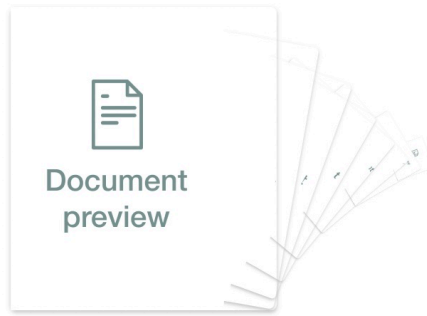


On October 27, 2021 a Jury Demand was filed involving a dispute between Jane D Da, and 0 Doe Institutions 1-1, Archdiocese Of Newark, John Does 1-5, Sisters Of St. Dominic, St Catherine Of Siena Church, for Assault And Battery in the District Court of Union County.



Preview

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JANE DOE DA,
Plaintiff,

v.

ROMAN CATHOLIC ARCHDIOCESE OF
NEWARK a/k/a ARCHDIOCESE OF
NEWARK a/k/a DIOCESE OF NEWARK;
ST. CATHERINE OF SIENA CHURCH
HILLSIDE, NJ a/k/a CHURCH OF ST.
CATHERINE OF SIENA a/k/a ST.
CATHERINE OF SIENA ROMAN
CATHOLIC CHURCH a/k/a ST.
CATHERINE OF SIENA PARISH;
SISTERS OF ST. DOMINIC OF
CALDWELL, N.J., Inc., a/k/a
COMMUNITY OF SISTERS OF SAINT
DOMINIC OF CALDWELL, N.J., a/k/a
DOMINICAN SISTERS OF CALDWELL
f/k/a COMMUNITY OF SISTERS OF
SAINT DOMINIC OF JERSEY CITY; DOE
INSTITUTIONS 1- 1b, its priests, reverends,
teachers, deacons, directors, officers,
employees, agents, servants, representatives
and/or volunteers, is a fictitious entity
believed to have employed Sister Mary Andre
D.P. a/k/a Christine McArde; and JOHN
DOES 1-5, individual, and in their current
capacity as a former and/or current priest,
reverend, teacher, deacon, director, officer,
employee, agent, servant, representative
and/or volunteer of defendants, are persons
whose identities are unknown to Plaintiff,

NEW JERSEY SUPERIOR COURT
LAW DIVISION
UNION COUNTY

DOCKET NO.:

CIVIL ACTION

COMPLAINT, JURY DEMAND, AND
DESIGNATION OF TRIAL COUNSEL

Case Info

JUDGE
Thomas J Walsh

[Track Judge's New Case](#)

CASE NO.
(Subscribe to View)

DOCUMENT FILED DATE
October 27, 2021

CASE FILING DATE
October 27, 2021

COUNTY

CATEGORY
Assault And Battery

STATUS
Closed

Parties

0 Doe Institutions 1-1
Defendant



Archdiocese Of Newark
Defendant



Brenda A Harkavy
Attorney for the Plaintiff



Christopher H Westrick
Attorney for the Defendant



Donald A Klein
Attorney for the Defendant



Jane D Da
Plaintiff



Plaintiff Jane Doe DA by and through her attorneys Brenda A. Harkavy, Natalie D'Antonio (pro hac vice to be applied for) and Janet, Janet & Suggs LLC, hereby sues Defendants Roman Catholic Archdiocese of Newark a/k/a Archdiocese of Newark a/k/a Diocese of Newark; St. Catherine of Siena Church, Hillside, NJ a/k/a Church of St. Catherine of Siena a/k/a St. Catherine of Siena Roman Catholic Church a/k/a St. Catherine of Siena Parish; Sisters of St. Dominic of Caldwell, N.J., Inc. a/k/a Community of Sisters of Saint Dominic of Caldwell, N.J. a/k/a Dominican Sisters of Caldwell f/k/a Community of Sisters of Saint Dominic of Jersey City; Doe Institutions 1-10; and John Does 1-5. In support of this action, Plaintiff alleges upon information and belief as follows:

THE PARTIES

1. This complaint is filed in conformity with N.J. Stat. Ann. § 2A:14-2a, Statute of Limitations for Actions at Law Resulting from Certain Sexual Crimes [Effective December 1, 2019]. All of the wrongful conduct alleged in this Complaint for which Plaintiff seeks damages occurred in or around 1963 to 1967.

2. Plaintiff, Jane Doe DA (hereinafter "Plaintiff"), is proceeding under a pseudonym pursuant to N.J.S.A. 2A:61B-1(f).

3. Plaintiff is currently a citizen and resident of the State of New Jersey.

4. At all times relevant to the wrongful conduct complained of herein, Plaintiff was a minor and a resident of New Jersey.

