

LOPEZ MCHUGH, LLP

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Counsel for Plaintiff



Plaintiff,

v.

ST. ANTONINUS CHURCH
337 S. ORANGE AVENUE
NEWARK, NJ 07103,

and

ARCHDIOCESE OF NEWARK
171 CLIFTON AVENUE
NEWARK, NJ 07104

and

THE PEOPLE OF HOPE
1040 PLAINFIELD AVENUE
PLAINFIELD, NJ 07060

and

JOHN AND JANE DOES 1-10

and

ABC ENTITIES 1-10,

Defendants.

: SUPERIOR COURT OF NEW JERSEY
: ESSEX COUNTY
:
: LAW DIVISION – CIVIL
:
: DOCKET NO:

: **JURY TRIAL DEMANDED**

CIVIL ACTION COMPLAINT

Plaintiff, [REDACTED], residing at [REDACTED]
[REDACTED], through his undersigned attorneys, by way of Civil Action Complaint, alleges and states as follows:

I. PARTIES

1. Plaintiff, [REDACTED], is an individual who, as a minor, was sexually assaulted and/or abused by Reverend Joseph P. Fagan and Reverend Michael Scanlan, each while acting in his capacity as a brother, priest, and/or reverend assigned to and/or employed by Defendants, St. Teresa's of the Little Flower School and/or St. Antoninus Church and/or The People of Hope, and/or the Archdiocese of Newark, and/or John/Jane Does (1-10), and ABC Entities (1-10).

2. Defendant, St. Antoninus Church, is a nonprofit or religious corporation/entity, incorporated in the State of New Jersey, with its principal place of business located at 337 South Orange Avenue, Newark, New Jersey 07104

3. Defendant, the Archdiocese of Newark, is a nonprofit or religious corporation/entity, incorporated in the state of New Jersey, with its principal place of business at 171 Clifton Avenue, Newark, New Jersey 07104.

4. Defendant, The People of Hope, is a corporation/entity with its principal place of business at 1040 Plainfield Avenue, Plainfield, New Jersey 07060

5. Defendants, John/Jane Does (1-10) and ABC Entities (1-10), are fictitious names for brothers, priests, reverends, teachers, deacons, trustees, directors, officers, employees, agents, servants, volunteers, sole proprietorships, organizations, and/or other legal entities who employed or had the responsibility to supervise, oversee, control, or monitor [REDACTED] at all times material hereto and/or were involved in the decision-making that allowed Reverends Fagan and Scanlan to abuse [REDACTED] and others.

II. JURISDICTION, VENUE, AND NEW LAWS

6. This Court has jurisdiction over this action and venue is proper since the principal places of business of Defendant, Archdiocese of Newark, is in Essex County, New Jersey.

7. 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 create 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. These new laws apply to the parties herein.

III. EVENTS GIVING RISE TO THE CAUSES OF ACTION

8. In the early 1970s, Fr. James Ferry, a pastor of St. Antoninus, co-founded the People of Hope and, with the Archdiocese's knowledge, authorization and endorsement, used St. Antoninus as the New Jersey center of People of Hope operations.

9. Fr. Ferry welcomed People of Hope clergy and others to St. Antoninus, allowing non-Diocesan clergy to stay overnight at the rectory and establishing a "Men's Residence" at the rectory in which various People of Hope guests would have rooms while visiting, and some with long term residency living in New Jersey. All of this had the support and was subject to the oversight of the Archdiocese.

10. Moreover, the Archdiocese exercised authority over People of Hope, maintained audit authority over its financial records, and reserved the right to approve the Archdiocese's priests who joined the People of Hope movement.

11. Beyond being simply parishioners of St. Antoninus and members of the Archdiocese, Plaintiff and his family were residents in the Archdiocese's St. Antoninus Rectory.

12. In 1978, and with the blessing and support of the Archdiocese and then Bishop Peter Gerety, Fr. Ferry organized and produced the People of Hope gathering dubbed "Jesus '78", held at the New Jersey Meadowlands.

