

STATE OF NEW YORK
SUPREME COURT: COUNTY OF NIAGARA

PAUL K. BARR,

Plaintiffs,

vs.

THE DIOCESE OF BUFFALO, N.Y., INC;
ROMAN CATHOLIC CHURCH OF THE
SACRED HEART; ST. RAPHAEL ROMAN
CATHOLIC PARISH

Defendants.

Index No.:

SUMMONS

TO THE ABOVE NAMED DEFENDANTS :

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the plaintiffs' attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

DATED: New York, New York
April 30, 2019

Phillips & Paolicelli, LLP
Attorneys for Plaintiffs

By: 

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STATE OF NEW YORK
SUPREME COURT: COUNTY OF NIAGARA

<p>PAUL K. BARR,</p> <p style="text-align: center;">Plaintiff,</p> <p>vs.</p> <p>THE DIOCESE OF BUFFALO, N.Y., INC; ROMAN CATHOLIC CHURCH OF THE SACRED HEART; ST. RAPHAEL ROMAN CATHOLIC PARISH</p> <p style="text-align: center;">Defendants.</p>

VERIFIED COMPLAINT

Index No.:

PAUL K. BARR, by his undersigned attorneys, for his Verified Complaint, alleges on personal knowledge as to himself and on information and belief as to other matters, as follows:

NATURE OF THE ACTION

1. This action is brought pursuant to the newly enacted Child Victims Act, codified at CPLR 208(b), and concerns sexual abuse of a minor by his priest.

2. Plaintiff Paul Barr ("Barr") was sexually abused, assaulted and molested in 1980 by Father Michael Freeman ("Freeman") a priest hired, retained, supervised, placed, directed and otherwise authorized to act by Defendants, the Roman Catholic Church of the Sacred Heart in Niagara Falls, NY, and The Diocese of Buffalo, N.Y. Freeman was assigned by Defendants to *inter alia* organize, supervise, and oversee Barr's receipt of the sacrament of confirmation, and it was this relationship of spiritual trust and guidance that facilitated Freeman's sexual assault of Barr.

3. Despite years of refusal to publically address rampant child abuse by priests, Defendant The Diocese of Buffalo recently published a list of scores of offending clergy. That list expressly includes Freeman, who victimized many children, including Barr.

4. In fact, the Roman Catholic Church and Defendants have long known that substantial numbers of priests throughout history, and up to and including the present day, violate their vows or promises of celibacy and otherwise misbehave by soliciting sexual contact with parishioners, in particular children like Barr who are entrusted to their spiritual care and guidance for the sacraments. Official Church documents dealing with this unspeakable misconduct span the centuries, many of which were and are well known to Defendants.

5. Notwithstanding this knowledge, and the fiduciary duty and relationship of trust owed to parishioners and their children, Defendants negligently, recklessly, and willfully failed to protect Barr from Freeman's sexual abuse, permitted the abuse to occur, neglected to adequately supervise Freeman, failed to timely investigate Freeman's misconduct, acted to protect their own self-interest to the detriment of innocent children, and are otherwise responsible for Freeman's sexual assault of Barr and his consequential injuries and damages.

6. Because of Defendants' negligent, reckless and willful misconduct, Barr, then only 16 years of age, suffered grave mental, emotional and psychological pain and anguish, as well as physical harm. Freeman's abuse of Barr not only devastated Barr's development into adulthood, but severely damaged the course of his life. Barr's pain and anguish is continuing and permanent.

PARTIES

7. Plaintiff Paul K. Barr is an individual who resides in Niagara County, New York. At the time of the events complained of, he was a minor residing in the same county.

8. Barr's date of birth is May 1, 1964.

9. Defendant The Diocese of Buffalo, N.Y., Inc. ("Diocese") is a New York not-for-profit corporation with a principal place of business in Erie County, and which operated at all relevant times in Niagara County, New York, and with principal offices at 795 Main Street, Buffalo, New York 14206.

10. Defendant Roman Catholic Church of the Sacred Heart ("Sacred Heart") is/was a New York not-for-profit corporation and/or is/was otherwise organized under the laws of the State of New York, and was located in Niagara County at 1112 South Ave, Niagara Falls NY 14305.

Sacred Heart was the Catholic church attended by Plaintiff and his family as parishioners during the relevant timeframe. Sacred Heart was at all relevant times within the service area of the Diocese, and under the Diocese' jurisdiction and control.

