The Archbishop is the top official of the Archdiocese and is given authority over all matters within the Archdiocese as a result of his position. The Archdiocese functions as a business by engaging in numerous revenue producing activities and soliciting money from its members in exchange for its services. The Archdiocese of Newark has several programs which seek out the participation of children in the Archdiocese of Newark's activities. The Archdiocese of Newark, through its officials, has control over those activities involving children. The Archdiocese of Newark has the power to appoint, supervise, monitor and terminate each

person working with children within the Archdiocese of Newark.

3. At all times material, Defendant former Cardinal Theodore E. McCarrick (“McCarrick”) was an adult male resident of the State of New Jersey and an agent or employee of Defendant Archdiocese of Newark.

4. The Archdiocese of Newark and McCarrick are collectively referred to as “Defendants” herein.

5. 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.

6. 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 McCarrick.

7. 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**

8. This Court has jurisdiction over this action as Defendant Archdiocese of Newark’s principal places of business is in New Jersey and because the unlawful conduct complained of herein occurred in New Jersey.

9. 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 Archdiocese of Newark. In addition, events that are relevant to this action occurred within this County.

10. 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**

11. In 1958, former Cardinal Theodore E. McCarrick (“McCarrick”) was an ordained a priest of the Archdiocese of New York.

12. From 1959 to 1966, McCarrick was assigned outside of the Archdiocese of New York on special assignment at The Catholic University of America in Washington D.C.

13. From 1967 to 1969, McCarrick was assigned to the Catholic University of Puerto Rico in Ponce, Puerto Rico.

14. Upon information and belief, from approximately 1969 to 1976, McCarrick repeatedly sexually abused James Grein on multiple instances when Grein was a minor. The abuse continued for years into Grein’s adulthood.

15. From 1970 to 1971, McCarrick was assigned to Blessed Sacrament in New York, New York.

16. Upon information and belief, from approximately 1970 to 1990, McCarrick sexually assaulted at least 7 minor boys.

17. From 1972 to 1977, McCarrick was assigned to Cathedral of St. Patrick in New York, New York.

18. Upon information and belief, in 1971 and 1972, at Christmas Masses in each of those years, McCarrick sexually assaulted a minor altar boy who was 16 and 17 years old, respectively, and who had been selected to assist McCarrick with serving Christmas Mass.

19. In 2018, after these sexual assaults were reported and were investigated, the Archdiocese of New York found the allegations of this sexual abuse by McCarrick against a minor occurring in 1971 and 1972 credible and substantiated.

20. From 1978 to 1980, McCarrick was assigned to St. Francis De Sales in New York, New York.

21. In 1978, McCarrick was appointed Auxiliary Bishop of the Archdiocese of New York where he served until 1981.

22. In 1981, McCarrick was assigned to the New York Foundling Hospital in New York, New York.

23. In 1982, McCarrick was appointed Bishop of the Diocese of Metuchen in New Jersey, where he served until 1986.

24. In 1987, McCarrick was appointed Archbishop of the Archdiocese of Newark in New Jersey, where he served until 2000.

25. In the late 1980s, when Reverend Boniface Ramsey, O.P., was teaching at Immaculate Conception Seminary, McCarrick was Archbishop of Newark and Immaculate Conception was his seminary. At this time, Rev. Ramsey reported his concerns about McCarrick's inappropriate conduct with seminarians to the rector of the seminary.

26. In 1993, Fr. Ramsey expressed concerns to his friend the Archbishop of Louisville,

Kentucky Thomas Kelly, O.P. regarding McCarrick's conduct with seminarians. Archbishop Kelly responded, "we all know."

27. In 1993, the Diocese of Metuchen was informed about McCarrick's sexual exploitation of a young seminarian.

28. In 1994, a priest of the Diocese of Metuchen wrote to the Bishop of the Diocese of Metuchen, Edward T. Hughes, that McCarrick had inappropriately touched him when he was a seminarian.

