

**GREGORY G. GIANFORCARO, ESQUIRE**  
**I.D. #: 024551988**  
**80 South Main Street**  
**Phillipsburg, NJ 08865**  
**(908) 859-2200**  
**Attorney for Plaintiff, JOHN DOE III**

---

**JOHN DOE III, representing one (1) plaintiff,**  
  
Plaintiff,

vs.

**ORDER OF ST. BENEDICT OF NEW JERSEY, INC.,**  
**d/b/a ST. MARY’S ABBEY/DELBARTON SCHOOL,**  
its brothers, priests, reverends, teachers, deacons, trustees,  
directors, officers, employees, agents, servants and/or  
volunteers; **ST. ELIZABETH’S SCHOOL,** its brothers,  
priests, teachers, deacons, trustees, directors, officers,  
employees, agents, servants and/or volunteers;  
**ST. ELIZABETH’S CHURCH,** its brothers, priests, teachers,  
deacons, trustees, directors, officers, employees, agents, servants  
and/or volunteers; **ARCHDIOCESE OF NEWARK,** its:  
brothers, priests, teachers, deacons, trustees, directors, officers,  
employees, agents, servants and/or volunteers; **ABC ENTITY,**  
its brothers, priests, teachers, deacons, trustees, directors,  
officers, employees, agents, servants and/or volunteers (a  
fictitious name of an entity believed to have employed Reverend  
Timothy Brennan (f/k/a Brother Timothy Brennan);  
**RICHARD ROE(S),** Individually, and in his capacity as a  
former and/or current brother, priest, reverend, teacher, deacon,  
trustee, director, officer, employee, agent, servant and/or  
volunteer of the defendants, Order of St. Benedict of New  
Jersey, Inc., d/b/a St. Marys’ Abbey/Delbarton School and/or  
The Order of St. Benedict and/or St. Elizabeth’s School and/or  
St. Elizabeth’s Church and/or Archdiocese of Newark and/or  
ABC Entity,

Defendants.

:  
: SUPERIOR COURT OF NEW JERSEY  
: LAW DIVISION – MORRIS COUNTY

:  
: DOCKET NO.:

:  
: **COMPLAINT,**  
: **JURY DEMAND AND**  
: **DESIGNATION OF TRIAL COUNSEL**

Plaintiff, JOHN DOE III, by way of Complaint against the Defendants, say:

**THE PARTIES**

**AS TO ALL COUNTS**

1. Plaintiff, JOHN DOE III, (hereinafter referred to as “Plaintiff”), is an individual who, as a minor, was sexually assaulted and/or sexually abused by Reverend Timothy Brennan (f/k/a Brother Timothy Brennan), while acting in his capacity as a brother, priest and/or reverend assigned to, and/or employed, by the Defendants, ORDER OF ST. BENEDICT OF NEW JERSEY, INC., d/b/a ST. MARY’S ABBEY/DELBARTON SCHOOL and/or ST. ELIZABETH’S SCHOOL and/or ST. ELIZABETH’S CHURCH and/or ARCHDIOCESE OF NEWARK and/or ABC ENTITY.

2. The Defendant, ORDER OF ST. BENEDICT OF NEW JERSEY, INC., d/b/a ST. MARY’S ABBEY/DELBARTON SCHOOL, its brothers, priests, reverends, teachers, deacons, trustees, directors, officers, employees, agents, servants and/or volunteers, is located 230 Mendham Road, in the Town of Morristown, 07960-4899, County of Morris, and State of New Jersey.

3. The Defendant, ST. ELIZABETH’S SCHOOL, its brothers, priests, reverends, teachers, deacons, trustees, directors, officers, employees, agents, servants and/or volunteers, is located at 170 Husa Street, in the Town of Linden, County of Union, and State of New Jersey.

4. The Defendant, ST. ELIZABETH’S CHURCH, its brothers, priests, reverends, teachers, deacons, trustees, directors, officers, employees, agents, servants and/or volunteers, is located at 179 Husa Street, in the Town of Linden, County of Union, and State of New Jersey.

5. The Defendant, ARCHDIOCESE OF NEWARK, its brothers, priests, reverends, teachers, deacons, trustees, directors, officers, employees, agents, servants and/or volunteers, is located at 171 Clifton Avenue in the City of Newark, County of Essex, and State of New Jersey.

6. The Defendant, ABC ENTITY, its brothers, priests, reverends, teachers, deacons, teachers, trustees, directors, officers, employees, agents, servants and/or volunteers, a fictitious name of an entity believed to have employed Reverend Timothy Brennan (f/k/a Brother Timothy Brennan).

7. During the years of approximately 1968 through 1971, Reverend Timothy Brennan (f/k/a Brother Timothy Brennan), was employed as a brother, priest and/or reverend at and/or by the Defendants, ORDER OF ST. BENEDICT OF NEW JERSEY, INC., d/b/a ST. MARY'S ABBEY/DELBARTON SCHOOL, and/or ST. ELIZABETH'S SCHOOL and/or ST. ELIZABETH'S CHURCH and/or ARCHDIOCESE OF NEWARK.

8. On numerous occasions during the years of approximately 1968 through 1971, while acting as a brother, priest, reverend, teacher, deacon, trustee, director, officer, employee, agent, servant and/or volunteer of the Defendants, ORDER OF ST. BENEDICT OF NEW JERSEY, INC., d/b/a ST. MARY'S ABBEY/DELBARTON SCHOOL, and/or ST. ELIZABETH'S SCHOOL and/or ST. ELIZABETH'S CHURCH and/or ARCHDIOCESE OF NEWARK and/or ABC ENTITY, sexually assaulted, sexually abused and/or had sexual contact with the Plaintiff, JOHN DOE III, while he was a student of the Defendant, ST. ELIZABETH'S SCHOOL, in violation of the laws of New Jersey, including, but not limited to, N.J.S.A. 2A:61B-1.

9. The Defendants set forth herein, as well as defendant, ABC ENTITY, who employed Reverend Timothy Brennan (f/k/a Brother Timothy Brennan), knew and/or reasonably should have known, and/or knowingly condoned, and/or covered up, the immoral and unlawful sexual activities of those individuals who sexually abused the Plaintiff, JOHN DOE III.

10. The Defendants set forth herein, as well as defendant(s), RICHARD ROE(S), are individuals who knew and/or reasonably should have known, and/or knowingly condoned, and/or covered up, the immoral and unlawful sexual activities of the individual who sexually

abused the Plaintiff, JOHN DOE III. Furthermore, any and all allegations set forth herein after shall be directed at each of them individually.