5. Defendant Roman Catholic Archdiocese of Newark a/k/a Archdiocese of Newark a/k/a Diocese of Newark (hereinafter "Archdiocese") is a religious organization authorized to conduct business in the State of New Jersey with its principal offices located at 171 Clifton Avenue,

Newark, NJ 07104. The Archdiocese's operations include but are not limited to the ownership, management, financial oversight and operation of parishes, Catholic schools, churches, and other entities in the New Jersey counties of Bergen, Hudson, Essex, and Union.

6. The Archdiocese functions as a business by engaging in numerous revenue-producing activities and soliciting money from its parishes, Catholic school attendees, and members in exchange for its services. The Archdiocese and all other affiliated corporations, subsidiaries, departments, and entities are controlled in whole or in part by the Archbishop, the top official, of the Archdiocese of Newark—including but not limited to Defendant St. Catherine of Siena Church, Hillside, NJ, and its affiliated entities. These affiliated entities include but are not limited to those listed in paragraph 7 below. All references herein to the Archdiocese should be deemed to include Defendant St. Catherine of Siena.

7. Defendant St. Catherine of Siena Church, Hillside, NJ a/k/a Church of St. Catherine of Siena a/k/a St. Catherine of Siena Roman Catholic Church a/k/a St. Catherine of Siena Parish (hereinafter "St. Catherine's") was a religious organization authorized to conduct business and conducting business in the State of New Jersey with its principal place of business located at 19 King St., Hillside, NJ 07205. At all times relevant to this Complaint, St. Catherine's business included but was not limited to the operation of a Roman Catholic parish (St. Catherine of Siena Parish), a Catholic school (St. Catherine's School), a Catholic church (St. Catherine of Siena Church), and religious education classes. All references to "St. Catherine's" herein include, but are not limited to, St. Catherine's and any other organizations and/or entities under the same or similar name with the same or similar principal place of business.

8. At all times relevant to this Complaint, St. Catherine's School (sometimes referred to

herein as "School") was an Archdiocesan school parochially associated with St. Catherine's. In around 2004, the School merged with Hillside Catholic Academy, which closed in 2012.

9. At all times material, St. Catherine's operated under the guidance, direction, supervision, management, authority, and control of the Archdiocese and the Archbishop of the Defendant Archdiocese of Newark.

10. Defendant Sisters of St. Dominic of Caldwell, N.J., Inc., a/k/a Community of Sisters of Saint Dominic of Caldwell, N.J. a/k/a Community of Sisters of St. Dominic a/k/a Dominican Sisters of Caldwell f/k/a Community of Sisters of Saint Dominic of Jersey City (hereinafter "Dominican Sisters") was and continues to be a religious order of women affiliated with the Roman Catholic Church that serve in the Archdiocese. The Dominican Sisters are a business entity and/or organization authorized to conduct business in the State of New Jersey located at 1 Ryerson Avenue, Caldwell, New Jersey 07006.

11. Whenever reference is made to any Defendant entity, such reference includes that entity, its parent companies, subsidiaries, affiliates, predecessors, and successors. In addition, whenever reference is made to any act, deed, or transaction of any entity, the allegation means that the entity engaged in the act, deed, or transaction by or through its officers, directors, agents, employees, or representatives while they were actively engaged in the management, direction, control, or transaction of the entity's business or affairs.

12. Defendant Doe Institutions 1 through 10 (hereinafter, "Defendant Institutions"), is a fictitious name of any religious institution, entity, facility, corporation, institution, or other religious establishment believed to have employed, hired, certified, assigned, retained, supervised, and/or controlled Sister Mary Andre, O.P., and/or the Archdiocese, and/or St.

Catherine's, at all times relevant. Plaintiff reserves the right to substitute the name(s) for those designated as Defendant Institutions when and if such information becomes available.

13. Defendant John Does 1-5 (hereinafter, "John Does"), were, at all times relevant, present or former agents, employees, officers, servants, representatives, sisters, nuns, clerics, teachers, and/or volunteers of the Archdiocese, St. Catherine's, and/or the Dominican Sisters, whose identities are unknown to Plaintiff at this time. Plaintiff reserves the right to substitute the name(s) for those agents designated as Defendant Doe when and if such information becomes available.

14. At all times relevant, all Defendants in this action (the Archdiocese, Dominican Sisters, St. Catherine's, Doe Institutions, and John Does) were acting by and through themselves in their individual capacities, and/or additionally by and through their actual and/or apparent agents, servants, and/or employees, which included entities and/or individuals over whom they had control or right of control.

15. Non-party, Sister Mary Andre O.P. a/k/a Christine McCardle (hereinafter "Andre") was a member sister of the Dominican Sisters of Caldwell. At all times relevant, Andre was assigned as a teacher at St. Catherine's School and served at St. Catherine's for and on behalf of the Dominican Sister's and the Archdiocese.

16. At all relevant times, Andre was employed by the Archdiocese and Dominican Sisters as an active sister.

17. At all relevant times, Andre was under the direct authority, control, and province of the Dominican Sisters, who were responsible for hiring and supervising Andre as its employee and agent.

