

A.W. v La Salle Academy

2025 NY Slip Op 34745(U)

December 10, 2025

Supreme Court, New York County

Docket Number: Index No. 950245/2021

Judge: Sabrina Kraus

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

PRESENT: HON. SABRINA KRAUS PART CVA 1 / 57M

Justice

-----X

INDEX NO. 950245/2021

A.W.,

**MOTION DATE 09/29/2025,
10/31/2025.**

Plaintiff,

MOTION SEQ. NO. 003 004

- v -

LASALLE ACADEMY, THE BROTHERS OF THE
CHRISTIAN SCHOOLS, DISTRICT OF EASTERN NORTH
AMERICA, INC.

**DECISION + ORDER ON
MOTION**

Defendants.

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The following e-filed documents, listed by NYSCEF document number (Motion 003) 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 118, 134, 135

were read on this motion to/for JUDGMENT - SUMMARY.

The following e-filed documents, listed by NYSCEF document number (Motion 004) 85, 86, 87, 88, 89, 90, 91, 92, 93, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 136, 137, 138, 146, 147

were read on this motion to/for JUDGMENT - SUMMARY.

The following e-filed documents, listed by NYSCEF document number (Motion 004) 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 148

were read on this motion to/for LEAVE TO AMEND THE COMPLAINT

BACKGROUND

Plaintiff commenced this action under the Child Victims Act (“CVA”) against La Salle Academy, The Brothers of the Christian Schools, District of Eastern North America, Inc., and the Archdiocese of New York seeking damages for personal injuries arising out of childhood sexual abuse he allegedly suffered as a student enrolled at La Salle Academy.

Pursuant to a decision and order dated December 5, 2025, this Court granted the Archdiocese’s motion for summary judgment and dismissed the action against them.

The Court now addresses the remaining defendants' motions for summary judgment as well as Plaintiff's cross-motion to amend the complaint.

FACTS

La Salle Academy ("La Salle") is a private Catholic school located in Manhattan, New York. The New York Province of the Christian Brothers ("the New York Province") was a religious order whose headquarters was located in Eatontown, New Jersey (Exhibit G ("Byrne Deposition") (mot. seq. 003) at 12–13). The New York Province operated La Salle (Byrne Deposition at 20), and it also was responsible for appointing senior staff at the school from its membership pool (*see* Exhibit L ("La Salle By-Laws") (mot. seq. 003) at 4).

Brother Henry Betz ("Betz") was a member of the New York Province of the Christian Brothers starting in 1952 (Byrne Deposition at 47–48). From 1956 to 1959, Betz was employed as a teacher at the La Salle School, a different religious school located in Albany, New York (Exhibit 6 (mot. seq. 003) at 1).

On November 5, 1958, Brother Matthew, a member of the New York Province (Byrne Deposition at 70–71), sent a letter to John Halpin, the highest-ranking member of the New York Province, detailing allegations from several boys accusing Betz of misconduct (Exhibit 5 ("1958 Letter") at 2 [PDF pagination]; Byrne Deposition at 69). The letter stated that several boys alleged that Betz had "twisted their arms and held them close to him for a long period of time" (1958 Letter at 2–3). Brother Matthew recounted the chaplain's opinion that there was probably "something to the complaints because of the pattern followed in each story and the insistence by the boys as to the facts" (*id.* at 3). Brother Matthew surmised of Betz that "[h]e will never be able to convince those boys that he was not trying to seduce them" (*id.* at 4). The 1958 Letter was written on La Salle School letterhead (*see id.*).

In 1971, Betz was employed as Vice-Principal at the Christian Brothers Academy, a New Jersey school that was under the “canonical sponsorship” of the New York Province (Byrne Deposition at 88–89). Sometime around 1971 to 1972, Betz resigned as Vice-Principal after he was accused of “trying to grope a student” (*id.* at 90). Shortly after Betz resigned, the New York Province appointed him as Vice-Principal of La Salle Academy (*id.* at 93) where he was employed from 1972 to 1984 (Exhibit 6 (mot. seq. 006) at 1).

The following information is drawn from the testimony of Plaintiff. During part of the 1979–1980 schoolyear, Plaintiff attended La Salle as a high-school student (Exhibit E (“Plaintiff’s Deposition”) (mot. seq. 002) at 38–39, 56). Plaintiff met Betz shortly after he enrolled at La Salle, when Betz gave him a tour of the school facility (*id.* at 57–58). During this initial encounter, Betz brought Plaintiff into a storage room near the school’s gymnasium and asked Plaintiff to change into his gym uniform (*id.* at 57). Plaintiff removed his clothes in front of Betz and changed into his gym uniform (*id.* at 61). After he put on his gym shorts, Betz pulled up the shorts and groped Plaintiff’s genitals for around thirty to forty-five seconds (*id.*).