11. Plaintiff contends that the Statute of Limitations shall be tolled in accordance with the laws of the State of New Jersey, including, but not limited to, N.J.S.A. 2A:61B-1, et seq. (reasonable discovery of the injury and its causal relationship to the act of sexual abuse, referred to as “delayed discovery”) and/or N.J.S.A. 2A:14-21, et seq. (mental state, insanity, insanity and/or lacking the ability and/or capacity due to mental infliction to pursue Plaintiff’s lawful rights), and/or duress, and/or equitable grounds.

12. Plaintiff alleges personal physical injury damage claims, as well as other damage claims related thereto, as a result of his childhood sexual abuse, as more specifically set forth herein.

13. Additionally, Plaintiff contends that the Defendants, individually, jointly and/or severally violated various New Jersey Statutes, including, but not limited to, N.J.S.A. 9:6-8.10, et seq.

14. Plaintiff contends that the Defendants, individually, jointly and/or severally violated various laws of the State of New Jersey; furthermore, Defendants, pursuant to N.J.S.A. 2A:53A-7 are unable to avail themselves of the immunity provision in accordance with the provisions set forth therein.

15. Plaintiff entered into a Tolling Agreement and subsequent Tolling Extensions with the Defendants, effectively tolling the Statute of Limitations period from September 22, 2016 to September 17, 2017.

**COUNT I**

**AS TO ALL DEFENDANTS, INCLUDING BUT NOT LIMITED TO,  
RICHARD ROE(S)**

**NEGLIGENCE AND/OR GROSS NEGLIGENCE**

1. Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 15 of the Complaint as if set forth herein at length.

2. The Defendants, including but not limited to defendant(s), RICHARD ROE(S), are responsible by their knowledge, action and/or inaction, as if all allegations subsequently set forth herein pertaining to all Defendants, were set forth herein as to these said Defendants.

3. The acts of said Defendants, described hereinabove, were undertaken, and/or enabled by, and/or during the course, and/or within the scope of his/her employment, appointment, and/or agency with any parish, and/or school, and/or the Defendants, ORDER OF ST. BENEDICT OF NEW JERSEY, INC., d/b/a ST. MARY'S ABBEY/DELBARTON SCHOOL and/or ST. ELIZABETH'S SCHOOL and/or ST. ELIZABETH'S CHURCH and/or ARCHDIOCESE OF NEWARK and/or ABC ENTITY.

4. At all times material hereto, said Defendants knew and/or reasonably should have known of the unreasonable danger to Plaintiff, and other minors, due to Reverend Timothy Brennan (f/k/a Brother Timothy Brennan)'s sexual propensities of pederasty, frotteurism, pedophilia and/or ephebophilia.

5. Said Defendants knew and/or reasonably should have known that Reverend Timothy Brennan (f/k/a Brother Timothy Brennan) posed an unreasonable risk of sexual abuse and harm to Plaintiff, and knew and/or should have known that candor with the Plaintiff and Plaintiff's family, both prior to Reverend Timothy Brennan (f/k/a Brother Timothy Brennan)'s misconduct and to the present was needed and would have remediated the effects of that misconduct.

6. Said Defendants owed Plaintiff a duty to protect Plaintiff directly and/or indirectly from Reverend Timothy Brennan (f/k/a Brother Timothy Brennan)'s sexual deviancy,

both prior to and/or subsequent to Reverend Timothy Brennan (f/k/a Brother Timothy Brennan)'s misconduct.

7. Said Defendants willful, wanton and/or grossly negligent act(s) of commission and/or omission, resulted directly and/or proximately in the damage set forth herein at length.

8. But for said Defendants' knowledge of Reverend Timothy Brennan (f/k/a Brother Timothy Brennan)'s failure to control his psychosexual disorders and/or his sexual propensities of pederasty, frotteurism, pedophilia and/or ephebophilia, and/or their willful, wanton and/or grossly negligent act(s) of commission and/or omission, Plaintiff would not have been sexually abused and/or emotionally harmed in the manner in which he presently is harmed.

9. As a direct result of said conduct, Plaintiff has suffered the injuries and damages described herein.

**WHEREFORE**, Plaintiff demands judgment against Defendants, RICHARD ROE(S), jointly, severally and/or in the alternative, for compensatory damages, and for punitive damages, together with interest and costs.

## **COUNT II**

### **AS TO ALL DEFENDANTS**

#### **INTENTIONAL MISCONDUCT AND/OR GROSS NEGLIGENCE**

1. Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 15 and Count I of the Complaint as if set forth herein at length.

2. Prior to the dates of sexual molestation perpetrated by Reverend Timothy Brennan (f/k/a Brother Timothy Brennan) said individual had been known, or should have been known to Defendants, to have been a pederast, frotteurist, pedophile and/or ephebophile or other sexual offender, with a habit of making sexual advances and/or engaging in unnatural sexual acts with children, under the pretext of Reverend Timothy Brennan (f/k/a Brother Timothy Brennan)'s duty as a brother, priest, reverend, teacher, deacon, trustee, director, officer,

employee, agent, servant and/or volunteer, and utilizing his positions as a brother, priest, reverend, deacon, trustee, director, officer, employee, agent, servant and/or volunteer, to overcome such children's reluctance and fears.

3. After learning through complaints from other brothers, priests, reverends, teachers, deacons, trustees, directors, officers, employees, agents, servants and/or volunteers and/or others that Reverend Timothy Brennan (f/k/a Brother Timothy Brennan) had utilized his positions as a brother, priest, reverend, teacher, deacon, trustee, director, officer, employee, agent, servant and/or volunteer, and utilizing their position as a brother, priest, reverend, teacher, deacon, trustee, director, officer, employee, agent, servant and/or volunteer of Defendants, ORDER OF ST. BENEDICT OF NEW JERSEY, INC., d/b/a ST. MARY'S ABBEY/DELBARTON SCHOOL and/or ST. ELIZABETH'S SCHOOL and/or ST. ELIZABETH'S CHURCH and/or ARCHDIOCESE OF NEWARK and/or ABC ENTITY, to lure and persuade children to commit sexual acts with him, the Defendants deliberately and/or outrageously allowed him and/or assigned him a position as a brother, priest, reverend, teacher, deacon, trustee, director, officer, employee, agent, servant and/or volunteer at another parish, and/or school, where he would have full access to children, including Plaintiff, who had no awareness of his improper sexual practices; thereafter they failed to remove or suspend Reverend Timothy Brennan (f/k/a Brother Timothy Brennan) from his duties as a brother, priest, reverend, teacher, deacon, trustee, director, officer, employee, agent, servant and/or volunteer or otherwise act to stop him from pursuing his sexual assaults on children, including but not limited to Plaintiff, after receiving complaints and/or reliable information that Reverend Timothy Brennan (f/k/a Brother Timothy Brennan) was engaging in such illegal and improper activities with children.