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18. At all times relevant, the Archdiocese—directly and by and through its actual or apparent agents (including St. Catherine’s), servants, and/or employees—managed, supervised, directed, employed, and/or controlled all Sisters assigned to work in parishes, churches, Catholic schools, and/or other Catholic institutions within the geographic territory of the Archdiocese, including Andre.

JURISDICTION AND VENUE

19. This Court has general jurisdiction over this action as the Defendants’ principal places of business are in New Jersey and because the unlawful conduct complained of herein occurred in New Jersey.

20. This Court has subject matter jurisdiction over this action because the amount of damages Plaintiff seeks exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

21. Venue of this proceeding in the Superior Court of Union County, New Jersey is appropriate pursuant to R. 4:3-2(a)/(b) because the events that are relevant to this action occurred within this County and the Defendants do business and/or reside in this County.

RELATIONSHIP BETWEEN THE PARTIES

22. Andre served as a sister at St. Catherine’s and as a teacher at St. Catherine’s School, while Plaintiff was a parishioner and student at St. Catherine’s and its associated school.

23. St. Catherine’s School was staffed with teachers by the Dominican Sisters, of which Andre was a member.

24. The Dominican Sisters employed sisters, nuns, teachers, school administrators, who served at various Catholic institutions within the Archdiocese, including Andre, who served as a

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sister and teacher.

25. At all relevant times, the Dominican Sisters participated in youth education and evangelization, through participation in parish and church youth activities, and the operation, administration, and staffing of teachers at parish schools, such as St. Catherine’s.

26. At all relevant times, the consecration of a sister by the Dominican Sisters indicated to the community, parishioners, and students and others that encountered the sister, that she was moral, safe, participated in virtuous activities and behavior, and was devoted to the care, future, and safety of children.

27. Catholic parishioners and the public, including Plaintiff and her family, relied on the consecration of Andre by the Dominican Sisters when permitting Plaintiff to spend time in the presence of Andre and being subject to her instruction as a student and parishioner at St. Catherine’s.

28. At all times relevant, the Dominican Sisters directly or by and through its actual or apparent agents, servants, and/or employees, determined the assignment of, appointed, monitored, and oversaw, all sisters, including Andre, who were sent to work in parishes, churches, and or Catholic Schools with the consent and oversight of the Archdiocese to which they were assigned.

29. At all times relevant, the Dominican Sisters were responsible for hiring, supervising, retaining, and removing Andre as its employee and agent.

30. At all times relevant, the Dominican Sisters, by and through its actual and/or apparent agents, servants, and/or employees was responsible for the placement, supervision, removal, and termination of each and every person working with children in parishes, churches and schools on behalf of the Dominican Sisters, including Andre, who was assigned to work at St. Catherine's School and Church and live amongst the community and parishioners.

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31. At all times relevant, St. Catherine's School was the parochial Catholic School associated with Defendant St. Catherine's. St. Catherine's managed, supervised, maintained, oversaw, and controlled St. Catherine's School and its operations on behalf of the Archdiocese.

32. The Archdiocese is and was at all times relevant herein, the supervising entity of St. Catherine's and its associated parochial school and was in a superior position to receive sensitive information regarding immoral and criminal conduct by sisters, nuns, teachers, and other agents, servants, and employees of the Archdiocese.

33. The Archdiocese by and through its agents, servants, and/or employees, was responsible for supervising and controlling all agents, servants, and/or employees, and all parishes and schools located within the geographic territory of the Archdiocese, including approving the staffing and assignment of teachers, clerics, and others at St. Catherine's, directly and/or by and through its actual and/or apparent, agents, servants, and employees, including St. Catherine's.

34. The Archdiocese has several programs that seek out the participation of children including, but not limited to schools and other educational programs, by and through its actual or apparent agents, servants, or employees, such as St. Catherine's. The Archdiocese thereby holds itself out as providing a safe environment for children. At all relevant times, the assignment of a sister, nun, cleric, and/or teacher to serve it the Archdiocese indicated to the general public, Catholic parishioners and anyone who came into contact with the sister, nun, cleric, priest and/or teacher, that they could trust that their children would be safe while alone in the company of the sister, nun, cleric, and/or teacher. Catholic parishioners, including Plaintiff and her family, entrusted Plaintiff's well-being to the Archdiocese and their agents, servants, and/or employees, including Andre, who were responsible for and promoted themselves as acting in the best interests of children.

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35. At all relevant times, the Archbishop of the Archdiocese was responsible for "regulat[ing] and "watch[ing] over" the religious instruction and education in Catholic schools, which included overseeing, appointing and removing teachers.

- a. The local ordinary is to be concerned that those who are designated teachers of religious instruction in schools, even in non-Catholic ones, are outstanding in correct doctrine, the witness of a Christian life, and teaching skill. Can. 804 §1, §2.
- b. For his own diocese, the local ordinary has the right to appoint or approve teachers of religion and even to remove them or demand that they be removed if a reason of religion or morals requires it. Can. 805.

36. Members of religious orders, including the Dominican Sisters, and therefore Andre, "are subject to the power of bishops whom they are bound to follow with devoted submission and reverence in those matters which regard the care of souls, the public exercise of the divine worship, and other works of the apostolate." 2

37. At all relevant times, the Archdiocese, directly and through its actual or apparent agents, servants, or employees, including St. Catherine's, was responsible for overseeing and supervising Andre, who served at as a sister for St. Catherine's and as a teacher at its affiliated school. Without the Archdiocese's approval, Andre could perform no religious functions as a sister, specifically in

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A local ordinary is defined in Canon law as follows: "In addition to the Roman Pontiff, by the title of ordinary are understood in the law diocesan bishops and others who, even if only temporarily, are placed over some particular church or a community equivalent to it according to the norm "Can. 34 §1.

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Can. 678 §1.

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schools, churches, and parishes under the auspices and control of the Archdiocese and its agents.

38. The Archbishop, at all times relevant, had the power to prohibit members of religious orders from residing in the Archdiocese. The 1983 Code of Canon Law states, "When a most grave cause demands it, a diocesan bishop can prohibit a member of a religious institution from residing in the diocese if his or her major superior, after having been informed, has neglected to make a provision; moreover, the matter is to be referred immediately to the Holy See." 3

39. At all times relevant, the Dominican Sisters, with the consent of the Archbishop, opened a community within the Archdiocese, to work in various parishes and Catholic schools, including St. Catherine's and St. Catherine's School.

40. At all times relevant, the Dominican Sisters, with the consent of the Archbishop of the Archdiocese, assigned Andre to St. Catherine's, where she served as a teacher at St. Catherine's School and engaged in other clerical and youth related activities for St. Catherine's. Andre resided with the other Dominican Sisters in a mansion that had been converted into a convent on St. Catherine's property, located next door to St. Catherine's School. This property was subject to the ownership, management, control, direction, and supervision of the Archdiocese and its actual or apparent agents, servants, and/or employees.

41. The Archdiocese, directly or by and through its actual or apparent agents, servants, has the power to appoint, assign, train, supervise, control, monitor, and remove all of its agents, servants, and/or employees located in the Archdiocese, including St. Catherine's, the Dominican Sisters, Andre, and other actual or apparent agents, servants, and/or employees. The scope of the

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Canon 679.

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Archdiocese's supervision and control including approving the assignment of the Dominican Sisters, including Andre, at St. Catherine's. At all relevant times, the Dominican Sisters and St. Catherine's acted as actual or apparent agents, servants, employees, joint venturers, or joint enterprisers of the Archdiocese.

42. As a Sister appointed to St. Catherine's, Andre was expected to perform certain acts and duties, including but not limited to serving as a teacher for students at St. Catherine's School, and supervising and instructing children in their search for religious and spiritual understanding.

43. The Dominican Sisters, St. Catherine's, and the Archdiocese, either directly and/or by

and through their actual or apparent agents, servants, and/or employees, were responsible for monitoring, supervising, training, counseling and otherwise exercising control over Andre and her daily activities involving St. Catherine's, parishioners, students, and the surrounding community.

44. Plaintiff and her family entrusted her well-being to the Defendants and their actual or apparent agents, servants, or employees, including Andre, who held themselves out as being dedicated to the development of youth and providing a safe environment to children. The Defendants also had a corresponding obligation to be solicitous for and protective of Plaintiff in the exercise of their positions of trust, confidentiality, and moral authority.

45. The Defendants owed a duty to Plaintiff grounded upon the duty of good faith and fair dealing, to act with the highest degree of trust and confidence. This relationship included the duty to warn, disclose, and protect parish children and students from sexual abuse and exploitation by members of religious orders, clerics, and sisters, including Andre, whom the Archdiocese, Dominican Sisters, and St. Catherine's indicated were celibate, chaste, and moral.

46. The Defendants, directly and/or by and through their actual or apparent agents,

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servants, and/or employees, explicitly or implicitly through their words, actions, and teachings, represented to Plaintiff that each of their agents and employees, including Andre, were benevolent and trustworthy stewards of the church who would only act in the best interests of the children whom they served.

47. The Defendants, directly and/or by and through their actual or apparent agents, servants, and/or employees, including Andre taught Plaintiff through sermons and religious teachings to revere, trust, obey, and respect for the Roman Catholic Church, including those revered and consecrated within the Church, such as Andre.

