

D.W. v Archdiocese of N.Y.

2026 NY Slip Op 30572(U)

February 13, 2026

Supreme Court, New York County

Docket Number: Index No. 950312/2021

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

Justice

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D. W.,

Plaintiff,

- v -

ARCHDIOCESE OF NEW YORK, CHURCH OF SAINT VITO - MOST HOLY TRINITY F/K/A ST. VITO CHURCH, DOMINICAN SISTERS OF SPARKILL F/K/A THE DOMINICAN CONGREGATION OF OUR LADY OF THE ROSARY, ST. VITO PARISH, ST. VITO SCHOOL, FEDERATION OF DOMINICAN SISTERS USA, INC.

Defendants.

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The following e-filed documents, listed by NYSCEF document number (Motion 003) 1, 23, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 105, 121, 122, 123, 124, 125, 126, 135

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

The following e-filed documents, listed by NYSCEF document number (Motion 004) 1, 13, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 106, 127, 128, 129, 130, 131, 132, 134

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

DECISION + ORDER ON MOTION

BACKGROUND

Plaintiff commenced this action pursuant to the Child Victims Act (“CVA”) seeking damages for sexual abuse she allegedly suffered as a child at St. Vito School (the “School”) and St. Vito Church (the “Parish”).

FACTS

Plaintiff attended the School in the years 1975 and 1976. Plaintiff and her family were members of the Parish.

The School and Parish are located in Mamaroneck, New York. The Dominican Sisters of Sparkhill (“Sisters”) are a religious order, many of whose members were appointed to the School

as employees, including, Sister Joan Marie Looney, who served as principal of the School during the years 1975 to 1976.

The Archdiocese of New York (the “Archdiocese”) appointed Monsignor John Goodwine (“Goodwine”) to be the pastor of the Parish. Goodwine taught religious education at the School.

Goodwine abused Plaintiff on two occasions.

The first time was after church. Plaintiff and her family were exiting the building when Goodwine approached her from behind. Goodwine put his hands on Plaintiff’s shoulders, pulled her into his body and ran his hands over Plaintiff’s breasts above her clothes. Plaintiff’s family and other church attendees were present when this occurred.

The second time was when Plaintiff was either in third or fourth grade, in 1975 or 1976. Plaintiff was walking up a stairwell at the School, heading back to class from the cafeteria. Goodwine similarly approached her from behind and put his hands on her shoulders, then ran his hands underneath Plaintiff’s shirt and squeezed her breasts and her nipples.

Plaintiff did not tell anyone about the alleged abuse until she was around 13 to 14 years old, when she told her sister.

PENDING MOTIONS

On November 17, 2025, the Archdiocese and the Sisters moved for summary judgment. The motions were fully briefed and were marked submitted on January 30, 2026. The motions are consolidated herein and granted only to the extent of dismissing plaintiff’s third cause of action as against both defendants.

DISCUSSION

Summary judgment is a drastic remedy reserved for cases where “no material and triable issue of fact is presented” (*Sillman v Twentieth Century-Fox Film Corp.*, 3 NY2d 395, 404

[1957]). To prevail on 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’s initial burden on summary judgment cannot be satisfied by “merely point[ing] to perceived gaps” in a plaintiff’s proof “rather than submitting evidence showing why” the plaintiff’s claim fail (*Matter of New York City Asbestos Litig.*, 174 AD3d 461, 461 [1st Dept 2019] [alteration in original]).

When the movant meets this burden, summary judgment will be denied only when the nonmovant provides 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]). Courts view the evidence in a light most favorable to the nonmovant and accord the nonmovant “the benefit of every reasonable inference” (*Negri v Stop & Shop, Inc.*, 65 NY2d 625, 626 [1985]).

***The Archdiocese Has Failed to Meet Its Prima Facie Burden
In Establishing the Right to Judgment as A Matter of Law***

A school such as St. Vito’s owes its students a duty of care based upon the standard of *in loco parentis*, taking “the place of the parents and guardians” to care for the child. *Mirand v. City of New York*, 84 NY2d 44, 49 [1994]. This duty is “the fountainhead of the duty of care owed by a school to its students.” *Williams v. Weatherstone*, 23 NY3d 384, 403 [2014]. It is therefore the fountainhead of the duty owed by Defendants – a school and the Organizations running it – to Plaintiff. There is evidence in the record that St. Vito’s was a Diocesan school run by the Archdiocese.

A school's duty to supervise a student may be triggered by one of two factors: physical custody of the child or the child's presence within the school district's "orbit of authority." In this case, Plaintiff was in the custody of the School and the Sisters, who were appointed to work at the School's by the Archdiocese, when she was abused by Goodwine at the school. The Archdiocese has produced absolutely no evidence of the relationship between the Sisters and the Archdiocese. Sister Barbara testified that the Sisters and the School answered to the Archdiocese and provided it with periodic operational reports.