Betz’ abuse of Plaintiff escalated over four to six more incidents which also took place in the storage room (*id.* at 65). When class was in session, Betz would remove Plaintiff from the classroom, bring him to the storage room, and grope his genitals (*id.*; *id.* at 80). During later encounters, Betz kneeled on the floor in front of him and put his head between Plaintiff’s legs in an attempt to perform oral sex on Plaintiff (*id.* at 65–66).

Plaintiff never reported the incidents to other staff members at La Salle (*id.* at 71–72). Plaintiff also believed that no one ever saw him enter or leave the storage room with Betz (*id.* at 68). Plaintiff did not tell anyone about the alleged abuse until around 2019 to 2020, when he told his mother that “something had happened when I was young” (*id.* at 64).

In 2009, the New York Province was dissolved after it merged with other divisions of the Christian Brothers to become The Brothers of the Christian Schools, District of Eastern North America, Inc. (“DENA”), a religious not-for-profit corporation incorporated in the State of New Jersey (Byrne Deposition at 14; *see also* Exhibit A (mot. seq. 004) at 2–3 [DENA corporate documents]).

PENDING MOTIONS

On October 23, 2025, La Salle moved for summary judgment (mot. seq. 003).

On November 7, 2025, DENA moved for an order granting summary judgment (mot. seq. 004) as to Plaintiff’s claims and also to dismiss La Salle’s crossclaims for indemnification and contribution.

On November 24, 2025, Plaintiff cross-moved for an order granting leave to file an amended complaint (mot. seq. 004) under CPLR § 3025(b).

The motions and cross-motion are consolidated herein and determined as set forth below.

DISCUSSION

La Salle’s Motion for Summary Judgment

Summary judgment is a “drastic remedy” reserved for cases when it is apparent that “no material and triable issue of fact is presented” (*Sillman v Twentieth Century-Fox Film Corp.*, 3 NY2d 395, 404 [1957]). To prevail on a motion for summary judgment, the movant must establish *prima facie* entitlement to judgment as a matter of law, tendering evidence in admissible form demonstrating the absence of any triable issues of fact (CPLR § 3212(b); *Matter of New York City Asbestos Litig.*, 33 NY3d 20, 25–26 [2019]). A defendant is not entitled to summary judgment by “merely point[ing] to perceived gaps” in the plaintiff’s proof, rather than submitting evidence showing why the plaintiff’s claim must fail (*Matter of New York City*

Absestos Litig., 174 AD3d 461, 461 [1st Dept 2019] [alteration in original], quoting *Ricci v A.O. Smith Water Prods. Co.*, 143 AD3d 516, 516 [1st Dept 2016]).

When the movant meets this initial burden, summary judgment will be denied only when the nonmovant tenders evidence in admissible form demonstrating the existence of triable issues of fact (*Alvarez v Prospect Hosp.*, 68 NY2d 320, 324 [1986]). However, “[m]ere conclusions, expressions of hope, or unsubstantiated allegations or assertions are insufficient” to overcome a motion for summary judgment (*Justinian Capital SPC v WestLB AG*, 28 NY3d 160, 168 [2016] [alteration in original]). Finally, courts view the evidence in a light most favorable to the nonmovant, according the nonmovant “the benefit of every reasonable inference” (*Negri v Stop & Shop, Inc.*, 65 NY2d 625, 626 [1985]).

The Doctrine of Laches Is Inapplicable to the CVA

La Salle argues that Plaintiff’s claims must fail because they are barred by the defense of laches. Plaintiff disagrees, arguing that the CVA forecloses the defense of laches in actions revived by the CVA. The Court holds that the defense of laches is inapplicable to the CVA based on the statutory text, the statute’s legislative history and intent, and the appellate law addressing laches as a defense to claims under the CVA.

