

ARK198 Doe v Archdiocese of N.Y.

2026 NY Slip Op 31574(U)

April 15, 2026

Supreme Court, New York County

Docket Number: Index No. 950155/2020

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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ARK198 DOE,

Plaintiff,

- v -

ARCHDIOCESE OF NEW YORK, CARDINAL HAYES HIGH SCHOOL, DOES 1-5 WHOSE IDENTITIES ARE UNKNOWN TO PLAINTIFF

Defendants.

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INDEX NO. 950155/2020

MOTION DATE 02/19/2026

MOTION SEQ. NO. 001

DECISION + ORDER ON MOTION

The following e-filed documents, listed by NYSCEF document number (Motion 001) 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59

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

BACKGROUND

Plaintiff commenced this CVA action seeking damages for sexual abuse perpetrated upon him by Father Joseph Ansaldi (“Ansaldi”) an Archdiocese Priest, from 1973 to 1975 at Cardinal Hayes High School (“Hayes”). Plaintiff was 14 years old at the time the abuse commenced.

Hayes moves for summary judgment based on lack of notice. The motion is denied for the reasons set forth below.

FACTS

Ansaldi was ordained a priest of the Archdiocese on June 2, 1962. Immediately after ordination, the Archdiocese appointed Ansaldi as staff at Mount Loretto Mission of the Immaculate Virgin. While at Mt. Loretto, Ansaldi sexually abused multiple minor residents in his care. An orphanage employee at Mr. Loretto, Bob Smith, witnessed Ansaldi sexually abusing one minor, J.R. by putting his arms over J.R. and inserting his finger into J.R.’s anus. J.R. saw

Smith eye-to-eye and believes Smith heard him crying, but kept walking instead of coming to his aid. Ansaldi admitted to engaging in corporal punishment “in certain cases” at Mt. Loretto which “consisted of striking the offender on the hands or buttocks with a leather strap.” He described it as “a policy of tough love ... in order to protect the common good” which sometimes occurred in the priests’ quarters.

One year later, on June 15, 1963, the Archdiocese transferred Ansaldi to St. Dominic as associate pastor. Less than three months later, on September 3, 1963, the Archdiocese again moved Ansaldi to Hayes to work on the faculty of the school.

At Hayes, Ansaldi held detention in his living quarters and invited students to his quarters for pep talks. In 1964, Ansaldi brought student C.R. to his room at Hayes. Ansaldi directed the then 16-year-old to pull down his pants and spanked his rear with a wooden brush. The incident was reported by C.R.’s parents shortly after it occurred. A meeting was held with the child’s parents, the school principal Msgr. Bernard Fleming and academic dean Fr. John Healy.

Shortly thereafter, the Archdiocese learned of Ansaldi’s conduct and investigated it. Plaintiff alleges that no records of the investigation were produced in discovery. Msgr. Fleming reprimanded Ansaldi. Ansaldi was told that if there was another problem, they would have him transferred.

The Archdiocese has an education department that fills the role of superintendent of schools. The principal of Hayes was appointed by the Archbishop of New York and reported to the Superintendent of Schools for the Archdiocese of New York who was the chief officer for education in the Archdiocese of New York up until 2009. The principal was responsible for the evaluation and the supervision of school administrators at Hayes, including the Dean of Discipline.

Plaintiff attended high school at Hayes. He started as a freshman in September of 1973. He did not attend his junior or senior year at Hayes and graduated from Monsignor Scanlon High School.

Ansaldi was the dean of discipline at Hayes while Plaintiff was a student. Plaintiff first met Ansaldi in the fall of his freshman year at a session of detention. Plaintiff always served his detention in Ansaldi's office. Plaintiff received detention approximately once a month during the time of abuse.

Plaintiff heard from other students, and it was understood collectively by the students, that Ansaldi would paddle children at Hayes.

On one occasion, Ansaldi grew angry with Plaintiff for being in possession of a counterfeit stamp that was used to falsely indicate that a student had served detention. Ansaldi proceeded to paddle Plaintiff. Ansaldi made Plaintiff stand up, bend over a desk, and remove his pants and underwear. Ansaldi proceeded to strike plaintiff with the paddle approximately ten times. After Ansaldi struck him with the paddle he would slowly rub Plaintiff's bare buttocks with his hand.