48. Through their words and deeds, the Defendants, directly and/or by and through their actual or apparent agents, servants, or employees, encouraged Plaintiff to accept each Sister assigned to St. Catherine's, including Andre to be in good standing, to be women who were worthy of being entrusted with children and their education, and to be worthy of the responsibility for Plaintiff's physical and spiritual safety, thereby inducing Plaintiff to entrust herself to the company and care of Andre.

49. At all relevant times Plaintiff and her parents reasonably relied upon the acts and representations of the Defendants, and their actual and/or apparent agents, servants, and employees, and reasonably believed that Andre, as an agent and/or employee of the Defendants, was vetted, screened, and approved by those Defendants, and was therefore safe and could be trusted with children.

50. As a result of her position as a Sister, Andre was able to use the facilities of the Defendants to further her sexual and criminal conduct with Plaintiff.

51. At all relevant times, the Defendants sought out the participation of children through

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its schools and/or participation in Catholic schools, religious instruction programs, and promotion of youth groups, directly and by and through their actual or apparent agents, servants, or employees. The Defendants thereby held themselves out as providing safe environments for

children.

52. All Defendants were in a superior position to receive sensitive information regarding immoral and criminal conduct, including knowledge of the widespread pedophilia and/or sexually abusive conduct of priests, sisters, and other actual or apparent agents, servants, and/or employees of the Catholic Church and the Archdiocese, including Andre. This information was not available to Plaintiff or the public.

53. At all times relevant, the Defendants, directly and/or by and through their actual or apparent agents, servants, or employees, placed its own interests and reputation over the safety and security of the children assigned to its care, including Plaintiff, and turned a blind eye to signs of sexual abuse.

54. From its earliest years of its founding to the present day, the Roman Catholic Church has known of the problem of sexual abuse of children within the Church and has actively taken steps to conceal it from the public.

55. The problem of sexual abuse of minors was known to the Defendants before the early 1960s, in fact one or more credible allegations of sexual abuse within the Archdiocese concern events that occurred as early as the 1940s.

56. In 1962, the Vatican issued a "confidential" policy to all Catholic Bishops, instructing that allegations or incidents of sexual abuse were to be maintained in the "strictest" secrecy and subject to the pontifical secret, and thus be handled internally and kept secret. The Archdiocese

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implemented the Vatican's "confidential" policy and kept internal files on sexual predators locked away and accessible only to the Archbishop and/or senior members of his clergy.

57. The Defendants knowledge of sexual abuse of minors and policy of concealment in response to reports of sexual abuse facilitated child sexual abuse.

58. Defendants knew or should have known that Andre posed a risk of sexual abuse to children, including Plaintiff.

59. The Defendants directly and by and through its actual or apparent agents, servants, or employees, solicited funds from parishioners and school attendees through assessments, direct appeals, and/or tuition. These funds coupled with their desire to maintain reputational purity incentivized and motivated the Defendants to conceal the sexual abuse of children by priests, sisters, clerics, teachers, and others to the detriment of countless children, including Plaintiff.

60. The Defendants disregard for the known danger of child sexual abuse at their facilities and by their actual or apparent agents, servants, and/or employees, was a function of their negligence and recklessness, and the Defendants' recognition that their stature, reputation, and economic interests would be adversely affected by any public disclosure of the Defendants' failure to control, supervise, and remove sexual predators from their ranks.

61. At all times relevant, Andre was acting as sister, teacher, employee, agent, servant, representative and/or ostensible agent hired, certified, assigned, retained, supervised, employed, and/or otherwise controlled by one or more of the Defendants, and was subject to the Defendants' oversight, supervision, management, direction, employ, control and/or ostensible control when she committed the wrongful acts alleged herein. Andre therefore engaged in the wrongful conduct while acting in the course and scope of her employment with Defendants and/or accomplished the

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sexual abuse by virtue of her job-created authority, apparent authority, and/or existence of his relationship with the Defendants. Accordingly, the Defendants are liable vicariously and derivatively for the acts of Andre under theories of respondeat superior, master-servant, principal-agent, and/or right of control.

62. At all times relevant, Defendants were acting in their individual capacities and/or additionally by and through their actual and/or ostensible agents, servants, employees, or other entities over whom Defendants had control, ostensible control, and/or right of control in the operation of St. Catherine's and affiliated entities, and the hiring, assigning, retaining, and supervising of sisters, priests, clerics, employees, agents, and/or servants. Accordingly, the Defendants are liable vicariously and derivatively for the negligent acts and omissions of their actual and/or ostensible agents, servants, employees, or other entities while engaged in the operation and oversight of the Archdiocese, St. Catherine's, and Dominican Sisters and the hiring, admitting, assigning, retaining, and supervising of sisters, priests, clerics, employees, agents, and/or servants, including Andre, under theories of respondeat superior, master-servant, principal-agent, and/or right of control.

63. For purposes of this Complaint, Defendants Archdiocese, Dominican Sisters, and St. Catherine's will be referred to collectively as "Defendants."