The CVA provides:

Notwithstanding any provision of law which imposes a period of limitation to the contrary . . . every civil claim or cause of action brought against any party alleging intentional or negligent acts or omissions by a person for physical, psychological, or other injury or condition suffered as a result of conduct which would constitute a sexual offense as defined in article one hundred thirty of the penal law committed against a child less than eighteen years of age, incest as defined in section 255.27, 255.26 or 255.25 of the penal law committed against a child less than eighteen years of age, or the use of a child in a sexual performance as defined in section 263.05 of the penal law, or a predecessor statute that prohibited such conduct at the time of the act, which conduct was committed against a child less than eighteen years of age, which is barred as of the effective date of this section because the applicable period of limitation has expired . . . is hereby revived, and action thereon may be

commenced not earlier than six months after, and not later than two years and six months after the effective date of this section. (CPLR § 214-g [emphasis added]).

The statutory text of the CVA expressly revives “every civil claim or cause of action” that expired because the applicable limitations period had expired (*id.* [emphasis added]). Assuming the Legislature employed the term “every” in its plain meaning, the civil claims revived by the CVA include civil claims whose limitations period expired decades ago, as well as those that may have normally been subject to the doctrine of laches.

The only defenses that the CVA expressly mentions are the defenses applying to offenses committed in violation of Penal Law sections 130.30 and 130.45:

In any such claim or action: (a) in addition to any other defense and affirmative defense that may be available in accordance with law, rule or the common law, to the extent that the acts alleged in such action are of the type described in subdivision one of section 130.30 of the penal law or subdivision one of section 130.45 of the penal law, the affirmative defenses set forth, respectively, in the closing paragraph of such sections of the penal law shall apply; and (b) dismissal of a previous action, ordered before the effective date of this section, on grounds that such previous action was time barred, and/or for failure of a party to file a notice of claim or a notice of intention to file a claim, shall not be grounds for dismissal of a revival action pursuant to this section. (CPLR § 214-g).

When read in context with the rest of the provision, the phrase in subsection (a)—“any other defense and affirmative defense that may be available in accordance with . . . the common law”—applies only to defenses as against Penal Law §§ 130.30 and 130.45. Further, subsection (b) expressly provides that dismissal will not be granted on the basis that a cause of action was *previously dismissed* due to the action’s being time barred—further evidence of the Legislature’s intent to disallow the time-based defense of laches. When read holistically, the statutory text of the CVA expressly revives all civil claims or causes of action based in child sexual abuse, which includes those that may be decades-old and subject to the doctrine of laches.

The legislative history also establishes that the Legislature intended the CVA to afford plaintiffs additional time in order to come to terms with the reality of their abuse as a child. Prior

to the CVA, the limitations period for civil claims arising out of child sexual abuse was three years after the plaintiff reached the age of eighteen (*see* CPLR §§ 208, 214[5]), and for claims seeking damages for assault and battery, the previous limitations period ran only until the plaintiff reached the age of eighteen (*see id.* §§ 208, 215[3]). Even under these previous limitation periods, however, over a decade could have passed after an instance of child sexual abuse during which the plaintiff would be permitted to file suit (*see id.* §§ 208, 214[5]).

In light of these limitations periods, the legislative history of the CVA reads:

New York is one of the worst states in the nation for survivors of child sexual abuse. New York currently requires most survivors to file civil actions or criminal charges against their abusers by the age of 23 at most, long before most survivors report or come to terms with their abuse, which has been estimated to be as high as 52 years old on average. Because of these restrictive statutes of limitations, thousands of survivors are unable to sue or press charges against their abusers, who remain hidden from law enforcement and pose a persistent threat to public safety. (Introducer’s Mem in Support, 2019 Legis Bill Hist NY SB 2440 [State Senator Hoylman]).

As further explained by the First Department, “The purpose of the CVA was ‘to remedy the injustices to survivors of child sexual abuse by extending New York’s restrictive statutes of limitations that required most survivors to file civil actions or criminal charges long before they reported or came to terms with their abuse’” (*Samuel W. v United Synagogue of Conservative Judaism*, 219 AD3d 421, 422 [1st Dept 2023], quoting *S.H. v Diocese of Brooklyn*, 205 AD3d 180, 194 [2d Dept 2022]). The Legislature thus contemplated “the justifiable delay often associated with coming to terms with and reporting such abuse” (*S.H. v Diocese of Brooklyn*, 205 AD3d at 194 [emphasis added]). The CVA’s legislative history evidences an overarching purpose to revive child sexual abuse claims that had taken place long into the past. Permitting the defense of laches would thus be wholly at odds with “the spirit and purpose of the” CVA (*see Sutka v Connors*, 73 NY2d at 403 [1989]), enacted in response to New York’s “restrictive

statutes of limitations” (Introducer’s Mem in Support, 2019 Legis Bill Hist NY SB 2440).

Further support for this position is found in *Schearer v Fitzgerald*, 217 AD3d 980 (2d Dept 2023) where the Appellate Division affirmed the trial court’s denial of dismissal of a CVA claim under CPLR § 3211 based on the defense of laches.

Accordingly, the Court denies La Salle’s motion on this basis because laches is not a defense to a timely commenced CVA action.

The Balance of La Salle’s Motion Must Also Be Denied

The balance of La Salle’s motion is essentially based on its argument that Plaintiff will not be able to establish defendants had actual or constructive notice of Betz’ actions and propensities at trial.

It is well settled that a defendants’ burden cannot be satisfied merely by pointing to gaps in the plaintiff’s proof, and that movants herein are required to affirmatively demonstrate the merit of an alleged defense. *In re New York City Asbestos Litigation* (Carriero), 174 A.D.3d 461 (1st Dept. 2019); *CM v West Babylon Union Free School District* 231 AD3d 809 (2nd Dept., 2024); *Doe v Orange-Ulster Bd. Of Coop. Educ. Servs.* 4 AD3d 387, 388-89 (2nd Dept., 2004).

In the following cases the Appellate Division, Second Department reversed the trial court’s award of summary judgment and dismissal of claims regarding sexual abuse by a teacher of a student, because defendants had not established an entitlement to judgment as a matter of law and questions regarding constructive notice and adequacy of supervision were questions of fact for the jury: *Sayegh v City of Yonkers* 228 AD2d 690 (2024)(defendants failed to establish prima facie that they lacked constructive notice and failed to demonstrate their supervision of the teacher and plaintiff was not negligent); *Stanton v Longwood Central School District* 233 AD3d 1010 (2024); *CM v West Babylon Union Free School District* 231 AD3d 809 (2024);

MCVAWCD-DOE v Columbus Avenue Elementary School 225 AD3d 845 (2024); *Kastel v Patchogue-Medford Union Free School District* 234 AD3d 741(2025); *Sallustio v Southern Westchester Board Cooperative Educational Services* 235 AD3d 680 (2025); *Brauner v Locust Valley Central School District* 234 AD3d 914 (2025).

In this case, viewing the evidence in the light most favorable to Plaintiff, there is evidence that defendants knew or should have known that Betz had abused minors and was acting improperly with minors.

Prior to Betz's abuse of Plaintiff, the Brothers, of which La Salle was part, had notice of Betz's dangerous propensity to sexually abuse boys. Indeed, the Brothers had a relationship with La Salle and was involved with the hiring and firing of administrators. La Salle was a Catholic high school founded and operated by the Brothers. The Brothers employed and controlled La Salle's principal. The Principal and Vice Principal of La Salle Academy were appointed by the Provincial of the Brothers. The Board of Trustees for La Salle consisted solely of members of the Brothers along with the Principal, Vice Principal and Director of the School, who themselves were appointed by the Brothers.

In 1958, Brother Matthew, a member of the Brothers, wrote a letter to the Provincial (the Brothers' highest ranking member), describing concerns about Betz's behavior towards male students at another facility operated by the Brothers. The letter detailed accusations by male students of inappropriate physical contact by Betz. The chaplain thought the complaints likely had credence based on Betz' *modus operandi* and recommended a change.

Brother Matthew opined that Betz "was very imprudent" and would "never be able to convince these boys that he was not trying to seduce them." Furthermore, the letter states that, "[b]ecause of the possibilities of scandal they recommend a change." Notably, La Salle itself

submitted this document with its motion, which, without more, raises an issue of fact as to whether La Salle knew or should have known about Betz's dangerous propensities.

Rather than ensuring Betz no longer worked with children, the Brothers transferred Betz to other schools they operated. This was followed by an additional incident, when Betz was working as the principal of Christian Brothers Academy in Lincroft, New Jersey in 1971, and was accused of attempting to grope a student. Betz was instructed to attend counseling and the Brothers mandated that Betz resign as principal of Christian Brothers Academy. This led to Betz's reassignment by the Brothers to La Salle in 1971 as the assistant principal, where he abused Plaintiff.

This evidence alone is enough to raise questions of fact about actual notice. Additionally, the abuse took place on campus on numerous occasions and required Plaintiff to be removed from class. These additional facts provide an additional basis for constructive notice.

Based on all of the forgoing, the Court finds La Salle has failed to meet its burden in establishing the right to dismissal as a matter of law.

