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**80 South Main Street
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Attorney for Plaintiffs**

W.C. and T.C., initials representing two (s) Plaintiffs,

Plaintiffs,

vs.

**DELBARTON SCHOOL, its brothers, priests, reverends,
teachers, deacons, trustees, directors, officers, employees,
agents, servants and/or volunteers; ST. MARY'S ABBEY, its
brothers, priests, reverends, 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 Justin Capato (f/k/a Brother Justin Capato) and/or
Reverend Luke Travers (f/k/a Brother Luke Travers));
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, Delbarton School and/or
St. Mary's Abbey and/or ABC Entity,**

Defendants.

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

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:
:
: DOCKET NO.:

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

Plaintiffs, W.C. and T.C., by way of Complaint against the Defendants, say:

THE PARTIES

AS TO ALL COUNTS

1. Plaintiffs, W.C. and T.C. (hereinafter referred to as "Plaintiffs"), are individuals who, as minors, were sexually assaulted and/or sexually abused by Reverend Justin Capato (f/k/a Brother Justin Capato) and/or Reverend Luke Travers (f/k/a Brother Luke Travers) (f/k/a Brother Justin, while acting in their capacity as a brother, priest and/or reverend assigned to, and/or employed, by the Defendants, DELBARTON SCHOOL and/or ST. MARY'S ABBEY, and/or ABC ENTITY.

2. The Defendant, 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. MARY'S ABBEY, its brothers, priests, reverends, teachers, deacons, trustees, directors, officers, employees, agents, servants and/or volunteers, is located at 230 Mendham Road, in the Town of Morristown, County of Morris, and State of New Jersey.

4. 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 Justin Capato (f/k/a Brother Justin Capato) and/or Reverend Luke Travers (f/k/a Brother Luke Travers) (f/k/a Brother Luke Travers).

5. During the years of approximately 1977 to 1979, Reverend Justin Capato (f/k/a Brother Justin Capato), was employed as a brother and/or priest at the Defendant, DELBARTON

SCHOOL, located in Morristown, New Jersey, which is a school within and under the auspices of the Defendant, ST. MARY'S ABBEY.

6. On numerous occasions, during the years of approximately 1977 through 1979, Reverend Justin Capato (f/k/a Brother Justin Capato), while acting as a brother, priest, reverend, teacher, deacon, trustee, director, officer, employee, agent, servant and/or volunteer of the Defendants, DELBARTON SCHOOL and/or ST. MARY'S ABBEY and/or ABC ENTITY, sexually assaulted, sexually abused and/or had sexual contact with the Plaintiffs, W.C. and T.C., who were residents of the Defendant, DELBARTON SCHOOL, in violation of the laws of New Jersey, including, but not limited to, N.J.S.A. 2A:61B-1.

7. During the year of approximately 1980, Reverend Luke Travers (f/k/a Brother Luke Travers) (f/k/a Brother Luke Travers), was employed as a brother, priest and/or reverend at the Defendant, DELBARTON SCHOOL, located in Morristown, New Jersey, which is a school within and under the auspices of the Defendant, ST. MARY'S ABBEY.

8. On numerous occasions, during the year of approximately 1980, Reverend Luke Travers (f/k/a Brother Luke Travers), while acting as a brother, priest, reverend, teacher, deacon, trustee, director, officer, employee, agent, servant and/or volunteer of the Defendants, DELBARTON SCHOOL and/or ST. MARY'S ABBEY and/or ABC ENTITY, sexually assaulted, sexually abused and/or had sexual contact with the Plaintiff, T.C., who was a resident of the Defendant, DELBARTON 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 Justin Capato (f/k/a Brother Justin Capato) and/or Reverend Luke Travers (f/k/a Brother Luke Travers), 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 Plaintiffs, W.C. and T.C.

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 those individuals who sexually abused the Plaintiffs, W.C. and T.C. Furthermore, any and all allegations set forth herein after shall be directed at each of them individually.

11. Plaintiffs contend 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 Plaintiffs’ lawful rights), and/or duress, and/or equitable grounds.

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

13. Additionally, Plaintiffs contend 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. Plaintiffs contend 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.

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 14 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, DELBARTON SCHOOL and/or ST. MARY'S ABBEY 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 Justin Capato (f/k/a Brother Justin Capato)'s and/or Reverend Luke Travers (f/k/a Brother Luke Travers)', sexual propensities of pederasty, frotteurism, pedophilia and/or ephebophilia.

5. Said Defendants knew and/or reasonably should have known that Reverend Justin Capato (f/k/a Brother Justin Capato) and/or Reverend Luke Travers (f/k/a Brother Luke Travers) posed an unreasonable risk of sexual abuse and harm to Plaintiffs, and knew and/or should have known that candor with the Plaintiffs and Plaintiffs' family, both prior to Reverend Justin Capato (f/k/a Brother Justin Capato)'s and/or Reverend Luke Travers (f/k/a Brother Luke Travers)',

misconduct and to the present was needed and would have remediated the effects of that misconduct.

6. Said Defendants owed Plaintiffs a duty to protect Plaintiffs directly and/or indirectly from Reverend Justin Capato (f/k/a Brother Justin Capato)'s and/or Reverend Luke Travers (f/k/a Brother Luke Travers)', sexual deviancy, both prior to and/or subsequent to Reverend Justin Capato (f/k/a Brother Justin Capato)'s and/or Reverend Luke Travers (f/k/a Brother Luke Travers)', 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 Justin Capato (f/k/a Brother Justin Capato)'s and/or Reverend Luke Travers (f/k/a Brother Luke Travers)', failure to control their psychosexual disorders and/or their 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, Plaintiffs would not have been sexually abused and/or emotionally harmed in the manner in which they presently are harmed.

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

WHEREFORE, Plaintiffs demand 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. Plaintiffs repeat and reallege each and every allegation contained in Paragraphs 1 through 14 and Count I of the Complaint as if set forth herein at length.

2. Prior to the dates of sexual molestation perpetrated by Reverend Justin Capato (f/k/a Brother Justin Capato) and/or Reverend Luke Travers (f/k/a Brother Luke Travers), 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 Justin Capato (f/k/a Brother Justin Capato)'s and/or Reverend Luke Travers (f/k/a Brother Luke Travers)', duty as a brother, priest, reverend, teacher, deacon, trustee, director, officer, employee, agent, servant and/or volunteer, and utilizing their 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 Justin Capato (f/k/a Brother Justin Capato) and/or Reverend Luke Travers (f/k/a Brother Luke Travers) had utilized their 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, DELBARTON SCHOOL and/or ST. MARY'S ABBEY and/or ABC ENTITY, to lure and persuade children to commit sexual acts with them,

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 they would have full access to children, including Plaintiffs, who had no awareness of their improper sexual practices; thereafter they failed to remove or suspend Reverend Justin Capato (f/k/a Brother Justin Capato) and/or Reverend Luke Travers (f/k/a Brother Luke Travers) from their duties as a brother, priest, reverend, teacher, deacon, trustee, director, officer, employee, agent, servant and/or volunteer or otherwise act to stop them from pursuing their sexual assaults on children, including but not limited to Plaintiffs, after receiving complaints and/or reliable information that Reverend Justin Capato (f/k/a Brother Justin Capato) and/or Reverend Luke Travers (f/k/a Brother Luke Travers) were 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 Plaintiffs 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 Plaintiffs.

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

WHEREFORE, Plaintiffs demand 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. Plaintiffs repeat and reallege each and every allegation contained in Paragraphs 1, through 14 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 Plaintiffs, who were likely to come within the influence of Reverend Justin Capato (f/k/a Brother Justin Capato) and/or Reverend Luke Travers (f/k/a Brother Luke Travers) in their role as a brother, priest, reverend, teacher, deacon, trustee, director, officer, employee, agent, servant and/or volunteer, to insure that Reverend Justin Capato (f/k/a Brother Justin Capato) and/or Reverend Luke Travers (f/k/a Brother Luke Travers) did not abuse their 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 Plaintiffs by failing to warn or otherwise protect the Plaintiffs from Reverend Justin Capato (f/k/a Brother Justin Capato) and/or Reverend Luke Travers (f/k/a Brother Luke Travers) who were acting under their supervision, and whom they knew and/or reasonably should have known were likely to sexually assault and abuse persons such as Plaintiffs in the manner described herein, and by failing to insure that Reverend Justin Capato (f/k/a Brother Justin Capato) and/or Reverend Luke Travers (f/k/a Brother Luke Travers) would not have unsupervised access to people such as Plaintiffs.

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

WHEREFORE, Plaintiffs demand 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 DEFENDANTS, REVEREND JUSTIN CAPATO (F/K/A
BROTHER JUSTIN CAPATO) AND/OR REVEREND LUKE TRAVERS (F/K/A
BROTHER LUKE TRAVERS)**

1. Plaintiffs repeat and reallege each and every allegation contained in Paragraphs 1 through 14 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 Justin Capato (f/k/a Brother Justin Capato)'s and/or Reverend Luke Travers (f/k/a Brother Luke Travers)', proclivities and/or improper behavior toward others, including but not limited to the Plaintiffs; 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 Justin Capato (f/k/a Brother Justin Capato) and/or Reverend Luke Travers (f/k/a Brother Luke Travers) were sexual offenders and/or had propensities of pederasty, frotteurism, pedophilia and/or ephebophilia, involving children, and were unfit to perform their employment responsibilities, duties and/or obligations as a brother,

priest, reverend, teacher, deacon, trustee, director, officer, employee, agent, servant and/or volunteer, and were a severe danger to such minors, including Plaintiffs.

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 Justin Capato (f/k/a Brother Justin Capato) and/or Reverend Luke Travers (f/k/a Brother Luke Travers) for the work assigned to them, and for purposes of determining their fitness for access to minors, including Plaintiffs, 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 Justin Capato (f/k/a Brother Justin Capato) and/or Reverend Luke Travers (f/k/a Brother Luke Travers) regarding their 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 abusers' prior activities and/or behavior with regard to minors; and failed to adequately monitor and/or investigate Reverend Justin Capato (f/k/a Brother Justin Capato)'s and/or Reverend Luke Travers (f/k/a Brother Luke Travers)', conduct during their training, and conduct prior to each change in assignment and/or appointment of Reverend Justin Capato (f/k/a Brother Justin Capato) and/or Reverend Luke Travers (f/k/a Brother Luke Travers) as a brother, priest, reverend, teacher, deacon, trustee, director, officer, employee, agent, servant and/or volunteer, particularly through Reverend Justin Capato (f/k/a Brother Justin Capato)'s and/or

Reverend Luke Travers (f/k/a Brother Luke Travers)', assignments and/or appointed position(s) with Defendants, DELBARTON SCHOOL and/or ST. MARY'S ABBEY and/or ABC ENTITY, and thereafter.

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

6. The Defendants breached their duty of care in that they failed to take any action to ensure that Plaintiffs were not harmed by Reverend Justin Capato (f/k/a Brother Justin Capato) and/or Reverend Luke Travers (f/k/a Brother Luke Travers) despite their actual and/or constructive notice of Reverend Justin Capato (f/k/a Brother Justin Capato)'s and/or Reverend Luke Travers (f/k/a Brother Luke Travers)', 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 Justin Capato (f/k/a Brother Justin Capato) and/or Reverend Luke Travers (f/k/a Brother Luke Travers) 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, DELBARTON SCHOOL and/or ST. MARY'S ABBEY and/or ABC ENTITY, in direct contact with youth, and further negligently failed to provide adequate warning to Plaintiffs, negligently failed and refused to remove or suspend Reverend Justin Capato (f/k/a Brother Justin Capato) and/or Reverend Luke Travers (f/k/a Brother Luke Travers) from their duties at their 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 Justin Capato (f/k/a Brother Justin Capato) and/or Reverend Luke Travers (f/k/a Brother Luke Travers) from pursuing their sexual assaults on children, including Plaintiffs, and to require them to report same to their victims, and otherwise failed to adopt and establish policies, guidelines, or other means protecting Plaintiffs, 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 Plaintiffs.

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

WHEREFORE, Plaintiffs demand 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. Plaintiffs repeat and reallege each and every allegation contained in Paragraphs 1 through 14 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, DELBARTON SCHOOL and/or ST. MARY' ABBEY and/or ABC ENTITY, as well as all schools/parishes under their control, and specifically, had a duty not to aid Reverend Justin Capato (f/k/a Brother Justin Capato) and/or Reverend Luke Travers (f/k/a Brother Luke Travers) by assigning, maintaining and/or appointing them to a position with access to minors, including through Reverend Justin Capato (f/k/a Brother Justin Capato)'s and/or Reverend Luke Travers (f/k/a Brother Luke Travers)', position(s) as a brother, priest, reverend, teacher, deacon, trustee, director, officer, employee, agent, servant and/or volunteer at Defendants, DELBARTON SCHOOL and/or ST. MARY'S ABBEY, 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, DELBARTON SCHOOL and/or ST. MARY'S ABBEY and/or ABC ENTITY, had the authority to assign, appoint and/or remove Reverend Justin Capato (f/k/a Brother Justin Capato) and/or Reverend Luke Travers (f/k/a Brother Luke Travers) to, and/or from, any assignment within the Defendants, DELBARTON SCHOOL and/or ST. MARY'S ABBEY and/or ABC ENTITY, and/or to grant and/or withhold permission from Reverend Justin

Capato (f/k/a Brother Justin Capato) and/or Reverend Luke Travers (f/k/a Brother Luke Travers) to exercise their 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 Justin Capato (f/k/a Brother Justin Capato) and/or Reverend Luke Travers (f/k/a Brother Luke Travers) had a duty to receive and execute whatever orders were given to them by the Defendant supervisors and/or their agents, servants and/or employees, as well as a duty to submit to an accounting of their duties and responsibilities directly to Defendant(s), as well as to give them effective assistance in the administration of the Defendants, DELBARTON SCHOOL and/or ST. MARY'S ABBEY 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 Justin Capato (f/k/a Brother Justin Capato)'s and/or Reverend Luke Travers (f/k/a Brother Luke Travers)', 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, DELBARTON SCHOOL and/or ST. MARY'S ABBEY and/or ABC ENTITY, Reverend Justin Capato (f/k/a Brother Justin Capato) and/or Reverend Luke Travers (f/k/a Brother Luke Travers), were acting as a brother, priest, reverend, teacher, deacon, trustee, director, officer, employee, agent, servant and/or volunteer of

Defendants, DELBARTON SCHOOL and/or ST. MARY'S ABBEY and/or ABC ENTITY, during and/or within the course and scope of their agency and employment, and thereby gained access to Plaintiffs, and used the powers and influence of their positions and status as an actual and apparent agent of the Defendants to sexually abuse the Plaintiffs while in the State of New Jersey.

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

WHEREFORE, Plaintiffs demand 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. Plaintiffs repeat and reallege each and every allegation contained in Paragraphs 1 through 14 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 plaintiffs. Said Defendants engaged in a course of conduct including, but not limited to, the making of and/or permitting an 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 Plaintiffs, from timely discovering and/or recognizing the wrongfulness of Defendants' actions and Plaintiffs 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 Plaintiffs and/or failed to warn and/or inform them for at least one (1) of the following unreasonable reasons:

- (a) their interest in protecting Reverend Justin Capato (f/k/a Brother Justin Capato) and/or Reverend Luke Travers (f/k/a Brother Luke Travers) in particular, and brothers, priests, and/or reverends, etc., in general, from investigation;
- (b) to protect the activities of Reverend Justin Capato (f/k/a Brother Justin Capato) and/or Reverend Luke Travers (f/k/a Brother Luke Travers) in particular, and brothers, priests and/or reverends, etc., generally; and/or
- (c) the injury to Plaintiffs that were 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 Plaintiffs' position and Defendants' position and authority, the Plaintiffs reasonably relied upon Defendants' misrepresentations and/or acts of omission and/or commission.

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

6. Plaintiffs, despite their 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 Plaintiffs.

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

WHEREFORE, Plaintiffs demand 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. Plaintiffs repeat and reallege each and every allegation contained in Paragraphs 1 through 14 and Counts I through VI of the Complaint as if set forth herein at length.

2. Plaintiffs were placed in the care and ministry of those Defendants set forth herein, including, but not limited to, the care and ministry of Reverend Justin Capato (f/k/a Brother Justin Capato) and/or Reverend Luke Travers (f/k/a Brother Luke Travers) for the purposes of *inter alia*, providing Plaintiffs 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 Plaintiffs and the Defendants herein.

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

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

5. Defendants breached their fiduciary duty to Plaintiffs.

6. At all times material hereto, Reverend Justin Capato (f/k/a Brother Justin Capato) and/or Reverend Luke Travers (f/k/a Brother Luke Travers) were 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 Plaintiffs.

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

WHEREFORE, Plaintiffs demand 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. Plaintiffs repeat and reallege each and every allegation contained in Paragraphs 1 through 14 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, plaintiffs suffered the injuries and damages described herein, including but not limited to, mental and emotional distress.

WHEREFORE, Plaintiffs demand 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. Plaintiffs repeat and reallege each and every allegation contained in Paragraphs 1 through 14 and Counts I through VIII of the Complaint as if set forth herein at length.

2. Plaintiffs were entrusted by his parents to the Defendants for the purposes of *inter alia*, providing Plaintiffs 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 Plaintiffs. The Defendants owed a duty to Plaintiffs *in loco parentis*.

3. By sanctioning the entrusting of Plaintiffs, then minor children having their 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 them, as they were minor children unable to protect themselves.

4. At all times material hereto, Reverend Justin Capato (f/k/a Brother Justin Capato) and/or Reverend Luke Travers (f/k/a Brother Luke Travers) were under the direct supervision, employ and control of said Defendants.

5. In the performance of their duties as a brother, priest, reverend, teacher, deacon, trustee, director, officer, employee, agent, servant and/or volunteer, Reverend Justin Capato (f/k/a Brother Justin Capato) and/or Reverend Luke Travers (f/k/a Brother Luke Travers) engaged in and/or were enabled by their power and position to engage in sexual molestation perpetrated against Plaintiffs, 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 Plaintiffs.

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

WHEREFORE, Plaintiffs demand 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. Plaintiffs repeat and reallege each and every allegation contained in Paragraphs 1 through 14 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 Plaintiffs' 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 Plaintiffs.

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

WHEREFORE, Plaintiffs demand 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. Plaintiffs repeat and reallege each and every allegation contained in Paragraphs 1 through 14 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 Plaintiffs, the Defendants disrupted Plaintiffs'

family life and their relationship with family members, including, but not limited to, the minor Plaintiffs.

WHEREFORE, Plaintiffs demand 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 DEFENDANTS, REVEREND JUSTIN CAPATO (F/K/A BROTHER JUSTIN CAPATO) AND/OR REVEREND LUKE TRAVERS (F/K/A BROTHER LUKE TRAVERS)

1. Plaintiffs repeat and reallege each and every allegation contained in Paragraphs 1 through 14 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 Justin Capato (f/k/a Brother Justin Capato)'s and/or Reverend Luke Travers (f/k/a Brother Luke Travers)', duties, they presented a threat of injury to minor children.
3. Defendants had actual or construction knowledge that Reverend Justin Capato (f/k/a Brother Justin Capato) and/or Reverend Luke Travers (f/k/a Brother Luke Travers) were sexual offenders or had propensities of pederasty, frotteurism, pedophilia and/or ephebophilia, involving children, and as such, were unfit for unsupervised access to or care of children, and a severe danger to such minors, including Plaintiffs.
4. Said Defendants had a duty to exercise reasonable care in the supervision, retention, assignment, transferring, appointment and/or employment of Reverend Justin Capato (f/k/a Brother Justin Capato) and/or Reverend Luke Travers (f/k/a Brother Luke Travers) for the work assigned to them, and in determining their fitness for access to or care of minors, including

Plaintiffs, 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 Justin Capato (f/k/a Brother Justin Capato)'s and/or Reverend Luke Travers (f/k/a Brother Luke Travers)', activities and behavior with regard to minors; failed to adequately monitor and/or investigate Reverend Justin Capato (f/k/a Brother Justin Capato)'s and/or Reverend Luke Travers (f/k/a Brother Luke Travers)', conduct, particularly through Reverend Justin Capato (f/k/a Brother Justin Capato)'s and/or Reverend Luke Travers (f/k/a Brother Luke Travers)', appointment or appointed position with Defendants, DELBARTON SCHOOL and/or ST. MARY'S ABBEY and/or ABC ENTITY, and thereafter.

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

6. The Defendants breached their duty of care in that they failed to take action to ensure that Plaintiffs were not harmed by Reverend Justin Capato (f/k/a Brother Justin Capato) and/or Reverend Luke Travers (f/k/a Brother Luke Travers) despite their actual or constructive notice of Reverend Justin Capato (f/k/a Brother Justin Capato)'s and/or Reverend Luke Travers

(f/k/a Brother Luke Travers)', psychosexual disorder or conduct of pederasty, frotteurism, pedophilia and/or ephebophilia, more specifically, the Defendants placed Reverend Justin Capato (f/k/a Brother Justin Capato) and/or Reverend Luke Travers (f/k/a Brother Luke Travers) 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 Justin Capato (f/k/a Brother Justin Capato) and/or Reverend Luke Travers (f/k/a Brother Luke Travers) and failed to provide adequate notice and/or warning to Plaintiffs, and/or failed and/or refused to remove or suspend Reverend Justin Capato (f/k/a Brother Justin Capato) and/or Reverend Luke Travers (f/k/a Brother Luke Travers) from their duties at their various assignments or appointments or as a brother, priest, reverend, teacher, deacon, trustee, director, officer, employee, agent, servant and/or volunteer, or to report them as requested by law or otherwise act to prevent Reverend Justin Capato (f/k/a Brother Justin Capato) and/or Reverend Luke Travers (f/k/a Brother Luke Travers) from pursuing their sexual assaults on children, including, but not limited to Plaintiffs, and to require them to report same to their victims, and otherwise failed to adopt and/or establish policies, guidelines, and/or other means protecting Plaintiffs 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, Plaintiffs have suffered the injuries and damages described herein.

WHEREFORE, Plaintiffs demand 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. Plaintiffs repeat and reallege each and every allegation contained in Paragraphs 1 through 14 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) and/or Reverend Luke Travers (f/k/a Brother Luke Travers).
3. The Defendants knew and/or reasonably should have known that harm was certain or substantially certain to result from failure to supervise Reverend Justin Capato (f/k/a Brother Justin Capato) and/or Reverend Luke Travers (f/k/a Brother Luke Travers) 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 Justin Capato (f/k/a Brother Justin Capato) and/or Reverend Luke Travers (f/k/a Brother Luke Travers) and knew or should have known of the necessity and opportunity for exercising such control.
6. As a direct result of their inaction, the Plaintiffs have suffered the injuries and damages described herein.

WHEREFORE, Plaintiffs demand 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. Plaintiffs repeat and reallege each and every allegation contained in Paragraphs 1 through 14 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 plaintiffs, was certain and/or substantially certain to result.

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

WHEREFORE, Plaintiffs demand 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. Plaintiffs repeat and reallege each and every allegation contained in Paragraphs 1 through 14 and Counts I through XIV of the Complaint as if set forth herein at length.

2. Plaintiffs, then minor children, were entrusted by their parents into the care of Defendants and their brother, priest, reverend, teacher, deacon, trustee, director, officer, employee, agent, servant and/or volunteer, Reverend Justin Capato (f/k/a Brother Justin Capato) and/or Reverend Luke Travers (f/k/a Brother Luke Travers).

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 Plaintiffs. The Defendants owed a duty to Plaintiffs *in loco parentis*.

4. By sanctioning and/or encouraging the entrustment of Plaintiffs' 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 them, as they was then unable to protect themselves.

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, Plaintiffs have suffered the injuries and damages described herein.

WHEREFORE, Plaintiffs demand 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. Plaintiffs repeat and reallege each and every allegation contained in Paragraphs 1 through 14 and Counts I through XV of the Complaint as if set forth herein at length.

2. Plaintiffs, at the invitation and encouragement of Defendants, were entrusted to the care of said Defendants, and by Defendants to the care of Reverend Justin Capato (f/k/a Brother Justin Capato) and/or Reverend Luke Travers (f/k/a Brother Luke Travers) for the purposes of inter alia, providing Plaintiffs 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 Plaintiffs, and the Defendants, who assumed such fiduciary relationship and who presented themselves to Plaintiffs, as agents and/or representatives of a deity.

3. Under their fiduciary relationship, Defendants were entrusted with the well-being, care, and safety of Plaintiffs, and Plaintiffs 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 Plaintiffs, including, but not limited to, the duty to investigate the distinct likelihood known to Defendants that other young victims of Reverend Justin Capato (f/k/a Brother Justin Capato) and/or Reverend Luke Travers (f/k/a Brother Luke Travers) including the Plaintiffs, existed and were in need of warning and/or care.

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

- (a) intentionally failing to investigate and seek out victims, including the Plaintiffs, of Reverend Justin Capato (f/k/a Brother Justin Capato) and/or Reverend Luke Travers (f/k/a Brother Luke Travers) 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 Justin Capato (f/k/a Brother Justin Capato) and/or Reverend Luke Travers (f/k/a Brother Luke Travers) 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 Justin Capato (f/k/a Brother Justin Capato) and/or Reverend Luke Travers (f/k/a Brother Luke Travers) were 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 Plaintiffs, which amounted to conduct equivalent to criminality.

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

WHEREFORE, Plaintiffs demand 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. Plaintiffs repeat and reallege each and every allegation contained in Paragraphs 1 through 14 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 Justin Capato (f/k/a Brother Justin Capato) and/or Reverend Luke Travers (f/k/a Brother Luke Travers) of children in their care.

3. Defendants breached that duty by failing to report reasonable suspicion of abuse by Reverend Justin Capato (f/k/a Brother Justin Capato) and/or Reverend Luke Travers (f/k/a Brother Luke Travers) of children in their care.

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

WHEREFORE, Plaintiffs demand 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. Plaintiffs repeat and reallege each and every allegation contained in Paragraphs 1 through 14 and Counts I through XVII of the Complaint as if set forth herein at length.

2. Reverend Justin Capato (f/k/a Brother Justin Capato) and/or Reverend Luke Travers (f/k/a Brother Luke Travers) were acting as a brother, priest, reverend, teacher, deacon, trustee, director, officer, employee, agent, servant and/or volunteer of Defendants, DELBARTON SCHOOL and/or ST. MARY'S ABBEY and/or ABC ENTITY.

3. The Defendants, as set forth previously, with regard to their obligation to Defendants, DELBARTON SCHOOL and/or ST. MARY'S ABBEY 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 Justin Capato (f/k/a Brother Justin Capato) and/or Reverend Luke Travers (f/k/a Brother Luke Travers) were 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 Justin Capato (f/k/a Brother Justin Capato) and/or Reverend Luke Travers (f/k/a Brother Luke Travers) were 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 Plaintiffs, which amounted to conduct equivalent to criminality.

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

WHEREFORE, Plaintiffs demand 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. Plaintiffs repeat and reallege each and every allegation contained in Paragraphs 1 through 14 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 Plaintiffs' 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, Plaintiffs have suffered the injuries and damages described herein.

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

JURY DEMAND

Plaintiffs demand 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 Plaintiffs

Dated: 3-20-12

DESIGNATION OF TRIAL COUNSEL

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



GREGORY G. GIANFORCARO, ESQUIRE
Attorney for Plaintiffs

Dated: 3-20-12