Plaintiff was paddled again towards the end of the school year as punishment for having a Playboy magazine in his locker. Ansaldi spanked Plaintiff with a paddle much harder than he had before and rubbed his buttocks and thighs in a similar fashion to the first incident of abuse. After that second occasion, Plaintiff was paddled a few more times by Ansaldi. On one other occasion when Ansaldi was paddling Plaintiff, Ansaldi pressed his body by against Plaintiff who felt that Ansaldi had an erection. Plaintiff never told any teacher or staff member of at the school or church that he was getting paddled.

It is uncontested that during the same time period of Plaintiff's abuse, from approximately 1973 to 1975, Ansaldi sexually abused several other students at Hayes. [See *J.M. v. Archdiocese of New York et. al*, Index No. 70242/2021E (Bronx Cnty. Sup. Ct. July 16, 2021); *J.L. v. Archdiocese of New York et. al*, Index No. 70029/2019E (Bronx Cnty. Sup. Ct. Sept. 11, 2019); *ARK328 Doe v. Archdiocese of New York et. al*, Index No. 950371/2020 [N.Y. Cnty. Sup. Ct. July 23, 2020]

On July 1, 1978, the Archdiocese transferred Ansaldi to St. Joseph by the Sea (hereinafter "Sea") as faculty and Ansaldi was elevated to principal of Sea on July 1, 1982. At Sea Ansaldi continued to abuse students.

On July 1, 2011, Ansaldi obtained retired status in the Archdiocese. Ansaldi was included on the Archdiocese's List of Archdiocesan Clergy Credibly Accused of Sexual Abuse of a Minor or the Subject of Eligible IRCP Compensation Claims in 2019.

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]).

Movant alleges a lack of actual and/or constructive notice, but movant offers no evidence to meet its burden of proof of lack of notice. Movant only notes that Plaintiff did not report the abuse to anyone and that its witness William Lessa never saw or heard anything to cause concern about Ansaldi. Significantly movant does not produce the employee file for Ansaldi maintained by the School or the Archdiocese. Movant falls far short of meeting its burden of establishing entitlement to judgment as a matter of law. Additionally, the witness for the Archdiocese, Bishop Walsh, testified that the Archdiocese maintained a secret archive where allegations of inappropriate sexual behavior by priests would likely be maintained.

By 1964 the Archdiocese was on actual notice of issues with Ansaldi, this knowledge can be imputed to Hayes, based on the agency relationship between the Archdiocese and its Catholic High School.

Movant essentially attempts to rely on perceived gaps in Plaintiff’s proof. 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, reversed the trial court's award of summary judgment and dismissal of claims regarding sexual abuse 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 addition to the actual notice alleged above, the fact that Ansaldi abused so many children on the premises over such a long period of time could be the basis for a finding of constructive notice.

Finally, implicitly acknowledging that Hayes was well aware of the paddling that Ansaldi had engaged in for years, movant attempts to characterize spanking the naked buttocks of children with a paddle as a “non-sexual problematic behavior”. The Court takes issue with such characterization and notes that NY Penal law §130.52 provides that:

A person is guilty of forcible touching when such person intentionally, and for no legitimate purpose:

1. forcibly touches the sexual or other intimate parts of another person for the purpose of degrading or abusing such person, or for the purpose of gratifying the actor's sexual desire; or

N.Y. Penal Law § 130.52 (McKinney). A person's buttocks constitute an “intimate part.” *People v. Guaman*, 22 N.Y.3d 678,(2014); *See also People v. Hatton*, 26 N.Y.3d 364, 369 (2015) (*assertion that defendant ‘smacked the buttocks’ of the complainant, more than adequately alleges that defendant applied the statutorily required pressure to effectuate contact with a part of complainant's body commonly accepted within society as sexual or intimate in nature*).

The evidence in the record that Ansaldi had an erection after paddling Plaintiff certainly supports an inference that Ansaldi’ decades of paddling the naked buttocks of minor boys was for no legitimate purpose, but rather to degrade and abuse the boys and gratify his own sexual desire.

Based on all of the foregoing, the motion is denied.

CONCLUSION

WHEREFORE it is hereby:

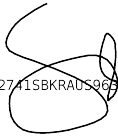
ORDERED that the motion is denied in its entirety; and it is further

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); and it is further

ORDERED that the parties appear for a virtual pretrial conference on May 27, 2026, at 11:00 am, when a final trial date will be set.

This constitutes the decision and order of the Court.


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4/15/2026
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