11. Defendant St. Raphael Roman Catholic Parish ("St. Raphael") is/was a New York not-for-profit corporation and/or is/was otherwise organized under the laws of the State of New York.

12. St. Raphael is located at 3840 Macklem Avenue, Niagara Falls, New York 14305. In or about March 2008, Sacred Heart merged with another parish within the Diocese, known as St. Teresa of the Infant Jesus. The two merged parishes formed St. Raphael. Upon information and belief, St. Raphael assumed some or all of the liabilities and/or assets of Sacred Heart.

13. Throughout the relevant period, one or more of the Defendants were responsible for the hiring, retention, direction, and supervision of Michael Freeman in his roles as, *inter alia*, associate pastor, confirmation director, mentor, and counselor for young boys.

FACTUAL ALLEGATIONS

14. At all relevant times, the Diocese operated, supervised and controlled Sacred Heart Parish.

15. At all relevant times, the Diocese owned the premises on which Sacred Heart was located.

16. Some time prior to 1980, Freeman was hired by the Defendants and assigned to Sacred Heart to serve as priest and Associate Pastor.

17. Thereafter, Defendants directed Freeman to serve as coordinator of the Diocesan program which prepared young parishioners at Sacred Heart to receive the sacrament of confirmation.

18. As Associate Pastor, and as confirmation coordinator, Freeman's duties and responsibilities included, *inter alia*, supervising, interacting with, mentoring, and counseling minor boys, including Barr.

19. In the performance of these duties, Defendants authorized Freeman to be alone with minor parishioners, including Barr, and to have unfettered and unsupervised access to them on the property of Defendants.

20. Defendants authorized Freeman to touch Barr, and display affection in a manner consistent with providing counseling, spiritual guidance, and leadership.

21. However, acting in his official capacities on behalf of Defendants, Freeman abused and distorted his authorized touching into the sexual abuse of Barr, as described below.

22. At all relevant times, Defendants knew that the Catholic Church faced a longstanding problem of clergy violating their celibacy vows and committing a variety of sexual offenses, including sexual molestation of young children under their supervision. Over the

centuries, various Popes passed Church decrees and legislation condemning such offenses, including a clerical crime known as “solicitation,” engaging in sexual contact with an adult or a child during administration of the sacrament of confession.

23. The Vatican addressed the problem of clergy sex abuse on countless occasions prior to Freeman’s abuse of Barr, and up through the present time, and communicated as much with all levels of Church hierarchy, including bishops and other Diocesan leaders. As such, at all relevant times, Defendants were well aware that errant sexual behavior by some priests was not only widespread but predictable.

24. Defendants were at all times responsible for Freeman’s actions as associate pastor, confirmation coordinator, mentor and counselor to young boys, and owed parishioners and their children, including Barr, a fiduciary duty and obligation to provide sound supervision of the children, and to ensure them a safe and nurturing environment free from harm and abuse.

25. In or about 1980, Barr participated in Sacred Heart’s confirmation program. And because of Freeman’s fiduciary position of trust at the parish, Barr and his parents believed and expected that Barr would be safe with Freeman, and that he would be properly supervised in an environment free from potential harm and abuse.

26. Defendants violated that trust. Acting in furtherance of the business of Defendants, and in his official role as associate pastor and confirmation program director, Freeman befriended Barr and lulled Barr into a false sense of trust. Indeed, by the time of Barr’s confirmation, Freeman had carefully groomed Barr, causing Barr to look up to the priest as a mentor and spiritual guide.

27. In early 1980, Barr received the sacrament of confirmation. Freeman presided over the confirmation ceremony.

28. Shortly thereafter, in or about June 1980, Freeman approached Barr about starting a program for youth parishioners who also had recently received their confirmation. Barr was flattered. Freeman went on to tell Barr that he had been chosen for this role because Freeman had identified Barr as a "natural leader." During the same conversation, Freeman complimented Barr on his physique.

29. Later in June 1980, Freeman invited Barr one evening to visit him at Sacred Heart. The stated purpose of this meeting was to discuss the youth outreach program that Freeman had proposed to Barr.

30. The meeting, thus, was within the scope of Freeman's authority as associate pastor and in further of Defendants' business activities, as it was reasonably necessary or incidental to his employment.

31. The meeting occurred on the property of Defendant.

32. The meeting occurred during the hours that Freeman was expected to perform and typically performed official functions as associate pastor.

33. Freeman's conduct during Barr's visit to the church, thus, was in furtherance of his duties as an employee of Defendants, was reasonably foreseeable by Defendants, and was within the scope of what his employment or agency contemplated.