4. The actions of said Defendants, as alleged in the preceding paragraphs, constituted intentional misconduct and/or gross negligence with the harm which befell Plaintiff as a directly foreseeable consequence.

5. At all times material hereto, the Defendants were grossly negligent, willful, wanton, malicious, reckless, and outrageous in their disregard for the rights and safety of the public in general, as well as to the Plaintiff.

6. As a direct result of the tortious conduct, Plaintiff has suffered injuries and damages described herein.

**WHEREFORE**, Plaintiff demands judgment against all of the Defendants, jointly, severally and/or in the alternative, for compensatory damages, and for punitive damages, together with interest and costs.

### **COUNT III**

#### **AS TO ALL DEFENDANTS**

#### **INTENTIONAL MISCONDUCT AND/OR GROSS NEGLIGENCE**

1. Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 15 and Counts I through II of the Complaint as if set forth herein at length.

2. Defendants owed a duty of care to all persons, including Plaintiff, who was likely to come within the influence of Reverend Timothy Brennan (f/k/a Brother Timothy Brennan) in his role as a brother, priest, reverend, teacher, deacon, trustee, director, officer, employee, agent, servant and/or volunteer, to insure that Reverend Timothy Brennan (f/k/a Brother Timothy Brennan) did not abuse his authority as a brother, priest, reverend, teacher, deacon, trustee, director, officer, employee, agent, servant and/or volunteer to injure others by sexual assault and abuse.

3. Defendants intentionally breached their duty of care, and willfully, intentionally and/or recklessly disregarded the rights and safety of Plaintiff by failing to warn or otherwise protect the Plaintiff from Reverend Timothy Brennan (f/k/a Brother Timothy Brennan) who was acting under their supervision, and whom they knew and/or reasonably should have known was likely to sexually assault and abuse persons such as Plaintiff in the manner described herein, and



by failing to insure that Reverend Timothy Brennan (f/k/a Brother Timothy Brennan) would not have unsupervised access to people such as Plaintiff.

4. As a direct and proximate result, Plaintiff has suffered and will continue to suffer the injuries described above.

**WHEREFORE**, Plaintiff demands judgment against all of the Defendants, jointly, severally and/or in the alternative, for compensatory damages, and for punitive damages, together with interest and costs.

**COUNT IV**

**AS TO ALL DEFENDANTS**

**NEGLIGENCE AND/OR GROSS NEGLIGENCE IN THE HIRING, SUPERVISION,  
AND RETENTION OF REVEREND TIMOTHY BRENNAN (F/K/A BROTHER  
TIMOTHY BRENNAN)**

1. Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 15 and Counts I through III of the Complaint as if set forth herein at length.

2. Defendants had and/or reasonably should have had actual and/or constructive knowledge of Reverend Timothy Brennan (f/k/a Brother Timothy Brennan)'s proclivities and/or improper behavior toward others, including but not limited to the Plaintiff; and it is therefore reasonably foreseeable, that in the ordinary course of a brother's, priest's, reverend's, teacher's, deacon's, trustee's, director's, officer's, employee's, agent's, servant's and/or volunteer's duties, a brother, priest, reverend, teacher, deacon, trustee, director, officer, employee, agent, servant and/or volunteer might present a threat of injury to minor children.

3. Defendants, as set forth herein, had and/or reasonably should have had actual and/or constructive knowledge that Reverend Timothy Brennan (f/k/a Brother Timothy Brennan) was a sexual offender and/or had propensities of pederasty, frotteurism, pedophilia and/or ephebophilia, involving children, and was unfit to perform his employment responsibilities, duties and/or obligations as a brother, priest, reverend, teacher, deacon, trustee, director, officer,

employee, agent, servant and/or volunteer, and was a severe danger to such minors, including Plaintiff.

4. Said Defendants had a duty to exercise reasonable care in the continual formation of brother, priest, reverend, teacher, deacon, trustee, director, officer, employee, agent, servant and/or volunteer, including the screening, selection, training, supervision, retention, assignment, transferring, appointment and/or employing of Reverend Timothy Brennan (f/k/a Brother Timothy Brennan) for the work assigned to him, and for purposes of determining his fitness for access to minors, including Plaintiff, and were negligent and/or grossly negligent in that said Defendants failed to adopt and establish reasonable or adequate policies, guidelines or other means whereby they would learn to recognize a brother's, priest's, reverend's, teacher's, deacon's, trustee's, director's, officer's, employee's, agent's, servant's and/or volunteer's propensity for deviant sexual behavior or the behavior itself, failed to adequately screen and/or investigate Reverend Timothy Brennan (f/k/a Brother Timothy Brennan) regarding his candidacy for a brother, priest, reverend, teacher, deacon, trustee, director, officer, employee, agent, servant and/or volunteer; furthermore, the Defendants also failed to adequately investigate the aforementioned abuser's prior activities and/or behavior with regard to minors; and failed to adequately monitor and/or investigate Reverend Timothy Brennan (f/k/a Brother Timothy Brennan)'s conduct during his training, and conduct prior to each change in assignment and/or appointment of Reverend Timothy Brennan (f/k/a Brother Timothy Brennan) as a brother, priest, reverend, teacher, deacon, trustee, director, officer, employee, agent, servant and/or volunteer, particularly through Reverend Timothy Brennan (f/k/a Brother Timothy Brennan)'s assignments and/or appointed position(s) with Defendants, ORDER OF ST. BENEDICT OF NEW JERSEY, INC., d/b/a ST. MARY'S ABBEY/DELBARTON SCHOOL and/or ST. ELIZABETH'S SCHOOL and/or ST. ELIZABETH'S CHURCH and/or ARCHDIOCESE OF NEWARK and/or ABC ENTITY, and thereafter.

