

Doe v Archdiocese of N.Y.

2025 NY Slip Op 34772(U)

December 10, 2025

Supreme Court, New York County

Docket Number: Index No. 950254/2019

Judge: Sabrina Kraus

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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. SABRINA KRAUS PART CVA 1 / 57M

Justice

-----X

JOHN DOE,

Plaintiff,

- v -

ARCHDIOCESE OF NEW YORK, OUR LADY OF MOUNT
CARMEL CHURCH, OUR LADY OF MOUNT CARMEL
SCHOOL

Defendants.

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INDEX NO. 950254/2019

MOTION DATE 08/26/2025

MOTION SEQ. NO. 002

**DECISION + ORDER ON
MOTION**

The following e-filed documents, listed by NYSCEF document number (Motion 002) 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113

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

Upon the foregoing documents, it is

Plaintiff commenced this CVA action seeking damages for sexual abuse he was subjected to as a child by Rudy Tremaroli (“Tremaroli”) at Our Lady of Mount Carmel School (the “School”). Plaintiff asserts a cause of action for negligence against each of the defendants.

This Court’s prior decision and order denying the Archdiocese’s summary judgment motion in *John Doe VII v. Archdiocese of New York, et al.*, Index No. 950260/2019 (July 30, 2025) (Exhibit 50) and Justice Silvera’s decisions and orders denying the Archdiocese’s summary judgment motions in *John Doe III v. Archdiocese of New York, et al.*, Index No. 950208/2019 (June 4, 2025) (Exhibit 47) and *John I v. Archdiocese of New York, et al.*, Index No. 950211/2019 (September 30, 2025) (Exhibit 51), deal with the same evidence on the same issues of notice and control and the same perpetrator, Tremaroli. By virtue of collateral estoppel,

the Archdiocese is precluded from relitigating in this subsequent proceeding issues clearly raised in a prior action and decided against it. *Ryan v. v. N.Y. Telephone Co.*, 62 N.Y.2d 494 (1984).

Assuming *arguendo* the Archdiocese is not collaterally estopped from making the same arguments on the same evidence in this action, the Court finds that The Archdiocese fails to submit evidence demonstrating a *prima facie* case for summary judgment. The Archdiocese has the burden to establish that it does not have the right to control the Church Pastors and School Principals, and has no agency relationship with those individuals it placed in charge of the Church and School who received notice of Tremaroli's abuse. Similarly, the Archdiocese has the burden to establish that it did not owe a duty to Plaintiff, a student at the School and parishioner at the Church, while he was being abused by Tremaroli.

The Court finds that the Archdiocese has failed to meet its *prima facie* burden in regards to these issues.

Even if the Archdiocese had satisfied its burden, Plaintiff submits evidence in opposition that raises issues of fact precluding summary judgment, including the testimony of Bishop Walsh, which raises issues regarding the control exercised by the Archdiocese over the school and parish and the clergy and school principals assigned to work there.

Additionally, documents from 1971 received from the Archdiocese Superintendent of Schools identify the Parish Pastor as representative of the Archbishop in granting the Pastor final approval in hiring and discharging of school employees and in granting as a special duty of the Pastor, the careful maintenance of the school building and employing and supervising a competent maintenance staff, and further raise issues regarding the Archdiocese's control of Tremaroli.

Finally, a jury could find that the depositions of other plaintiffs and witnesses establish actual notice to the Archdiocese's employees/agents regarding Tremaroli's dangerous propensities.

A jury could further find based on Plaintiff's submissions that from 1970 through the Plaintiff's abuse ending in approximately 1989, at least ten employees/agents of the Archdiocese, including Church Pastors and School Principals, received approximately 20 separate reports of sexual abuse perpetrated by Tremaroli against young boys.

The Court has considered movant's remaining arguments and finds them unavailing.

Based on all of the forgoing, the motion for summary judgment is denied.

WHEREFORE it is hereby:

ORDERED that the motion is denied in its entirety; and it is further


ORDERED that, within 20 days from entry of this order, plaintiff shall serve a copy of this order with notice of entry on the Clerk of the General Clerk's Office (60 Centre Street, Room 119); and it is further

ORDERED that such service upon the Clerk 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 at the address www.nycourts.gov/supctmanh); and it is further

ORDERED that the action is reassigned to Justice Hasa Kingo for trial; and

ORDERED that the parties are directed to reach out to Justice Kingo's Part Clerk and request a date for a pre-trial conference.

This constitutes the decision and order of this Court.

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12/10/2025
DATE

SABRINA KRAUS, J.S.C.

CHECK ONE:

CASE DISPOSED

NON-FINAL DISPOSITION

GRANTED

DENIED

GRANTED IN PART

OTHER

APPLICATION:

SETTLE ORDER

SUBMIT ORDER

CHECK IF APPROPRIATE:

INCLUDES TRANSFER/REASSIGN

FIDUCIARY APPOINTMENT

REFERENCE