

PRAYER FOR RELIEF

Plaintiff requests judgment against the Defendants and Bishop Scharfenberger as follows:

1. Ordering the Diocesan Corporation and Bishop Scharfenberger, as Apostolic Administrator for the Diocesan Corporation, to comply with, and enjoining them from further violating: (a) their legal obligations under the EPTL, RCL, and N-PCL to ensure that the Diocesan Corporation and its charitable assets are properly administered and that the Diocesan Corporation's charitable beneficiaries are protected by, among other things, requiring the Diocesan Corporation and those that administer it to comply with the *Charter*, the *Essential Norms*, and the *Diocesan Policies and Procedures* and (b) their obligations referred to in subsection (a) of this paragraph that require the Diocesan Corporation to:
 - (i) conduct an initial inquiry into each and every pending or future allegation of sexual abuse of a minor to determine whether the allegation is manifestly false or frivolous and to issue a written determination setting forth the substance of the initial inquiry's determination;
 - (ii) except where an allegation is manifestly false or frivolous, conduct a prompt, independent investigation of the allegation and issue a written report of the substance (including process and sources of information) and findings of such independent investigation to the DRB;
 - (iii) impose written restrictions on access to minors against any cleric accused of sexually abusing minors to ensure that the cleric cannot commit abuse during the pendency of the independent investigation and to take reasonable and appropriate measures to ensure that the cleric is complying with the restrictions;
 - (iv) ensure that the DRB conducts independent assessments of allegations, including an assessment of the results of the independent investigation, to determine if the allegations are sufficiently supported to warrant a referral to the CDF;
 - (v) report the results of the DRB's assessments to the public and announce such results to the parish in which the accused priest was assigned;

- (vi) ensure that the bishop, after reviewing the DRB's assessment, makes a reasonably prompt determination of whether a referral to the CDF is required and, where it is, to make such referral promptly;
- (vii) report all disciplinary actions taken as a result of the independent investigation or any canonical trial to the public and announce such results to the parish in which the priest was assigned;
- (viii) ensure that the Diocesan Corporation reasonably monitors any priests who are disciplined or who have restrictions imposed on their ministry or their contact with minors;
- (ix) maintain written records, including decrees as required by the *Essential Norms*, of each step of the process referred to herein, including, without limitation, the initial inquiry, the independent investigation, the DRB's assessment, determinations by the bishop or his authorized designee and any communications with and within the Diocesan Corporation concerning such assessment, and the monitoring of clergy;
- (x) ensure that the Diocesan Corporation has adopted a whistleblower policy that complies with N-PCL section 715-b and that such policy is publicized and complied with;
- (xi) ensure that the Diocesan Corporation institutes and complies with all training programs required by the *Charter*, the *Essential Norms*, or the *Diocesan Policies and Procedures* and maintains adequate records of such programs; and
- (xii) ensure that the Diocesan Corporation maintains a Code of Conduct that is consistent with and reflects the requirements of the *Charter*, the *Essential Norms*, and the *Diocesan Policies and Procedures* for all clergy, employees, and volunteers that is directed to preventing sexual abuse of minors; that all clergy, employees, and volunteers are made aware of such code and agree to comply with it, as well as to report all violations of it; and that such code is publicized by the Diocesan Corporation;

2. Appointing an independent compliance auditor selected by the Diocesan Corporation, on notice to and with the approval of the Attorney General, with the necessary expertise in the administration of programs for the prevention, detection, and remediation of sexual abuse, to monitor and audit the Diocesan Corporation's compliance with the policies and

procedures set forth in paragraph 1 hereof. Such independent compliance auditor shall prepare regular reports to the Attorney General, for a period of five years, that detail the Diocesan Corporation's efforts to comply with such policies and procedures and identifies any issues that, in the independent compliance auditor's judgment, need to be addressed in order to ensure or improve compliance. The Diocesan Corporation shall cooperate with such independent compliance auditor by, among other things, providing it with all written records created and/or required to be maintained in connection with the policies and procedures referred to in paragraph 1 hereof, including records of all complaints, investigations, DRB meetings, and monitoring efforts;

3. Permanently enjoining Bishop Malone from serving as a director, trustee, officer, or equivalent position of any not-for-profit or charitable organization incorporated or authorized to conduct business or solicit charitable donations in the State of New York, except that such injunction shall not bar Malone from serving in a ministerial, pastoral, or spiritual role;

4. Permanently enjoining Auxiliary Bishop Grosz from serving as a director, trustee, officer, or equivalent position of any not-for-profit or charitable organization incorporated or authorized to conduct business or solicit charitable donations in the State of New York, except that such injunction shall not bar Grosz from serving in a ministerial, pastoral, or spiritual role;

5. Directing Bishop Malone, pursuant to section 720 of the N-PCL, to (a) account for his conduct in the failure to perform his duties in the management of the Diocesan Corporation and its assets; (b) make full restitution for the waste and misuse of charitable assets resulting from his breaches of fiduciary duties; and (c) pay damages resulting from his breaches of fiduciary duties;

6. Directing Auxiliary Bishop Grosz, pursuant to section 720 of the N-PCL, to (a)

account for his conduct in the failure to perform his duties in the management of the Diocesan Corporation and its assets; (b) make full restitution for the waste and misuse of charitable assets resulting from his breaches of fiduciary duties; and (c) pay damages resulting from his breaches of fiduciary duties;

7. Directing Bishop Malone, pursuant to the EPTL, to (a) make full restitution for the waste and misuse of charitable assets resulting from his breaches of fiduciary duties and (b) pay damages resulting from his breaches of fiduciary duties;

8. Directing Auxiliary Bishop Grosz, pursuant to the EPTL, to (a) make full restitution for the waste and misuse of charitable assets resulting from his breaches of fiduciary duties and (b) pay damages resulting from his breaches of fiduciary duties;

9. Declaring that the Diocesan Corporation: (a) was not properly administered and (b) engaged in unauthorized activities; and

10. Granting such other and further relief as is just and proper.

Dated: New York, New York
November 23, 2020

LETITIA JAMES
Attorney General of the State of New York

By: 
James Sheehan
Charities Bureau Chief
28 Liberty Street
New York, New York 10005
Tel. (212) 416-8401

MEGHAN FAUX, *Chief Deputy Attorney General for Social Justice*
EMILY STERN, *Co-Chief of Enforcement Section, Charities Bureau*
DANIEL ROQUE, *Assistant Attorney General*
CATHERINE SUVARI, *Assistant Attorney General*