John Doe v Diocese of Brooklyn
2023 NY Slip Op 31014(U)
March 30, 2023
Supreme Court, Kings County
Docket Number: Index No. 515442/2020
Judge: Laurence L. Love

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SUPREME COURT OF THE STATE OF NEW YORK
KINGS COUNTY

PRESENT: **HON. LAURENCE L. LOVE** **PART** **63M**

Justice

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JOHN DOE,

Plaintiff,

- v -

DIOCESE OF BROOKLYN; ROMAN CATHOLIC DIOCESE OF BROOKLYN; FRANCISCAN BROTHERS OF BROOKLYN; BISHOP REILLY HIGH SCHOOL; ST. FRANCIS PREPARATORY SCHOOL AS SUCCESSOR IN INTEREST TO BISHOP REILLY HIGH SCHOOL; WALTER EGGMANN, in his official and individual capacity; G.C.; P.H.; J.M.; and J.O.,

Defendants.

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INDEX NO. 515442/2020

MOTION DATE 04/29/2021

MOTION SEQ. NO. 003, 004

DECISION + ORDER ON MOTION

The following e-filed documents, listed by NYSCEF document number (Motion 003) 70, 78, 115, 116, 156,

were read on this motion to/for DISMISS.

The following e-filed documents, listed by NYSCEF document number (Motion 004) 84, 107, 131, 132, 152, 158, 163, 168

were read on this motion to/for DISMISS.

Upon the foregoing documents, Defendant Walter Eggmann moves for dismissal of this action pursuant to CPLR 3211(1), 3211(a)(2), (5), and (7) (Motion Seq. 003).

Defendants The St. Francis Monastery a/k/a/ The Congregation of Franciscan Brothers of Brooklyn s/h/a The Franciscan Brothers of Brooklyn (“Franciscan Brothers”), St. Francis Preparatory School s/h/a St. Francis Preparatory School as Successor in Interest to Bishop Reilly High School (“St. Francis”), G.C., P.H. and J.M. move for summary judgment dismissing this matter against them pursuant to CPLR 3212 (Motion Seq. 004).

Plaintiff attended Defendant Bishop Reilly High School ("Bishop Reilly") as a high school student from 1970 to 1974. Plaintiff describes Bishop Reilly as a Catholic school owned and operated by the Diocese of Brooklyn ("the Diocese") and staffed by the Franciscan Brothers. Defendants C.G., P.H., J.M. and J.O. ("Student Defendants") were fellow students of Plaintiff's. Defendant Walter Eggmann was a foreign language teacher at Bishop Reilly.

Plaintiff alleges that in May 1973, he was approached by Mr. Eggmann, a teacher he previously had little to no contact with. Plaintiff alleges Mr. Eggmann asked him to personally attend a field trip in Canada that Mr. Eggmann was chaperoning and supervising. According to Plaintiff, Mr. Eggmann wanted Plaintiff to attend the trip such that he told Plaintiff to ignore the fact that the deadline to submit parental permission paperwork had passed. Plaintiff alleges that he agreed to attend the field trip, even though he was not friendly with the other students attending.

Plaintiff claims that one night during the field trip, while staying a hotel in Montreal, he was attacked and sexually abused by a group of students, including Student Defendants. Plaintiff's complaint provides graphic details of the abuse and notes that his camera was stolen by the students, who took pictures of the assault. Plaintiff alleges that at some point during the assault, Mr. Eggmann entered the hotel room as part of his duties to inspect the students' rooms but took no action to stop the abuse and ignored Plaintiff's cries for help. He alleges that the Student Defendants returned his camera when the assault was interrupted by hotel staff.

Plaintiff claims that the following day, Mr. Eggmann asked if he wished to report the assault. Plaintiff declined but gave his camera to Mr. Eggmann who indicated he would safeguard the film and prevent other students from destroying same. Plaintiff alleges the camera/film was not returned.

Upon return to school, plaintiff alleges reporting the assault to non-party James Kababik, a teacher and guidance counselor, and non-party Brother Tracy, a senior staff member and member of

the Franciscan Brothers. Plaintiff alleges that Brother Tracy then arranged a "trial" at school, where Student Defendants and Mr. Eggmann participated. However, Plaintiff describes the "trial" as essentially a farce and no action was taken.by Bishop Reilly. Plaintiff further claims that a fellow student, K.F., shortly thereafter informed him of his own similar assault by Student Defendants the previous year.