13. Among other recognized Charismatic leaders who appeared was Reverend Michael Scanlan, president of the College of Steubenville.

14. Fr. Scanlan's appearance at "Jesus '78" included his lodging at St. Antoninus, which is likely one of the first times he sexually abused 9-year-old Plaintiff who was then, with his mother and brothers, living in the St. Antoninus Rectory.

15. Fr. Scanlan abused Plaintiff multiple times. The abuse included genital touching and mouth-to-genital contact.

16. Fr. Scanlan returned to New Jersey several times and abused Plaintiff each time he visited St. Antoninus.

17. Plaintiff also experienced multiple incidents of inappropriate contact with other clergy members who were guests at the St. Antoninus "Men's Residence".

18. Along with its responsibility for the management and oversight of its parishes, the Archdiocese has a duty to supervise and manage its employees and the activities, groups and individuals it authorizes, endorses and otherwise allows to use its facilities and circulate among its parishioners.

19. Inasmuch as Plaintiff and his family were residents in the Archdiocese's St. Antoninus Rectory, the Archdiocese had an even greater duty to protect them from people that the

Archdiocese allowed to enter and stay at the St. Antoninus Rectory and “Men’s Residence” – people like Scanlan (and others).

20. Consequently, the Archdiocese bears responsibility for the childhood sexual abuse that Plaintiff suffered while a resident of the St. Antoninus Rectory.

21. The Archdiocese took no steps to screen the people it allowed on its St. Antoninus premises, despite the fact that it was housing young children at the Rectory. This was reckless and in intentional disregard for the safety and welfare of these young children, including Plaintiff.

22. Fr. Scanlan abused Plaintiff while he was living in the St. Antoninus Rectory.

23. Fr. Fagan sexually and mentally abused the Plaintiff while he was a student at St. Teresa of the Little Flower School. On multiple occasions during the mandatory practice of confession Fr. Fagan would make comments about the Plaintiff’s genitalia and request that the Plaintiff sexually manipulate himself in the confessional booth while Fr. Fagan did the same to himself.

24. Plaintiff told his mother about the abuse by Fr. Scanlan, and his mother reported it to the priests at St. Antoninus. The priests at St. Antoninus ignored the complaint without conducting an investigation.

25. In 1996, Plaintiff reported the abuse to Fr. Paul Lehman, the then-serving Pastor of St. Antoninus Church. Lehman dismissed the report as untrue and did nothing.

26. The Archdiocese is responsible for the abuse suffered by Plaintiff at the hands of Scanlan and Fagan.

27. The Archdiocese failed in its duty to protect Plaintiff.

IV. INJURIES/DAMAGES SUSTAINED BY PLAINTIFF

28. As a direct and proximate result of the conduct described hereinabove, Plaintiff suffered physical injuries, severe emotional distress, shortened economic horizons, a diminished and tarnished childhood, diminished enjoyment of life, anxiety, depression, humiliation, pain, embarrassment, inability to live a normal life, inability to engage in normal sexual development and activities, loss of his ability to have faith in God and church, development of self-destructive behavioral patterns that will continue to develop into the future, and past and future medical, hospital and psychiatric expenses in amounts yet to be determined.

**COUNT I
SEXUAL ABUSE OF A CHILD**

[REDACTED] v. MICHAEL SCANLAN and JAMES FAGAN

29. Plaintiff incorporates herein by reference the averments of the preceding paragraphs of the Complaint as if fully set forth at length.

30. Decedents Michael Scanlan and Joseph P. Fagan engaged in criminal sexual contact with the then-minor Plaintiff, including but not limited to multiple incidents of sexual abuse. These incidents occurred on the premises of St. Antoninus Church in Newark, New Jersey and on the premises of Saint Teresa's of the Little Flower School in Berkeley Heights New Jersey where Fr. Fagan served.

31. As a direct and proximate result of the conduct described hereinabove, Plaintiff has suffered the injuries and damages described herein.