5. The Defendants had an ongoing duty to keep and retain Reverend Timothy Brennan (f/k/a Brother Timothy Brennan) under continuous and/or reasonable supervision that provided assurance that Reverend Timothy Brennan (f/k/a Brother Timothy Brennan) was fit to perform his employment and/or assigned or appointed responsibilities and did not present a risk to the health, safety and welfare of those individuals, including Plaintiff, who would reasonably be expected to come into contact with Reverend Timothy Brennan (f/k/a Brother Timothy Brennan) as a result of his employment, and/or his duties and responsibilities of his assignments and/or appointments while a brother, priest, reverend, teacher, deacon, trustee, director, officer, employee, agent, servant and/or volunteer and to retain him only as long as he was fit and competent.

6. The Defendants breached their duty of care in that they failed to take any action to ensure that Plaintiff was not harmed by Reverend Timothy Brennan (f/k/a Brother Timothy Brennan) despite their actual and/or constructive notice Reverend Timothy Brennan (f/k/a Brother Timothy Brennan)'s psychosexual disorder or conduct of pederasty, frotteurism, pedophilia and/or ephebophilia; more specifically, the Defendants negligently screened, selected, trained, retained, employed, assigned, transferred and/or appointed Reverend Timothy Brennan (f/k/a Brother Timothy Brennan) to the position of trust and authority as a brother, priest, reverend, teacher, deacon, trustee, director, officer, employee, agent, servant and/or volunteer at Defendants, ORDER OF ST. BENEDICT OF NEW JERSEY, INC., d/b/a ST. MARY'S ABBEY/DELBARTON SCHOOL and/or ST. ELIZABETH'S SCHOOL and/or ST. ELIZABETH'S CHURCH and/or ARCHDIOCESE OF NEWARK and/or ABC ENTITY, in direct contact with youth, and further negligently failed to provide adequate warning to Plaintiff, negligently failed and refused to remove or suspend Reverend Timothy Brennan (f/k/a Brother Timothy Brennan) from his duties at his various assignments or appointments or as a brother, priest, reverend, teacher, deacon, trustee, director, officer, employee, agent, servant and/or volunteer, or otherwise act to prevent Reverend Timothy Brennan (f/k/a Brother Timothy

Brennan) from pursuing his sexual assaults on children, including Plaintiff, and to require him to report same to his victims, and otherwise failed to adopt and establish policies, guidelines, or other means protecting Plaintiff, from a brother's, priest's, reverend's, teacher's, deacon's, trustee's, director's, officer's, employee's, agent's, servant's and/or volunteer's propensities for deviant sexual behavior or the behavior itself. Additionally, the aforementioned negligent act(s) of commission and/or omission amounted to gross negligence by the Defendants.

7. At all times material hereto, Defendants' actions were willful, wanton, malicious, reckless and/or outrageous in their disregard for the rights and safety of Plaintiff.

8. As a direct result of said negligent and/or grossly negligent conduct, Plaintiff has suffered the injuries and damages described herein.

**WHEREFORE**, Plaintiff demands judgment against all of the Defendants, jointly, severally and/or in the alternative, for compensatory damages, and for punitive damages, together with interest and costs.

**COUNT V**

**AS TO ALL DEFENDANTS**

**RESPONDEAT SUPERVISOR**

1. Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 15 and Counts I through IV of the Complaint as if set forth herein at length.

2. The Defendants had the responsibility to supervise and/or control brothers and/or priests and/or reverends serving within Defendants, ORDER OF ST. BENEDICT OF NEW JERSEY, INC., d/b/a ST. MARY'S ABBEY/DELBARTON SCHOOL and/or ST. ELIZABETH'S SCHOOL and/or ST. ELIZABETH'S CHURCH and/or ARCHDIOCESE OF NEWARK and/or ABC ENTITY, as well as all schools/parishes under their control, and specifically, had a duty not to aid Reverend Timothy Brennan (f/k/a Brother Timothy Brennan) by assigning, maintaining and/or appointing him to a position with access to minors, including through Reverend Timothy Brennan (f/k/a Brother Timothy Brennan)'s position(s) as a brother,

priest, reverend, teacher, deacon, trustee, director, officer, employee, agent, servant and/or volunteer at Defendants, ORDER OF ST. BENEDICT OF NEW JERSEY, INC., d/b/a ST. MARY'S ABBEY/DELBARTON SCHOOL and/or ST. ELIZABETH'S SCHOOL and/or ST. ELIZABETH'S CHURCH and/or ARCHDIOCESE OF NEWARK and/or ABC ENTITY.

3. In fulfilling their duties and responsibilities, the brothers, priests, reverends, teachers, deacons, trustees, directors, officers, employees, agents, servants and/or volunteers of the Defendants set forth herein, while acting within the course and scope of their employment within the Defendants, ORDER OF ST. BENEDICT OF NEW JERSEY, INC., d/b/a ST. MARY'S ABBEY/DELBARTON SCHOOL and/or ST. ELIZABETH'S SCHOOL and/or ST. ELIZABETH'S CHURCH and/or ARCHDIOCESE OF NEWARK and/or ABC ENTITY, had the authority to assign, appoint and/or remove Reverend Timothy Brennan (f/k/a Brother Timothy Brennan) to, and/or from, any assignment within the Defendants, ORDER OF ST. BENEDICT OF NEW JERSEY, INC., d/b/a ST. MARY'S ABBEY/DELBARTON SCHOOL and/or ST. ELIZABETH'S SCHOOL and/or ST. ELIZABETH'S CHURCH and/or ARCHDIOCESE OF NEWARK and/or ABC ENTITY, and/or to grant and/or withhold permission from Reverend Timothy Brennan (f/k/a Brother Timothy Brennan) to exercise his faculties as a brother, priest, reverend, teacher, deacon, trustee, director, officer, employee, agent, servant and/or volunteer in public within in the State of New Jersey and/or any other State. Additionally, Reverend Timothy Brennan (f/k/a Brother Timothy Brennan) had a duty to receive and execute whatever orders were given to him by the Defendant supervisors and/or their agents, servants and/or employees, as well as a duty to submit to an accounting of his duties and responsibilities directly to Defendant(s), as well as to give them effective assistance in the administration of the Defendants, ORDER OF ST. BENEDICT OF NEW JERSEY, INC., d/b/a ST. MARY'S ABBEY/DELBARTON SCHOOL and/or ST. ELIZABETH'S SCHOOL and/or ST. ELIZABETH'S CHURCH and/or ARCHDIOCESE OF NEWARK and/or ABC ENTITY,

including consultation regarding the assignment of brothers, priests, reverends, teachers, deacons, trustees, directors, officers, employees, agents, servants and/or volunteers.

