

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU**

PETER STARKS,

Plaintiff,

v.

OBLATES OF MARY IMMACULATE A/K/A  
AND F/K/A THE OBLATES OF MARY  
IMMACULATE EASTERN PROVINCE,

Defendant.

Index No. \_\_\_\_\_

**SUMMONS**

Date Index No. Purchased: August 9, 2021

**TO THE ABOVE-NAMED DEFENDANT:**

**PLEASE TAKE NOTICE THAT YOU ARE HEREBY SUMMONED** to answer the Complaint, a copy of which is hereby served upon you, and to serve a copy of your Answer to the Complaint upon the undersigned attorneys listed below within twenty (20) days after the service of this Summons, exclusive of the day of service (or within thirty (30) days after the service is complete if this Summons is not personally delivered to you within the State of New York); and in the case of your failure to appear or answer, judgment by default will be taken against you for the relief demanded herein.

The basis of venue is the location in which a substantial part of the events or omissions giving rise to the claim occurred, which is Nassau County.

Dated: August 9, 2021.

/s/ Jeffrey R. Anderson

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**COMPLAINT**

**DEMAND FOR RELIEF**

Plaintiff, by and through Plaintiff’s attorneys, states and alleges as follows:

**PARTIES AND IMPORTANT NON-PARTIES**

**Plaintiff – Peter Starks**

1. At all times material to this Complaint, Plaintiff was an individual and resident of the State of New York. He was a minor at the time of the alleged sexual abuse and is currently an adult and resident of North Carolina.

**Defendant – Oblates of Mary Immaculate**

2. At all times material, Defendant Oblates of Mary Immaculate a/k/a and d/b/a Oblate Fathers a/k/a and d/b/a The Missionary Oblates of Mary Immaculate, Inc., an Illinois not-for-profit corporation a/k/a and d/b/a U.S. Province of the Missionary Oblates of Mary Immaculate, Inc., a Massachusetts non-profit corporation a/k/a and d/b/a U.S. Province of the Missionary Oblates of Mary Immaculate a/k/a and d/b/a Oblates of Mary Immaculate, United States Province a/k/a and d/b/a Missionary Oblates of Mary Immaculate a/k/a and d/b/a Missionary Oblates of Mary Immaculate, United States Province a/k/a and f/k/a The Oblates of Mary Immaculate Eastern Province (“Oblates”) was and continues to be a religious order of priests and brothers affiliated

with the Roman Catholic Church with its headquarters located at 391 Michigan Avenue NE, Washington, D.C. 20017.

3. The Oblates are 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 New York. The Provincial is the top official of the Oblates and is given authority over all matters dealing with the Oblates as a result of his position. The Oblates function as a business by engaging in numerous revenue-producing activities and soliciting money from its members in exchange for its services.

4. The Oblates have several programs that seek out the participation of children including, but not limited to, schools and other educational programs. The Oblates, through its officials, have complete control over those activities and programs involving children. The Oblates have the power to appoint, train, supervise, monitor, remove and terminate each and every person working with children within the Oblates.

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.

**Defendant's Agent – Monsignor Alan Placa**

6. At all times relevant, Monsignor Alan Placa ("Msgr. Placa") was a Roman Catholic cleric and civil attorney, acting as an agent and representative of Defendant Oblates, Diocese of Buffalo, and the Diocese of Rockville Centre with his law office located at 2323 Merrick Avenue,

Merrick, New York. Without disclosing, at the time, that he was an attorney, Msgr. Placa induced Plaintiff to execute a settlement agreement which contained a confidentiality provision (“gag order”) to the benefit of the Defendant herein and the Catholic Church in New York generally.

**Defendant’s Leader – Father George Kirwin**

7. At all times material, Father George Kirwin, O.M.I., (“Fr. Kirwin”) was Provincial of Defendant’s organization. This is a position akin to a Bishop or other institutional leader.