29. Upon information and belief, from 1994 to 2008, multiple reports about McCarrick's transgressions with seminarians were made to American bishops, the Pope's representative in Washington, and Pope Benedict XVI.

30. Upon information and belief, in 1994, Robert Hoatson, a former New Jersey priest, as a young religious brother, expressed concern about McCarrick sleeping with seminarians to an official in the Archdiocese of Newark.

31. In approximately 1995 or 1996, when Plaintiff was approximately 13 or 14 years old, McCarrick engaged in unpermitted sexual contact with Plaintiff.

32. McCarrick engaged in a similar course of conduct and pattern of sexual predation of devout Catholic youth under his control.

33. In 1997, McCarrick, a founding member of The Papal Foundation, began serving as its President. The Papal Foundation provided funds to the Vatican and Catholic Missions.

34. In 2000, McCarrick began serving as a Board member of Catholic Relief Services. He served on that Board until 2014. Catholic Relief Services provided funds to the Vatican and Catholic Missions.

35. In 2000, Fr. Ramsey sent a letter to Nuncio Archbishop Gabriel Montalvo

expressing his concerns about McCarrick and his inappropriate behavior with seminarians.

36. In 2001, McCarrick was appointed Cardinal Archbishop of Washington, D.C. McCarrick and served as Cardinal Archbishop of Washington, D.C. until his retirement in 2006.

37. Upon information and belief, in 2002, McCarrick announced the new Vatican policy on sexual abuse by priests from Rome. McCarrick outlined a multi-step process in which an accused priest would be put on administrative leave and removed from clerical duties while a case was investigated.

38. Upon information and belief, in the early to mid 2000s, two former priests, Robert Ciolek and an unnamed man, were paid settlements for harassment and sexual abuse they suffered by McCarrick in the 1980s when they were seminarians.

39. In 2018, Carlo Maria Viganò, Titular Archbishop of Ulpiana and former Apostolic Nuncio in the United States, released a letter indicating that the Holy See had been informed in at least 2000 of McCarrick's "gravely immoral behavior with seminarians and priests."

40. In 2018, Fr. Ramsey released an October 2006 letter that he had received from a top official of the Vatican Secretariat of State. In the letter, then-Archbishop Leonardo Sandri acknowledged receipt of the allegations regarding McCarrick in 2000.

41. Upon information and belief, after 2008, sanctions were imposed by Supreme Pontiff Benedict XVI upon McCarrick due to his inappropriate behavior with seminarians and fellow priests. The sanctions provided that McCarrick leave the seminary where he was living, and McCarrick was forbidden to celebrate public Mass, participate in public meetings, or travel with the obligation of dedicating himself to a life of prayer and penance.

42. Upon information and belief, the sanctions imposed by Pontiff Benedict XVI were not enforced.

43. On information and belief, in 2009, in violation of Pontiff Benedict XVI's sanctions, McCarrick continued to travel and celebrate public Mass, and did so with noteworthy officials. This included a celebration of public Mass by McCarrick with the Dominican Sisters in Summit, New Jersey.

44. Upon information and belief, during 2011, 2012, and 2013, in violation of Pontiff Benedict XVI's sanctions, McCarrick continued to travel and celebrate public Mass.

45. Archbishop Viganò indicated in his 2018 letter that he informed Supreme Pontiff Francis of McCarrick's inappropriate behavior and history of abuse in 2013: "Holy Father, I don't know if you know about Cardinal McCarrick, but if you ask the Congregation for Bishops there is a dossier this thick about him. He corrupted generations of seminarians and priests and Pope Benedict ordered him to withdraw to a life of prayer and penance."

46. Upon information and belief, in 2013, laicization of McCarrick was initiated.

47. Supreme Pontiff Francis remained complicit in the cover-up of McCarrick and did not take action as to McCarrick or accept McCarrick's resignation from the College of Cardinals until July 2018 after several accusations that McCarrick had sexually abused minors became public.

