

JA-512 Doe v Archdiocese of N.Y.

2025 NY Slip Op 34861(U)

December 15, 2025

Supreme Court, New York County

Docket Number: Index No. 150909/2025

Judge: Leslie A. Stroth

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

PRESENT: HON. LESLIE A. STROTH PART 12M

Justice

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JA-512 DOE,

Plaintiff,

- v -

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

Defendant.

-----X

INDEX NO. 150909/2025

**MOTION DATE 08/20/2025,
08/19/2025,
09/12/2025**

MOTION SEQ. NO. 002 003 004

**DECISION + ORDER ON
MOTION**

The following e-filed documents, listed by NYSCEF document number (Motion 002) 21, 22, 23, 24, 25, 26, 28

were read on this motion to/for DISMISSAL.

The following e-filed documents, listed by NYSCEF document number (Motion 003) 15, 16, 17, 18, 19, 20, 27

were read on this motion to/for DISMISSAL.

The following e-filed documents, listed by NYSCEF document number (Motion 004) 29, 30, 31, 32, 33, 34, 35

were read on this motion to/for AMEND CAPTION/PLEADINGS.

PROCEDURAL AND ALLEGED FACTUAL BACKGROUND

Plaintiff JA-512 DOE brings the instant action against Defendants Archdiocese of New York, St, Clare a/k/a Church of St. Clar a/k/a St. Clare Church (“St. Clare”) 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”).

In Motion Sequences 002 and 003¹, Defendants move 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).

In Motion Sequence 004, Plaintiff moves, by Order to Show Cause, for permission from this court to proceed anonymously. Neither Defendant submitted any opposition.

Plaintiff alleges that they were sexually abused by an employee of Defendants in 1983. The issue before this court is whether a claim arising from alleged acts of gender-motivated violence which is alleged to have occurred in 1983 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)).

¹ Defendant St. Clare moves in Motion Sequence 002 and Defendant Archdiocese of New York moves in Motion Sequence 003

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)).

As it relates to Plaintiff's motion to proceed anonymously, "[t]he determination of whether to allow a plaintiff to proceed anonymously requires the court to use its discretion in balancing plaintiff's privacy interest against the presumption in favor of open trials and against any prejudice to defendant" (*Anonymous v. Lerner*, 124 AD3d 487, 487 [1st Dept 2015] [internal quotation marks and citations omitted]; see *J. Doe No. 1 v. CBS Broadcasting, Inc.*, 24 AD3d 215 [1st Dept 2005]; see also *Doe v. Szul Jewelry, Inc.*, 2008 NY Slip Op 31382 [U] [Sup Ct, NY County 2008]). Among the recognized values of open access to civil proceedings is that "the bright light cast upon the judicial process by public observation diminishes the possibilities for injustice, incompetence, perjury, and fraud" (*Danco Labs. v. Chemical Works of Gedeon Richter*, 274 AD2d 1, 7, [1st Dept 2000]). Likewise, the very openness of the process should provide the public "with a more complete understanding of the judicial system and a better perception of its fairness" and serves to "ensure that [the proceedings] are conducted efficiently, honestly and fairly" (*Danco*, 274 AD2d at 7, *supra*).

However, the right of the public, and the press, to access judicial proceedings is not absolute or unfettered, and involves judicial discretion (*Lerner*, 124 AD3d at 487, *supra*). Moreover, access may still be respected in keeping with constitutional requirements while

sensitive information is restricted in keeping with “the State's legitimate concern for the well-being” of an individual (*Globe Newspaper Co. v. Superior Ct.*, 457 U.S. 596, 606 [1982]).

In addition, while “[i]t is elementary that the primary function of a pleading is to apprise an adverse party of the pleader's claim”, the same does not necessarily apply to a pleader's name (*Cole v. Mandell Food Stores, Inc.*, 93 NY2d 34, 40 [1999]).

DISCUSSION

Plaintiff's Motion to Proceed Anonymously (Motion Sequence 004)

Here, there can be little doubt that plaintiff's case will involve information of a personal and highly sensitive nature. Plaintiff alleges that they are the victim of sexual assault and that as a result they have suffered significant physical, emotional, and psychological injuries (NYSCEF Doc No. 32). Defendants have neither opposed plaintiff's motion, nor do they make their own motion for anonymity. Because defendants are primarily institutions, this Court cannot infer the same sort of personal risks apply to defendants. As such, based upon the unopposed motion and the documents received and reviewed, the court does not find that Defendants are prejudiced at this time.

An express purpose of the GMVA is to revive previously time-barred claims. (New York Administrative Code, Chapter 11 § 10-1105) Revealing plaintiff's identity may have a chilling effect on plaintiff in litigating the instant matter, and on other plaintiffs from pursuing similar litigation. Such would directly contradict the express legislative purpose of the GMVA. (New York Administrative Code, Chapter 11 § 10-1102)

Granting anonymity to Plaintiff is a far less drastic limitation on the public's right to open proceedings than the sealing of records. (*Doe v New York Univ.*, 6 Misc 3d 866, 878 [Sup Ct 2004]). Plaintiff has not moved for sealing the records. The public interest in seeing this case

determined on the merits outweighs the public interest in knowing plaintiff's identity.

Anonymity at this stage in the proceeding ensures that plaintiff will proceed with the action and effectuate that goal. As such, Plaintiff's motion to proceed anonymously is granted.

Defendants' Motions to Dismiss (Motion Sequences 003 and 004)

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.²

Plaintiff argues that the instant action is not time barred because the action was commenced on January 6, 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."³ Plaintiff's claims are based on allegations of sexual abuse that occurred in 1983, and even with the seven or nine 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.

² 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.

³ 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.

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

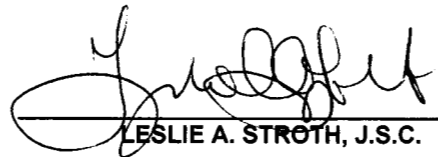
Accordingly; it is hereby

ORDERED that plaintiffs' motion to file a complaint and proceed herein under a pseudonym, rather than in plaintiff's legal name, and to proceed throughout this action under such pseudonym, rather than in plaintiff's own name, is granted;

ORDERED that Defendants' motions seeking dismissal of Plaintiff's (Motion Sequence 003 and 004) claims is granted, and Plaintiff's complaint is dismissed in its entirety.

The foregoing constitutes the decision and order of the court.

12/15/2025
DATE


LESLIE A. STROTH, J.S.C.

CHECK ONE:	<input checked="" type="checkbox"/>	CASE DISPOSED	<input type="checkbox"/>	NON-FINAL DISPOSITION	<input type="checkbox"/>	OTHER
	<input type="checkbox"/>	GRANTED	<input type="checkbox"/>	DENIED	<input type="checkbox"/>	GRANTED IN PART
APPLICATION:	<input type="checkbox"/>	SETTLE ORDER	<input type="checkbox"/>	SUBMIT ORDER	<input type="checkbox"/>	REFERENCE
CHECK IF APPROPRIATE:	<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/>	FIDUCIARY APPOINTMENT	<input type="checkbox"/>	