WHEREFORE, Plaintiff hereby demands judgment against Defendants for compensatory and punitive damages, interest, costs of suit, attorney's fees, and such other relief as the Court or jury may deem proper.

COUNT II
NEGLIGENCE AND/OR GROSS NEGLIGENCE
[REDACTED] v. ST. ANTONINUS CHURCH,
PEOPLE OF HOPE, THE DIOCESE OF NEWARK,
JOHN/JANE DOES (1-10), AND ABC ENTITIES (1-10)

32. Plaintiff incorporates herein by reference the averments of the preceding paragraphs of the Complaint as if fully set forth at length.

33. Defendants St. Antoninus Church, People of Hope, Archdiocese of Newark, John/Jane Does (1-10), and ABC Entities (1-10), are responsible by their knowledge and actions and/or inaction as if all allegations subsequently set forth herein pertaining to all Defendants were set forth herein as to these said Defendants.

34. The acts of said Defendants, described hereinabove, were undertaken, and/or enabled by, and/or during the course, and/or within the scope of his/her/their employment, appointment, and/or agency with any parish, and/or school, and/or the Defendants, St. Antoninus Church, People of Hope, the Archdiocese of Newark, John/Jane Does (1-10) and ABC Entities (1-10).

35. At all times material hereto, said Defendants knew, or should have known, of the unreasonable danger to Plaintiff, and other minors, due to Scanlan's and Fagan's sexual propensities of pederasty, frotteurism, and/or pedophilia.

36. Said Defendants knew or should have known that Scanlan and Fagan posed an unreasonable risk of sexual abuse and harm to Plaintiff.

37. Said Defendants owed Plaintiff a duty to protect him directly and/or indirectly from Scanlan's and Fagan's sexual deviancy, both prior to and/or subsequent to Scanlan's and Fagan's misconduct.

38. Said Defendants' willful, wanton, and/or grossly negligent acts of commission and/or omission resulted directly and/or proximately in the injuries and damages set forth herein.

39. But for said Defendants' knowledge of Scanlan's and Fagan's failure to control their psychosexual disorders and/or their sexual propensities of pederasty, frotteurism, and/or pedophilia, and/or their willful, wanton, and/or grossly negligent act(s) of commission and/or omission, Plaintiff would not have been sexually abused and/or emotionally harmed in the manner in which he presently has been damaged.

40. As a direct result of said conduct, Plaintiff has suffered the injuries and damages described herein.

WHEREFORE, Plaintiff hereby demands judgment against Defendants for compensatory and punitive damages, interest, costs of suit, attorney's fees, and such other relief as the Court or jury may deem proper.

COUNT III
INTENTIONAL MISCONDUCT AND/OR GROSS NEGLIGENCE
██████████ v. ST. ANTONINUS CHURCH, PEOPLE OF HOPE, THE
ARCHDIOCESE OF NEWARK, JOHN/JANE DOES (1-10) AND ABC ENTITIES (1-10)

41. Plaintiff incorporates herein by reference the averments of the preceding paragraphs of the Complaint as if fully set forth at length.

42. Prior to the dates of sexual molestation perpetrated by Michael Scanlan and Joseph P. Fagan, said individuals had been known, or should have been know to Defendants, to have been a pederast, frotteurism, pedophile, and/or other sexual offender, with a habit of making sexual advances and/or engaging in unnatural sexual acts with children, under the pretext of their duties as priests and utilizing their positions as priests to overcome the reluctance and fears of these children.

43. After knowing that Michael Scanlan and Joseph P. Fagan had utilized their positions as priests to lure and persuade children to commit sexual acts with them, the Defendants deliberately and/or outrageously allowed them and/or assigned them positions as brother, priest, reverend, teacher, deacon, trustee, director, officer, employee, agent, servant and/or volunteer at a parish and/or school where they would have full access to children, including Plaintiff, who had no awareness of their deviant sexual preferences and practices.

44. The Defendants owed a duty of care to all persons, including Plaintiff, who were likely to come under the influence of Michael Scanlan and Joseph P. Fagan in their roles as priests, to ensure that Michael Scanlan and James Fagan did not abuse their authority as priests to injure others by sexual assault and abuse.

45. Defendants recklessly or intentionally breached their duty of care, and willfully, intentionally, and/or recklessly disregard the rights and safety of Plaintiff by failing to warn or otherwise protect the Plaintiff from Michael Scanlan and James Fagan, who were acting under their supervision, and whom they knew, or should have known, were likely to sexually assault and abuse persons such as Plaintiff, and by failing to ensure that Michael Scanlan and James Fagan would not have unsupervised access to individuals such as the Plaintiff.

46. As a direct and proximate result of the aforesaid tortious conduct, Plaintiff has suffered and will continue to suffer the injuries described herein.

WHEREFORE, Plaintiff hereby demands judgment against Defendants for compensatory and punitive damages, interest, costs of suit, attorney's fees, and such other relief as the Court or jury may deem proper.

COUNT IV
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
[REDACTED] v. MICHAEL SCANLAN and JOSEPH P. FAGAN

47. Plaintiff incorporates herein by reference the averments of the preceding paragraphs of the Complaint as if fully set forth at length.

48. Defendants Michael Scanlan and Joseph P. Fagan, by force deception, religious duress, and intimidation, caused Plaintiff to engage in sexual conduct with them.

49. The sexual abuse of Plaintiff by Defendants Michael Scanlan and Joseph P. Fagan proximately caused Plaintiff to suffer extreme humiliation and anxiety, severe emotional distress and mental anguish, nightmares, a racing heart, and other physical and psychological injuries.

50. Defendants Michael Scanlan and Joseph P. Fagan acted either intentionally or recklessly, and knew or should have known that their actions would result in serious emotional distress to Plaintiff beyond what a normal person could be expected to endure.

51. As a direct and proximate result of the tortious conduct of Defendants Michael Scanlan and Joseph P. Fagan, Plaintiff suffered the injuries and damages described herein, including mental and emotional distress.

WHEREFORE, Plaintiff hereby demands judgment against Defendants for compensatory and punitive damages, interest, costs of suit, attorney's fees, and such other relief as the Court or jury may deem proper.

COUNT V
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
[REDACTED] v. ST. ANTONINUS CHURCH, PEOPLE OF HOPE,
THE ARCHDIOCESE OF NEWARK,
JOHN/JANE DOES (1-10) AND ABC ENTITIES (1-10)

52. Plaintiff incorporates herein by reference the averments of the preceding paragraphs of the Complaint as if fully set forth at length.

53. Defendants Michael Scanlan and Joseph P. Fagan, by force deception, religious duress, and intimidation, caused Plaintiff to engage in sexual conduct with them.

54. The sexual abuse of Plaintiff by Defendants Michael Scanlan and James Fagan proximately caused Plaintiff to suffer extreme humiliation and anxiety, severe emotional distress and mental anguish, and other physical and psychological injuries.

55. As described above, the actions of Defendants, St. Antoninus Church, People of Hope, Archdiocese of Newark, John/Jane Does (1-10) and ABC Entities (1-10), were conducted in a negligent and/or grossly negligent manner.

56. Defendants, St. Antoninus Church, People of Hope, Archdiocese of Newark, John/Jane Does (1-10), knew or should have know that their actions would result in serious emotional distress to Plaintiff beyond what a normal person could be expected to endure.

57. As a direct and proximate result of Defendants' negligence and/or gross negligence, Plaintiff suffered the injuries and damages described herein, including but not limited to, mental and emotional distress.

WHEREFORE, Plaintiff hereby demands judgment against Defendants for compensatory and punitive damages, interest, costs of suit, attorney's fees, and such other relief as the Court or jury may deem proper.

COUNT VI
NEGLIGENT HIRING, SUPERVISION, AND/OR RETENTION
██████████ v. ST. ANTONINUS CHURCH,
PEOPLE OF HOPE, THE ARCHDIOCESE OF NEWARK,
JOHN/JANE DOES (1-10), AND ABC ENTITIES (1-10)

58. Plaintiff incorporates herein by reference the averments of the preceding paragraphs of the Complaint as if fully set forth at length.