34. When Barr (a minor) arrived at Sacred Heart, Freeman invited him into a room in which Freeman regularly conducted church business. Freeman then attempted to relax Barr by illegally giving him alcoholic beverages.

35. Freeman then took steps to dupe Barr into submission by engaging him in a conversation about athletics and weight-lifting, in which he knew Barr was interested.

36. Freeman used this pretextual conversation about athletics to transition the conversation to Freeman's purported work as a chaplain at the local Air Force Reserve Base. Freeman told Barr that, in the course of his work at the Air Reserve Base, he learned of a medical condition that Barr needed to be concerned about as an athlete.

37. Barr inquired as to the nature of this medical condition. With Barr now interested in learning more, Freeman told Barr that this supposed "condition" caused sterility. Barr was concerned and alarmed. He thanked Freeman for bringing this concern to his attention, and he told Freeman that he would ask his mother to make a doctor's appointment with his pediatrician to medically examine him for this condition.

38. Undeterred, Freeman falsely told Barr that – in his official capacity as Air Base chaplain – he had been trained to look for the medical condition. Freeman told Barr that he, therefore, would examine him for this "condition."

39. Freeman then approached Barr, and backed him over to a couch in the room in which the meeting took place.

40. Freeman then ordered Barr to pull down his pants and underwear, so that Barr's genitals were exposed. Because Freeman was a figure whose authority had been ratified by Defendants, Barr complied.

41. Freeman then massaged and manipulated Barr's penis – conduct which was unwanted and offensive to Barr.

42. Barr was scared and confused by Freeman's conduct. He felt conflicted and betrayed because these unspeakable acts were being committed by a figure cloaked with spiritual authority and benevolence: the pastor whom Barr had come to trust and admire, and who had claimed that he was simply acting in Barr's best interest. Nevertheless, Barr mustered the

courage to put an end to Freeman's sexual assault. At this point, Barr jumped up from the couch, pulled up his underwear and trousers, and ran toward the door.

43. Upon reaching the door, however, Barr found it to be locked, and he was not able to leave. He came to learn that Freeman had deadbolted the door with a key, which Freeman had in his pocket. Freeman tried to console Barr. He eventually relented to Barr's request to leave, and unlocked the deadbolted door with the key from his pocket. Barr then ran out of the Sacred Heart premises and – extremely distraught – went straight home.

44. Upon arriving at home, Barr told his mother, Patricia Barr, about what Freeman had done to him. Because Freeman was a church official, Patricia Barr told Paul Barr not to say anything to anyone.

45. The next year, in or about November 1981, Freeman was abruptly transferred away from Sacred Heart. No apparent reason was given for this sudden reassignment.

46. Freeman was replaced by Father Bernard Mach ("Mach") as associate pastor of Sacred Heart. With Freeman out of the picture, Barr confided in Mach, telling him about the aforementioned sexual assault.

47. Upon information and belief, Mach (a Diocesan official) did nothing to investigate the assault or report it to the authorities.

48. During approximately the same timeframe, Barr reported the abuse to Remi Gonzalez, the youth minister at Sacred Heart. Mach and Gonzalez were both later accused of sexually abusing minors themselves.

49. In approximately 1985, Gonzalez took Barr to the office of the Diocese of Buffalo, where Barr reported the sexual assault Freeman to a woman, identity unknown. The

woman at the Diocese received Barr's report. No one from the Diocese responded to Barr, or did anything to investigate Barr's complaint.

50. In approximately 1994, Barr divorced and sought an annulment through the Diocese of Buffalo. In a letter to the Diocese, Barr disclosed "a bad experience with our parish priest," referring to the sexual abuse by Freeman.

51. In approximately 2010, Barr brought some of Gonzalez' sexual abuse victims to a meeting at the Diocese of Buffalo to meet with the Diocesan attorney. At that meeting, this attorney confirmed to Barr that there was a file on him at the Diocese that included information regarding the abuse by Freeman.

52. In March 2018, Barr again brought the abuse to the attention of the Diocese, when he filed a detailed submission with the Diocese's IRCP program.

53. Later that year, in December 2018 – and after reviewing Barr's submissions – the Diocese IRCP offered Barr the sum of \$45,000 in settlement of his claims of abuse at the hands of Defendants. Barr did not accept this offer.