FACTUAL ALLEGATIONS

64. Plaintiff was born in 1953. At all times material to the abuse, Plaintiff was a minor.

65. Plaintiff grew up in a devout Catholic family. Her parents deeply revered the Catholic Church and Catholic education and taught Plaintiff to do so as well.

66. As a minor child, Plaintiff and her family attended St. Catherine's Church and Plaintiff

attended St. Catherine's School from 1960 through 1967. Through her religious education at St. Catherine's, Plaintiff was taught to revere and respect sisters as representatives of God.

67. At all times material to the abuse, Andre was assigned as a teacher at St. Catherine's School, and resided at the convent located on School property. Plaintiff first met Andre as a student in Andre's fifth grade geography class when she was around 10 years old in 1963.

68. Andre first engaged in one-on-one contact with Plaintiff when she observed Plaintiff crying in pain at school due to an infected boil on her knee. Andre approached the Plaintiff and told her to meet her at the nurse's office after school so she could take care of the infection. Plaintiff met Andre at the nurse's office, and Andre punctured the boil with a sewing needle. When Plaintiff screamed from the pain, Andre grabbed her, held her, rubbed Plaintiff's leg, kissed her knee, and kissed Plaintiff on the cheek.

69. After the incident in the nurse's office, Andre's focus on Plaintiff escalated, and she showered Plaintiff with attention in front of her classmates. Daily Andre asked Plaintiff to meet her after class, under the guise of wanting to get to know her. Andre's affinity for Plaintiff became so apparent that her classmates called her a "lesbian" and teased her about her "relationship" with Andre.

70. Upon learning that Plaintiff played the guitar, Andre insisted that Plaintiff teach her to play and give her lessons. Andre's request made Plaintiff feel special because Plaintiff was taught that it was an honor for a nun or member of the cloth to take an interest in her.

71. When hearing about Andre's request, Plaintiff's parents bought Andre a guitar, and Plaintiff agreed to meet Andre on Saturday afternoons to give her guitar lessons at the convent where Andre resided.

72. Able to spend time alone with Plaintiff under the guise of receiving guitar lessons, Andre began sexually abusing Plaintiff at the convent. The first time Andre sexually abused Plaintiff was around 1964 when Plaintiff was 11 years old. As Plaintiff was showing Andre cords on the guitar, Andre kissed her on the lips, put her hand down Plaintiff's shirt and touched her breasts, and put her hand down Plaintiff's pants and touched her vagina.

73. From that point forward, the sexual abuse continued almost every Saturday during guitar lessons. The abuse escalated to Andre digitally penetrating Plaintiff's vagina and forcing Plaintiff to touch André's vagina with her tongue. Andre frequently carried a flask of whiskey with her and offered it to Plaintiff when she and Plaintiff were alone together, but Plaintiff always declined.

74. Andre also received permission from one of the pastors at St. Catherine's for Plaintiff to assist her with tasks around the rectory. In doing so, Andre would use her time with Plaintiff at the Church to sexually abuse her in the rectory on Church premises.

75. During the sexual abuse, Andre also ingratiated herself with Plaintiff's family. Andre spent weekend overnights at the Plaintiff's home, telling Plaintiff's parents that she had time off work and had nowhere to stay. Plaintiff's parents did not have a spare bedroom for Andre to stay in, and Andre would use the overnights as an opportunity to stay in Plaintiff's bedroom and sexually abuse her.

76. Andre began writing Plaintiff letters and calling her on the phone almost every night. She also gave Plaintiff gifts, which included money and ring with Plaintiff's birthstone. In one of the numerous letters she wrote to Plaintiff, Andre revealed that her given name was Christine McArdle.

77. Andre's relationship with Plaintiff's family combined with the acts of the Defendants in holding out sisters in general, and Andre in particular, as a trustworthy, moral, and chaste sister in good standing who was entitled to respect and deference, put overwhelming pressure on Plaintiff not to report the abuse Plaintiff suffered.

78. In 1967, when Plaintiff was in the eighth grade, a neighbor told Plaintiff's mother that she believed Andre was sexually abusing Plaintiff. After Plaintiff's mother received confirmation from Plaintiff that Andre was abusing her, Plaintiff's mother went to the St. Catherine's School and reported the abuse to Sister Carmelita, the Mother Superior of the Dominicans and School principal.

79. Sister Carmelita threatened Plaintiff's mother not to report the abuse, stating that Plaintiff would suffer significant consequences if the information went public, and she would prevent Plaintiff from attending Benedictine Academy for Girls, the high school Plaintiff was enrolled to attend. That same year, in 1967, Andre was transferred to a diocese in Connecticut.

80. Plaintiff later came to learn that she was not Andre's only victim, and that Andre also sexually abused one of her friends.

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

82. The Defendants knew that sisters, priests, clergy, and other agents of the Church, including Andre, would have access to children at school, in the convent, at church, and even in parishioners' own homes.