59. Defendants had actual or constructive knowledge that, in the ordinary course of Michael Scanlan's and James Fagan's duties, they presented a threat of injury and abuse to minor children.

60. Defendants had actual or constructive knowledge that Michael Scanlan and Joseph P. Fagan were sexual offenders or had propensities of pederasty, frotteurism, and/or pedophilia involving children, and as such, were unfit for unsupervised access to or care of children, and were a danger to such minors including Plaintiff herein.

61. Defendant had a duty to exercise reasonable care in hiring, supervising, retaining, assigning, transferring, appointing, and/or employing Michael Scanlan and Joseph P. Fagan for the work assigned to them, and in determining their fitness for access to, or care of, minors including Plaintiff.

62. Defendants were negligent and/or grossly negligent in the hiring, supervision, retention, assignment, transferring, appointment, and/or employment of Michael Scanlan and James Fagan, in that they failed to adequately investigate the previous activities of Michael Scanlan and Joseph P. Fagan; failed to make sufficient inquiry of moral character at Michael Scanlan's and Joseph P. Fagan's previous place(s) of employment; failed to subject Michael Scanlan and Joseph P. Fagan to adequate, valid, and appropriate psychological testing; and failed to adopt or establish reasonable or adequate policies, guidelines, or other means whereby they would recognize and respond to their employees' propensity for deviant sexual behavior or the behavior itself.

63. Defendants were negligent in hiring and retaining Michael Scanlan and Joseph P. Fagan in their employment as priests in that Michael Scanlan and Joseph P. Fagan at such relevant

times were conducting themselves in such a manner that Defendants knew, or should have known, of their propensity to commit and engage in the sexual acts complained of herein.

64. Defendants were negligent by failing to adequately supervise the conduct and activities of Michael Scanlan and James Fagan. If Defendants had properly supervised said conduct and activities, they would have, or should have, known of the acts themselves, or the propensities of Michael Scanlan and James Fagan to perform the acts complained of herein.

65. Defendants were negligent in that they knew, or should have known, of claims, causes of actions and complaints of child molestation by clergy in other dioceses, as well as the Archdiocese of Newark, but failed, at all times material hereto, to adopt and establish policy guidelines or any other means whereby clergy and other employees of the Archdiocese would learn to recognize the propensities of this type of deviant behavior or the behavior itself. If Defendants had not acted in such a negligent manner, they should have, or would have, known of the conduct complained of herein and of Michael Scanlan's and James Fagan's propensity to engage in such activities.

66. It was well known and foreseeable to all Defendants that pedophiles frequently prey on the weakest and most vulnerable members of a congregation, all of which multiplies the destructive nature of the sexual abuse and exploitation at issue and the responsibilities of the Defendants herein.

67. Defendants failed to warn Plaintiff and his family of Michael Scanlan's and Joseph P. Fagan's dangerous propensities.

68. Defendants failed to provide reasonable supervision of Michael Scanlan and Joseph P. Fagan.

69. Defendants had an ongoing duty to keep and retain Michael Scanlan and James Fagan under supervision that provided assurances that Michael Scanlan and Joseph P. Fagan did not, and would not, present a risk to the health, safety, and welfare of individuals, including Plaintiff, who reasonably would be expected to come into contact with Michael Scanlan and Joseph P. Fagan in the course of their employment.

70. Defendants breached their duty of care to the Plaintiff in that they allowed Michael Scanlan and Joseph P Fagan to have access to children, including Plaintiff herein. In addition, Defendants failed to take action to ensure that Plaintiff was not harmed by Michael Scanlan and Joseph P Fagan, despite their actual or constructive notice of Michael Scanlan's and Joseph P Fagan's psychosexual disorder or actions of pederasty, frotteurism, and/or pedophilia. More specifically, the Defendants placed Michael Scanlan and Joseph P Fagan in a position of trust in direct contact with, and supervision of, youth, and further, failed to provide and/or ensure reasonable supervision of Michael Scanlan and Joseph P Fagan, and/or refused to remove or suspend Michael Scanlan and Joseph P Fagan from their duties at their various assignments or appointments or as priests, or to report them as requested by law enforcement or otherwise act to prevent Michael Scanlan and Joseph P Fagan from pursuing sexual assaults on children, including but not limited to Plaintiff herein.