4. Such acts were within the course and scope of Reverend Timothy Brennan (f/k/a Brother Timothy Brennan)'s employment, duties, obligations, and/or responsibilities as a brother, priest and/or reverend. Said Defendants, their agents, servants and/or employees were reasonably on notice that a brother and/or priest could exploit the power of their position, and that such relationships with minors as a confidant and brother, priest and/or reverend could enable that brother, priest and/or reverend to abuse and sexually molest them.

5. As a brother, priest, reverend, teacher, deacon, trustee, director, officer, employee, agent, servant and/or volunteer at Defendants, ORDER OF ST. BENEDICT OF NEW JERSEY, INC., d/b/a ST. MARY'S ABBEY/DELBARTON SCHOOL and/or ST. ELIZABETH'S SCHOOL and/or ST. ELIZABETH'S CHURCH and/or ARCHDIOCESE OF NEWARK and/or ABC ENTITY, Reverend Timothy Brennan (f/k/a Brother Timothy Brennan) was acting as a brother, priest, reverend, teacher, deacon, trustee, director, officer, employee, agent, servant and/or volunteer of Defendants, ORDER OF ST. BENEDICT OF NEW JERSEY, INC., d/b/a ST. MARY'S ABBEY/DELBARTON SCHOOL and/or ST. ELIZABETH'S SCHOOL and/or ST. ELIZABETH'S CHURCH and/or ARCHDIOCESE OF NEWARK and/or ABC ENTITY, during and/or within the course and scope of his agency and employment, and thereby gained access to Plaintiff, and used the powers and influence of his positions and status as an actual and apparent agent of the Defendants to sexually abuse the Plaintiff while in the State of New Jersey.

6. As a direct result of said conduct, Plaintiff has suffered the injuries and damages described herein.

**WHEREFORE**, Plaintiff demands judgment against all of the Defendants, jointly, severally and/or in the alternative, for compensatory damages, and for punitive damages, together with interest and costs.

**COUNT VI**

**AS TO ALL DEFENDANTS**

**FRAUDULENT CONCEALMENT/MISREPRESENTATION**

1. Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 15 and Counts I through V of the Complaint as if set forth herein at length.

2. Upon information and belief, Defendants, motivated by their desire to prevent knowledge from being disseminated, prevent criminal prosecution, and minimize disgrace and scandal, and by their desire to retain the active service of a brother, priest and/or reverend and/or manifestly and impliedly protect said Defendants' perception of the rights of such adult brother, priest and/or reverend over and above the rights and safety of potential minor victims, under the laws of the State of New Jersey and/or the United States, thereby gambling with, and/or egregiously endangering, the safety of such victims, agreed to enter into a conspiracy, conspired to and did fraudulently conceal and/or misrepresent their knowledge, negligence, and activities from plaintiff. Said Defendants engaged in a course of conduct including, but not limited to, the making of and/or permitting and environment of secrecy, the making of and/or false representations, promises, religious duress and/or failure to disclose and/or suppression of material facts, designed to prevent victims such as Plaintiff, from timely discovering and/or recognizing the wrongfulness of Defendants' actions and Plaintiff resultant injuries as well as the causes of action - all as more specifically set forth in detail elsewhere in this Complaint.

3. Defendants willfully misrepresented, and deliberately misled Plaintiff and/or failed to warn and/or inform him for at least one (1) of the following unreasonable reasons:

- (a) their interest in protecting Reverend Timothy Brennan (f/k/a Brother Timothy Brennan) in particular, and brothers, priests, and/or reverends, etc., in general, from investigation;
- (b) to protect the activities of Reverend Timothy Brennan (f/k/a Brother Timothy Brennan) in particular, and brothers, priests and/or reverends, etc., generally; and/or

(c) the injury to Plaintiff that was likely to result and that did, in fact, result were outweighed by the protection of the school, church and/or brothers and/or priests and/or reverends, etc., in general.

4. Because of Plaintiff's position and Defendants' position and authority, the Plaintiff reasonably relied upon Defendants' misrepresentations and/or acts of omission and/or commission.

5. Due in part to the Defendants' fraudulent concealment, Plaintiff herein lacked actual or constructive knowledge of the factual and/or legal basis for this lawsuit, particularly against the Defendants, and was prevented from realizing the wrongfulness of Defendants' actions and Plaintiff's resulting harm, and from remediating that harm.

6. Plaintiff, despite his exercise of due diligence, was prevented from discovering these causes of action set forth herein, as a direct result of Defendants' conduct.

7. At all times material hereto, the actions of said Defendants' were willful, wanton, malicious, reckless, and outrageous in their disregard for the rights and safety of Plaintiff.

8. As a direct and/or proximate result of said Defendants' conduct, Plaintiff has suffered the injuries and damages described herein.

**WHEREFORE**, Plaintiff demands judgment against all of the Defendants, jointly, severally and/or in the alternative, for compensatory damages, and for punitive damages, together with interest and costs.

**COUNT VII**

**AS TO ALL DEFENDANTS**

**BREACH OF FIDUCIARY DUTY**

1. Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 15 and Counts I through VI of the Complaint as if set forth herein at length.

2. Plaintiff was placed in the care and ministry of those Defendants set forth herein, including, but not limited to, the care and ministry of Reverend Timothy Brennan (f/k/a Brother



Timothy Brennan) for the purposes of *inter alia*, providing Plaintiff with educational instruction, training, spiritual guidance and/or counseling expounded by the school/church. As such, there exists a fiduciary relationship of trust, confidence, and reliance between Plaintiff and the Defendants herein.

3. Under their fiduciary relationship, Defendants were entrusted with the well-being, care, and safety of Plaintiff.

4. Under their fiduciary relationship, Defendants assumed a duty to act in the best interest of Plaintiff.

5. Defendants breached their fiduciary duty to Plaintiff.

6. At all times material hereto, Reverend Timothy Brennan (f/k/a Brother Timothy Brennan) was under the direct supervision, employ and/or control of the Defendants.

7. At all times material hereto, said Defendants' actions and/or inactions were willful, wanton, malicious, reckless, and outrageous in their disregard for the rights and safety of Plaintiff.

8. As a direct result of said conduct, Plaintiff has suffered injuries and damages described herein.

**WHEREFORE**, Plaintiff demands judgment against all of the Defendants, jointly, severally and/or in the alternative, for compensatory damages, and for punitive damages, together with interest and costs.

### **COUNT VIII**

#### **AS TO ALL DEFENDANTS**

#### **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

1. Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 15 and Counts I through VII of the Complaint as if set forth herein at length.

2. As described aforesaid, the actions of said Defendants, their predecessors and/or successors, agents, servants and/or employees were conducted in a negligent and/or grossly negligent manner.

3. As a direct and proximate result of said Defendants' negligence and/or gross negligence, plaintiff suffered the injuries and damages described herein, including but not limited to, mental and emotional distress.

**WHEREFORE**, Plaintiff demands judgment against all of the Defendants, jointly, severally and/or in the alternative, for compensatory damages, and for punitive damages, together with interest and costs.

**COUNT IX**

**AS TO ALL DEFENDANTS**

**BREACH OF DUTY IN LOCO PARENTIS**

1. Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 15 and Counts I through VIII of the Complaint as if set forth herein at length.

2. Plaintiff was entrusted by his parents to the Defendants for the purposes of *inter alia*, providing Plaintiff with educational instruction, training, counseling and/or spiritual guidance expounded by the school/church. As such, there existed a special relationship, including a fiduciary relationship, for the well-being, care, and safety of Plaintiff. The Defendants owed a duty to Plaintiff *in loco parentis*.

3. By sanctioning the entrusting of Plaintiff, then a minor child having his physical, mental and emotional safety entrusted to the Defendants, said Defendants actually and/or impliedly accepted, assumed and ratified the duty *in loco parentis* to protect him, as he was a minor child unable to protect himself.

4. At all times material hereto, Reverend Timothy Brennan (f/k/a Brother Timothy Brennan) was under the direct supervision, employ and control of said Defendants.

5. In the performance of his duties as a brother, priest, reverend, teacher, deacon, trustee, director, officer, employee, agent, servant and/or volunteer, Reverend Timothy Brennan (f/k/a Brother Timothy Brennan) engaged in and/or was enabled by his power and position to engage in sexual molestation perpetrated against Plaintiff, as described hereinabove.

6. The Defendants set forth in this Complaint breached their duty *in loco parentis*.

7. At all times material hereto, said Defendants' actions were willful, wanton, malicious, reckless, negligent, grossly negligent and/or outrageous in their disregard for the rights and safety of Plaintiff.

8. As a direct result of said Defendants' conduct, Plaintiff has suffered the injuries and damages described herein.

**WHEREFORE**, Plaintiff demands judgment against all of the Defendants, jointly, severally and/or in the alternative, for compensatory damages, and for punitive damages, together with interest and costs.

**COUNT X**

**AS TO ALL DEFENDANTS**

**INVASION OF PRIVACY**

1. Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 15 and Counts I through IX of the Complaint as if set forth herein at length.

2. As a direct result of Defendants' actions and/or inactions as alleged herein, Defendants heinously invaded Plaintiff's privacy.

3. At all times material hereto, said Defendants' actions were intentional, willful, wanton, malicious, reckless, and outrageous in their disregard for the rights and safety of Plaintiff.

4. As a direct result of said conduct, Plaintiff has suffered the injuries and damages described herein.

**WHEREFORE**, Plaintiff demands judgment against all of the Defendants, jointly, severally and/or in the alternative, for compensatory damages, and for punitive damages, together with interest and costs.

**COUNT XI**

**AS TO ALL DEFENDANTS**

**TORTIOUS INTERFERENCE WITH PARENTAL AND FILIAL CONSORTIUM**

1. Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 15 and Counts I through X of the Complaint as if set forth herein at length.

2. As a result of the continuing tortious conduct and/or interference of the Defendants' with the parent/child and family relationship and tortious disruption and interference with the guidance and discipline of the then minor Plaintiff, the Defendants disrupted Plaintiff's family life and his relationship with family members, including, but not limited to, the minor Plaintiff.

**WHEREFORE**, Plaintiff demands judgment against all of the Defendants, jointly, severally and/or in the alternative, for compensatory damages, and for punitive damages, together with interest and costs.

**COUNT XII**

**AS TO ALL DEFENDANTS**

**INTENTIONAL TORTIOUS CONDUCT IN THE HIRING, SUPERVISION, AND  
RETENTION OF REVEREND TIMOTHY BRENNAN (F/K/A BROTHER TIMOTHY  
BRENNAN)**

1. Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 15 and Counts I through XI of the Complaint as if set forth herein at length.

2. Defendants had actual or constructive knowledge that in the ordinary course of Reverend Timothy Brennan (f/k/a Brother Timothy Brennan)'s duties, he presented a threat of injury to minor children.

3. Defendants had actual or construction knowledge that Reverend Timothy Brennan (f/k/a Brother Timothy Brennan) was a sexual offender or had propensities of pederasty, frotteurism, pedophilia and/or ephebophilia, involving children, and as such, was unfit for unsupervised access to or care of children, and a severe danger to such minors, including Plaintiff.

4. Said Defendants had a duty to exercise reasonable care in the supervision, retention, assignment, transferring, appointment and/or employment of Reverend Timothy Brennan (f/k/a Brother Timothy Brennan) for the work assigned to him, and in determining his fitness for access to or care of minors, including Plaintiff, and were negligent and/or grossly negligent in that said Defendants failed to adopt to establish reasonable or adequate policies, guidelines or other means whereby they would recognize and respond to their servants' propensity for deviant sexual behavior or the behavior itself; furthermore, Defendants failed to report same as required by law, failed to adequately screen and/or investigate Reverend Timothy Brennan (f/k/a Brother Timothy Brennan)'s activities and behavior with regard to minors; failed to adequately monitor and/or investigate Reverend Timothy Brennan (f/k/a Brother Timothy Brennan)'s conduct, particularly through Reverend Timothy Brennan (f/k/a Brother Timothy Brennan)'s appointment or appointed position with Defendants, ORDER OF ST. BENEDICT OF NEW JERSEY, INC., d/b/a ST. MARY'S ABBEY/DELBARTON SCHOOL and/or ST. ELIZABETH'S SCHOOL and/or ST. ELIZABETH'S CHURCH and/or ARCHDIOCESE OF NEWARK and/or ABC ENTITY, and thereafter.

5. The Defendants had an ongoing duty to keep and retain Reverend Timothy Brennan (f/k/a Brother Timothy Brennan) under supervision that provided assurance that Reverend Timothy Brennan (f/k/a Brother Timothy Brennan) did not present a substantially certain risk to the health, safety and welfare of those individuals, including Plaintiff, who would reasonably be expected to come into contact with Reverend Timothy Brennan (f/k/a Brother Timothy Brennan) in the course of his employment.

6. The Defendants breached their duty of care in that they failed to take action to ensure that Plaintiff was not harmed by Reverend Timothy Brennan (f/k/a Brother Timothy Brennan) despite their actual or constructive notice of Reverend Timothy Brennan (f/k/a Brother Timothy Brennan)'s psychosexual disorder or conduct of pederasty, frotteurism, pedophilia and/or ephebophilia, more specifically, the Defendants placed Reverend Timothy Brennan (f/k/a Brother Timothy Brennan) in the position of trust in direct contact, care for and supervision of youth, and further, failed to provide and/or ensure reasonable supervision of Reverend Timothy Brennan (f/k/a Brother Timothy Brennan) and failed to provide adequate notice and/or warning to Plaintiff, and/or failed and/or refused to remove or suspend Reverend Timothy Brennan (f/k/a Brother Timothy Brennan) from his duties at his various assignments or appointments or as a brother, priest, reverend, teacher, deacon, trustee, director, officer, employee, agent, servant and/or volunteer, or to report him as requested by law or otherwise act to prevent Reverend Timothy Brennan (f/k/a Brother Timothy Brennan) from pursuing his sexual assaults on children, including, but not limited to Plaintiff, and to require them to report same to his victims, and otherwise failed to adopt and/or establish policies, guidelines, and/or other means protecting Plaintiff from a brother's, priest's, reverend's, teacher's, deacon's, trustee's, director's, officer's, employee's, agent's, servant's and/or volunteer's, propensity for deviant sexual behavior or the behavior itself.

7. The misconduct of Defendants were so willful, reckless and/or wicked as amounts to criminality and/or gross negligence for which the good of society and/or warning to the individual ought to be punished, and/or undertaken with malice or in bad faith, or with the intent to cause harm.

8. As a direct result of said conduct, Plaintiff has suffered the injuries and damages described herein.

**WHEREFORE**, Plaintiff demands judgment against all of the Defendants, jointly, severally and/or in the alternative, for compensatory damages, and for punitive damages, together with interest and costs.

**COUNT XIII**

**AS TO ALL DEFENDANTS**

**INTENTIONAL FAILURE TO SUPERVISE**

1. Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 15 and Counts I through XII of the Complaint as if set forth herein at length.

2. The Defendants were the supervisors of Reverend Justin Capato (f/k/a Brother Justin Capato).

3. The Defendants knew and/or reasonably should have known that harm was certain or substantially certain to result from failure to supervise Reverend Timothy Brennan (f/k/a Brother Timothy Brennan) their brother, priest, reverend, teacher, deacon, trustee, director, officer, employee, agent, servant and/or volunteer.

4. The Defendants disregarded this known risk of harm.

5. The Defendants knew and/or had reason to know that they had the ability to control Reverend Timothy Brennan (f/k/a Brother Timothy Brennan) and knew or should have known of the necessity and opportunity for exercising such control.

6. As a direct result of their inaction, the Plaintiff has suffered the injuries and damages described herein.

**WHEREFORE**, Plaintiff demands judgment against all of the Defendants, jointly, severally and/or in the alternative, for compensatory damages, and for punitive damages, together with interest and costs.

**COUNT XIV**

**AS TO ALL DEFENDANTS**

**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

1. Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 15 and Counts I through XIII of the Complaint as if set forth herein at length.

2. As described aforesaid, the actions of said Defendants, their predecessors and/or successors, agents, servants and/or employees were extreme and outrageous, conducted in an intentional and/or reckless manner, with knowledge that severe emotional distress and/or bodily harm to innocent children, including the Plaintiff, was certain and/or substantially certain to result.

3. As a direct and proximate result of said Defendants' tortious conduct, Plaintiff suffered the injuries and damages described herein, including mental and emotional distress.

**WHEREFORE**, Plaintiff demands judgment against all of the Defendants, jointly, severally and/or in the alternative, for compensatory damages, and for punitive damages, together with interest and costs.

### **COUNT XV**

#### **AS TO ALL DEFENDANTS**

#### **INTENTIONAL BREACH OF DUTY *IN LOCO PARENTIS***

1. Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 15 and Counts I through XIV of the Complaint as if set forth herein at length.

2. Plaintiff, then a minor child, was entrusted by his parents into the care of Defendants and their brother, priest, reverend, teacher, deacon, trustee, director, officer, employee, agent, servant and/or volunteer, Reverend Timothy Brennan (f/k/a Brother Timothy Brennan).

3. As such, there existed a special relationship, including, but not limited to, a fiduciary relationship for the well-being, care, and safety of the Plaintiff. The Defendants owed a duty to Plaintiff *in loco parentis*.



4. By sanctioning and/or encouraging the entrustment of Plaintiff's physical, mental and emotional safety to the Defendants, said Defendants actually and/or impliedly accepted, assumed and/or ratified the duty *in loco parentis* to protect him, as he was then unable to protect himself.

5. Defendants intentionally breached their duty *in loco parentis*.

6. At all times material hereto, Defendants' actions were so willful, reckless and/or wicked that such conduct amounted to criminality and/or gross negligence, which, for the good of society, should have been warned of, to the individuals and as a result should be punished. Said conduct was undertaken with malice and/or in bad faith, and/or with the intent and/or reasonably foreseeable expectation that the result of same would likely cause harm and/or severe damage.

7. As a direct result of said conduct, Plaintiff has suffered the injuries and damages described herein.

**WHEREFORE**, Plaintiff demands judgment against all of the Defendants, jointly, severally and/or in the alternative, for compensatory damages, and for punitive damages, together with interest and costs.

#### **COUNT XVI**

#### **AS TO ALL DEFENDANTS**

#### **INTENTIONAL BREACH OF FIDUCIARY DUTY**

1. Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 15 and Counts I through XV of the Complaint as if set forth herein at length.

2. Plaintiff, at the invitation and encouragement of Defendants, was entrusted to the care of said Defendants, and by Defendants to the care of Reverend Timothy Brennan (f/k/a Brother Timothy Brennan) for the purposes of inter alia, providing Plaintiff with educational instruction, training, spiritual guidance and/or counseling expounded by the school/church. As such, there exists a fiduciary relationship of trust, confidence, and reliance between Plaintiff, and

the Defendants, who assumed such fiduciary relationship and who presented themselves to Plaintiff, as agents and/or representatives of a deity.

3. Under their fiduciary relationship, Defendants were entrusted with the well-being, care, and safety of Plaintiff, and Plaintiff placed complete trust in and reliance thereon upon Defendants.

4. Under their fiduciary relationship, Defendants assumed a duty to act in the best interest of Plaintiff, including, but not limited to, the duty to investigate the distinct likelihood known to Defendants that other young victims of Reverend Timothy Brennan (f/k/a Brother Timothy Brennan) including the Plaintiff, existed and were in need of warning and/or care.

5. Defendants intentionally and/or recklessly breached their fiduciary duty to Plaintiff by:

- (a) intentionally failing to investigate and seek out victims, including the Plaintiff, of Reverend Timothy Brennan (f/k/a Brother Timothy Brennan) and render warning and/or care;
- (b) intentionally and/or grossly negligently and/or negligently choosing to protect their reputation, their well-being, and their interests and that of Reverend Timothy Brennan (f/k/a Brother Timothy Brennan) over the safety, welfare, well-being and other best interests of the minor child victims; and
- (c) by exhibiting conduct otherwise set forth elsewhere in this Complaint.

6. At all times material hereto, Reverend Timothy Brennan (f/k/a Brother Timothy Brennan) was under the direct supervision, employ and/or control of the Defendants.

7. At all times material hereto, said Defendants' actions were willful, wanton, malicious, reckless, grossly negligent and/or outrageous in their disregard for the rights and safety of Plaintiff, which amounted to conduct equivalent to criminality.

8. As a direct result of said conduct, Plaintiff has suffered the injuries and damages described herein.

**WHEREFORE**, Plaintiff demands judgment against all of the Defendants, jointly, severally and/or in the alternative, for compensatory damages, and for punitive damages, together with interest and costs.

**COUNT XVII**

**AS TO ALL DEFENDANTS**

**BREACH OF STATUTORY DUTY**

1. Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 15 and Counts I through XVI of the Complaint as if set forth herein at length.

2. Defendants had a statutorily imposed duty to report reasonable suspicion of abuse by Reverend Timothy Brennan (f/k/a Brother Timothy Brennan) of children in their care.

3. Defendants breached that duty by failing to report reasonable suspicion of abuse by Reverend Timothy Brennan (f/k/a Brother Timothy Brennan) of children in their care.

4. As a direct and/or indirect result of said conduct, Plaintiff has suffered injuries and damages described herein.

**WHEREFORE**, Plaintiff demands judgment against all of the Defendants, jointly, severally and/or in the alternative, for compensatory damages, and for punitive damages, together with interest and costs.

**COUNT XVIII**

**AS TO ALL DEFENDANTS**

1. Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 15 and Counts I through XVII of the Complaint as if set forth herein at length.

2. Reverend Timothy Brennan (f/k/a Brother Timothy Brennan) was acting as a brother, priest, reverend, teacher, deacon, trustee, director, officer, employee, agent, servant and/or volunteer of Defendants, ORDER OF ST. BENEDICT OF NEW JERSEY, INC., d/b/a ST. MARY'S ABBEY/DELBARTON SCHOOL and/or ST. ELIZABETH'S SCHOOL and/or ST. ELIZABETH'S CHURCH and/or ARCHDIOCESE OF NEWARK and/or ABC ENTITY.

3. The Defendants, as set forth previously, with regard to their obligation to Defendants, ORDER OF ST. BENEDICT OF NEW JERSEY, INC., d/b/a ST. MARY'S ABBEY/DELBARTON SCHOOL and/or ST. ELIZABETH'S SCHOOL and/or ST. ELIZABETH'S CHURCH and/or ARCHDIOCESE OF NEWARK and/or ABC ENTITY, intentionally and/or negligently and/or recklessly:

- (a) gave improper or ambiguous orders or failed to make proper regulations, and/or employed improper persons or instrumentalities in work involving risk of harm to others;
- (b) supervised the activities of which Reverend Timothy Brennan (f/k/a Brother Timothy Brennan) was partaking in when the aforementioned abuse occurred; or
- (c) permitted, and/or intentionally failed and/or neglected to prevent, negligent and/or grossly negligent conduct and/or allowed other tortious conduct by persons, whether or not their servants and/or agents and/or employees, upon premises or with instrumentalities under their control; and/or
- (d) allowed the acts of omission and/or commission and/or any or all of the allegations set forth in this Complaint, to occur.

4. At all times material hereto, with regard to the allegations contained herein, Reverend Timothy Brennan (f/k/a Brother Timothy Brennan) was under the direct supervision, employ and/or control of the Defendants.

5. At all times material hereto, said Defendants' actions were willful, wanton, malicious, reckless, and outrageous in their disregard for the rights and safety of Plaintiff, which amounted to conduct equivalent to criminality.

6. As a direct and/or indirect result of said conduct, Plaintiff has suffered the injuries and damages described herein.

**WHEREFORE**, Plaintiff demands judgment against all of the Defendants, jointly, severally and/or in the alternative, for compensatory damages, and for punitive damages, together with interest and costs.

### **COUNT XIX**

#### **AS TO ALL DEFENDANTS**

#### **REQUEST FOR PUNITIVE DAMAGES**

1. Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 15 and Counts I through XVIII of the Complaint as if set forth herein at length.

2. Defendants, either individually, jointly and/or severally, are liable by their actions and/or implied, constructive inactions with regard to their knowledge, actual and/or otherwise, and as such, are subjected to Plaintiff's request for punitive damages.

3. Defendants' conduct as aforesaid, was willful, wanton, malicious, reckless, outrageous and/or grossly negligent in nature.

4. As a direct and/or indirect result of said conduct, Plaintiff has suffered the injuries and damages described herein.

**WHEREFORE**, Plaintiff demands judgment against all of the Defendants, jointly, severally and/or in the alternative, for punitive damages, together with interest and costs.

### **JURY DEMAND**

Plaintiff demands a trial by jury on all issues of the within Complaint.

**RULE 4:5-1 CERTIFICATION**

I hereby certify that the matter in controversy is not the subject of any other pending and/or contemplated action or pending and or contemplated proceeding. I know of no other parties who should be joined in this action at this time.

\_\_\_\_\_  
GREGORY G. GIANFORCARO, ESQUIRE  
Attorney for Plaintiff

Dated:

**DESIGNATION OF TRIAL COUNSEL**

Plaintiff hereby designates Gregory G. Gianforcaro, Esquire as Trial counsel in the within matter.

\_\_\_\_\_  
GREGORY G. GIANFORCARO, ESQUIRE  
Attorney for Plaintiff

Dated: