

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

-----X
Kaitlyn Monaghan,

Plaintiff,

-against-

ROMAN CATHOLIC DIOCESE OF ROCKVILLE
CENTRE; ST. FRANCIS OF ASSISI PARISH;
and, FATHER GREGORY YACYSHYN, DOES 1-5
whose identities are unknown to Plaintiff,

Defendants.
-----X

Index No. _____

SUMMONS

Date Index No.
Purchased: January 21, 2015

To the Persons Named as Defendants above:

PLEASE TAKE NOTICE THAT YOU ARE HEREBY SUMMONED to answer the Complaint of the Plaintiff herein and to serve a copy of your answer on the Plaintiff at the address indicated below within twenty (20) days after the service of this Summons (not counting the day of service itself), or within thirty (30) days after service is complete if the Summons is not delivered personally to you within the State of New York.

YOU ARE HEREBY NOTIFIED THAT should you fail to answer, a judgment will be entered against you by default for the relief demanded in the Complaint.

Dated: January 21, 2015.

County: Ramsey

JEFF ANDERSON & ASSOCIATES, P.A.



Jeffrey R. Anderson
John Michael Reck
Attorneys for Plaintiff
366 Jackson Street, Suite 100
St. Paul, MN 55101
(651) 227-9990

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

-----X
Kaitlyn Monaghan,

Plaintiff,

Index No. _____

COMPLAINT

-against-

ROMAN CATHOLIC DIOCESE OF ROCKVILLE
CENTRE; ST. FRANCIS OF ASSISI PARISH;
and, FATHER GREGORY YACYSHYN; DOES 1-5
whose identities are unknown to Plaintiff,

Defendants.
-----X

Kaitlyn Monaghan, by and through her attorneys, Jeff Anderson & Associates, P.A., as and
for her Complaint in this matter against Defendants, states and alleges as follows:

PARTIES

1. Plaintiff is a twenty (20) year old resident of the state of New York. Plaintiff was
approximately eight (8) years old at the time of the sexual abuse alleged herein.

2. At all times material to the Complaint, Defendant Roman Catholic Diocese of
Rockville Centre, New York (hereinafter "Diocese") was and continues to be a non-profit religious
corporation, authorized to conduct business and conducting business under the laws of the state of
New York, within the Counties of Nassau and Suffolk with its principal place of business in
Rockville Centre, Nassau County, New York. Defendant Diocese functions as a business by
engaging in numerous activities and/or revenue producing activities, business, trade, commerce,
furnishing of services and soliciting money from its members in exchange for its services.
Defendant Diocese has several programs which seek out the participation of children in Defendant
Diocese's activities. Defendant Diocese, through its officials, has control over those activities

involving children. Defendant Diocese has the power to appoint, supervise, monitor, and fire each person working with children within Defendant Diocese.

3. At all times material, the Bishop of Rockville Centre was in charge of the Defendant Diocese, and was the local agent of the Roman Catholic Church. As chief operating officer and ordinary of Defendant Diocese, the Bishop of the Diocese is appointed by the Pope and has ultimate authority and responsibility for the training, ordination, placement, and the discipline, removal, and recommendation for laicization of all Roman Catholic priests ordained in the Defendant Diocese. The Bishop of the Defendant Diocese possesses individual responsibility for the care of each and every parish, and its members, located within the counties, which geographically comprise the Defendant Diocese. The Bishop is also responsible for fully investigating the history and fitness of all priests prior to placement within a parish in Defendant Diocese and for the discipline and/or removing of such priest. (Hereinafter the “Diocese” includes the Bishop).

4. At all times material, Defendant St. Francis of Assisi (hereinafter “St. Francis” or “Church”) was and continues to be a religious non-profit entity doing business in New York.

5. At all times material, Fr. Gregory Yacyshyn (hereinafter “Yacyshyn”) was and continues to be a Roman Catholic priest under the employ and control of Diocese and all Defendants. Yacyshyn is a resident of the State of New York.

FACTS

6. Yacyshyn is a Roman Catholic Priest who was ordained in 1998.

7. At all times material, Yacyshyn remained under the direct supervision, employ, and control of Defendant Diocese. Defendant Diocese placed Yacyshyn in positions where he had access to and worked with children as an integral part of his work.

8. Upon information and belief, Yacyshyn served at numerous parishes and performed numerous assignments on behalf of Defendants including, but not limited to:

- a. St. Francis of Assisi, Greenlawn, NY;
- b. St. Patrick's, Bayshore, NY; and,
- c. St. Jude, Mastic Beach, NY

9. At all times material, Defendant St. Francis of Assisi was and continues to be a parish operating within the Diocese of Rockville Centre under the control of and for the benefit of Diocese.

10. Plaintiff Kaitlyn Monaghan was raised in a devout Roman Catholic family, regularly celebrated mass, received the sacraments and participated in church-related activities. Plaintiff, therefore, developed great admiration, trust, reverence and respect for the Roman Catholic Church, including Defendants and its agents.

11. During all times relevant, Plaintiff was a minor child and parishioner of Defendant St. Francis of Assisi and Defendant Diocese.

12. Plaintiff came to know Yacyshyn as her priest and/or counselor through Yacyshyn's employment with Defendants. Plaintiff and Plaintiff's parents came to admire, trust, revere, and respect Yacyshyn as a person of great influence and persuasion as a holy man and authority figure.

13. In approximately 2003, when Plaintiff was approximately eight (8) years old, Yacyshyn, using his position of authority, trust, reverence, and control as a Roman Catholic priest and counselor, engaged in unpermitted and harmful sexual contact with Plaintiff.

14. Defendants reassigned Yacyshyn to another parish shortly thereafter and in approximately 2003.

15. Upon later learning of the abuse, Plaintiff's parents reported the incident to the law enforcement and to Defendants. In spite of the report, Defendants allowed Yacyshyn to remain as a priest of the Diocese in good standing with access to children.

16. Defendants knew or should have known that Yacyshyn was a danger to children before he molested Plaintiff and after the abuse of Plaintiff was reported.

17. Defendants negligently or recklessly believed that Yacyshyn was fit to work with children and/or that any previous problems he had were fixed and cured; that Yacyshyn would not sexually molest children; that Yacyshyn would not injure children; and/or that Yacyshyn would not hurt children.

18. By holding Yacyshyn out as safe to work with children, and by undertaking the custody, supervision of, and/or care of the minor Plaintiff, Defendants entered into a fiduciary relationship with the minor Plaintiff. As a result of Plaintiff being a minor, and by Defendants undertaking the care and guidance of the vulnerable minor Plaintiff, Defendants held positions of empowerment over Plaintiff.

19. Further, Defendants, by holding themselves out as being able to provide safe environments for children, solicited and/or accepted these positions of empowerment. This empowerment prevented the then minor Plaintiff from effectively protecting herself. Defendants thus entered into a fiduciary relationship with Plaintiff.

20. Defendants had a special relationship with Plaintiff.

21. Defendants owed Plaintiff a duty of reasonable care because it had superior knowledge about the risk that Yacyshyn posed to Plaintiff, the risk of abuse in general in their programs, and/or the risks that their facilities posed to minor children.

22. Defendants held their leaders and agents out as people of high morals, as possessing immense power, teaching families and children to obey these leaders and agents, teaching families and children to respect and revere these leaders and agents, soliciting youth and families to their programs, marketing to youth and families, recruiting youth and families, and holding out the people that worked in the programs as safe.

23. Defendants owed Plaintiff a duty of reasonable care because they had or should have possessed superior knowledge about the risk that Yacyshyn posed to Plaintiff, the risk of abuse in general in their programs and/or the risks that their facilities posed to minor children.

24. Defendants 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 Yacyshyn out as safe to work with children; encouraged parents and children to spend time with their agents; and/or encouraged their agents, including Yacyshyn, to spend time with, interact with, and recruit children.

25. Defendants owed Plaintiff a duty to protect her from harm because Defendants' actions created a foreseeable risk of harm to Plaintiff.

26. Defendants' breach of its duties include, but are not limited to: failure to have sufficient policies and procedures to prevent child sexual abuse, failure to properly implement the policies and procedures to prevent child sexual abuse, failure to take reasonable measures to make sure that the policies and procedures to prevent child sexual abuse were working, failure to adequately inform families and children of the risks of child sexual abuse, failure to investigate risks of child sexual abuse, failure to properly train the workers at institutions and programs within

Defendants' geographical confines, failure to protect children in their programs from child sexual 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 molestation by fellow employees, failure by relying on mental health professionals, and/or failure by relying on people who claimed that they could treat child molesters.

27. Defendants also breached their duties to Plaintiff by failing to warn Plaintiff and her family of the risk that Yacyshyn posed and the risks of child sexual abuse by clerics in the Diocese. They also failed to warn Plaintiff about any of the knowledge that Defendants had about child sexual abuse in general, and in their programs.

28. Defendants also breached their duties to Plaintiff by failing to report known and/or suspected abuse of children by Yacyshyn and/or their other agents to the police and law enforcement and/or parishioners and/or the public.

29. Defendants breached this duty, as well as other duties, through inaction, manipulation, intimidation, evasion, intended deception, undue influence, and duress or otherwise, as more fully described and set forth elsewhere in this complaint, resulting in negative consequences to the welfare and well-being of Plaintiff specifically and the public generally.

30. Defendants knew or should have known that some of the leaders and people working at Catholic institutions within the Diocese were not safe.

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

32. Defendants knew or should have known that there was a risk of child sexual abuse for children participating in Catholic programs and activities within the Diocese.

33. Defendants knew or should have known that it did not have sufficient information about whether or not there was a risk of child sexual abuse for children participating in Catholic programs and activities within the Diocese.

34. Defendants knew or should have known that they had numerous agents who had sexually molested children. They knew or should have known that child molesters have a high rate of recidivism. They knew or should have known that there was a specific danger of child sexual abuse for children participating in their youth programs.

35. Defendants held their leaders and agents out as people of high morals, as possessing immense power, teaching families and children to obey these leaders and agents, teaching families and children to respect and revere these leaders and agents, soliciting youth and families to their programs, marketing to youth and families, recruiting youth and families, and holding out the people that worked in the programs as safe.

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

37. By tradition, Roman Catholics and those within their custody and control, including Plaintiff, are taught to hold religious figures in the highest esteem as earthly representatives of God, and that religious figures, unlike lay people, belong to a separate and higher state in life, which Defendants represent to be of divine origin and which they represent, entitles them to special privileges. For these and other reasons relating to the practices of the Church, religious figures and other persons in leadership positions in the Church have traditionally occupied positions of great trust, respect and allegiance among parents and youth, including Plaintiff.

38. By placing Yacyshyn at St. Francis of Assisi, and other facilities within Defendants' organization Defendants, through their agents, affirmatively represented to minor children and their families that Yacyshyn did not pose a threat to children, did not have a history of molesting children, that Defendants did not know that Yacyshyn had a history of molesting children, and that Defendants did not know that Yacyshyn was a danger to children.

39. The Defendants knew or should have known that Yacyshyn's and other clerics' wrongful conduct posed a potential and unreasonable risk to Plaintiff and the public because it is and was a well-known and foreseeable risk that priests may engage in sexually inappropriate contact with minor children under their power and control. Furthermore, Defendants knew or should have known that safety protocols were necessary to ensure that priests were not able to isolate minor children in secluded areas of their facilities.

40. Defendants were negligent and/or reckless in allowing Plaintiff to be isolated alone with Yacyshyn within Defendants' facility.

41. Defendants have never publically announced the allegations against Yacyshyn, warned the public and/or conducted outreach to all potential victims of his abuse. The pattern and practice of intentionally non-disclosing the identities and locations of sexually inappropriate and/or abusive clerics has been practiced by the Diocese for years and continues through current day. The failure to disclose the identities of allegedly sexually inappropriate and/or abusive clerics is unreasonable and knowingly or recklessly creates or maintains a condition which endangers the safety or health of a considerable number of members of the public and Plaintiff.

42. By allowing Yacyshyn to remain in active ministry, Defendants, through their agents, made and continue to make affirmative representations to minor children and their families, including Plaintiff and Plaintiff's family, that Yacyshyn does not pose a threat to children, does

not have a history of molesting children, that Defendants do not know that Yacyshyn has a history of molesting children and that Defendants do not know that Yacyshyn is a danger to children.