**Defendant’s Perpetrator – Father Donald Joyce**

8. Father Donald J. Joyce, O.M.I. (“Fr. Joyce”) was a Roman Catholic priest employed by the Diocese of Buffalo (“Diocese”) and Defendant. Fr. Joyce remained under the direct supervision, employ, and control of Defendant. Defendant and Diocese of Buffalo placed Fr. Joyce in positions where he had access to and worked with children as an integral part of his work.

**JURISDICTION**

9. This Court has jurisdiction pursuant to C.P.L.R. § 301 and C.P.L.R. § 302 as Defendant Oblates have conducted and continue to conduct business in New York, and because the unlawful conduct complained of herein occurred in New York.

10. Venue is proper pursuant to C.P.L.R. § 503 in that Nassau County is the county in which a substantial part of the events or omissions giving rise to the claim occurred.

**FACTS**

11. Plaintiff was raised in a devout Roman Catholic family and attended Bishop Fallon High School in Buffalo, New York, in the Diocese of Buffalo. Plaintiff and Plaintiff’s family came in contact with Fr. Joyce as an agent and representative of Defendant, and at Bishop Fallon High School.

12. Beginning in approximately 1962, when Plaintiff was approximately 15 years old and continuing into adulthood, Fr. Joyce engaged in unpermitted sexual contact with Plaintiff in violation of at least one section of New York Penal Law Article 130 and/or § 263.05, or a predecessor statute that prohibited such conduct at the time of the abuse.

13. In approximately December 1987, Plaintiff contacted Defendant's Provincial, Fr. Kirwin, and requested a meeting to discuss Fr. Joyce's insidious, illicit, immoral, and illegal behavior that chronically fragmented and psychologically scarred Plaintiff and Plaintiff's family.

14. Plaintiff sought Defendant's help in ensuring Fr. Joyce did not continue to pose a risk to children and requested a meeting to be attended by Plaintiff and the senior Oblate ministers or their designees without attorneys or any other supporting staff present. Among other requests, Plaintiff asked that Defendant provide for therapy sessions, medical expenses and counseling for him and members of his family.

15. In approximately spring 1988, Fr. Joyce, Fr. Kirwin and Msgr. Placa, met with Plaintiff and Plaintiff's family at Plaintiff's family home in Buffalo, New York. Msgr. Placa was unknown to Plaintiff until this meeting.

16. At no point during the spring 1988 meeting did anyone disclose to Plaintiff that Msgr. Placa was a civil attorney. Msgr. Placa wore priestly garb including a collar; was introduced as a priest whose role was to accompany the perpetrator during travel. Msgr. Placa remained quiet during the group meeting.

17. At the conclusion of the meeting, Msgr. Placa isolated Plaintiff in a separate room. Msgr. Placa told Plaintiff that Defendant wanted to help Plaintiff's family with a monetary contribution, but that the contribution was a one-time offer. Msgr. Placa told Plaintiff that the money would be paid by check to his parents and presented Plaintiff a document, known now, to

be a General Release. At the time, Msgr. Placa identified the document to Plaintiff as simply “a receipt” for the check. When Plaintiff inquired whether his parents should sign the receipt since the check was directed to them Msgr. Placa pressured and instructed Plaintiff to sign the document quickly because the three priests needed to rush to the airport to make a plane flight. Msgr. Placa specified that they needed to leave in mere minutes.

18. Plaintiff was not given an opportunity to review the General Release nor speak with an attorney. In fact, Plaintiff did not read the General Release prior to signing at Msgr. Placa’s insistence and impatience. At the time, Plaintiff believed Msgr. Placa was functioning as a priest and was acting in Plaintiff’s best interest as Plaintiff believed priests should. Had Plaintiff known Msgr. Placa was functioning as a secret attorney for the benefit of Defendant he would not have executed the document.

19. Paragraph (4) of the General Release requires Plaintiff, Plaintiff’s family, and any agent of Plaintiff or Plaintiff’s family, to refrain from speaking publicly in any forum about the nature or details of Plaintiff’s or Plaintiff’s family’s relationship with Defendant or Fr. Joyce. Paragraph (4) reads as follows:

“That neither he, nor any member of his family, nor any agent of his or of theirs, will ever make public comment, in any forum whatsoever, on the nature or details of his or their relationships with the Oblates or with Donald Joyce.”

20. Years later, Plaintiff became aware of the Suffolk County Grand Jury Report, media reports, research materials and a report created by his attorney, Jeff Anderson & Associates, regarding Msgr. Placa’s role as an attorney and orchestrator of coverup of child sex abuse by Catholic priests.

21. Upon information and belief, it has been reported that Msgr. Placa placed troubled

priests back in jobs where they had contact with children and discouraged victims from pursuing legal action against the diocese.<sup>1</sup> Multiple victims and their family members indicate they felt deceived by their meetings with Msgr. Placa. His dual role as both priest and attorney was not made clear to victims, putting them at a disadvantage.<sup>2</sup>

22. Upon information and belief, by the mid-to-late 1980s, Msgr. Placa had become a legal expert on abuse and crisscrossed the country giving seminars to priests.<sup>3</sup> Msgr. Placa played an integral role in settling a sexual abuse victim's lawsuit, which included a non-disclosure agreement barring the victim from publicly discussing the case or taking legal action against any other priests.<sup>4</sup>

23. In approximately 2002, the United States Conference of Catholic Bishops ("USCCB") established a comprehensive set of procedures for addressing allegations of sexual abuse of minors by Catholic clergy called the Charter for the Protection of Children and Young People ("Charter").<sup>5</sup> Article 3 of the Charter instructs Dioceses/eparchies not to enter into settlements which bind the parties to confidentiality, unless the victim/survivor requests confidentiality and this request is noted in the text of the agreement. The Diocese of Buffalo is subject to the procedures and rules of the USCCB.

24. The Conference of Major Superiors of Men ("CMSM") is a national representative organization composed of religious priests and brothers who are leaders and/or members of their respective Orders and congregations in the United States who engage in activities promoting, advancing and furthering the policies, practices and interests of Catholic Orders and congregations

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<sup>1</sup> Newsday, December 5, 2009

<sup>2</sup> Newsday, June 3, 2002

<sup>3</sup> *Id.*

<sup>4</sup> Telegram & Gazette, May 22, 2002

<sup>5</sup> [2011 Charter Revisions with EDITS \(usccb.org\)](http://www.usccb.org)



in the United States of America. Defendant Oblates is a member and/or member institute of CMSM and is subject to its procedures and rules.

25. CMSM participates in the implementation of the Charter in each religious order, including Defendant. As part of CMSM's accreditation standards, it is a recognized best practice for Institutes, like Defendant, to not enter confidentiality settlements unless requested by the survivor.

26. Plaintiff did not request confidentiality when he signed the General Release.

**FIRST CLAIM FOR RELIEF:**

**INJUNCTION - RELIEF FROM DEFENDANT'S  
ENFORCEMENT OF THE GENERAL RELEASE PURSUANT TO CPLR § 3001**

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

28. A bona fide controversy exists between Plaintiff and Defendant, and ordinary actions will not afford adequate relief for Plaintiff.

29. Continued enforcement of the confidentiality provisions of the General Release would have an immediate and ongoing adverse effect on Plaintiff causing irreparable harm.

30. Continued enforcement and inclusion of confidentiality provisions included in Defendant's General Releases would have an immediate and ongoing adverse effect on victim/survivors of child sexual abuse in Defendant's organization causing irreparable harm.

31. The public interest favors an injunction releasing Plaintiff from the confidentiality provisions of the General Release and would avoid inequitable treatment of similarly situated victim/survivors of child sexual abuse by agents and/or employees of Defendant.

32. Plaintiff is entitled to declaratory judgment that prevents continued enforcement of the confidentiality provisions of the General Release.

**DEMAND FOR RELIEF**

WHEREFORE, based on the foregoing causes of action, Plaintiff respectfully prays for judgment as follows:

- (a) For an injunction restraining and enjoining Defendant from enforcing the confidentiality provisions of the General Release signed by Plaintiff.
- (b) For other legal and equitable relief this Court deems necessary.

Dated: August 9, 2021.

/s/ Jeffrey R. Anderson  
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