54. As a result of the foregoing, Barr has suffered and/or continues to suffer myriad psychological, physical and emotional injuries. These injuries include, *inter alia*, clinical anxiety, symptoms of depression, post-traumatic stress disorder, and obsessive-compulsive disorder. In addition, Barr suffers from emotional distress and experiences physical manifestations of that condition. Barr experiences guilt, shame, sadness, embarrassment and powerlessness.

55. Prior to and at the time of Freeman's abuse of Barr, Defendants knew or should have known of numerous acts of sexual assault committed by clergy members within the Diocese and elsewhere in the Roman Catholic church.

56. Upon information and belief, not only was the Diocese aware of clergy sexual abuse of children, but it participated in covering up such heinous acts by moving errant priests and clergy members from assignment to assignment, thereby putting additional children in harm's way.

57. Prior to and at the time of Freeman's abuse of Barr, Defendants knew or should have known of Freeman's propensity to abuse young boys in his charge.

58. Prior to hiring Freeman, Defendants failed to properly screen and investigate Freeman so as to discover his propensity for sexual misconduct and abuse of children, his lack of qualifications to serve in the capacities in which he was appointed by Defendants, and the danger he would pose to children in the parish, including Barr

59. Prior to and at the time of Freeman's abuse of Barr, Defendants failed to take steps to protect Barr from abuse by Freeman.

60. In approximately July 1980, very shortly after his abuse of Barr, Freeman was transferred to Fort Benning, GA in a capacity as United States Army Chaplain. He later returned to the northeast in approximately September 1982, when the Diocese of Buffalo assigned him to St. Christopher's parish in Tonawanda, PA.

61. In approximately 1985, Freeman was transferred yet again by the Diocese of Buffalo, on assignment to Assumption of the Blessed Virgin Mary in Lancaster, PA, where he worked until approximately 1989, at which time his faculties were finally revoked.

62. Freeman died in 2010.

63. Having shuffled Freeman about various assignments in Pennsylvania, while fully knowing of the myriad sexual assault complaints against him, the Diocese permitted Freeman to

serve in active ministry until 1989, and continued to provide financial aid to Freeman until July 31, 1999.

64. In March 2018, the Diocese of Buffalo finally admitted that it knew about Freeman's abuse of children, when it published a list (which included Freeman) of clergy members who had been accused of sexual abuse.

65. In fact, Freeman admitted to sexually violating children in at least five of his six ministry assignments, which began in 1972.

66. Nevertheless, the Diocese never notified law enforcement officials of Freeman's illegal activities, and permitted him to remain in active ministry for many years despite knowing of his predatory and criminal behavior.

67. The conduct alleged herein would constitute a sexual offense as defined in article one hundred thirty of the penal law.

68. The conduct alleged herein was committed against Barr at a time when Barr was less than eighteen years of age.

69. To the extent that any Defendant pleads, or otherwise seeks to rely upon Article 16 of the New York Civil Practice Law and Rules (CPLR) to have fault apportioned to another allegedly culpable party, Plaintiff expressly states that Defendants' conduct falls within one or more of the subdivisions of CPLR 1602.

COUNT I

NEGLIGENT HIRING

70. Plaintiff repeats and realleges all preceding paragraphs of this Complaint.

71. Freeman was hired or otherwise retained and appointed as, *inter alia*, Associate Pastor at Sacred Heart, by the Defendants.

72. The positions for which Freeman was hired required him to work closely with, mentor, and counsel young boys.

73. Defendants owed a duty to Barr because Barr was a minor entrusted to their care and because Defendants, through their hiring and/or appointment and/or retention of Freeman, represented that Freeman was a spiritual counselor and role model for minor boys and an individual to whom minor boys, including Barr, could be safely entrusted.

74. Defendants breached their duty to Barr by negligently hiring, appointing, retaining, supervising, and/or directing Freeman and in failing to protect Barr from a sexual predator.

75. At all times Defendants had a duty to exercise due care in hiring, retaining, and appointing clergy such as Freeman, so as to prevent dangerous conditions and individuals on their premises who threaten the safety, welfare and health of children involved with the church, including Barr.

76. Upon information and belief, Defendants were negligent and failed to use reasonable care in hiring Freeman, failed to properly investigate Freeman's background and employment history prior to retaining him as Associate Pastor, and/or took Freeman on as Associate Pastor despite knowing of prior misconduct that would make him a danger to children, and were otherwise negligent.

