

JA-511 Doe v Archdiocese of N.Y.

2025 NY Slip Op 34316(U)

October 30, 2025

Supreme Court, New York County

Docket Number: Index No. 150908/2025

Judge: Leslie A. Stroth

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This opinion is uncorrected and not selected for official publication.

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: HON. LESLIE A. STROTH PART 12M

Justice

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JA-511 DOE,

Plaintiff,

- v -

ARCHDIOCESE OF NEW YORK, ST. ANTHONY, DOES 1-5 WHOSE IDENTITIES ARE UNKNOWN TO PLAINTIFF

Defendant.

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INDEX NO. 150908/2025

MOTION DATE 04/23/2025

MOTION SEQ. NO. 002

DECISION + ORDER ON MOTION

The following e-filed documents, listed by NYSCEF document number (Motion 002) 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32

were read on this motion to/for DISMISS

PROCEDURAL AND ALLEGED FACTUAL BACKGROUND

Plaintiff JA-511 DOE brings the instant action against Defendants Archdiocese of New York, St. Anthony a/k/a ST. ANTHONY'S CHURCH f/k/a ST. ANTHONY'S and 5 Anonymous Defendants.

First, plaintiff alleges violations of Administrative Code of City of NY § 10-1101 et. seq., also known as New York City Victims of Gender Motivated Violence Act ("GMVA"). Plaintiff alleges assault, intentional infliction of emotional distress, and battery.

Defendant Archdiocese of New York moves to dismiss the complaint in its entirety, alleging that Plaintiff's complaint is time-barred pursuant to CPLR 3211(a)(5) and fails to state a claim pursuant to CPLR 3211(a)(7).

Plaintiff alleges that they were sexually abused by Defendant from 1982 until 1984. The issue before this court is whether a claim arising from alleged acts of gender-motivated violence

from 1982-1984 can be maintained under the GMVA. After review of the relevant statutes, case law, and applicable legal principles, the Court finds that Plaintiff's complaint must be dismissed.

LEGAL STANDARD

On a CPLR 3211 (a)(5) motion to dismiss, "a defendant bears the initial burden of establishing, prima facie, that the time in which to sue has expired. In considering the motion, a court must take the allegations in the complaint as true and resolve all inferences in favor of the plaintiff." *Benn v Benn*, 82 AD3d 548, 548 (1st Dept 2011) (internal quotation marks and citation omitted). Upon such a showing, "the burden shift[s] to the plaintiff to raise a question of fact as to whether the statute of limitations was tolled or was otherwise inapplicable, or whether it actually commenced the action or interposed the subject cause of action within the applicable limitations period." (*Bailey v Peerstate Equity Fund, L.P.*, 126 AD3d 738, 740 (2d Dept 2015) (internal citations omitted)). "[P]laintiff's submissions in response to the motion must be given their most favorable intendment." (*Benn*, 82 AD3d at 548 (internal quotation marks and citation omitted)).

Pursuant to CPLR 3211 (a)(7), a party may move to dismiss a claim on the ground that the pleading fails to state a cause of action. Upon such a motion, the Court must accept the facts alleged as true and determine simply whether plaintiff's facts fit within any cognizable legal theory. (See CPLR 3026; *Morone v Morone*, 50 NY2d 481 (1980)). The complaint shall be liberally construed, and the allegations are given the benefit of every possible favorable inference. (See *Leon v Martinez*, 84 NY2d 83, 87 (1994)).

DISCUSSION

Plaintiff brings the action under the GMVA, which expands the statute of limitations for actions brought under that title to seven years, or alternatively to nine-years if “due to infancy as defined in the civil procedure law and rules, a person entitled to commence an action under this chapter is unable to do so at the time such cause of action accrues.” (Administrative Code § 10–1105). Even considering the extension of the statute of limitations under the GMVA, Plaintiff’s claims are untimely.¹

Plaintiff argues that the instant action is not time barred because the action was commenced on February 11, 2025 during the GMVA’s revival period (which ran from March 1, 2023 until March 1, 2025). Defendant argues in their motion that Plaintiff’s causes of action were time-barred as the GMVA could not be construed to have retroactive effect as to Defendant.

The First Department has recently ruled on precisely this in *S.S. v Rockefeller Univ. Hosp.*, 239 AD3d 424, 425 [1st Dept 2025]. In that decision, the Court, found that “neither the original [GMVA] nor the 2022 amendment apply retroactively.”² Plaintiff’s claims are based on allegations of sexual abuse that occurred between 1982 and 1984, and even with the seven years pursuant to the GMVA they were time-barred in 2000 when the GMVA was passed. Therefore, Plaintiff’s claims brought under the GMVA must be dismissed.

The court has considered the remaining arguments of the parties and finds such unavailing.

Accordingly; it is hereby

¹ The GMVA was initially passed in 2000 and as such any claims which would have been time-barred at the time of passage cannot be sustained.

² The alleged abuse in *S.S. v Rockefeller Univ. Hosp.* occurred between 1966 and 1982, which the Court found was time-barred as all the dates alleged would not have been actionable as of the passage of the GMVA in 2000.

ORDERED that Defendant's motion seeking dismissal of Plaintiff's claims is granted, and Plaintiff's complaint is dismissed in its entirety.

The foregoing constitutes the decision and order of the court.

10/30/2025
DATE

Leslie A. Stroth
HON. LESLIE A. STROTH
J.S.C.

CHECK ONE: CASE DISPOSED DENIED NON-FINAL DISPOSITION

APPLICATION: GRANTED GRANTED IN PART OTHER

CHECK IF APPROPRIATE: SETTLE ORDER SUBMIT ORDER

INCLUDES TRANSFER/REASSIGN FIDUCIARY APPOINTMENT REFERENCE