

C.L. v Diocese of Brooklyn

2025 NY Slip Op 34211(U)

November 3, 2025

Supreme Court, New York County

Docket Number: Index No. 520766/2019

Judge: Alexander M. Tisch

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

PRESENT: HON. ALEXANDER M. TISCH PART 18

Justice

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C.L.,
Plaintiff,

INDEX NO. 520766/2019

MOTION DATE 03/11/2025

- v -

MOTION SEQ. 003

Diocese Of Brooklyn, St. Benedict Joseph Labre Church,
Defendant.

**DECISION + ORDER
ON MOTION
(ORDER AFTER
IN-CAMERA REVIEW)**

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This action was filed under the Child Victims Act (“CVA”). According to the Amended Complaint (NYSCEF Doc. No. 15), plaintiff was a student at the St. Benedict Joseph Labre School (the “School”), where Peter Mastrandrea (“Mastrandrea”) was a teacher and Thomas William Hendel (“Hendel”) was a priest. Plaintiff claims that beginning in approximately 1983, from the ages of five to approximately seven years old, Mastrandrea and Hendel repeatedly pulled Plaintiff out of class and took him to a teacher's lounge, where Mastrandrea and Hendel sexually assaulted Plaintiff on multiple occasions.

Plaintiff asserts causes of action sounding in negligence against both the Diocese Of Brooklyn (the “Diocese”) and against the St. Benedict Joseph Labre Parish (the “Parish”). In their respective answers (NYSCEF Doc. Nos. 23, 26), the defendants interpose defenses of failure to state a cause of action, lack of proximate cause, outside the scope of employment, lack of notice or awareness, unforeseeability, intervening acts, and lack of mitigation on the part of plaintiff, as well as constitutional defenses under the First, Fifth and Fourteenth Amendments.

OTHER ORDER – NON-MOTION

Now before the Court for *in-camera* review are certain documents, more fully discussed below.

Discovery in CVA Cases

Civil Practice Law and Rules (“CPLR”) 3101(a) broadly provides that “[t]here shall be full disclosure of all matter material and necessary in the prosecution or defense of an action, regardless of the burden of proof” “[T]he words material and necessary are . . . to be interpreted liberally to require disclosure, upon request, of any facts bearing on the controversy which will assist preparation for trial by sharpening the issues and reducing delay and prolixity ... The test is one of usefulness and reason” (*Allen v Crowell–Collier Pub. Co.*, 21 NY2d 403 [1968]). The party opposing the discovery request bears the burden of showing the requested items are exempt or immune from disclosure (*NYAHS A Servs., Inc., Self–Ins. Trust v People Care Inc.*, 155 AD3d 1208 [3d Dept 2017]).

The “Supreme Court is vested with broad discretion in controlling discovery and disclosure, and generally its determinations will not be disturbed in the absence of a clear abuse of discretion” (*Gold v Mountain Lake Pub. Telecom.*, 124 AD3d 1050 [3d Dept 2015] [internal quotation marks and citations omitted]; *Div–Com, Inc. v Tousignant*, 116 AD3d 1118 [3d Dept 2014]).” Further, in the context of a CVA case, as the Third Department stated in *Melfe v R.C.*

Diocese of Albany:

“CPLR 3101 mandates full disclosure of all matter material and necessary in the prosecution or defense of an action” (*Palmatier v Mr. Heater Corp.*, 156 AD3d 1167, 1168 [2017] [internal quotation marks and citations omitted]; see *Forman v Henkin*, 30 NY3d 656, 661 [2018]). “The words, ‘material and necessary’, are to be interpreted liberally to require disclosure, upon request, of any facts bearing on the controversy which will assist preparation for trial” (*Galasso v Cobleskill Stone Prods., Inc.*, 169 AD3d 1344, 1345 [2019] [internal quotation marks and citations omitted]; see *Hayes v Bette & Cring, LLC*, 135 AD3d 1058, 1059 [2016]). The party seeking the discovery bears the burden of proving that the discovery request is reasonably calculated to yield material and necessary information (see *Catlyn &*

Derzee, Inc. v Amedore Land Devs., LLC, 166 AD3d 1137, 1141 [2018]). “Supreme Court is vested with broad discretion in controlling discovery and disclosure, and generally its determinations will not be disturbed in the absence of a clear abuse of discretion” (*Gold v Mountain Lake Pub. Telecom.*, 124 AD3d 1050, 1051 [2015] [internal quotation marks and citations omitted]; see *Div-Com, Inc. v Tousignant*, 116 AD3d 1118, 1119 [2014])...

The party opposing the discovery request bears the burden of showing the requested items are exempt or immune from disclosure (see *NYAHS A Servs., Inc., Self-Ins. Trust v People Care Inc.*, 155 AD3d 1208, 1209 [2017]), and the opposing party cannot satisfy this burden “with wholly conclusory allegations” (*Madison Mut. Ins. Co. v Expert Chimney Servs., Inc.*, 103 AD3d 995, 996 [2013] [internal quotation marks and citation omitted]).

(196 AD3d 811 [3d Dept 2021]).

Provided Records

The Court reviewed two different set of records: The first set was produced by the Diocese. This consists of approximately 600 pages of records (the “Hendel records”) and can generally be described as the clergy file of Hendel. These records were accompanied by a 16-page privilege log, and the asserted privileges include:

- Confidential Personal Information
- Subsequent Remedial Measures
- Relevancy
- HIPAA
- ADA

The second set was produced by non-party witness and former principal of the School, Mary Ann Mazzella. This consists of approximately 200 pages of records (the “Mastrandrea records”) and can generally be described as the employment file of Mastrandrea as a teacher at the School. Ms. Mazella did not produce any privilege log, but her attorney did inform the court in writing of the following:

*We did not prepare a privilege log for the redactions.
The only redactions were the names of alleged child victims and adult witnesses concerning other alleged incidents.
All of their names were redacted to protect their privacy, as these were unrelated alleged incidents.*

The Court has both the unredacted and redacted versions of each document.¹

The Hendel Records

Relevancy

With respect to relevancy, “Relevance is not a privilege and is not properly included in a privilege log” (*STEVEN BEALS v THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK et al*, index no. 950159/2019, Hon. Sabrina Kraus, January 31, 2025).

Privileges as Associated with Other Priests

Several of the documents include references to other priests who were also being investigated for sexual abuse, and for those documents, defendants assert privileges including those for confidential personal information, subsequent remedial measures, HIPAA, and ADA.

CVA caselaw makes clear that when a plaintiff alleges defendants had notice, the names of the other accused priests, and details about those investigations, may be disclosed. For example:

“[i]n May 2020, plaintiffs filed the instant motion to compel production of files relative to the six nonparty priests pursuant to CPLR article 31. Plaintiffs argued that discoverable materials within the files of the six nonparty priests “will establish uniform actions by [the Bishop] sufficient to demonstrate a pattern or routine from which it can be inferred that he acted in conformity . . . where he encountered credible accusations of child sexual abuse by members of his clergy.” In sum, plaintiffs argue that the Bishop “was well aware of credible allegations of child sexual abuse committed by these six priests” and protected and insulated such priests, thereby protecting “the culture of pedophilia” in the Diocese. Significantly, plaintiffs stated that they sought the evidence not to corroborate the acts of Melfe,

¹ For the Mastrandrea records, Ms. Mazella did not submit the unredacted version of pages 206-232. However, there are no proposed redactions on these pages, so the Court was able to complete its review.

but to establish institutional negligence and statutory violations, which constitute the Diocese's actual practice or protocol.

[...]

Because plaintiffs' negligent supervision claims require them to prove that the Diocese knew or should have known of Melfe's propensity to abuse minor children, evidence of the Diocese's deliberate and repetitive practice of silencing accusations, if any, is relevant and could permit an inference that the Diocese was negligent in this particular instance by failing to act when confronted with allegations of Melfe's abuse. Accordingly, Supreme Court providently exercised its discretion in determining that the requested files are subject to disclosure inasmuch as plaintiffs established that the files are material and necessary to their claims.

[...]

However, because the Diocese raises a compelling argument about the need to protect the privacy of victims—whose information may be contained in the subject files but who may not wish to have their allegations disclosed—prior to the files being turned over to plaintiffs, the court is directed to conduct an *in camera* review of the files to redact any information that could identify the victims so as “to protect [their] privacy interests.”

(*Melfe v R.C. Diocese of Albany*, 196 AD3d 811 [3d Dept 2021] [internal citations omitted])

Here, the Amended Complaint alleges, *inter alia*:

18. The Bishop of the Diocese at all relevant times knew that Priests of the Diocese, under his supervision and control, were grooming and sexually molesting children with whom the Priests would have contact in their ministry and pastoral functions. At all relevant times, the Bishop knew that this was a widespread, ubiquitous and systemic problem in the Diocese, involving many Priests and numerous victims.

[...]

20. Despite receiving credible allegations of child sexual abuse against Priests, the Diocese acted to conceal these allegations in an effort to avoid scandal and accountability.

[...]

32. The Diocese was in the best position to protect against the risk of harm as it knew of the systemic problem and foreseeable proclivities of its Priests to sexually abuse children.

[...]

34. Plaintiff and her parents had no opportunity to protect Plaintiff against a danger that was solely within the knowledge of the Diocese.

It is clear plaintiff is alleging defendants had notice. Accordingly, information about other priests accused of sexual abuse and details of the investigations must be disclosed. The exception is the names of the *alleged victims of these other priests*, which are to be redacted (*see also Harmon v Diocese of Albany*, 204 AD3d 1270 [3d Dept 2022] ["The disclosure [regarding other priests] was appropriately limited . . . and directed redaction of the names and other identifying information of the victims"]).

Further, with respect to the privacy rights of victims or potential victims, the Appellate Division, First Department recently issued decisions in the two cases discussing this very issue. In *J.L. v Archdiocese of New York*, the Appellate Division, First Department held, in part:

“The motion court providently exercised its discretion in denying the Archdiocese’s motion to preclude and directing the disclosure of the names and identifying information of other alleged victims of abuse by the same priest accused by plaintiff. As the motion court found, contacting the priest’s other alleged victims could lead to discovery of relevant and admissible evidence, including whether the Archdiocese was aware of the danger the priest posed, whether the priest engaged in patterns of abuse, and whether the Archdiocese acted reasonably to protect children from being sexually abused. The Archdiocese did not demonstrate that this information was privileged or that disclosure was improper.

The motion court also providently exercised its discretion in directing disclosure of the IRCP files, regardless of when created or gathered. Plaintiff requested materials relating to the priest’s assignment to the school, complaints against the priest or reports of inappropriate conduct, and information regarding anyone who supervised, monitored, or disciplined the priest. The Archdiocese has denied exercising control over the priest, so the requested items may provide information

to rebut these disputed claims. Furthermore, the files may provide information about the Archdiocese's response to child abuse claims during that time frame and whether there was a patterned response."

(236 AD3d 569, 569-70 [1st Dept 2025] [internal quotations and citations omitted]).

In *T.B. v R.C. Archdiocese of New York*, the Appellate Division, First Department held, in part:

The motion court providently exercised its discretion in directing disclosure of the IRCP files, "regardless of when created or gathered." Plaintiff requested complaints against the priest or reports of inappropriate conduct, materials relating to the priest's assignment to the church and its associated school, information regarding the priest's supervision by the Archdiocese, and the Archdiocese's response to claims of sexual abuse by clergy members. The IRCP files contained allegations by multiple individuals that the priest openly engaged in grooming behaviors with groups of young boys on church and school premises. These complaints, therefore, are related to the issue of constructive notice of the priest's proclivities. The Archdiocese has denied exercising control over the priest, so the requested items may also provide information to rebut these disputed claims. Furthermore, the files may provide information about "the Archdiocese's response to child abuse claims during that time frame and whether there was a patterned response."

The motion court also providently exercised its discretion in directing the disclosure of the names and identifying information of other alleged victims of abuse by the same priest accused by plaintiff. Contacting the priest's other alleged victims could lead to discovery of relevant and admissible evidence, including whether the Archdiocese was aware of the possible danger the priest posed, whether the priest engaged in patterns of abuse, and whether the Archdiocese acted reasonably to protect children from being sexually abused. The Archdiocese did not demonstrate that this information was privileged or that disclosure was improper. While the names of victims of other alleged abusers within the organization may be properly redacted when disclosing personnel files and other materials relevant to the general handling of sex abuse complaints, the identities of victims allegedly harmed by the same abuser must be disclosed upon a plaintiff's request.

(237 AD3d 529, 529-30 [1st Dept 2025]).