77. Defendants were negligent in hiring Freeman because they knew, or should have known of his vicious propensities and disposition (e.g., his propensity to develop inappropriate relationships with boys in his charge and to engage in sexual behavior and lewd and lascivious conduct with such boys) and/or had knowledge of facts which would have caused a reasonably

prudent person to reject Freeman as a candidate for working with young boys, given his dangerous propensities and disposition.

78. Defendants reasonably should have anticipated that Freeman's propensities and disposition would be likely to result in injury to young boys within his charge, including Barr

79. Defendants failed to use reasonable care to correct or remove Freeman from his duties in a timely manner that would have protected Barr and prevented Freeman's sexual assault.

80. Freeman would not and could not have been in a position to sexually abuse Barr had Freeman not been hired by the Defendants to mentor, teach, and counsel boys in the Sacred Heart Parish, including Barr.

81. Barr suffered injury as a result of Freeman's offensive bodily contact, including physical, psychological and emotional injury as described above.

82. By the reason of the foregoing, Defendants are liable to Barr in an amount to be determined at trial, and which exceeds the jurisdictional limits of all courts of limited jurisdiction.

COUNT II

NEGLIGENT RETENTION, SUPERVISION AND/OR DIRECTION

83. Plaintiff repeats and realleges all preceding paragraphs of this Complaint.

84. At all times while Freeman was an employee, agent, servant, and/or appointee of Defendants, he was supervised by, under the direction of, and/or answerable to, the various Defendants and/or their agents and employees.

85. At all times Defendants had a duty to provide reasonable supervision and direction of Freeman, to use reasonable care in investigating and supervising Freeman's conduct,

to provide adequate warning to parishioners and their children, including Barr and his family, of Freeman's dangerous propensities, and to inspect and remove from their premises dangerous individuals who threaten the safety, welfare and health of children involved with the church.

86. Defendants were negligent and did not use reasonable care in their direction and/or supervision of Freeman, in that they knew, or should have known of his vicious propensities and disposition (e.g., his propensity to develop inappropriate relationships with boys under his charge and to engage in sexual behavior and lewd and lascivious conduct with such boys) and/or had knowledge of facts which would have caused a reasonably prudent person to investigate Freeman's propensities and disposition, yet they failed to investigate and remove him.

87. Defendants negligently failed to supervise Freeman in the position of trust and authority in which they placed him, failed to monitor and investigate his activities, failed to provide adequate warning of his dangerous propensities, and failed to remove him from their premises so as to protect the children entrusted to their care, including Barr.

88. Defendants were negligent and did not use reasonable care in failing to anticipate that Freeman's dispositions would likely result in injury to young boys within his charge, including Barr.

89. Freeman would not and could not have been in a position to sexually abuse Barr had he not been negligently retained, supervised, and/or directed by the Defendants as a pastor and counselor to the boys in the Sacred Heart parish, including Barr.

90. Barr suffered injury as a result of Freeman's offensive bodily contact, including physical, psychological and emotional injury as described above.

91. By the reason of the foregoing, Defendants are liable to Barr in an amount to be determined at trial, and which exceeds the jurisdictional limits of all courts of limited jurisdiction.

COUNT III

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

92. Plaintiff repeats and realleges all preceding paragraphs of this Complaint.

93. The sexual abuse of Barr when Barr was a minor was extreme and outrageous conduct, beyond all possible bounds of decency, atrocious and intolerable in a civilized community.

94. Defendants knew or disregarded the substantial probability that Freeman's conduct would cause severe emotional distress to Barr.

95. Because of Freeman's above-described misconduct and sexual abuse, Barr suffered severe emotional distress including physical, psychological and emotional injury.

96. At the time that Freeman's misconduct and sexual abuse, he was acting at the direction of, and with the authority invested in him by, Defendants, and was otherwise acting in the course of and scope of his employment by Defendants. By reason of the foregoing, Defendants are liable for Freeman's conduct under the doctrine of *respondeat superior*.

97. By the reason of the foregoing, Defendants are liable to Barr in an amount to be determined at trial, and which exceeds the jurisdictional limits of all courts of limited jurisdiction.

COUNT IV

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

98. Plaintiff repeats and realleges all preceding paragraphs of this Complaint.

99. Barr suffered severe emotional distress including psychological and emotional injury as described above. This distress was a direct result of the Defendants' aforesaid negligent, reckless and willful misconduct, and the breach of their duties to provide a safe environment for parishioners, including Barr, free from sexual predators enjoying positions of authority, and free from the sexual assault that took place.

100. In addition to their own direct liability for negligently inflicting emotional distress on Barr, the Defendants are also liable for Freeman's negligent infliction of emotional distress under the doctrine of *respondeat superior*.

101. By the reason of the foregoing, Defendants are liable to Barr in an amount to be determined at trial, and which exceeds the jurisdictional limits of all courts of limited jurisdiction.

COUNT V

PREMISES LIABILITY

102. Plaintiff repeats and realleges all preceding paragraphs of this Complaint.

103. At all relevant times, Defendants owned, operated, and /or controlled the premises located at or about 1112 South Ave, Niagara Falls NY 14305, and known as Roman Catholic Church of the Sacred Heart.

104. At all relevant times, Plaintiff was rightfully present at the aforementioned premises.

105. Defendants had a duty to see that the premises at which Plaintiff was rightfully present were in a reasonably safe condition for the intended use by reasonably anticipated visitors, including Plaintiff.

106. Defendants willfully, recklessly, and negligently failed to provide a reasonably safe premises that was free from the presence of sexual predators and/or the assault by the occupants of the premises. Defendants thereby breached their duty of care of Plaintiff.

107. By reason of the foregoing, Defendants are liable to Barr in an amount to be determined at trial, and which exceeds the jurisdictional limits of all courts of limited jurisdiction

COUNT VI

BATTERY

108. Plaintiff repeats and realleges all preceding paragraphs of this Complaint.

109. In June 1980, Freeman intentionally touched Barr's body when he engaged in the sexual behavior and lewd and lascivious conduct described above. Such bodily contact was offensive and was without consent, because Barr, a minor, was incapable of consenting to these acts, and did not consent.

110. At the time Freeman offensively touched Barr's body, Freeman was an employee, appointee, and/or agent of the Defendants, and was acting within the course and scope of his employment, appointment, and/or agency.

111. Defendants are liable for Freeman's offensive bodily contact under the doctrine of *respondeat superior*.

112. Barr suffered injury as a result of Freeman's offensive bodily contact, including physical, psychological and emotional injury as described above.

113. By the reason of the foregoing, Defendants are liable to Barr in an amount to be determined at trial, and which exceeds the jurisdictional limits of all courts of limited jurisdiction.

COUNT VII**ASSAULT**

114. Plaintiff repeats and realleges all preceding paragraphs of this Complaint.

115. In June 1980, Freeman intentionally touched Barr's body when he engaged in the sexual behavior and lewd and lascivious conduct described above. Such conduct placed Barr in imminent apprehension of harmful contact, including apprehension of further sexual contact.

116. At the time Freeman offensively touched Barr's body, Freeman was an employee, appointee, and/or agent of the Defendants, and was acting within the course and scope of his employment, appointment, and/or agency. Defendants are liable for Freeman's conduct under the doctrine of *respondeat superior*.

117. Barr suffered injury as a result of Freeman's offensive bodily contact, including physical, psychological and emotional injury as described above.

118. By the reason of the foregoing, Defendants are liable to Barr in an amount to be determined at trial, and which exceeds the jurisdictional limits of all courts of limited jurisdiction.

PRAYER FOR PUNITIVE DAMAGES

119. Plaintiff repeats and realleges all preceding paragraphs of this Complaint.

120. The conduct of Defendants as described herein was done with utter disregard as to the potential profound injuries which would ensue, and with depraved indifference to the health and well-being of children, and to the fact that Defendants were knowingly subjecting children in their charge, including Plaintiff, to sexual crimes.

121. All of the aforementioned conduct was wanton and reckless, malicious, and demonstrates a conscious indifference and utter disregard of its effect upon the health, safety and rights of others, including Plaintiff.

122. As a result of these activities as alleged hereinabove, Plaintiff is entitled to recover punitive damages in an amount to be determined by the finder of fact.

WHEREFORE, Plaintiff prays for judgment as follows:

- a. Awarding Plaintiff compensatory damages for his injuries, in an amount to be determined at trial;
- b. Awarding Plaintiff punitive damages for his injuries, in an amount to be determined at trial;
- c. Awarding Plaintiffs costs and disbursements and attorneys' fees to the extent available by law; and
- d. Awarding such other and further relief as this Court may deem just and proper.

JURY TRIAL DEMANDED

123. Plaintiff demands a trial by jury of all issues triable by jury in this action.

Dated: New York, New York
April 30, 2019

Yours, etc.

PHILLIPS & PAOLICELLI, LLP



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