43. Defendants, through their agents, made representations to the public generally and directly to Plaintiff and her family. Defendants knew or should have known that the representations made would influence Plaintiff and the amount and type of contact that Plaintiff had with Yacyshyn, Yacyshyn's access to Plaintiff, and Yacyshyn's ability to molest Plaintiff.

44. Had Plaintiff or her family known what Defendants knew or should have known - that Yacyshyn had sexually molested children before Plaintiff and/or that Yacyshyn was a danger to children- Plaintiff would not have been sexually molested.

45. In approximately 2003, the Suffolk County Supreme Court Special Grand Jury issued a Report ("Grand Jury Report"), which had investigated child sexual abuse by Rockville Centre priests and documented the Diocese's cover up of abuse. In the course of the Grand Jury investigation, it heard testimony from 97 witnesses and considered hundreds of pages of documents regarding priests of the Diocese sexually violating children. (Grand Jury Report, page 2).

46. The Grand Jury Report contains a number of startling observations and conclusions, including:

- "A general failure of supervision from officials of the Diocese, to individual pastors and other priests living in rectories, compounded and perpetuated these violations with devastating consequences for children." (*Id.* p. 5)
- "Priests committed crimes against children of the Diocese. These crimes were treated as a matter of sin and never reported to law enforcement authorities." (*Id.* p. 94)
- "The culture of the Diocese was one of secrecy and obfuscation. Diocesan officials purposely withheld information from parishioners and from their own priests and pastors." (*Id.*)

- “Most children did not report the crimes against them until long after the criminal statute of limitations had lapsed. Those who did were promised help, but received little. Instead, they were ignored, belittled and revictimized.” (*Id.* p. 95)
- “In some cases... the Diocese procrastinated for the sole purpose of making sure that the civil and criminal statutes of limitation were no longer applicable in the cases.” (*Id.*)
- “The policy was to avoid scandal by the suppression of information. Priests and Diocesan officials lied about what they knew about sexually abusive priests to their parishioners and to the public at large. This policy put children at grave risk.” (*Id.*)

47. In approximately 2004, the Diocese of Rockville Centre publicly admitted that it knew there were 66 priests who worked in the Diocese who had been accused of sexually molesting minors. The Diocese has never publicly released those names. As a result, children are at risk of being sexually molested. Further, the public is placed under the mistaken belief that Defendants do not have undisclosed knowledge of clerics who present a danger to children.

48. As a result of Defendants’ conduct described herein, Plaintiff has suffered, and continues to suffer from great pain of mind and body; severe and permanent emotional distress; physical manifestations of emotional distress; psychological injuries; feelings of fear, helplessness, isolation, and anxiety; was prevented and will continue to be prevented from performing her normal daily activities and obtaining the full enjoyment of life; has suffered and continues to suffer spiritually; will potentially sustain loss of earnings and earning capacity in the future; and will potentially incur expenses for medical and psychological treatment, therapy, and counseling in the future. The injuries and damages suffered by Plaintiff are specific in kind to Plaintiff, special, peculiar, and above and beyond those injuries and damages suffered by the public.

FIRST CAUSE OF ACTION
NEGLIGENCE AGAINST ALL DEFENDANTS

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

50. Defendants assumed a duty to Plaintiff by:

- a. holding Yacyshyn out to the public, including Plaintiff, as a competent and trustworthy employee that was safe to work with children;
- b. holding out its facilities and ministry as a safe environment for children and parishioners;
- c. taking and inviting children and parishioners into its facilities; and
- d. not disclosing its knowledge of sexual abuse by clerics.

51. Defendants breached this duty by exposing Plaintiff to Yacyshyn, an unfit agent with dangerous and exploitive propensities.

52. Defendant Yacyshyn did isolate Plaintiff and commit sexual abuse upon her as a minor as a result of Defendants' conduct.

53. As a direct and proximate result of the Defendants' negligent conduct, Plaintiff has suffered the injuries and damages described herein.