Page by Page Rulings

Given the above, the Court hereby finds that the entirety of the Hendel file is to be disclosed without redaction, with the only exceptions as follows:

- Page 47 – Redact the 4th bullet, beginning with the second sentence (the names of parishioners who were baptized, and their parents).
- Page 67 – Redact the top paragraph (about another priest's suicide).
- Page 77 – Redact the last paragraph (about the medical condition of the witness's first child).
- Page 112 – Withhold this entire page (about the medical issues of another priest).
- Page 119 – Redact the third and fourth paragraphs (about the health issues of another priest).
- Page 122 – Withhold this page (about visiting another retired priest).
- Page 125 – Withhold this entire page (about the medical issues of another priest).
- Page 127 - Withhold this entire page (general background form about another priest).
- Page 141 - Withhold this entire page (photos and general background information about other priests).
- Page 142 - Withhold this entire page (general background form about another priest).
- Page 148 - Withhold this entire page (photos and general background information about other priests).
- Page 150 - Withhold this entire page (general background information about other priests).
- Page 166 - Withhold this entire page (letter from the military to a witness about said witness's service).
- Page 181 – Redact the first 5 bullets (list of correspondence regarding another priest).
- Page 194 – Withhold this entire page (about the medical issues of another priest).
- Page 201 – Redact the third and fourth paragraphs (about the health issues of another priest).
- Page 204 – Withhold this page (about visiting another retired priest).
- Page 207 – Withhold this entire page (about the medical issues of other priests).
- Page 209 - Withhold this entire page (general background form about another priest).
- Page 223 - Withhold this entire page (photos and general background information about other priests).
- Page 224 - Withhold this entire page (general background form about another priest).
- Page 230 - Withhold this entire page (photos and general background information about other priests).
- Page 232 - Withhold this entire page (general background information about other priests).
- Page 248 - Withhold this entire page (letter from the military to a witness about said witness's service).
- Page 270 – Redact the top paragraph (about another priest's suicide).
- Page 281 – Redact the top paragraph (about another priest's suicide).
- Page 303 – Withhold this entire page (about the medical issues of another priest).

- Page 309 – Withhold this page (about visiting another retired priest).
- Page 312 – Withhold this entire page (about the medical issues of another priest).
- Page 314 - Withhold this entire page (general background form about another priest).
- Page 320 - Withhold this entire page (photos and general background information about other priests).
- Page 321 - Withhold this entire page (general background form about another priest).
- Page 327 - Withhold this entire page (photos and general background information about other priests).
- Page 329 - Withhold this entire page (general background information about other priests).
- Page 345 - Withhold this entire page (letter from the military to a witness about said witness's service).
- Page 361 – Redact the last half of the third paragraph (where Hendel provides details about his physical health).
- Page 420 – Redact the 4th bullet, beginning with the second sentence (the names of parishioners who were baptized, and their parents).
- Page 440 – Redact the top paragraph (about another priest's suicide).
- Page 467 – Withhold this entire page (about the medical issues of another priest).
- Page 477 – Withhold this page (about visiting another retired priest).
- Page 480 – Withhold this entire page (about the medical issues of another priest).
- Page 482 - Withhold this entire page (general background form about another priest).
- Page 496 - Withhold this entire page (photos and general background information about other priests).
- Page 497 - Withhold this entire page (general background form about another priest).
- Page 503 - Withhold this entire page (photos and general background information about other priests).
- Page 505 - Withhold this entire page (general background information about other priests).
- Page 520 - Withhold this entire page (letter from the military to a witness about said witness's service).
- Page 571 – Redact the home address and telephone number in the first paragraph.
- Page 583 – Redact the home address and telephone number in the first paragraph.

The Mastrandrea Records

As Ms. Mazella represented, the only proposed redactions here were the names of alleged child victims and adult witnesses concerning other alleged incidents.

The names of the adult witnesses should not be redacted, as there is no basis to do so. Such witnesses were generally other teachers and school employees who were present in their professional capacities.

The names of other alleged child victims also should not be redacted, as any allegations in the Mastrandrea records was with respect to Mastrandrea himself. As discussed above, Plaintiff may discover other alleged victims of the same alleged perpetrator.

The only information that should be redacted are the names of children who were at the school but not alleged to be victims of Mastrandrea. There was also one mention of a social security number, which can also be redacted. Therefore, the only redactions should be:

- Page 19 – towards the bottom of the page, the list of the children in the school Audio Visual Program.
- Page 22 – the names of the two students (as mentioned in context of a non-related classroom matter).
- Page 92 – the social security number.

CONCLUSION

In conclusion, the Court, having completed its *in camera* review finds as detailed above, and it is ORDERED that all other redactions not explicitly granted herein are denied.

This constitutes the decision and order of the Court.



DATE: 11/3/2025

ALEXANDER M. TISCH, JSC

Check One:

Case Disposed

Non-Final Disposition