DENA's Motion for Summary Dismissal of Plaintiff's Claim

DENA makes out a *prima facie* case entitling it to summary judgment by establishing through competent admissible evidence that DENA did not exist at the time of the alleged abuse, as it was incorporated on or about April 30, 2009. Plaintiff's alleged abuse in 1978, which occurred more than forty (40) years before DENA came into existence in 2009.

In response, Plaintiff seeks to expand its theory of liability and asks the Court for leave to amend his complaint to allege that DENA was liable for the alleged torts of the New York Province under a merger theory of successor liability (*see* Exhibit 10 (mot. seq. 004) at ¶¶ 6–7, 112–17 [hereinafter "Proposed Amended Complaint"]).

Plaintiff seeks to add allegations stating that DENA “was formed in July 2009 as a result of merger between the New York Province of the Brothers of the Christian Schools,” that “[i]n July 2009, the New York Province ceased to exist or has been turned into an empty shell, with its assets stripped and transferred to DENA, and its business effectively ended,” that “DENA is engaged in the same business as the New York Province” and that “DENA is a mere continuation of the New York Province” (Proposed Amended Complaint at 19, ¶¶ 112–16). Plaintiff also seeks to asset a new fourth cause of action against DENA based on successor liability (Proposed Amended Complaint Count IV).

Where, as here there has been an extended delay in moving to amend, the party seeking leave to amend must establish a reasonable excuse for the delay. *Heller v. Louis Provenzano, Inc.*, 303 A.D.2d 20, 24 (1st Dept., 2003). *Heller* also cites with approval *Jablonski v. Cnty. of Erie*, 286 A.D.2d 927 (4th Dept., 2001) which held:

Supreme Court did not abuse its discretion in denying plaintiff's motion. Although leave to amend a pleading generally should be freely granted (*see*, CPLR 3025 [b]), “that policy does not obtain on the eve of trial. In such case, there is a heavy burden on plaintiff to show extraordinary circumstances to justify amendment by submitting affidavits which set forth the recent change of circumstances justifying the amendment and otherwise giving an adequate explanation for the delay” (*Hemmerick v City of Rochester*, 63 AD2d 816). Judicial discretion to grant an amendment of a pleading “should be exercised with caution where a case has been certified as ready for trial” (*Dougherty v Wade Lupe Constr. Co.*, 98 AD2d 868, 869; *see also*, *Kopel v Chiulli*, 175 AD2d 102, 103; *Alexander v Seligman*, 131 AD2d 528). Where there has been an extended delay in moving to amend, the party seeking leave to amend must establish a reasonable excuse for the delay (*see*, *Reape v City of New York*, 272 AD2d 533; *Schwab v Russell*, 231 AD2d 820, 821; *Volpe v Good Samaritan Hosp.*, 213 AD2d 398, 398-399). Here, plaintiff failed to establish a reasonable excuse for the more than two-year delay in making the motion, indicating only that the failure was the result of an “inadvertent oversight.” Thus, the motion was properly denied.

Jablonski at 928. *See also* *Yong Soon Oh v. Hua Jin*, 124 A.D.3d 639, 641 (2nd

Dept., 2015)(when leave is sought on the eve of trial discretion should be exercised sparingly and

court should consider how long the party seeking the amendment was aware of the facts upon which the motion was predicated and whether a reasonable excuse for the delay was offered); Spence v. Bear Stearns & Co., 264 A.D.2d 601, 602 (1st Dept.,1999)(improvident exercise of discretion to grant leave to amend complaint in light of inexcusable delay in seeking to amend, to add the new theory of liability and the lack of any evidentiary showing of merit).

It is undisputed that Plaintiff has been in possession of the information upon which the amendment has been based for four years and only seeks the amendment in response to the Summary Judgment motion. Plaintiff offers absolutely no explanation for its delay.

The Court further notes that this is after the close of discovery, the filing of the note of issue and, given that CVA cases have a preference for trial and receive immediate trial dates, essentially on the eve of trial all of which support denial of the cross-motion to amend. (*Licameli v Roberts* 277 A.D.2d 1057 (4th Dept., 2000)(defendant established prejudice by the amendment as discovery was complete and a note of issue filed);

Successor liability is not a separate cause of action but is a theory for imposing liability on a defendant based on a predecessor's conduct. *Precious Care Management, LLC v Monsey Care LLC* 221 AD3d 922, 925 (2nd Dept). A successor liability claim expands the theory of recovery against the defendant. *Tribeca Space Managers Inc v Tribeca Mews LTD* 200 AD3d 626 (1st Dept 2021). The doctrine of successor liability does not create a new cause of action against the successor so much as it transfers the liability of the predecessor to the successor. *Marcum LLP v. Fazio, Mannuzza, Roche, Tankel, Lapilusa, LLC*, 65 Misc. 3d 1235(A) (N.Y. Sup. Ct. 2019).

It is well settled that a plaintiff cannot defeat a summary judgment motion that made out a *prima facie* case by asserting a new theory of liability for the first time in opposition papers.

Atkins v. Beth Abraham Health Services 133 AD3d 491 (1st Dept., 2015); *Mirdita v. Musovic Realty Corp.*, 171 A.D.3d 662, 663 (1st Dept., 2019); *Biondi v Behrman* 149 AD3d 562 (1st Dept, 2017).

The Court thus finds that DENA's motion for summary judgment should be granted and Plaintiff's cross-motion to amend the complaint denied.

The Court finds the fact that the motion to amend was only made in response to a motion for summary judgment distinguishes this case from *Tribeca Space Managers Inc v Tribeca Mews LTD* 200 AD3d 626 (1st Dept 2021) relied upon by the Plaintiff. Additionally, in *Tribeca* the facts underlying the "mere change of identity" were conceded by the defendants, in the case at bar there is no evidence in the record to support the allegations in the proposed amendment that the assets of New York Province were "stripped and transferred to DENA".¹ Given the lack of the affidavit of merit, the lack of any evidence or mention pertaining to the allegation of assets being stripped or transferred, and the fact that the proposed complaint seeks to add a cause of action for successor liability which does not exist at law, the proposed amendment in addition to being inexcusably late, is without merit and prejudicial to DENA. (*see eg Precious Care Management LLC supra holding proposed amendment palpably insufficient as successor liability is not a separate cause of action and no affidavit of merits addressing assets and liabilities provided*).

DENA's Motion for Summary Dismissal of La Salle's Cross-Claims

DENA asks the Court for summary dismissal of La Salle's cross-claims based in "indemnification and/or contribution" (*see* NYSCEF Doc No. 25, at 16, ¶ 135). La Salle does not

¹ To the extent Plaintiff seeks to amend the particular dates of attendance at the school and abuse, the denial of the motion is without prejudice to a motion to conform the pleadings to the proof at trial.

oppose this part of DENA's motion. Thus, the cross-claims are deemed abandoned and the motion is granted. *R.K. by Fatmir K. v. City of New York*, 200 A.D.3d 584 (1st Dept., 2021)

CONCLUSION

WHEREFORE, it is hereby:

ORDERED that the motion of La Salle (mot. seq. 003) is denied; and it is further

ORDERED that the motion of DENA (mot. seq. 004) is granted and the complaint is dismissed in its entirety as against said defendant, with costs and disbursements to said defendant as taxed by the Clerk of the Court, and the Clerk is directed to enter judgment accordingly in favor of said defendant; and it is further

ORDERED that the action is severed and continued against Lasalle Academy; and it is further


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

ORDERED that counsel for DENA shall serve a copy of this order with notice of entry upon the Clerk of the Court and the Clerk of the General Clerk's Office, who are directed to mark the court's records to reflect the change in the caption; and it is further

ORDERED that such service upon the Clerk of the Court and the Clerk of the General Clerk's Office shall be made in accordance with the procedures set forth in the *Protocol on Courthouse and County Clerk Procedures for Electronically Filed Cases* (accessible at the "E-Filing" page on the court's website)]; and it is further

ORDERED that the parties appear for a virtual pre-trial January 15th, 2026, at 1:30 pm at which time a final trial date will be set.

This constitutes the decision and order of this Court.

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|---------------------------|--------------------------|----------------------------|--------------------------|-------------------------------------|------------------------------|
| <u>12/10/2025</u> DATE | | | | | <u>SABRINA KRAUS, J.S.C.</u> |
| CHECK ONE: | <input type="checkbox"/> | CASE DISPOSED | | <input type="checkbox"/> | NON-FINAL DISPOSITION |
| | <input type="checkbox"/> | GRANTED | <input type="checkbox"/> | <input checked="" type="checkbox"/> | GRANTED IN PART |
| APPLICATION: | <input type="checkbox"/> | SETTLE ORDER | | <input type="checkbox"/> | OTHER |
| CHECK IF APPROPRIATE: | <input type="checkbox"/> | INCLUDES TRANSFER/REASSIGN | | <input type="checkbox"/> | REFERENCE |