SECOND CAUSE OF ACTION
NUISANCE (N.Y. PENAL LAW § 240.45) AND REQUEST FOR INJUNCTIVE RELIEF
AGAINST THE DIOCESE OF ROCKVILLE CENTRE

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

55. Defendant continues to conspire and engage and/or has conspired and engaged in efforts to: 1) conceal from the proper civil authorities sexual assaults committed by Yacyshyn and Defendant's other agents against minor children; and/or 2) protect Defendant's agents from

criminal prosecution for their sexual assaults against children; 3) conceal from the public the known dangers of its members; and/or 4) allow known child molesters to live freely in the community unknown to the public.

56. The conduct, deception and concealment by Defendant has knowingly and/or recklessly created or maintained a condition which unreasonably endangers the safety and health of a considerable number of persons, including, but not limited to, children and residents in the Diocese of Rockville Centre and other members of the general public who live in communities where Defendant's agents are present. Defendant's failure to report multiple allegations of sexual assault and abuse of children to proper authorities has knowingly and/or recklessly endangered the safety and health of a considerable number of persons by allowing child molesters to avoid prosecution and remain living freely in unsuspecting communities. These child molesters, known to the Diocese but not to the public, pose a threat of additional abuse to a considerable number of members of the public and plaintiff.

57. Defendant's conduct of deception and concealment of sexually abusive clerics was and continues to be done with full awareness and conscious disregard of the injurious conditions created and the corresponding risk to the public and individuals in the communities where credibly accused molesters are present including, but not limited to Plaintiff. It offends the public morals in that the general public and Plaintiff cannot trust Defendant to warn parents of the presence of the current and/or former credibly accused molesters, nor to identify their current and/or former credibly accused molesters, nor to disclose said credibly accused molesters' assignment histories, nor to disclose their patterns of conduct in grooming and sexually assaulting children, all of which create an impairment of the safety and welfare of children in the neighborhoods where Defendant conducted, and continues to conduct, its business.

58. The unreasonable, knowing and reckless conduct, deception and concealment by Defendant was and continues to be specially injurious to Plaintiff's health because Plaintiff was sexually assaulted by Defendant's agent, Yacyshyn. Furthermore, Plaintiff has suffered and continues to suffer particular and ongoing injuries because Defendants have failed to disclose the identities and whereabouts of sexually abusive clerics.

59. The unreasonable, knowing and reckless conduct, deception and concealment by Defendant was also specially injurious to Plaintiff's health in that when Plaintiff finally discovered the negligence and/or deception and concealment of Defendant, Plaintiff experienced mental and emotional distress that Plaintiff had been the victim of the Defendant's negligence and/or deception and concealment; that Plaintiff had not been able to help other minors being molested because of the negligence and/or deception and concealment; and that Plaintiff had not been able to because of the negligence and/or deception and concealment to receive timely medical treatment needed to deal with the problems Plaintiff had suffered and continues to suffer as a result of the molestation. Plaintiff has also experienced depression, anxiety, and/or anger.

60. Plaintiff has also suffered and continues to suffer particular and peculiar harm as a result of the Diocese's knowing and reckless concealment of clerics credibly accused of sexually molesting minors, which continues as long as these names remain concealed. As a result of the knowing and reckless concealment, Plaintiff has suffered and continues to suffer pecuniary loss including medical expenses and/or wage loss. As a result of Defendant's concealment of the credible allegations of sexual abuse by its members, Plaintiff suffers additional and particular stress, anxiety, nervousness, loss of sleep, and guilt about abuse that could be perpetrated by Defendant's members with sexually abusive propensities that have not been disclosed to the public.

61. The continuing public nuisance created by Defendant was, and continues to be, the proximate cause of the injuries and damages to the general public and of Plaintiff's injuries and damages as alleged.

62. In doing the aforementioned acts, Defendant acted unreasonably by knowingly and/or recklessly creating or maintaining a condition which endangers the safety or health of a considerable number of persons with a conscious disregard for Plaintiff's rights.

63. As a result of the above-described conduct, Plaintiff has suffered the injuries and damages described herein.

THIRD CAUSE OF ACTION
NUISANCE (COMMON LAW) AND REQUEST FOR INJUNCTIVE RELIEF AGAINST
THE DIOCESE OF ROCKVILLE CENTRE

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

65. Defendant continues to conspire and engage and/or has conspired and engaged in efforts to: 1) conceal from the general public the sexual assaults committed by, the identity of, and the pedophilic/ephebophilic tendencies of Yacyshyn and Defendant's other agents, some of whom are discussed in the Grand Jury Report and other forums; 2) attack the credibility of the victims of Defendant's agents; and/or 3) protect Defendant's agents from criminal prosecution for their sexual assaults against children.

66. The conduct, deception and concealment by Defendant has knowingly and/or recklessly created or maintained a condition which unreasonably endangers the safety and health of a considerable number of persons, including, but not limited to, children and residents in the Diocese of Rockville Centre and other members of the general public who live in communities where Defendant's agents live. Defendant's failure to report multiple allegations of sexual assault

and abuse of children to proper authorities has knowingly and/or recklessly endangered the safety and health of a considerable number of persons by allowing child molesters to avoid prosecution and remain living freely in unsuspecting communities. These child molesters, known to the Diocese but not to the public, pose a threat of additional abuse to a considerable number of members of the public.

67. Defendant's conduct of deception and concealment of sexually abusive clerics was and continues to be done with full awareness and conscious disregard of the injurious conditions created and the corresponding risk to the public and individuals in the communities where credibly accused molesters are present including, but not limited to Plaintiff. It offends the public morals in that the general public and Plaintiff cannot trust Defendant to warn parents of the presence of the current and/or former credibly accused molesters, nor to identify their current and/or former credibly accused molesters, nor to disclose said credibly accused molesters' assignment histories, nor to disclose their patterns of conduct in grooming and sexually assaulting children, all of which create an impairment of the safety and welfare of children in the neighborhoods where Defendant conducted, and continues to conduct, its business.

68. The unreasonable, knowing and reckless conduct, deception and concealment by Defendant was and continues to be specially injurious to Plaintiff's health because Plaintiff was sexually assaulted by Defendant's agent, Yacyshyn. Furthermore, Plaintiff has suffered and continues to suffer particular and ongoing injuries because Defendants have failed to disclose the identities and whereabouts of sexually abusive clerics.

69. The unreasonable, knowing and reckless conduct, deception and concealment by Defendant was also specially injurious to Plaintiff's health in that when Plaintiff finally discovered the negligence and/or deception and concealment of Defendant, Plaintiff experienced mental and

emotional distress that Plaintiff had been the victim of the Defendant's negligence and/or deception and concealment; that Plaintiff had not been able to help other minors being molested because of the negligence and/or deception and concealment; and that Plaintiff had not been able to because of the negligence and/or deception and concealment to receive timely medical treatment needed to deal with the problems Plaintiff had suffered and continues to suffer as a result of the molestation. Plaintiff has also experienced depression, anxiety, and/or anger.

70. Plaintiff has also suffered and continues to suffer particular and peculiar harm as a result of the Diocese's knowing and reckless concealment of clerics credibly accused of sexually molesting minors, which continues as long as these names remain concealed. As a result of the knowing and reckless concealment, Plaintiff has suffered and continues to suffer pecuniary loss including medical expenses and/or wage loss. As a result of Defendant's concealment of the credible allegations of sexual abuse by its members, Plaintiff suffers additional and particular stress, anxiety, nervousness, loss of sleep, and guilt about abuse that could be perpetrated by Defendant's members with sexually abusive propensities that have not been disclosed to the public.

71. The continuing public nuisance created by Defendant was, and continues to be, the proximate cause of the injuries and damages to the general public and of Plaintiff's injuries and damages as alleged.

72. In doing the aforementioned acts, Defendant acted unreasonably by knowingly and/or recklessly creating or maintaining a condition which endangers the safety or health of a considerable number of persons with a conscious disregard for Plaintiff's rights.

73. As a result of the above-described conduct, Plaintiff has suffered the injuries and damages described herein.

FOURTH CAUSE OF ACTION
VIOLATION OF GENERAL NEW YORK GENERAL BUSINESS LAW SECTION 349
AGAINST THE DIOCESE OF ROCKVILLE CENTRE

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

75. Defendant conducts various business, trade or commerce functions and furnishes services to consumers, the public and plaintiff. This business includes, but is not limited to providing education, direction, counseling, religious services, charitable services, products, schooling, and counseling.

76. In the course of this conduct, Defendant engaged and engages in materially misleading, deceptive acts and/or practices in violation of General Business Law Section 349.

77. Defendant's misleading, deceptive conduct includes, but is not limited to concealing the identities and locations of its members or former members who have admitted or been credibly accused to have committed sexual abuse. Defendant deceptively fails to disclose and hides its full knowledge of clerical sexual abuse and specifically the history and propensity of sexual abuse perpetrated by clerics within the Diocese. Furthermore, Defendant undertakes various affirmative misrepresentations including, but not limited to holding out its facilities, programs and clerics to be safe for children and that the facilities, programs and clerics of the diocese do not have a history of and propensity for sexual abuse when, in fact an extensive history and propensity for sexual abuse exists at Defendant's facilities, programs and by its clerics.

78. Defendant's deceptive conduct also includes, but is not limited to conspiring and engaging and/or has conspired and engaged in efforts to: 1) conceal from the proper civil authorities sexual assaults committed by Yacyshyn and Defendant's other agents against minor children; and/or 2) protect Defendant's agents from criminal prosecution for their sexual assaults

against children; and/or 3) allow known child molesters to live freely in the community unknown to the public.

79. Defendant's conduct has been detailed in the Grand Jury Report and the conduct is a deceptive pattern of practice and conduct. Defendant continues to engage in this pattern and conduct.

80. Defendant's conduct was and/or is likely to mislead and deceive a reasonable person. Consumers, public, the plaintiff and her family specifically and reasonably relied upon Defendant's deceptive acts and practices.

81. The plaintiff has been injured as detailed in the preceding sections of this Complaint as a result of Defendant's actions in violation of GBL Section 349.

82. By refusing to disclose the identity and location of its sexually abusive clerics, and holding out its clerics, facilities and programs as reputable, trustworthy and safe, Defendant allowed minors including, but not limited to Plaintiff to be accessed by clerics with propensity to abuse or with a history of abuse.

83. Defendant's conduct, acts and practices are subject to enjoinder pursuant to GBL Section 349(h) to prevent the conduct, acts and practices. Furthermore, Defendant's conduct was intentional and willful such that imposition of an award of reasonable attorney's fees to Plaintiff is warranted.

FIFTH CAUSE OF ACTION
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS AGAINST ALL
DEFENDANTS

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

85. At all times material, Defendants assumed a duty to Plaintiff by:

- a. holding Yacyshyn out to the public, including Plaintiff, as a competent and trustworthy employee that was safe to work with children;
- b. holding out its facilities and ministry as a safe environment for children and parishioners; and
- c. taking and inviting children and parishioners into its facilities.

86. Defendants breached their duty by exposing Plaintiff to Yacyshyn, an unfit agent with dangerous and exploitive propensities.

87. At all times material, Defendants' breach of duty endangered Plaintiff's physical safety and/or caused Plaintiff to fear for her own safety.

88. As a direct result of the Defendants' negligent conduct, Plaintiff has suffered the injuries and damages described herein.

WHEREFORE, Plaintiff prays that this Court issue an order enjoining the Roman Catholic Diocese of Rockville Centre from further concealing the names of all clerics credibly accused of child sexual abuse and requiring that the Roman Catholic Diocese of Rockville Centre publicly release the names of all credibly accused child molesting clerics, each such cleric's history of abuse, each such cleric's pattern of grooming and sexual behavior, and each such cleric's last known address. This includes the release of names of all clerics accused of child molestation in the Roman Catholic Diocese of Rockville Center at any point in time through present day. This also includes the release of the Roman Catholic Diocese of Rockville Centre's documents relating to the accused clerics.

WHEREFORE, based on the foregoing causes of action, Plaintiff prays for judgment against Defendants in an amount that will fully and fairly compensate her for her injuries and damages, and for punitive damages, in an amount sufficient to deter others and punish Defendants,

and for any other relief the Court deems appropriate. Plaintiff further prays for an award of attorney fees pursuant to New York GBL Section 349(h). The amount of damages sought in this Complaint exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

Dated: January 21, 2015.

County: Ramsey

JEFF ANDERSON & ASSOCIATES, P.A.

A handwritten signature in black ink, appearing to read "Jeff R. Anderson", written over a horizontal line.

Jeffrey R. Anderson
John Michael Reck
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