48. On August 12, 2018, the Office of Attorney General of the Commonwealth of Pennsylvania released its Grand Jury Report regarding child sex abuse in Catholic Dioceses within Pennsylvania.

49. On August 25, 2018, Archbishop Viganò publically released his letter concerning information about McCarrick.

50. Upon information and belief, on February 13, 2019, McCarrick was defrocked.

51. Upon information and belief, in August 2019, Seton Hall Seminary announced



findings from a report they had commissioned for an independent review.

52. The independent review found that, “McCarrick created a culture of fear and intimidation that supported his personal objectives. McCarrick used his position of power as then-Archbishop of Newark to sexually harass seminarians.”

53. The review further found that the Title IX policies in place “were not always followed at Immaculate Conception Seminary and St. Andrew’s Seminary, which resulted in incidents of sexual harassment going unreported to the University.”

54. At all times material, McCarrick was a Roman Catholic cleric employed by the Archdiocese of Newark and remained under the direct supervision, employ, and control of Defendant Archdiocese of Newark.

55. Defendant Archdiocese of Newark placed McCarrick in positions where McCarrick had access to and worked with children as an integral part of his work.

56. Plaintiff was raised in a devout Roman Catholic family and attended St. Francis of Assisi in Hackensack, New Jersey in the Archdiocese of Newark. Plaintiff and Plaintiff’s family came in contact with McCarrick as an agent and representative of Defendant Archdiocese of Newark, and at St. Francis of Assisi.

57. Plaintiff participated in youth activities and/or church activities at St. Francis. Plaintiff, therefore, developed great admiration, trust, reverence, and respect for the Roman Catholic Church, including Defendant Archdiocese of Newark and its agents, including McCarrick.

58. During and through these activities, Plaintiff, as a minor and vulnerable child, was dependent on Defendants Archdiocese of Newark and McCarrick. Defendants had custody and/or supervision of Plaintiff and accepted the entrustment of Plaintiff and, therefore, had responsibility

for Plaintiff and authority over Plaintiff.

59. Plaintiff's relationship to Defendants, as a vulnerable child, parishioner, student and participant in church activities, was one in which Plaintiff was subject to the ongoing influence of Defendants.

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

61. Defendant Archdiocese of Newark knew or should have known that McCarrick was a danger to children before McCarrick sexually assaulted Plaintiff.

62. Prior to the sexual abuse of Plaintiff, Defendant Archdiocese of Newark learned or should have learned that McCarrick was not fit to work with children. Defendant Archdiocese, by and through its agents, servants and/or employees, became aware, or should have become aware of McCarrick's propensity to commit sexual abuse and of the risk to Plaintiff's safety. At the very least, Defendant Archdiocese knew or should have known that it did not have sufficient information about whether or not its leaders and people working at Catholic institutions within the Archdiocese were safe.

63. Defendant Archdiocese of Newark knew or should have known that there was a risk of child sex abuse for children participating in Catholic programs and activities within the Archdiocese. At the very least, Defendant Archdiocese knew or should have known that it 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 Archdiocese.

64. Defendant Archdiocese of Newark knew or should have known that it had numerous agents who had sexually molested children. Defendant Archdiocese knew or should have known that child molesters have a high rate of recidivism. Defendant Archdiocese knew or

should have known that some of the leaders and people working in Catholic institutions within the Archdiocese were not safe and that there was a specific danger of child sex abuse for children participating in their youth programs.

65. Instead, Defendant Archdiocese of Newark negligently deemed that McCarrick was fit to work with children and/or that any previous problems were fixed or cured and/or that McCarrick would not sexually assault children and/or that McCarrick would not injure children.

66. Defendant Archdiocese of Newark owed Plaintiff a duty of reasonable care because it had superior knowledge about the risk that McCarrick posed to Plaintiff, the risk of abuse in general in its programs and/or the risks that its facilities posed to minor children.

67. Defendant Archdiocese of Newark owed a duty to Plaintiff to protect Plaintiff from harm because its actions created a foreseeable risk of harm to Plaintiff. As a vulnerable child participating in the programs and activities Defendant Archdiocese of Newark offered to minors, Plaintiff was a foreseeable victim. As a vulnerable child who McCarrick had access to through Defendant Archdiocese of Newark's facilities and programs, Plaintiff was a foreseeable victim.

68. Defendant Archdiocese of Newark also breached its duty to Plaintiff by actively maintaining and employing McCarrick in a position of power and authority through which McCarrick had access to children, including Plaintiff, and power and control over children, including Plaintiff.

69. Defendant Archdiocese of Newark breached its duties to Plaintiff. Defendant Archdiocese of Newark failed to use ordinary care in determining whether its facilities were safe and/or determining whether it had sufficient information to represent its facilities as safe. Defendant Archdiocese of Newark's breach of its duties include, but is 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 Defendant Archdiocese of Newark's geographical confines, failure to train parishioners within Defendant Archdiocese of Newark's geographical confines about the risk of sexual abuse, failure to have any outside agency test its safety procedures, failure to protect the children in its 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 its 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.

70. Defendant Archdiocese of Newark also breached its duty to Plaintiff by failing to warn Plaintiff and Plaintiff's family of the risk that McCarrick posed and the risks of child sexual abuse in Catholic institutions. Defendant Archdiocese of Newark also failed to warn them about any of the knowledge that Defendant Archdiocese of Newark had about child sexual abuse.

71. Defendant Archdiocese of Newark additionally violated a legal duty by failing to report known and/or suspected abuse of children by McCarrick and/or its other agents to the child protection agencies, police and law enforcement.

72. Defendant Archdiocese of Newark was negligent and/or made representations to Plaintiff and Plaintiff's family during each and every year of Plaintiff's minority.

73. As a result of the conduct of Defendants Archdiocese of Newark and McCarrick

described herein, including Defendant Archdiocese of Newark's negligence and Defendant McCarrick's unpermitted sexual contact with Plaintiff, 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. DEFENDANT MCCARRICK –  
SEXUAL BATTERY**

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

74. In approximately 1995 or 1996, Defendant McCarrick inflicted unpermitted harmful and offensive bodily sexual contact upon the person of Plaintiff on the premises of a parish within the Archdiocese of Newark while presiding ceremonial services as Archbishop.

75. Plaintiff did not consent to the harmful bodily contact.

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

77. As a result of the foregoing, Plaintiff has been damaged in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**COUNT II: PLAINTIFF v. DEFENDANT ARCHDIOCESE OF NEWARK -  
NEGLIGENCE**

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

78. Defendant Archdiocese of Newark owed Plaintiff a duty of reasonable care to protect the Plaintiff from injury.

79. Defendant Archdiocese of Newark owed Plaintiff a duty of care because it had a special relationship with Plaintiff.

80. Defendant Archdiocese of Newark 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 its 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, Defendant Archdiocese of Newark had a duty to establish measures of protection not necessary for persons who are older and better able to safeguard themselves.

81. Defendant Archdiocese of Newark owed Plaintiff a duty to protect Plaintiff from harm because Defendant Archdiocese of Newark also had a special relationship with McCarrick.

82. Defendant Archdiocese of Newark owed Plaintiff a duty of reasonable care because it solicited youth and parents for participation in its youth programs; encouraged youth and parents to have the youth participate in its programs; undertook custody of minor children, including Plaintiff; promoted its facilities and programs as being safe for children; held its agents, including McCarrick, out as safe to work with children; encouraged parents and children to spend time with its agents; and/or encouraged its agents, including McCarrick, to spend time with, interact with, and recruit children.

83. By holding McCarrick out as safe to work with children, and by undertaking the custody, supervision of, and/or care of the minor Plaintiff, Defendant Archdiocese of Newark entered into a fiduciary relationship with the minor Plaintiff. As a result of Plaintiff being a minor,

and by Defendant Archdiocese of Newark undertaking the care and guidance of the then vulnerable minor Plaintiff, Defendant Archdiocese of Newark held a position of empowerment over Plaintiff.

84. Further, Defendant Archdiocese of Newark, by holding itself out as being able to provide a safe environment for children, solicited and/or accepted this position of empowerment. Defendant Archdiocese of Newark thus entered into a fiduciary relationship with Plaintiff. Defendant Archdiocese of Newark exploited its position of empowerment, putting Plaintiff at risk to be sexually assaulted.

85. By accepting custody and/or supervision of the minor Plaintiff, Defendant Archdiocese of Newark established an *in loco parentis* relationship with Plaintiff and in so doing, owed Plaintiff a duty to protect Plaintiff from injury. Further, Defendant Archdiocese of Newark 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 Defendant Archdiocese of Newark undertaking the care and guidance of the Plaintiff, Defendant Archdiocese of Newark also held a position of empowerment over Plaintiff. Further, Defendant Archdiocese of Newark, by holding itself out as being able to provide a safe environment for children, solicited and/or accepted this position of empowerment. Defendant Archdiocese of Newark, through its employees, exploited this power over Plaintiff and thereby put the minor Plaintiff at risk for sexual abuse.

86. By establishing and/or operating the Archdiocese of Newark, accepting the minor Plaintiff as a participant in its programs, holding its 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, Defendant Archdiocese of Newark 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. Defendant Archdiocese of Newark owed Plaintiff a duty to properly supervise Plaintiff to prevent harm from foreseeable dangers. Defendant Archdiocese of Newark had the duty to exercise the same degree of care over minors under its control as a reasonably prudent person would have exercised under similar circumstances.

87. By establishing and operating the Archdiocese of Newark, 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, Defendant Archdiocese of Newark owed Plaintiff a duty to properly supervise Plaintiff to prevent harm from generally foreseeable dangers.

88. Defendant Archdiocese of Newark owed Plaintiff a duty to protect Plaintiff from harm because Defendant Archdiocese of Newark invited Plaintiff onto its property and McCarrick posed a dangerous condition on Defendant Archdiocese of Newark's property.

89. Defendant Archdiocese of Newark breached its duties to Plaintiff by failing to use reasonable care. Defendant Archdiocese of Newark's failures include, but are not limited to, failing to properly supervise McCarrick, failing to properly supervise Plaintiff, and failing to protect Plaintiff from a known danger.

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

**COUNT III: PLAINTIFF v. DEFENDANT ARCHDIOCESE OF NEWARK -  
NEGLIGENT TRAINING AND SUPERVISION**

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

91. At all times material, McCarrick was employed by Defendant Archdiocese of Newark and was under Defendant Archdiocese of Newark's direct supervision, employ, and



control when he committed the wrongful acts alleged herein. McCarrick engaged in the wrongful conduct while acting in the course and scope of his employment with Defendant Archdiocese of Newark and/or accomplished the sexual abuse by virtue of his job-created authority.

92. Defendant Archdiocese of Newark had a duty, arising from its employment of McCarrick, to ensure that McCarrick did not sexually molest children.

93. Further, Defendant Archdiocese of Newark 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.

94. Defendant Archdiocese of Newark was negligent in the training, supervision, and instruction of its employees. Defendant Archdiocese of Newark failed to timely and properly educate, train, supervise, and/or monitor its agents or employees with regard to policies and procedures that should be followed when sexual abuse of a child is suspected or observed.

95. Defendant Archdiocese of Newark was additionally negligent in failing to supervise, monitor, chaperone, and/or investigate McCarrick and/or in failing to create, institute, and/or enforce rules, policies, procedures, and/or regulations to prevent McCarrick's sexual abuse of Plaintiff.

96. In failing to properly supervise McCarrick, and in failing to establish such training procedures for employees and administrators, Defendant Archdiocese of Newark failed to exercise the degree of care that a reasonably prudent person would have exercised under similar circumstances.

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

**COUNT IV: PLAINTIFF v. DEFENDANT ARCHDIOCESE OF NEWARK -  
NEGLIGENT RETENTION**

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

98. At all times material, McCarrick was employed by Defendant Archdiocese of Newark and was under Defendant Archdiocese of Newark's direct supervision, employ, and control when he committed the wrongful acts alleged herein.

99. Defendant Archdiocese of Newark became aware or should have become aware of McCarrick's propensity for sexual abuse, and failed to take any further action to remedy the problem and failed to investigate or remove McCarrick from working with children.

100. Defendant Archdiocese of Newark negligently retained McCarrick with knowledge of McCarrick's propensity for the type of behavior which resulted in Plaintiff's injuries in this action.

101. Defendant Archdiocese of Newark negligently retained McCarrick in a position where he had access to children and could foreseeably cause harm which Plaintiff would not have been subjected to had Defendant Archdiocese of Newark taken reasonable care.

102. In failing to timely remove McCarrick from working with children or terminate the employment of McCarrick, Defendant Archdiocese of Newark failed to exercise the degree of care that a reasonably prudent person would have exercised under similar circumstances.

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

**COUNT V: PLAINTIFF v. DEFENDANT ARCHDIOCESE OF NEWARK –  
REQUEST FOR PUNITIVE DAMAGES**

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

104. Defendant Archdiocese of Newark is liable by its actions and/or implied, constructive inactions with regard to its knowledge, actual and/or otherwise, and as such, is subjected to Plaintiff's request for punitive damages.

105. Defendant Archdiocese of Newark's conduct as aforesaid, was willful, wanton, malicious, reckless, outrageous and/or grossly negligent in nature.

106. As a direct and/or indirect result of said conduct, Plaintiff has suffered the injuries and damages described herein.

107. In addition to the above, Plaintiff is also entitled to punitive damages against Defendant Archdiocese of Newark for additional reasons which include, but shall not be limited to, the fact that the cleric's conduct/act, once it came to the attention of the principal or a managerial agent of the principal, was ratified or approved. See Restatement (Second) of Agency, Section 219 (2); see also Restatement (Second) of Torts § 909.

108. Pursuant to New Jersey case law, ratification may be express or implied and its intent may be inferred from the following conduct: (i) failure to repudiate an unauthorized act; (ii) failure to take appropriate action regarding an unauthorized act; or (iii) from conduct on the part of the principal which is inconsistent with any other position other than the intent to adopt the unauthorized act (in the case herein, the act being but not limited to being, the sexual abuse of a minor and/or minors).

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff demands judgment against Defendants, jointly and/or severally for compensatory damages, and for punitive 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.

**JEFF ANDERSON & ASSOCIATES PA**

**GIANFORCARO LAW**

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

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

Dated: December 1, 2019

**DESIGNATION OF TRIAL COUNSEL**

Pursuant to Rule 4:25-4, Plaintiff hereby designates Jeffrey R. Anderson, Esq. as trial counsel for Plaintiff.

**JEFF ANDERSON & ASSOCIATES PA**

**GIANFORCARO LAW**

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

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

Dated: December 1, 2019

# Civil Case Information Statement

## Case Details: ESSEX | Civil Part Docket# L-008766-19

**Case Caption:** BELLOCCHIO JOHN VS ARCHDIOCESE OF NEWAR K

**Case Initiation Date:** 12/01/2019

**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 : Bellocchio, John

**Name of Defendant's Primary Insurance Company**  
(if known): Unknown

**Case Type:** PERSONAL INJURY

**Document Type:** NJ eCourts Case Initiation Confirmation

**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 filed pursuant to the 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)

12/01/2019  
Dated

/s/ GREGORY GEORGE GIANFORCARO  
Signed