83. During her tenure as a sister, teacher, employee, agent, and/or servant that was hired, assigned, retained supervised, managed, overseen, and/or otherwise controlled by the Defendants,

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Andre sexually abused children, including Plaintiff.

84. It was reasonably foreseeable that Andre and other sisters would abuse minors if they were permitted to be in the company of children in private settings.

85. The Defendants knew or should have known that Andre sexually abused children and/or was not fit to serve as sister, teacher, employee, agent, and/or servant.

86. The Defendants had the responsibility to manage, supervise, control, and direct sisters, clergy, and teachers who served at St. Catherine's and its associated institutions, and specifically had a duty not to aid pedophiles like Andre by allowing them access to minors, including Plaintiff.

87. The Defendants took no action and/or failed to timely and adequately take action to warn or otherwise protect children under the purview of the Defendants, including Plaintiff, from Andre.

88. The sexual abuse alleged herein constitute a breach of duty owed to Plaintiff by the Defendants.

89. The negligence, gross negligence, recklessness, willful, wanton, and/or outrageous conduct of the Defendants and their actual or apparent agents, servants, and/or employees (including Andre), jointly and severally, was a direct and proximate cause of the harm and damages to Plaintiff, including but not limited to:

- a. severe emotional distress;
- b. severe mental anguish and despair;
- c. anxiety;
- d. depression;
- e. humiliation, embarrassment, shame, self-blame; and guilt;

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- f. intrusive thoughts;
- g. mood swings;
- h. concentration issues;
- i. drug and alcohol use;
- j. school truancy;
- k. feelings of rage and inappropriate aggressive behavior;
- l. flashbacks;
- m. nightmares, insomnia, and other sleep disturbances;
- n. a loss of enjoyment of life;
- o. sexual problems;
- p. difficulties interacting with others, including those in positions of authority and/or those in intimate relationships with Plaintiff;
- q. a loss of earnings and earning capacity;
- r. a loss of faith in religion;
- s. future medical and therapy/counseling expenses; and

t. other damages as may be disclosed in legal discovery in this action.

90. Each and every type of damages set forth in the above paragraph was a direct and proximate result of each and every count set forth below.

91. The failure of Defendants to protect Plaintiff from the foreseeable harm of Andre's sexual misconduct was committed with negligence, carelessness, gross negligence, recklessness and/or reckless indifference, and exhibited a wanton and willful disregard to the consequences of the Defendants actions and/or omissions on the Plaintiff.

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COUNT I: NEGLIGENCE
(Against All Defendants)

92. Plaintiff hereby incorporates by reference, as if fully set forth herein, each and every allegation asserted in the preceding and following paragraphs, including each and every factual and legal allegation hereinbefore and hereinafter alleged, and hereby re-adopts and re-alleges each such allegation.

93. At all times material, the Defendants, and their actual or apparent agents, servants, and/or employees, undertook and otherwise owed a duty to their students, parishioners, and church attendees, to exercise reasonable care to manage, supervise, control, and direct sisters, clerics, and other agents, servants, and/or employees who served at St. Catherine's and to forbid pedophiles like Andre from obtaining access to minors, especially unsupervised access.

94. The Defendants by virtue of their religious authority solicited minors, including Plaintiff, to form close bonds with priests and sisters and to seek out opportunities to engage and interact with them.

95. During and through these activities, Plaintiff, as a minor and vulnerable child, was dependent on the Defendants. As such, Plaintiff's care, welfare, and physical custody was entrusted to the Archdiocese by and through its agents St. Catherine's and the Dominican Sisters, including when she was under the care and supervision of St. Catherine's and/or the Archdiocese and/or the Dominican Sisters, and was on properties and premises operated and staffed by St. Catherine's and/or the Dominican Sisters/ and/or the Archdiocese.

96. All Defendants voluntarily accepted the entrusted care of Plaintiff and had a duty and responsibility to protect Plaintiff during the time that she was entrusted to their care.

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97. Given Plaintiff's status as a minor child, the Defendants had a duty to exercise and provide heightened vigilance, supervision, and care to Plaintiff as compared to what would be required for an adult.

98. Defendants each owed Plaintiff a duty to protect her and warn her of potential harm by Andre when Plaintiff was under their care as a parishioner, student, and participant in other church activities.

99. Defendants, directly or by and through their actual agents, servants, and employees, knew or reasonably should have known of Andre's pedophilia, and that she was capable of committing sexual violence against Plaintiff and other children, particularly given that (1) Andre sexually abused Plaintiff and a least one other child on the St. Catherine's premises on multiple occasions; (2) Plaintiff's own classmates, minor children, recognized Andre's inappropriate

special interest in Plaintiff; and (3) Plaintiff's neighbor alerted Plaintiff's mother to her concerns of Andre's sexual abuse.

100. At the very least, Defendants knew or should have known that they did not have sufficient information about whether those working at Catholic institutions within the Archdiocese were safe.

101. The Defendants, directly or by and through their actual or apparent agents, servants, and employees, systematically breached their duty to Plaintiff by:

- a. enabling Andre's abuse by allowing her unrestricted access to children and placing her in a position of trust and authority;
- b. failing to properly observe, supervise, and monitor areas and individuals where it was known, knowable, and/or foreseeable that children could be victims of sexual

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- abuse without proper supervision;
- c. allowing Andre to come into one-on-one contact with Plaintiff without effective supervision;
- d. failing to garner sufficient information about whether their leaders, sisters, priests, clergy, teachers, and/or other lay people working at St. Catherine's and other Catholic institutions within the Archdiocese and/or under their purview would safely interact with children;
- e. failing to prevent Andre from committing wrongful sexual acts with children;
- f. failing to properly investigate the actions of agents, servants, and/or employees to ensure that children were subjected to safe and appropriate sisters, priests, clerics, and other laity;
- g. failing to monitor for and subsequently investigate acts of sexual abuse and sexual violence committed on the property and/or by Andre, and thereafter reveal such facts to Plaintiff's parents, the parents of other children assigned to their care, the public, child welfare, and/or law enforcement agencies;
- h. failing to implement, promulgate, and/or enforce protocols to ensure that children would not fall victim to sexual predators like Andre;
- i. failing to provide a safe environment where children are not subjected to sexual abuse;
- j. failing to properly train sisters, priests, clergy, employees, agents, and apparent agents to identify signs of sexual abuse by fellow employees, associates and/or other individuals within their control;

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- k. failing to properly train sisters, priests, clergy, employees, and agents, including Andre on how to interact appropriately with children;
- l. holding Andre out to Plaintiff, Plaintiff's parents, and the public as being of sufficient moral and ethical repute;
- m. failing to observe, manage, direct, oversee, and supervise the relationship between Plaintiff and Andre;

- n. failing to recognize Andre's conduct described herein as creating a risk of sexual abuse of children;
- o. failing to identify Andre as a sexual abuser;
- p. failing to remove Andre from employment positions or physical locations where she could act on her propensities and dispositions to commit sexual abuse; and
- q. other acts or omissions as may be proven from facts now exclusively in the possession of defendants, that may be disclosed through the course of discovery.

102. It was reasonably foreseeable that if the Defendants did not adequately exercise or provide the duty of care owed to children in their care, including but not limited to Plaintiff, the children entrusted to their care would experience sexual abuse by servants, agents, and/or employees, including Andre.

103. The failure of Defendants to protect Plaintiff from the foreseeable harm of Andre's sexual misconduct was committed with negligence, carelessness, gross negligence, recklessness and/or reckless indifference, and exhibited a wanton and willful disregard to the consequences of the Defendants actions and/or omissions on the Plaintiff.

104. The Defendants' aforementioned negligence directly and proximately caused Plaintiff

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to sustain severe and permanent damages as described above in paragraph 89. Neither Plaintiff, nor another entity or person over whom this Court has jurisdiction and who is not a Defendant, caused or contributed to any of Plaintiff's damages.

WHEREFORE, Plaintiff demands judgment for compensatory and punitive damages against the Defendants, jointly and/or severally, in an amount in excess of the local arbitration rules, exclusive of prejudgment interests, costs and damages for pre-judgment delay, and such other legal and equitable relief as the Court deems appropriate.

COUNT II: NEGLIGENT TRAINING AND SUPERVISION
(Against All Defendants)

105. Plaintiff hereby incorporates by reference, as if fully set forth herein, each and every allegation asserted in the preceding and following paragraphs, including each and every factual and legal allegation hereinbefore and hereinafter alleged, and hereby re-adopts and re-alleges each such allegation.

106. Supervision of agents, servants, and/or employees within Defendants' control is a mandatory and unqualified duty.

107. The Defendants, by and through actual or apparent agents, servants, and/or employees, each had a duty to engage in reasonable supervision and training for any agents, servants, and/or employees who interacted with children.

108. Defendants were familiar with the acute problem of members of religious orders, seminarians, deacons, priests, sisters, teachers, laity, and other employees molesting children within the Church, Archdiocese, and at St. Catherine's.

109. At all times material, Andre was employed by Defendants and was under each

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Defendants' supervision, employ, control and/or apparent authority when she committed the

sexual abuse alleged herein.

110. Andre engaged in the sexual abuse while acting in the course and scope of her employment with Defendants and/or accomplished the sexual abuse by virtue of her job-created authority and/or apparent authority.

111. Prior to Plaintiff's exposure to Andre and during the period while Plaintiff was being sexually abused by Andre the Defendants were on notice of a policy wherein for the sake of reputation, the actions of known child predators were to remain hidden from public knowledge, and not to be reported to police, district attorneys, and/or child welfare authorities.