Plaintiff's amended complaint asserts causes of action against Mr. Eggman, Franciscan Brothers, and St. Francis for Negligent Supervision and Oversight, Negligence, Gross Negligence, Negligent Infliction of Emotional Distress[1], Intentional Infliction of Emotional Distress, Aiding and Abetting Commission of Tort of Assault, Aiding and Abetting Commission of Tort of Battery, Aiding and Abetting Commission of Tort of False Imprisonment, Civil Conspiracy to Commit the Tort of Assault, and Civil Conspiracy to Commit the Tort of Battery.

Additional claims are asserted against Student Defendants. However, although Student Defendants are named as moving parties on Motion Seq. 004, they have not sought dismissal and have filed an answer to the amended complaint. Accordingly, this decision will only evaluate dismissal for Mr. Eggmann, Franciscan Brothers, and St. Francis.

In their motions for dismissal, all parties argue that Plaintiff's claims are time-barred as they were not revived by the CVA, given that the alleged assault occurred in Canada outside of New York State. Mr. Eggmann argues that the causes of action in the complaint all fail to state a claim against him and/or are duplicative.[2] St. Francis argues that it should not have been named as a party as it did

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[1] Plaintiff's first four negligence-based claims are asserted against Franciscan Brothers and St. Francis both directly and separately under vicarious liability/*respondeat superior*.

[2] Mr. Eggmann also argues that joinder of the estates of Brother Tracy and Mr. Kababik is necessary (both parties are deceased). Mr. Eggmann argues joinder is necessary because several claims assert liability against him jointly and severally along with Brother Tracy and Mr. Kababik. However, the claims under Plaintiff's amended complaint only assert liability against Mr. Eggmann jointly and severally with Franciscan Brothers, St. Francis, Bishop Reilly, and the Diocese.

not merge with Bishop Reilly but is rather a separate Catholic school. While St. Francis occupies Bishop Reilly's old campus, St. Francis argues documentary evidence establishes it cannot be liable for claims against Bishop Reilly. Franciscan Brothers argue they are entitled to dismissal as they were not responsible for staffing Bishop Reilly and supervising the students, and thus owed no duty to Plaintiff and cannot be held liable for the allegations against Mr. Eggmann, Brother Tracy, and Mr. Kababik.

DISCUSSION

The Court first addresses the argument raised by all Defendants that Plaintiff's claims are not revived by the CVA as the alleged assault occurred outside of New York.

In 2022, the Appellate Division, Second Department, held in *S.H. v Diocese of Brooklyn,* 205 AD3d 180 [2nd Dept 2022] that the CVA did not revive claims from a Florida resident who alleged he was abused by a priest at a Florida church. While the plaintiff alleged a nexus to New York as the priest was transferred to Brooklyn after the abuse, the Second Department held that under that case's circumstances, "CPLR 214-g does not apply extraterritorially, where *the plaintiff is a nonresident*, and the alleged acts of sexual abuse were *perpetrated by a nonresident* outside of New York" (*id.* at 190) [emphasis added]). The Second Department also noted that the legislative history of the CVA supported "a finding that the revival statute was propagated by the New York State Legislature to benefit New York residents," and underscored that its ruling was not based upon "territorial limitations imposed by New York's criminal statutes" (*id.* at 187). Unlike in *S.H.*, here, both Plaintiff and his alleged abusers were New York residents at the time of the assault, the assault is alleged to have been planned in New York, and the assault occurred during a field trip organized and supervised by a New York school. As the Fourth Department has

recently held, “a claim that accrues in favor of a New York resident will be governed by the New York statute of limitations regardless of where the claim accrued” (*Shapiro v Syracuse Univ.*, -- AD3d --, 2022 NY Slip Op 04835, *3 [4th Dept Aug. 4, 2022]). Therefore, contrary to Defendants’ arguments, the CVA revival window applies to Plaintiff’s claims.

The Court next addresses Franciscan Brothers’ arguments that they, and St. Francis, are not proper parties to this action.