71. The misconduct of Defendants was negligent and was also malicious, willful, intentional and in reckless and wanton disregard and indifference to the rights of Plaintiff herein.

72. As a direct result of said conduct, Plaintiff has suffered the injuries and damages described herein.

WHEREFORE, Plaintiff hereby demands judgment against Defendants for compensatory and punitive damages, interest, costs of suit, attorney’s fees, and such other relief as the Court or jury may deem proper.

COUNT VII
BREACH OF FIDUCIARY DUTY
[REDACTED] v. ST. ANTONINUS CHURCH,
PEOPLE OF HOPE, THE ARCHDIOCESE OF NEWARK,
JOHN/JANE DOES (1-10), AND ABC ENTITIES (1-10)

73. Plaintiff incorporates herein by reference the averments of the preceding paragraphs of the Complaint as if fully set forth at length.

74. Plaintiff, at the invitation and encouragement of Defendants, St. Antoninus Church, People of Hope, the Archdiocese of Newark, John/Jane Does (1-10) and ABC Entities (1-10), was entrusted to the care of said Defendants, and by Defendants to the care of Michael Scanlan and Joseph P. Fagan for the purposes of, inter alia, providing Plaintiff with educational instruction, training, spiritual guidance, and/or counseling expounded by the church. As such, there existed a fiduciary relationship of trust, confidence, and reliance between the Plaintiff and the Defendants, which assumed such fiduciary relationship, and which presented themselves to Plaintiff as agents and/or representatives of God.

75. Under their fiduciary relationship, Defendants were entrusted with the well-being, care, and safety of Plaintiff, and Plaintiff placed complete trust in and reliance thereon upon Defendants.

76. Under their fiduciary relationship, Defendants assumed a duty to act in the best interest of Plaintiff, including, but not limited to, assuming the duty to investigate the distinct likelihood known to Defendants that other young victims of Michael Scanlan and Joseph P. Fagan, including the Plaintiff herein, existed and were in need of warning and/or care and/or protection.

77. Defendants intentionally and/or recklessly breached their fiduciary duty to Plaintiff by:

- (a) Intentionally failing to investigate and seek out victims, including the Plaintiff, of Michael Scanlan and James Fagan, and render warnings and/or care and/or protection;
- (b) Intentionally and/or grossly negligently and/or negligently choosing to protect their reputation, their well-being, and their interests, and that of Plaintiff, over the safety, welfare, well-being, and other best interests of minor child victims; and
- (c) Exhibiting improper/illegal conduct otherwise set forth elsewhere in this Complaint.

78. Defendants, St. Antoninus Church, People of Hope, the Archdiocese of Newark, John/Jane Does (1-10) and ABC Entities (1-10), as religious organizations, are granted special privileges and immunities by society and were in a special relationship with the Plaintiff. Defendants owed Plaintiff the highest duty of trust and care and were required to act in Plaintiff's best interests. Defendants' actions violated that relationship, breached Plaintiff's trust, and defiled Defendants' duty to the Plaintiff. Defendants failed to act with the highest degree of trust and confidence to protect Plaintiff from sexual abuse.

79. At all times material hereto, Plaintiff was under the direct supervision, employment, and/or control of the Defendants.

80. At all times material hereto, Defendants' actions were willful, wanton, malicious, reckless, grossly negligent, and/or outrageous in their disregard for the rights and safety of Plaintiff, which amounted to conduct equivalent to criminality.

81. As a direct result of said conduct, Plaintiff has suffered the injuries and damages described herein.

WHEREFORE, Plaintiff hereby demands judgment against Defendants for compensatory and punitive damages, interest, costs of suit, attorney's fees, and such other relief as the Court or jury may deem proper.

COUNT VIII
FRADULENT CONCEALMENT/MISREPRESENTATION
[REDACTED] v. ST. ANTONINUS CHURCH,
PEOPLE OF HOPE, THE ARCHDIOCESE OF NEWARK,
JOHN/JANE DOES (1-10) AND ABC ENTITIES (1-10)

82. Plaintiff incorporates herein by reference the averments of the preceding paragraphs of the Complaint as if fully set forth at length.

83. Upon information and belief, Defendants, motivated by their desire to prevent unseemly information from being disseminated, to prevent criminal prosecution, and to minimize disgrace and scandal, and by their desire to retain the active services of brothers, priests, and/or reverends, and/or to manifestly and impliedly protect said Defendants' perception of the rights of such adult brothers, priests, and/or reverends over and above the rights and safety of potential minor victims, under the laws of the State of New Jersey and/or the United States, thereby gambling with, and/or egregiously endangering, the safety of such victims, agreed to enter into a conspiracy, conspired to, and did fraudulently conceal and/or misrepresent their knowledge, negligence, and activities from Plaintiff. Said Defendants engaged in a course of conduct including, but not limited to, the making of and/or permitting of an environment of secrecy; the making of false representations, promises, religious duress; the failure to disclose information; the suppression of material facts designed to prevent victims such as Plaintiff from timely discovering and/or recognizing the wrongfulness of Defendants' actions and Plaintiff's resultant injuries/damages; as well as the causes of action more specifically set forth in detail elsewhere in this Complaint.

84. Defendants willfully misrepresented, and deliberately misled Plaintiff and/or failed to warn and/or inform him for the following unreasonable reasons:

- (a) Their interest in protecting Michael Scanlan and Joseph P. Fagan in particular, and brothers, priests, and/or reverends, etc., in general, from investigations;
- (b) Their decision for the protection of the school, church, brothers, priests, and/or reverends, etc., in general outweigh the injury to Plaintiff that was likely to, and did in fact, result.

85. Because of Plaintiff's position and Defendants' position and authority, Plaintiff reasonably relied upon Defendants' misrepresentations and/or acts of omission and/or commission.

86. Due in part to the Defendants' fraudulent concealment, Plaintiff herein lacked actual or constructive knowledge of the factual and/or legal basis for the lawsuit, particularly against the Defendants, and was prevented from realizing the wrongfulness of Defendants' actions and Plaintiff's resulting harm, and from remediating that harm.

87. Plaintiff and his family, despite the exercise of due diligence, were prevented from discovering these causes of action set forth herein, as a direct result of Defendants' conduct.

88. At all times material hereto, the actions of said Defendants were willful, wanton, malicious, reckless, and outrageous in their disregard for the rights and safety of Plaintiff herein.

89. As a direct and/or proximate result of said Defendants' conduct, Plaintiff has suffered the injuries and damages described herein.

WHEREFORE, Plaintiff hereby demands judgment against Defendants for compensatory and punitive damages, interest, costs of suit, attorney's fees, and such other relief as the Court or jury may deem proper.

COUNT IX
CONSPIRACY TO VIOLATE N.J.S.A. 9:6-8.8 ET SEQ.
[REDACTED] v. ST. ANTONINUS CHURCH, PEOPLE OF HOPE,
THE ARCHDIOCESE OF NEWARK,
JOHN/JANE DOES (1-10), AND ABC ENTITIES (1-10)

90. Plaintiff incorporates hereby by reference the averments of the preceding paragraphs of the Complaint as if fully set forth at length.

91. During the period of time beginning circa 1972 through the present, the Defendants have engaged in conspiracy to violate N.J.S.A. 9:6-8.8 *et seq.*

92. Throughout the relevant period of time, Defendants deliberately and with malicious intent, obstructed the reporting and filing of complaints to civil authorities and parents of the then-minor children, all in an attempt to coerce victims into silence.

93. During the relevant period of time, Plaintiff was intimidated, coerced, and extorted into silence by virtue of religious duress and threats, all perpetrated by the Defendants.

94. Throughout the relevant period of time, Defendants executed a policy of tolerance to sexual deviancy of which they became aware, and obstructed justice by failing to take affirmative steps in the reporting of these sexual assaults to appropriate civil authorities and to the parents of the then-minor Plaintiff.

95. As a direct result of said conduct, Plaintiff has suffered the injuries and damages described herein.

WHEREFORE, Plaintiff hereby demands judgment against Defendants for compensatory and punitive damages, interest, costs of suit, attorney's fees, and such other relief as the Court or jury may deem proper.

COUNT X
REQUEST FOR PUNITIVE/EXEMPLARY DAMAGES
[REDACTED] v. ST. ANTONINUS CHURCH, PEOPLE OF HOPE,
THE ARCHDIOCESE OF NEWARK,
JOHN/JANE DOES (1-10), AND ABC ENTITIES (1-10)

96. Plaintiff incorporates herein by reference the averments of the preceding paragraphs of the Complaint as if fully set forth at length.

97. Defendants, either individually, jointly, and/or severally, are liable by their actions and/or implied, constructive inactions with regard to their knowledge, actual and/or otherwise, and as such, are subject to Plaintiff's request for punitive damages.

98. Defendants' conduct as aforesaid, was willful, wanton, malicious, reckless, outrageous, and/or grossly negligent in nature.

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

WHEREFORE, Plaintiff hereby demands judgment against Defendants for compensatory and punitive damages, interest, costs of suit, attorney's fees, and such other relief as the Court or jury may deem proper.

JURY DEMAND

The Plaintiff demands 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).

Respectfully submitted,

/s/ Michael S. Katz

James J. McHugh, Jr.

Michael S. Katz

LOPEZ MCHUGH, LLP

214 Flynn Avenue

Moorestown, New Jersey 08057

Telephone: (856) 273-8500
Facsimile: (856) 273-8502
Attorneys for Plaintiff

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, Plaintiff hereby designates James J. McHugh and Michael S. Katz as trial counsel for Plaintiff.

Respectfully submitted,

/s/ Michael S. Katz
James J. McHugh, Jr.
Michael S. Katz
LOPEZ MCHUGH, LLP
214 Flynn Avenue
Moorestown, New Jersey 08057
Telephone: (856) 273-8500
Facsimile: (856) 273-8502
Attorneys for Plaintiff

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 to this action at this time.

Respectfully submitted,

/s/ Michael S. Katz
James J. McHugh, Jr.
Michael S. Katz
LOPEZ MCHUGH, LLP
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Moorestown, New Jersey 08057
Telephone: (856) 273-8500
Facsimile: (856) 273-8502
Attorneys for Plaintiff

Dated: December 17, 2020

Civil Case Information Statement

Case Details: ESSEX | Civil Part Docket# L-008648-20

Case Caption: [REDACTED] VS ST. ANTONINUS CHURCH

Case Type: ASSAULT AND BATTERY

Case Initiation Date: 12/17/2020

Document Type: Complaint with Jury Demand

Attorney Name: MICHAEL SCOTT KATZ

Jury Demand: YES - 12 JURORS

Firm Name: LOPEZ MC HUGH LLP

Is this a professional malpractice case? NO

Address: 214 FLYNN AVENUE

Related cases pending: NO

MOORESTOWN NJ 080570000

If yes, list docket numbers:

Phone: 8562738500

Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO

Name of Party: PLAINTIFF : [REDACTED]

Are sexual abuse claims alleged by: [REDACTED] ? YES

Name of Defendant's Primary Insurance Company

Plaintiff's date of birth: [REDACTED]/1969

(if known): Unknown

Est. date of first incident of abuse: 09/18/1978

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:

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 **Consumer Fraud?** 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)

12/17/2020

Dated

/s/ MICHAEL SCOTT KATZ

Signed