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).

Similarly, in this case the Court finds the Archdiocese has failed to establish entitlement to judgment as a matter of law.

The Archdiocese states in a conclusory fashion that it had no prior notice of any issue with Goodwine. While the Archdiocese provides a personnel file for Goodwine, Bishop Walsh

testified that he has never seen disciplinary records of a priest from any Parish included in a personnel file (NYSCEF Doc No 82, p.147). The Archdiocese has thus not made out a *prima facie* showing that it did not have “any opportunity or reason to know about the abuse” (*Nellenback*, 44 NY3d at 337).

Even if the Archdiocese had made out a *prima facie* case, the record contains evidence from which a jury could determine that the Archdiocese through its agents had constructive notice of problems with Goodwine at the School. The evidence shows Goodwine’s conduct was always in the public areas of the school or church, where others could have or did observe it, and involves instances of abuse against other students either prior to or during the same period of time. This evidence includes the following:

- (1) Tara Branham testified that she would avoid Goodwine as a child because he was a “creepy, handsy guy” who often pulled children close to him. Branham testified that Goodwine would run his fingers down the front of girls’ shirts to see if they were wearing a bra. Of her friend group, Branham testified that “at some point during our course of eight years, obviously all of us were probably embraced by him.” (NYSCEF Doc No. 123, at 27–29, 38).
- (2) Goodwine engaged in this conduct in the hallways of the School and after church at the Parish. Branham testified that he also once patted her on the buttocks on the altar of the Parish in front of others (*id.* at 37, 52).
- (3) Karen Sinopoli Williams testified that Goodwine once ran his hands and fingers over her chest when she was seven years old. As Goodwine was touching her, Williams stated that she locked eyes with the secretary of the School (NYSCEF Doc No. 124, at 62–65).
- (4) Laura Leonard testified that Goodwine put his hands into her school uniform and pinched her breasts and nipples while she was at the water fountain in the hallway of the School. Leonard also testified that Goodwine would engage in this behavior after mass at the Parish. (NYSCEF Doc No. 125, at 60–61, 69–70). Leonard also advised the principal directly of the problems with Goodwine, but was thwarted by the principal of providing the details.

Plaintiff's Third Cause of Action Is Dismissed as to both Defendants

The Court grants Defendants' motion for summary dismissal of Plaintiff's third cause of action for breach of the statutory duty of Social Services Law §§ 413, 420 as Plaintiff abandoned those claims "by failing to oppose the parts of [the Archdiocese's] motion that sought summary judgment dismissing those claims" (*see Josephson LLC v Column Fin., Inc.*, 94 AD3d 479, 480 [1st Dept 2012]).

Sisters Have not Met their Prima Facie Burden

It is somewhat hard to believe that Sisters argue that they had no duty to the students in the School where they worked. They base this alleged lack of duty towards their students on the fact that they are a separate legal entity from the Archdiocese and the Archdiocese owned and operated the School. They argue that even the Principal of the School, who was advised directly by Plaintiff's sister that there was a problem with Goodwine, owed Plaintiff no duty to protect her.

The Court is stunned by this argument.

As held by the Court of Appeals:

[A] teacher owes it to his [or her] charges to exercise such care of them as a parent of ordinary prudence would observe in comparable circumstances." The duty owed derives from the simple fact that a school, in assuming physical custody and control over its students, effectively takes the place of parents and guardians (*see, Pratt v. Robinson*, 39 N.Y.2d 554, 560, 384 N.Y.S.2d 749, 349 N.E.2d 849).

Mirand v. City of New York, 84 N.Y.2d 44, 49 (1994). This duty is equally applicable to Principals. Indeed, Sister Barbara testified that the principal, Sister Joan, was responsible for the supervision of the children who attended the School and testified that she was placed at St. Vito's by the Sisters, when there was an "opening in the community." Sister Barbara further testified that she was responsible for the wellbeing of a child while she was their teacher.

“A plaintiff may succeed on a claim of negligent supervision by establishing ‘that school authorities had sufficiently specific knowledge or notice of the dangerous conduct which caused injury’ ” (*BL Doe 5*, 229 AD3d at 1077-1078, quoting *Mirand v City of New York*, 84 NY2d 44, 49 [1994]). Where an employee acquires knowledge within the scope of their employment, that “knowledge is imputed to [the employer] and the latter is bound by such knowledge [even if] the information is never actually communicated to [the employer]” (*BL Doe 5*, 229 AD3d at 1080 [internal quotation marks omitted]).