Plaintiff’s complaint alleges that Franciscan Brothers are a Roman Catholic religious order that “at all material times supplied staff to Bishop Reilly, including senior staff member Brother Tracy.” Franciscan Brothers concede that that Brother Tracy was a member of their order but argue that he was hired and paid by the Diocese. Franciscan Brothers argue that because they did not actually make staffing decisions at Bishop Reilly, they cannot be held liable for Plaintiff’s claims notwithstanding their connection to the school. Franciscan Brothers also allege that Brother Tracy was always acting at the direction of the Diocese during his employment at Bishop Reilly. However, in partial opposition to the Franciscan Brothers’ motion, the Diocese has submitted an affidavit from its general counsel, Richard J. Cea, challenging the argument that Bishop Tracy was employed by the Diocese. Mr. Cea states that at the time of the allegations, Bishop Reilly was staffed both by religious members of the Franciscan Brothers and lay teachers. Franciscan Brothers were responsible for screening candidates and making recommendations when there was an opening for a new religious member employee. Franciscan Brothers also had the ability to remove a member from his assignment and reassign him in accordance with the rules of their congregation. Mr. Cea thus concludes that Franciscan Brothers always retained control over Brother Tracy during his assignment at Bishop Reilly.

Franciscan Brothers dispute the veracity of Mr. Cea's affidavit, and maintain that Brother Tracy was an employee of the Diocese. However, considering the conflicting accounts presented, summary judgment for Franciscan Brothers is premature. While it appears Mr. Eggmann and Mr. Kababik were lay teachers not affiliated with Franciscan Brothers, there is a question of fact as to whether Brother Tracy was working at Franciscan Brothers' direction and control during the relevant time. Plaintiff is entitled to further discovery to ascertain Franciscan Brothers' liability for Brother Tracy's alleged negligence and participation in covering up his assault.

Turning now to the branch of Franciscan Brothers' motion seeking dismissal for St. Francis, Plaintiff argues that St. Francis merged with Bishop Reilly when it took over Bishop Reilly's campus in 1974, or alternatively, is a potential successor in liability to Bishop Reilly. However, Defendants have submitted a copy of the agreement dated August 9, 1974 in which the Diocese conveyed the title to the campus property by bargain and sale deed to St. Francis (*See* NYSCEF doc No. 92). Bishop Reilly is not a party to the agreement and is not referenced anywhere in the agreement. Although the deed contained a condition that the property remained a Catholic high school, nothing suggests that St. Francis was intended as a "continuation" of Bishop Reilly, as opposed to a new school that took over Bishop Reilly's facilities, particularly given that the schools have separate owners. The deed constitutes documentary evidence properly before this Court (*see Yoshiharu Igarashi v Shohaku Higashi,* 289 AD2d 128 [1st Dept 2001]), and renders Plaintiff's allegations that St. Francis is liable for the torts of Bishop Reilly as conclusory legal statements.

Additionally, Plaintiff's points raised in opposition all speak to Franciscan Brothers' ownership and/or control of St. Francis, but not Bishop Reilly. For instance, Plaintiff notes that a Franciscan Brother signed the 1974 agreement on behalf of St. Francis, and that Brother Tracy

apparently lived at St. Francis after the sale. However, Franciscan Brothers' relationship with St. Francis is not material given that it is a separate school that did not occupy Bishop Reilly's premises until 1974, the year after Plaintiff's assault. Furthermore, Bishop Reilly has appeared in this action through its own separate counsel (*See* Affirmation in Support of Motions 3 and 4, NYSCEF doc No. 107). This indicates that while Bishop Reilly's school has shut down, it still exists as a separate legal entity and can defend itself against Plaintiff's claims.

Accordingly, while Franciscan Brothers will remain a party, the branch of their motion seeking dismissal is granted as against St. Francis. The Court now turns to the individual causes of action challenged by Defendants.

"Negligent Supervision and Oversight" and Negligence

Plaintiff asserts claims sounding in negligent supervision and oversight, and general negligence.

"Schools have a duty to adequately supervise the students in their care, and may be held liable for foreseeable injuries proximately related to the absence of adequate supervision" (*Timothy Mc. v Beacon City Sch. Dist.,* 127 AD3d 826, 828). "The standard for determining whether the school has breached its duty is to compare the school's supervision and protection to that of a parent of ordinary prudence placed in the same situation and armed with the same information" (*id.*). Where the complaint alleges negligent supervision due to injuries related to an individual's intentional acts, the plaintiff generally must allege that the school knew or should have known of the individual's propensity to engage in such conduct, such that the individual's acts could be anticipated or were foreseeable (*see id.; Mirand v. City of New York,* 84 NY2d 44, 49). Schools also have a general duty to protect students under the doctrine of *in loco parentis*. This "duty to students arises from its physical custody over them. When that custody ceases, and the child passes

out of the school's authority such that the parent is free to reassume control, the school's custodial duty ceases" (*Colon v Board of Educ. of City of N.Y.*, 156 AD2d 131 [1st Dept 1989], citing *Pratt v Robinson*, 39 NY2d 554, 560 [1976]; *see Stephenson v City of New York*, 19 NY3d 1031, 1034 [2012]).

Here, the complaint contains allegations that due to a lack of proper supervision, sexual abuse occurred during a school organized and chaperoned field trip — therefore, the complaint adequately alleges a breach of the duty of care owed to Plaintiff.

Defendants all argue that Plaintiff does not sufficiently allege notice of the assault to trigger liability. However, Plaintiff alleges that his assault was pre-planned by Student Defendants, and that Student Defendants planned a similar type of assault on another student the year prior. Plaintiff also alleges that his assault was proximately caused by Defendant's failure to check the hotel rooms, and that Mr. Eggman was on actual notice given that he entered the room during the assault. Plaintiff has thus sufficiently alleged a breach of Defendants' duties to safely supervise children in their care.

A claimant can maintain a cause of action for negligent supervision or retention by adequately alleging that the "employer knew or should have known of the employee's propensity for the conduct which caused the injury" and nevertheless continued the employee's service (*Bumpus v. New York City Tr. Auth.*, 47 AD3d 653, 654 [2d Dept. 2008] [internal quotation marks and citation omitted]; *see also Jackson v. New York Univ. Downtown Hosp.*, 69 AD3d 801, 801–02 [2d Dept. 2010]; *Kenneth R. v. Roman Catholic Diocese of Brooklyn*, 229 AD2d 159, 161 [2d Dept. 1997], *cert. denied* 522 U.S. 967 [1997], *lv. dismissed* 522 91 NY2d 848 [1997] [Appellate Division, Second Department modified Kings County Supreme Court's decision and granted motion to dismiss plaintiff's claim that the Roman Catholic Diocese of Brooklyn was negligent in

hiring and failing to establish proper guidelines and procedures for screening and investigating priests since there is "no common-law duty to institute specific procedures for hiring employees unless the employer knows of facts that would lead a reasonably prudent person to investigate the prospective employee"] [*id*. at 163]).

However, "[t]here is no statutory requirement that causes of action sounding in negligent hiring, negligent retention, or negligent supervision be pleaded with specificity" (*Kenneth R. v Roman Catholic Diocese of Brooklyn*, 229 AD2d 159 [2d Dept 1997]). Liability for negligent hiring is based not on the tortious conduct of the employee but on the negligence of the defendant-employer for failures involving the risk of harm by the employee to others (*see, e.g. Ford v Gildin*, 200 AD2d 224 [1st Dept 1994]).

The Court finds that Plaintiff's claim for negligent supervision predicated on vicarious liability is proper as against Franciscan Brothers, as Plaintiff alleges under this claim that the Brothers exercised control over their employees, including Brother Tracy, and failed to take appropriate action. The claim thus addresses a separate harm from Plaintiff's general negligence claim, which seeks to hold Franciscan Brothers liable for failing to safely supervise Plaintiff. However, Plaintiff's negligent supervision claim is duplicative as against Mr. Eggmann, given that under the claim Plaintiff argues Mr. Eggmann failed to supervise not his fellow employees but rather the students, *i.e.*, the same breach of Mr. Eggmann's duty that comprises Plaintiff's general negligence claim.

Accordingly, Plaintiff's third cause of action for negligence shall move forward against all parties. Plaintiff's first and second causes of action for negligent supervision[3] are dismissed as against Mr. Eggmann.

Negligent and Intentional Infliction of Emotional Distress (NIED and IIED), and Gross Negligence

Typically, a cause of action for NIED "must be premised on conduct that unreasonably endangers the plaintiff's physical safety or causes the plaintiff to fear for his or her physical safety" (*Padilla v Verczky- Porter*, 66 AD3d 1481, 1483 [4th Dept 2009]). "Generally, a cause of action for infliction of emotional distress is not allowed if essentially duplicative of tort or contract causes of action" (*Wolkstein v Morgenstern,* 275 AD2d 635, 637 [1st Dept 2000] [finding NIED claim duplicative]).

Here, Plaintiff asserts NIED against Mr. Eggmann directly and against Franciscan Brothers based on vicarious liability. However, the allegations are duplicative of his negligence claims— namely, that Defendants negligently failed to protect Plaintiff from abuse or take appropriate action with respect to his abusers, causing him to suffer injuries as a result. Given that Plaintiff may recover for this negligence under his other negligence-based claims, the NIED claim is unnecessary (*see Wilczynski v Gates Community Chapel of Rochester, Inc.*, 2022 WL 446561, *3, 2022 US Dist LEXIS 26113, *8-9 [WD NY, Feb. 14, 2022, No. 6:20-CV-06616 (EAW)] [dismissing an NIED claim as duplicative of the negligence claims]).

[3] Plaintiff's first cause of action for negligent supervision is also dismissed in its entirety as it is wholly duplicative of the second cause of action for negligent supervision, with the only difference being that the second cause is premised on vicarious liability. Plaintiff's first cause of action is thus dismissed in its entirety but his second cause of action shall proceed against Franciscan Defendants. Similarly, Plaintiff's fourth cause of action for negligence based on vicarious liability is wholly duplicative of Plaintiff's third cause of action for negligence and thus dismissed entirely.

Turning to Plaintiff's IIED claim, the elements of IIED are "(i) extreme and outrageous conduct; (ii) intent to cause, or disregard of a substantial probability of causing, severe emotional distress; (iii) a causal connection between the conduct and injury; and (iv) severe emotional distress. Liability has been found only where the conduct has been so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency, and to be regarded as atrocious, and utterly intolerable in a civilized community" (*Chanko v American Broadcast Companies, Inc*., 27 NY3d 46, 56 [2016]).

Under his IIED claim, Plaintiff alleges that Mr. Eggmann, Mr. Kababik and Brother Tracy acted with malicious, willful, and/or a reckless disregard for the health and safety of Plaintiff. As discussed *supra,* Plaintiff has specifically alleged that Mr. Eggmann walked in while Plaintiff was being abused and ignored same. Plaintiff has also alleged that Mr. Kababik and Brother Tracy, upon learning of his assault, not only failed to report the assault but rather conducted a mock trial in which Plaintiff was blamed for his own abuse.

Deeming these allegations as true and according Plaintiff the benefit of every possible favorable inference, Plaintiff has, per the findings of the second department, sufficiently stated a cause of action for IIED that is predicated on Defendants' intentional outrageous and extreme conduct and, unlike the NIED claim, is not duplicative of his negligence claims (*see Eskridge v Diocese of Brooklyn,* — AD3d —, 2022 NY Slip Op 06788, *2, 2022 WL 17332477 [2d Dept 2022] [finding that the plaintiff sufficiently stated a claim for IIED against defendants for their knowledge and concealment of their abuser's proclivity, and also holding that the claim was not duplicative of the plaintiff's negligence-based claims]; *see also Novak v Sisters of the Heart of Mary*, — AD3d —, 2022 NY Slip Op 06814, *1, 2022 WL 17332525 [2d Dept 2022] [reversing dismissal of the plaintiff's IIED claim on the same grounds]).

The Court's determination that Plaintiff's IIED claim shall move forward, however, renders Plaintiff's gross negligence claim unnecessary.

Gross negligence "differs in kind, not only degree, from claims of ordinary negligence" (*Colnaghi, U.S.A. v Jewelers Protection Servs.,* 81 NY2d 821, 823 [1st Dept 1993]). To constitute gross negligence, a party's conduct must "'smack[ ] of intentional wrongdoing' " or "evince[ ] a reckless indifference to the rights of others" (*Ryan v IM Kapco, Inc.,* 88 AD3d 682, 683 [2nd Dept 2011 [internal citations omitted]). Under his gross negligence claim, Plaintiff reiterates allegations of the same intentional and/or reckless conduct of Defendants that is alleged under Plaintiff's IIED claim.

Accordingly, Plaintiff's causes of action for NIED and gross negligence are dismissed, but Plaintiff's IIED claim shall move forward.

Aiding and Abetting Commission of Torts of Assault, Battery, and False Imprisonment, and Civil Conspiracy to Commit the Torts of Assault and Battery

Plaintiff asserts claims against Student Defendants for assault, battery, and false imprisonment. Plaintiff separately asserts claims against Mr. Eggmann and Franciscan Brothers for aiding and abetting the same, premised on both direct and vicarious liability.

As discussed under Plaintiff's IIED claim, Plaintiff has alleged here that Mr. Eggmann and the other Bishop Reilly staff did not merely fail to negligently stop his abuse from occurring but were active participants in a premeditated assault. Plaintiff has alleged that he was specifically asked by Mr. Eggmann,, to attend the trip even post deadline and without filing proper paperwork. Plaintiff has further alleged that Mr. Eggmann walked out of Student Defendants' hotel room despite it being patently obvious that Plaintiff was being abused. Plaintiff further alleges that school staff covered up the abuse by confiscating Plaintiff's camera

that had photos of the attack. While Defendants argue these allegations are ridiculous and devoid of merit, it is not the Court's role to assess the veracity of Plaintiff's claims at this juncture. As such, Plaintiff's aiding and abetting claims shall move forward.

Plaintiff's separate civil conspiracy claims, however, are redundant. New York does not recognize a separate tort of conspiracy but will allow allegations of conspiracy "to connect the actions of separate defendants with an otherwise actionable tort" (*Alexander & Alexander of N.Y. v Fritzen,* 68 NY2d 968, 969 [1986]). A standalone claim for conspiracy is not necessary when, as here, other claims already plead allegations connecting separate defendants' actions (*See Am. Baptist Churches of Metro. New York v Galloway,* 271 AD2d 92, 101 [2000]; s*ee also Fox Paine & Co., LLC v Houston Cas. Co.,* 153 AD3d 678, 680 [2017] [finding the lower court properly denied a motion to add a cause of action alleging conspiracy to commit fraud, since that proposed cause of action was duplicative of the proposed cause of action alleging aiding and abetting fraud]).

Accordingly, Plaintiff's claims for aiding and abetting assault, battery, and false imprisonment shall move forward, but his civil conspiracy claims are severed and dismissed from this action.

CONCLUSION

Accordingly, it is

ORDERED that the motion of Defendant Walter Eggmann for dismissal of this action pursuant to CPLR 3211(1), 3211(a)(2), (5), and (7) (Motion Seq. 003) and the motion of Defendants The St. Francis Monastery a/k/a/ The Congregation of Franciscan Brothers of Brooklyn s/h/a The Franciscan Brothers of Brooklyn ("Franciscan Brothers"), St. Francis

Preparatory School s/h/a St. Francis Preparatory School as Successor in Interest to Bishop Reilly High School ("St. Francis"), G.C., P.H. and J.M. for summary judgment dismissing this matter against them pursuant to CPLR 3212 (Motion Seq. 004) are both partially granted to the extent that:

(i) The first cause of action for negligent supervision and oversight is dismissed;
(ii) The second cause of action for negligent supervision and oversight based on vicarious liability is dismissed only as against Defendant Walter Eggmann, and shall continue as against the other Defendants;
(iii) The fourth cause of action for negligence based on vicarious liability is dismissed;
(iv) The fifth cause of action for gross negligence is dismissed;
(v) The sixth cause of action for gross negligence based on vicarious liability is dismissed;
(vi) The seventh cause of action for negligent infliction of emotional distress is dismissed;
(vii) The eighth cause of action for negligent infliction of emotional distress based on vicarious liability is dismissed;
(viii) The nineteenth cause of action for civil conspiracy to commit the tort of assault is dismissed;
(ix) The twentieth cause of action for civil conspiracy to commit the tort of battery is dismissed;

and it is further

ORDERED that Motion Seq. 004 is also partially granted to the extent that Defendant St. Francis is dismissed from this action; and it further

ORDERED that this action is severed and shall continue against the remaining Defendants; and it is further

ORDERED that the caption be amended to reflect the dismissal against St. Francis and that all future papers filed with the court bear the amended caption; and it is further

ORDERED that counsel for St. Francis shall serve a copy of this order with notice of entry within ten (10) days upon all parties and the Clerk of the Court and the Trial Support Office or

Clerk of the General Clerk's Office, as appropriate, who are directed to mark the court's records to reflect the change in the caption herein; and it is further

ORDERED that the parties shall proceed with discovery pursuant to CMO No. 2, Section IX (B) (1) and submit a first compliance conference order within 60 days after issue is joined.

This constitutes the decision and order of the Court.

03/30/2023
DATE

LAURENCE L. LOVE, J.S.C.

CHECK ONE:	[ ]	**CASE DISPOSED**		[X]	**NON-FINAL DISPOSITION**	
	[ ]	**GRANTED**	[ ] **DENIED**	[ ]	**GRANTED IN PART**	[X] **OTHER**
APPLICATION:	[ ]	**SETTLE ORDER**		[ ]	**SUBMIT ORDER**	
CHECK IF APPROPRIATE:	[ ]	**INCLUDES TRANSFER/REASSIGN**		[ ]	**FIDUCIARY APPOINTMENT**	[ ] **REFERENCE**

515442/2020 JOHN DOE vs. DIOCESE OF BROOKLYN,. et al.
Motion No. 003, 004