“The adequacy of a school’s supervision of its students is generally a question left to the trier of fact to resolve, as is the question of whether inadequate supervision was the proximate cause of the plaintiff’s injury.” *Sayegh v. City of Yonkers*, 228 AD3d 690, 692 [2nd Dept 2024], citing *Fleming v. City of New York*, 221 AD3d 785, 786 [2nd Dept 2023]. The fact that the Sisters were a distinct corporate entity, does not foreclose the possibility that they were acting as the agents of the Archdiocese and the Parish. *See, e.g. JAF v Roman Catholic Archdiocese of New York* 216 AD3d 454 (1st Dept 2023); *JD v Archdiocese of New York* 214 AD3d 561 (1st Dept 2023). It is well settled that a principal-agent relationship exists where one retains a degree of direction and control over another.” *Garcia v. Herald Tribune Fresh Air Fund, Inc.*, 51 A.D.2d 897 (1st Dep’t 1976). The question of whether there is a “sufficient degree of direction and control” for an agency relationship is generally a question for the jury. *Id.*

As to notice, the Court notes that Sisters have failed to come forward with affirmative evidence that they have no record of any abuse. In discovery Sisters failed to provide Plaintiff with any documentary evidence concerning records they maintained. Indeed, their witness, Sister Barbara testified that they never even looked for any responsive documents.

Now, Sister Barbara submits an affidavit stating that they have no record of any report or complaint that Goodwine abused, assaulted, raped, or otherwise had any sexual contact with anyone prior to and/or during his assignment to the Parish and they have no record of any report or complaint that Goodwine abused, assaulted, raped, or otherwise had any sexual contact with plaintiff while plaintiff was a student at the School.

They attach no records of any kind to their moving papers.

Even if Sisters showed they maintained such records, and produced such records, which they have not, and even if such testimony did not contradict Sister Barbara's deposition testimony stating no records had been even looked for, Plaintiff's sister's testimony regarding her report to Sister Joan could still be found to be actual notice that an area of concern existed regarding Goodwine's behavior towards Plaintiff. At a minimum it would seem that the notice by Plaintiff's sister should have resulted in further inquiry by the Principal of the School, rather than an immediate attempt to silence a child who was attempting to communicate a problem to someone in charge.

Here, the defendants failed to establish, prima facie, that they lacked constructive notice of the (Goodwine's) alleged abusive propensities and conduct (*see MCVAWCD-DOE v Columbus Ave. Elementary Sch.*, 225 AD3d at 847; *Kwitko v Camp Shane, Inc.*, 224 AD3d at 896). "In particular, given the frequency of the alleged abuse, which occurred over" the entirety of a school year, "and always occurred inside the same classroom during the school day, the defendants did not eliminate triable issues of fact as to whether they should have known of the abuse" (*MCVAWCD-DOE v Columbus Ave. Elementary Sch.*, 225 AD3d at 847-848; *see Nizen-Jacobellis v Lindenhurst Union Free Sch. Dist.*, 191 AD3d 1007, 1008 [2021]). The defendants similarly failed to demonstrate, prima facie, that their supervision of both Goodwine and the plaintiff was not negligent (*see MCVAWCD-DOE v Columbus Ave. Elementary Sch.*, 225 AD3d at 848; *Johansmeyer v New York City Dept. of Educ.*, 165 AD3d 634, 636 [2018]).

Sayegh v. City of Yonkers, 228 A.D.3d 690, 692 (2nd Dept 2024).

Similarly in this case given the two-year period over which many incidents are alleged to have occurred not only to plaintiff but the other nonparty witnesses, the Court finds that Sisters fall far short of meeting their *prima facie* burden.

Assuming *arguendo*, Sisters had met their burden, the record contains substantial evidence from which a jury could find constructive notice. Plaintiff has produced testimony, both by herself and three non-party witnesses attesting to the fact that Goodwine's inappropriate touching of young girls was open and obvious and witnessed by adult members of the congregation and at least one other Diocesan priest, Father Dom. In addition, the conduct was so prevalent within St. Vito's, a Diocesan school, that it was widely discussed among the students of St. Vito's. While Sister Barbara Wright denied seeing any untoward behavior by Goodwine, the testimony of Plaintiff's non-party witnesses contradicts this testimony, providing evidence of an issue of fact that should be resolved by a jury at the time of trial. Plaintiff's sister even attempted to report her own prior abuse to the Principal but was cut off by the Principal as soon as she mentioned Goodwine's name.

CONCLUSION

Accordingly, it is hereby:

ORDERED that the motion of the Archdiocese and Sisters are granted only to the extent that Plaintiff's third cause of action is dismissed as against them, and otherwise denied in their entirety; and it is further

ORDERED that the parties appear for a virtual pretrial conference on February 18, 2026, at 1:30 pm. Where a final trial date will be set; and it is further

ORDERED that, within twenty (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, New York, NY 10007); 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).

This constitutes the decision and order of this Court.



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2/13/2026
DATE

SABRINA KRAUS, J.S.C.

CHECK ONE:

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<input type="checkbox"/>	FIDUCIARY APPOINTMENT	<input type="checkbox"/>	REFERENCE

APPLICATION:

CHECK IF APPROPRIATE: