

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

X

SEAN CONNOLLY, JAMES CORBETT,
PAMELA DETTMER, JACK LYNCH,
JOHN MCCARRICK, JAMES O'FARRELL,
JOHN QUINN, MARY REILLY, BERNARD REILLY,
NICKOLAS RUZZI, HOPE DIETSCH, PEGGY
CRISTIANO, KIMBERLY ELLIS-ROGERS
and JOHN WARD,

Index No.

COMPLAINT

Plaintiffs,

against

FATHER PETER MIQUELI, KEITH CRIST,
CARDINAL TIMOTHY DOLAN, and the
ARCHDIOCESE OF NEW YORK,

Defendants.

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PLAINTIFFS, complaining of the DEFENDANTS, by and through their attorneys,
MICHAEL G. DOWD, ESQ., ROBERT M. FANTONE, ESQ. and ANDREW MANCILLA,
ESQ., respectfully show to this Court and allege as follows:

INTRODUCTION

This lawsuit seeks to rectify a decade-long million dollar embezzlement scheme by a Roman Catholic pastor in New York: Father Peter Miqueli. Since 2003 the defendant Father Peter Miqueli used his position of trust and confidence as a pastor, as a man of God, to misappropriate and divert hundreds of thousands of dollars of donation funds from parishioners at the St. Frances Xavier Cabrini Church on Roosevelt Island and the St. Frances De Chantal

Church in the Bronx. Rather than use parishioner donations for religious and charitable purposes, Father Miqueli used the donations to grow his personal wealth, purchase a house in New Jersey, take dozens of international vacations, purchase and use illegal drugs, and pay for the weekly services of his homosexual prostitute and “sex master” Keith Crist.

Miqueli’s illegal scheme was known and protected by his employer, the Archdiocese of New York and Cardinal Timothy Dolan, and it was only by virtue of the Archdiocese’s failure to act that Miqueli’s scheme developed into the monster it is today. As of the drafting of this Complaint, despite the Archdiocese of New York’s knowledge of Father Peter Miqueli’s conduct, Miqueli continues to stay in his New Jersey house, pay for and use illegal drugs, and pay his homosexual sex “master” Keith Crist, all financed with misappropriated parishioner donations. Understandably so, his breach of trust and faith has resulted in the overall decline in the well-being and morale of the St. Frances De Chantal Parish, and its community. His embezzlement continues. This lawsuit seeks to finally put an end to this truly sinful conduct so that the St. Frances De Chantal Parish can regain the strength, spirituality, and faith it once had before Father Miqueli arrived.

AS AND FOR A FIRST CAUSE OF ACTION
(NEGLIGENT SUPERVISION AS AGAINST THE ARCHDIOCESE
AND CARDINAL DOLAN)

1. The PLAINTIFFS were, at relevant times herein mentioned, parishioners of parishes controlled by the ARCHDIOCESE OF NEW YORK and attended parishes in which

DEFENDANT FATHER PETER MIQUELI was the pastor. Collectively the PLAINTIFFS are residents of New York State, currently residing in both Bronx County and New York County.

2. DEFENDANT ARCHDIOCESE OF NEW YORK (hereinafter the “ARCHDIOCESE”) is a Roman Catholic ARCHDIOCESE in New York State. It encompasses the boroughs of Manhattan, the Bronx and Staten Island within New York City as well as the Counties of Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, and Westchester within New York State. The ARCHDIOCESE oversees approximately 296 parishes that serve approximately 2.8 million Catholics in addition to hundreds of Catholic schools, hospitals and charities.

3. DEFENDANT FATHER PETER MIQUELI (hereinafter “FATHER MIQUELI”) is an ordained priest, a New York State Resident, and is currently the priest at St. Frances De Chantal Church in Bronx, New York. FATHER MIQUELI was appointed by and subject to the supervision of the ARCHDIOCESE.

4. Upon information and belief, in 2003 FATHER MIQUELI was appointed by EDWARD MICHAEL CARDINAL EGAN, who served as the Archbishop of the ARCHDIOCESE from 2000 to 2009, to be the pastor at ST. FRANCES XAVIER CABRINI (hereinafter “CABRINI”). CABRINI is a parish responsible to the ARCHDIOCESE and is overseen by the ARCHDIOCESE. CABRINI is located at 564 Main Street, Roosevelt Island, New York 10044.

5. FATHER MIQUELI served as the priest of CABRINI from 2003 to October 2012.

6. Upon information and belief, on or about October 2012 FATHER MIQUELI was appointed by CARDINAL TIMOTHY MICHAEL DOLAN (hereinafter “CARDINAL DOLAN”), who has been the Archbishop of the ARCHDIOCESE since 2009, to be the pastor at ST. FRANCES DE CHANTAL CHURCH (herein referred to as “ST. FRANCES DE CHANTAL”). ST. FRANCES DE CHANTAL is a parish responsible to the ARCHDIOCESE and is overseen by the ARCHDIOCESE. ST. FRANCES DE CHANTAL is located at 190 Hollywood Avenue, Bronx, New York 10465.

7. FATHER MIQUELI, KEITH CRIST, CARDINAL DOLAN, and the ARCHDIOCESE are hereinafter collectively referred to as the “DEFENDANTS.”

8. FATHER MIQUELI is currently the pastor at ST. FRANCES DE CHANTAL and has held that position since October 2012.

9. PLAINTIFFS SEAN CONNOLLY, JAMES CORBETT, PAMELA DETTMER, JACK LYNCH, JOHN MCCARRICK, JAMES O’FARRELL, JOHN QUINN, MARY REILLY, BERNARD REILLY, NICKOLAS RUZZI, JOHN WARD were parishioners of ST. FRANCES DE CHANTAL who frequented and donated money to ST. FRANCES DE CHANTAL and the ARCHDIOCESE since 2009.

10. Upon information and belief, the PLAINTIFFS were beneficiaries of donations made by parishioners at ST. FRANCES DE CHANTAL to the ARCHDIOCESE.

11. Upon information and belief, through their association with the ARCHDIOCESE the PLAINTIFFS were beneficiaries of donations made by parishioners at CABRINI to the ARCHDIOCESE.

12. Upon information and belief, the PLAINTIFFS were parishioners at ST. FRANCES DE CHANTAL at the time FATHER MIQUELI was assigned as its pastor, and it was solely in their capacity as parishioners that they met FATHER MIQUELI after he became the pastor in October 2012.

13. As parishioners at ST. FRANCES DE CHANTAL, the PLAINTIFFS had an interest in the religious affairs of ST. FRANCES DE CHANTAL and an interest in ensuring that their donations are used for charitable or religious purposes and not for FATHER MIQUELI's personal benefit.

14. Upon information and belief, by and through an agreement between the ARCHDIOCESE, CARDINAL DOLAN, and FATHER MIQUELI, FATHER MIQUELI was appointed, employed, and otherwise authorized to work as the pastor at CABRINI between 2003 and October 2012 and the pastor of ST. FRANCES DE CHANTAL from October 2012 to the present.

15. Upon information and belief, at all times herein mentioned, FATHER MIQUELI was, and continues to be, an authorized agent and employee of the ARCHDIOCESE, and acted (and continues to act) within the course and scope of his respective employment as the pastor at

CABRINI between 2003 and October 2012 and ST. FRANCES DE CHANTAL from October 2012 to the present.

16. Upon information and belief, that at all times relevant the ARCHDIOCESE by and through pastors and priests like FATHER MIQUELI, instilled in parishioners like PLAINTIFFS the notion that they should place their trust and respect, as well as their reliance, on the authority of the ARCHDIOCESE and pastors and priests like FATHER MIQUELI.

17. Upon information and belief, PLAINTIFFS were taught by the ARCHDIOCESE to obey, trust and respect its pastors and priests like FATHER MIQUELI.

18. Upon information and belief, the ARCHDIOCESE, CARDINAL DOLAN, and FATHER MIQUELI occupied superior positions of influence and authority over PLAINTIFFS as a result of the trust said DEFENDANTS instilled in PLAINTIFFS.

19. Upon information and belief, the ARCHDIOCESE and CARDINAL DOLAN knew or should have known that by reason of the trust and respect that PLAINTIFFS reposed in the ARCHDIOCESE and FATHER MIQUELI, that PLAINTIFFS and other parishioners would be encouraged to donate money during and through their participation in parish-related activities like mass, confirmations, etc.

20. Upon information and belief, said DEFENDANTS knew or should have known that the cultivation of personal and trusting relationships as described above between pastors and priests like FATHER MIQUELI and parishioners like PLAINTIFFS was at all times a primary goal of the ARCHDIOCESE.

21. Upon information and belief, said DEFENDANTS, at all times relevant knew and approved, that pursuant to his authorized duties, FATHER MIQUELI would accept donations for charitable or religious purposes from parishioners such as PLAINTIFFS.

22. Upon information and belief, FATHER MIQUELI solicited donations for charitable or religious purposes as a pastor at CABRINI and ST. FRANCES DE CHANTAL and did so as an employee of the ARCHDIOCESE acting within the scope of his employment and as an agent acting within the scope of his authority of the ARCHDIOCESE.

23. Upon information and belief, the ARCHDIOCESE and CARDINAL DOLAN knew or should have known that by reason of the trust and respect that parishioners at CABRINI and ST. FRANCES DE CHANTAL reposed in the ARCHDIOCESE and FATHER MIQUELI, that said parishioners would donate money to the church and the ARCHDIOCESE for charitable or religious purposes.

24. Upon information and belief, parishioners at CABRINI and ST. FRANCES DE CHANTAL, including PLAINTIFFS, donated money because FATHER MIQUELI solicited donations from parishioners for charitable or religious purposes since 2003.

25. Upon information and belief, parishioners like PLAINTIFFS, and PLAINTIFFS themselves, were aware of and understood that any and all donations made to ST. FRANCES DE CHANTAL would be used for religious purposes only by ST. FRANCES DE CHANTAL and the ARCHDIOCESE.

26. Upon information and belief, the ARCHDIOCESE knew that donations made by parishioners at CABRINI from 2003 to October 2012 were solicited, collected, accounted for, calculated, and controlled by FATHER MIQUELI.

27. Upon information and belief, the ARCHDIOCESE knew that donations made by parishioners at ST. FRANCES DE CHANTAL from 2012 to the present are solicited, collected, accounted for, calculated, and controlled by FATHER MIQUELI.

28. The ARCHDIOCESE, as a tax-exempt organization with specific financial rules and procedures for its appointed priests and pastors and who is responsible for appointing FATHER MIQUELI to CABRINI and ST. FRANCES DE CHANTAL, and is the recipient of charitable donations solicited from parishioners by FATHER MIQUELI, owes fiduciary duties of care, loyalty and good faith to its parishioners, including PLAINTIFFS, to ensure that their donations and contributions are used for charitable or religious purposes only.

29. FATHER MIQUELI, as an authorized representative and agent of the ARCHDIOCESE, owed a fiduciary duty, including a duty of care, loyalty, and good faith, to parishioners, including PLAINTIFF parishioners, to ensure that their donations and contributions are properly accounted for and used for charitable or religious purposes only.

30. Specifically, under Rule 300 of the Archdiocese of New York Financial Policies and Procedures:

There are specific rules and procedures in place to help the pastor with all aspects of financial management. They are intended to safeguard the assets of the parish and ensure that funds are used for the purposes for which they are intended. The Archdiocese provides guidance, support and assistance to help every parish follow the rules.

The rules specifically state:

- All funds must be accounted for in both their collection and disbursement.
- Monies should be handled by responsible parties.
- There is no distinction between gifts and donations.
- Gifts to the parish must be acknowledged, documented and recorded on the parish books.
- Gifts are tax-deductible to a certain extent, which is clearly defined by Federal law.
- Restrictions may be imposed on gifts only by the donor.
- Personal and parish funds should never be commingled.
- Payments for goods or services may not be made in cash or checks payable to Cash.
- A well-documented petty-cash fund must be maintained.
- Parishes should use the Logos accounting system, which is uniquely suited to the needs of the parishes and the Archdiocese. All parishes are required to be on Logos by August 31st 2006.
- A chart of accounts helps parishes accurately track their income and expenses.
- Payroll has its own complexities and is best handled by a third-party payroll service, such as ADP. Logos Accounting also has a Payroll module.
- The Archdiocese requires annual budgets and financial reports and conducts periodic operational reviews of each parish.
- Parishes with excess funds, even in the short term, may invest them locally using the guidelines provided or participate in the Archdiocesan Deposit and Loan Fund or the Archdiocesan Common Investment Fund.
- Parishes needing money for capital improvements or repairs may borrow from the Archdiocesan Deposit and Loan Fund. Parishes having difficulty meeting their operational expenses may apply to the Inter-Parish Finance Board (IPFB) for assistance.

31. Additionally, pursuant to the Archdiocesan Revenue and Collections Guidelines

under Rule 301.2 of the Archdiocese of New York Financial Policies and Procedures:

301.2a1 Proper Collection Procedures

The proper procedure for securing the Offertory or other collection is:

- After the collection at a Mass or other service, the offering should be brought to the front of the church for the remainder of the service or immediately placed in a lockable bank deposit bag.
- The deposit bag should be locked and placed in a secure area until the end of the service. The deposit bag key should be retained by an individual who does not have access to the secured area where the bag is temporarily stored.
- After services, the funds should be secured in a locked safe by two designated collectors or immediately counted and deposited.
- No funds are to be left in the church overnight.

301.2a4 Proper Handling of Collections

The recommended procedure for handling collections is:

- Church envelopes should be separated from loose checks and loose cash. (See 301.2a7, Tracking Parishioner Contributions)
- Currency and coins should be organized by denomination.
- All checks should be endorsed by stamping “For Deposit Only to (parish bank account number)” on the back of the check.
- Each counter should count the funds and record the amount on an offertory tally sheet (available from the Parish Finance Office), without conferring with the other counter. The offertory tally sheet should differentiate among envelopes, loose checks and cash collected.
- Each counter should also confirm that the amount contained in each envelope is accurately noted on the envelope.
- After the funds have been totaled by each of the counters, the amounts should be compared and reconciled.
- When the totals agree, a deposit slip should be prepared.
- A designated person should be responsible for making the bank deposit. This person should not have access to the key to the locked deposit bag.
- The deposit should be brought to the bank and a bank-verified deposit slip obtained.
- This slip should be attached to the offertory tally sheet and presented to the bookkeeper for recording.

301.2a5 Adequate Physical Safeguards

The standard procedure for handling collection funds is based on the principle of dual control, i.e. a minimum of two persons should be involved whenever cash and checks are being handled. Likewise, other physical safeguards such as lockable deposit bags, a secure safe and restricted access to keys and combinations should be observed. Keys and deposit bags should be numbered and an inventory should be kept of who is in possession of these assets.

32. Upon information and belief, the ARCHDIOCESE, CARDINAL DOLAN, and FATHER MIQUELI have a fiduciary duty to the PLAINTIFFS and other parishioners not to use parishioners' donations to the church to be used for non-religious purposes, including FATHER MIQUELI's personal use.

33. According to affidavits from MARY FITZGERALD and CAROL KENNEDY, as well as a September 12, 2015 article from *The Main Street Wire*, FATHER MIQUELI diverted funds in an account designated for a pipe organ for CABRINI parishioners to an account controlled by FATHER MIQUELI.

34. According to affidavits from MARY FITZGERALD and CAROL KENNEDY, as well as a September 12, 2015 article from *The Main Street Wire*, such diversion was unauthorized.

35. Upon information and belief, while at CABRINI, FATHER MIQUELI controlled, managed, and supervised a thrift shop known as the "Cabrini Thrift Shop" (hereinafter "THRIFT SHOP") located at 520 Main Street, New York, New York 10044. The THRIFT SHOP sold second-hand goods including clothing and jewelry that were donated to CABRINI. Upon

information and belief, the THRIFT SHOP was operated by unpaid volunteers who were hired, supervised, and managed by FATHER MIQUELI.

36. Since the THRIFT SHOP was associated with CABRINI and collected auxiliary donations from parishioners, including PLAINTIFFS, FATHER MIQUELI owed parishioners a fiduciary duty in carrying out his duties related to managing, operating, controlling, and supervising the THRIFT SHOP operations.

37. Upon information and belief, FATHER MIQUELI dismissed all employees of the THRIFT SHOP who were well acquainted with how the THRIFT SHOP operated prior to FATHER MIQUELI'S management.

38. Upon information and belief, FATHER MIQUELI placed KEITH CRIST in charge of the day-to-day operations of the THRIFT SHOP, which included selling merchandise and collecting money on behalf of FATHER MIQUELI, CABRINI, and the ARCHDIOCESE.

39. Upon information and belief, KEITH CRIST is a man who FATHER MIQUELI employs to act out FATHER MIQUELI'S sexual fantasies by role-playing and acting as FATHER MIQUELI'S "master" or "dominant" in a bondage/discipline/sadism/masochism (hereinafter "BDSM") relationship. A "master" or "dominant" in a BDSM relationship is an individual who exercises control over another person for the sexual pleasure of the submissive. The person over whom such control is exercised is known as a "submissive" or "slave." KEITH CRIST role-played as the "Master" and FATHER MIQUELI role-played as the "Slave."

40. Upon information and belief, at the behest of FATHER MIQUELI, KEITH CRIST would force FATHER MIQUELI to drink KEITH CRIST'S urine.

41. Upon information and belief, FATHER MIQUELI paid KEITH CRIST \$1,000 for each role-play session.

42. Upon information and belief, FATHER MIQUELI collected the proceeds from sales from the THRIFT SHOP and misappropriated and diverted money collected from the THRIFT SHOP for his own personal use.

43. Upon information and belief, FATHER MIQUELI diverted funds by writing checks to himself and labeling such withdrawals as "stipends."

44. Upon information and belief, from October 2009 to November 2012, FATHER MIQUELI wrote checks labeled "stipends" in amounts ranging from \$500 to thousands of dollars.

45. Upon information and belief, KEITH CRIST conspired with FATHER MIQUELI to misappropriate and divert money collected from the THRIFT SHOP.

46. Upon information and belief, KEITH CRIST assisted, aided, and abetted FATHER MIQUELI to misappropriate and divert money collected from the THRIFT SHOP.

47. According to a September 12, 2015 article from *The Main Street Wire* FATHER MIQUELI and KEITH CRIST attempted to cover-up their diversion of THRIFT SHOP funds by destroying financial records.

48. According to a September 12, 2015 article from *The Main Street Wire*, FATHER MIQUELI improperly used his influence to get an Island House apartment, rented by CABRINI, in his name for free.

49. Upon information and belief, the individual responsible for facilitating this transfer of the Island House property was fired for doing so.

50. According to a September 12, 2015 article from *The Main Street Wire*, CABRINI has been forced to find alternative housing for its priests due to FATHER MIQUELI'S fraudulent ownership of the Island House property.

51. Upon information and belief FATHER MIQUELI used the Island House apartment to house KEITH CRIST and a third-party tenant.

52. Upon information and belief, soon after FATHER MIQUELI was appointed as the pastor at ST. FRANCES DE CHANTAL, he changed the collection procedures in such a way that violated multiple regulations by the Archdiocese so that he could embezzle monies from the parishioners' donations without being detected.

53. Specifically, upon information and belief:

- a. rather than safeguard each collection in a lockable bag, FATHER MIQUELI combined the collections from each mass into one canvas tote bag that was incapable of being locked;
- b. rather than safeguard each collection bag in a safe overnight, FATHER MIQUELI maintained the canvas tote bag in his room in the Rectory;

- c. rather than have the collections counted by two individuals, FATHER MIQUELI alone would count collections and separate them into denominations in his room in the Rectory; and
- d. rather than keep a tally sheet to account for collections, FATHER MIQUELI ordered that no tally sheet be maintained.

54. Upon information and belief, from July 2014 to August 2014, while FATHER MIQUELI was on vacation, multiple unlocked canvas bags filled with parishioners' donations sat unsecured outside of FATHER MIQUELI's room in the rectory at ST. FRANCES DE CHANTAL.

55. According to a September 12, 2015 article in the Roosevelt Island community newspaper, "*The Main Street Wire*" while performing routine repairs, maintenance contractors observed several unstacked piles of cash, each approximately one (1) foot high, scattered throughout FATHER MIQUELI'S rectory residence at ST. FRANCES DE CHANTAL.

56. Upon information and belief, when FATHER MIQUELI was questioned about an unexplained drop in the number of \$20 dollar bills regularly collected from parishioners at ST. FRANCES DE CHANTAL, FATHER MIQUELI represented that he was "skimming 20's" from the collections for the purpose of creating a reserve fund.

57. Upon information and belief there is no well-documented designated cash reserve fund for ST. FRANCES DE CHANTAL.

58. Upon information and belief, since 2003 FATHER MIQUELI has regularly collected parishioner donations and deposited such donations in his personal bank account at a branch of HSBC bank located at 660 Motor Parkway, Hauppauge, New York 11788.

59. Upon information and belief, FATHER MIQUELI and KEITH CRIST often ingest illicit and prescription drugs while spending time together.

60. Upon information and belief, at times FATHER MIQUELI supplies such illicit and prescription drugs with the help of DR. RUTH PEREZ.

61. Upon information and belief, in 2012 FATHER MIQUELI paid DR. RUTH PEREZ \$60,000.

62. Upon information and belief, in February 2014 DR. RUTH PEREZ used funds she received from FATHER MIQUELI to purchase a residence at 313 Revere Avenue in the Bronx.

63. Upon information and belief, in May 2014 FATHER MIQUELI appointed DR. RUTH PEREZ as a parish trustee to oversee the donations made by parishioners at ST. FRANCES DE CHANTAL.

64. Upon information and belief, FATHER MIQUELI currently utilizes a Jeep as his mode of transportation.

65. Upon information and belief, this Jeep is property of CABRINI, which FATHER MIQUELI had no right to use after his formal departure from the parish in 2014.

66. Upon information and belief, FATHER MIQUELI has not made a yearly salary exceeding \$31,000 since he was appointed to work at CABRINI in 2003.

67. Upon information and belief, as a result of misappropriating the sales proceeds from the THRIFT SHOP and the monetary donations from parishioners at CABRINI, including monetary donations from PLAINTIFFS, FATHER MIQUELI purchased a house on or about June 22, 2009 located at 417 Cornell Drive, Brick, New Jersey 08723 (hereinafter the “NJ RESIDENCE”)

68. Upon information and belief FATHER MIQUELI paid for the NJ RESIDENCE with cash donated by parishioners for approximately \$264,000.

69. FATHER MIQUELI’S purchase of the NJ RESIDENCE with parishioners’ money was prohibited by the Archdiocesan guidelines on investments, Rule 303.1 Parish Savings and Investment Programs, and a breach of his fiduciary duty to the parishioners who offered such donations for charitable or religious purposes only.

70. Upon information and belief, in or about 2012, as a result of FATHER MIQUELI’s misappropriation and diversion of parishioners’ donations to his own accounts, FATHER MIQUELI personally held over 1 million dollars in assets including stocks and mutual funds that alone totaled approximately \$900,000.

71. Upon information and belief, FATHER MIQUELI currently owns significant assets as a result of his misappropriation and diversion of parishioners’ donations, including PLAINTIFFS’ donations, to his own accounts.

72. Upon information and belief, as a result of FATHER MIQUELI's misappropriation and diversion of parishioners' donations, including PLAINTIFFS' donations, to his own accounts, FATHER MIQUELI regularly takes vacations to Italy and Florida.

73. Upon information and belief, as a result of FATHER MIQUELI's misappropriation and diversion of parishioners' donations, including PLAINTIFFS' donations, to his own accounts, FATHER MIQUELI spends large sums of money on lavish amenities while vacationing.

74. Upon information and belief, since at least 2009, FATHER MIQUELI has spent parishioners' donations, including PLAINTIFFS' donations, to support KEITH CRIST.

75. Upon information and belief, since at least 2009, FATHER MIQUELI has spent parishioners' donations, including PLAINTIFFS' donations, to pay KEITH CRIST on a weekly basis at \$1,000 a session to play-out FATHER MIQUELI's sexual fantasies by acting as FATHER MIQUELI'S "master" or "dominant" in a BDSM relationship.

76. Upon information and belief, in September of 2013, FATHER MIQUELI assisted KEITH CRIST in renting an apartment at 1323 Park Avenue, Apt #5, New York, New York 10029.

77. Upon information and belief, since at least December 2014, FATHER MIQUELI pays \$1,075.50 a month towards the rent for the Park Avenue apartment where KEITH CRIST resides.

78. Upon information and belief, the ARCHDIOCESE knew or should have known that FATHER MIQUELI's conduct presented a high risk that parishioner donations to the church would be misappropriated by FATHER MIQUELI for his personal use because parishioners, including but not limited to PLAINTIFFS, voiced their concerns publicly and advised the ARCHDIOCESE of FATHER MIQUELI's misappropriation and diversion.

79. Upon information and belief, from September 2012 to September 2013 KEITH CRIST lived with FATHER MIQUELI at the ST. FRANCES DE CHANTAL rectory.

80. Upon information and belief, "Safe Environment" is an organization or department of the defendant ARCHDIOCESE responsible for evaluating ARCHDIOCESE employees and volunteers.

81. Upon information and belief, Safe Environment functions to accept complaints from parishioners regarding individuals who are a regular part of a parish's community.

82. Upon information and belief, Safe Environment was advised of FATHER MIQUELI'S suspicious conduct related to diverting parishioner funds for personal use.

83. Upon information and belief, Safe Environment was advised of KEITH CRIST'S regular appearance at parish locations and events.

84. Upon information and belief, Safe Environment affirmatively banned KEITH CRIST from any and all parish locations and events.

85. Upon information and belief, Safe Environment advised all parishioners to notify Safe Environment officials immediately upon observing KEITH CRIST at parish locations or events.

86. Upon information and belief, subsequent to Safe Environment's advisements related to KEITH CRIST, FATHER MIQUELI attempted to employ KEITH CRIST as the "office manager" within the ST. FRANCES DE CHANTAL rectory.

87. Upon information and belief, in approximately March 2013 parishioners, including PLAINTIFFS, complained to FATHER MIQUELI, via letters, that he was improperly collecting and counting parish donations.

88. Upon information and belief, in April 2013 PLAINTIFF JACK LYNCH had lunch with FATHER MIQUELI and personally advised him of the parishioners' concerns related to his improper handling of donations.

89. On or about February 25, 2014 a website entitled "Free St. Frances de Chantal from Fr. Peter Miqueli" (located at <http://helpsfldchantal.weebly.com/>) was created and contains, *inter alia*, the following allegations about FATHER MIQUELI:

- He has stolen money from altar servers.
- He is never in the parish; he is always on vacation.
- He turned off the security cameras in the church.
- He has friends in the Archdiocese who protect him.
- He does not pay his employees correctly and on time.
- He has gotten rid of the parish council.
- He has gotten rid of the parish trustees.

- He carries the money from the church to the rectory in an open, unsealed bag.
- He is the only one allowed to handle the money from mass collections.
- He processes collection money in his bedroom.
- He is not reporting or accounting the collection money.
- He inflates the collection amount in the bulletins each weekend.
- He creates second collections to take more money from parishioners.
- He refused an Archdiocesan audit of the parish finances.
- He expects everyone to do what he says, when he says it, because he's the pastor.

90. Upon information and belief, in approximately March of 2014, a parishioner advised Bishop Gerald T. Walsh that FATHER MIQUELI was misappropriating and diverting parishioner donations for his own personal use.

91. Upon information and belief, this information was disclosed to Bishop Gerald T. Walsh after he promised the disclosing parishioner that he/she would be protected and that he/she would not be retaliated against for disclosing FATHER MIQUELI's misconduct.

92. Upon information and belief, neither Bishop Gerald T. Walsh nor the ARCHDIOCESE took any action in response to the information, despite Bishop Gerald T. Walsh's promise to assist the parishioner.

93. Upon information and belief, the parishioner was let go as a result of providing information to Bishop Gerald T. Walsh.

94. Upon information and belief, in October 2014 parishioners, including PLAINTIFFS, organized a parish-wide mailing to members of the ARCHDIOCESE detailing FATHER MIQUELI'S improper conduct, including his diversion of parishioners' funds.

95. On November 6 and 20, 2014 the Bronx Times newspaper published stories about FATHER MIQUELI (located at http://www.bxtimes.com/stories/2014/45/45-pastor-2014-11-07-bx_2014_45.html; http://www.bxtimes.com/stories/2014/47/47-frances-2014-11-21-bx_2014_47.html) in which it represented that "A group of parishioners at St. Frances de Chantal Church are in an uproar over the running of the parish," citing reasons such as FATHER MIQUELI'S "chronic absenteeism and his not following proper procedure in handling cash donation."

96. The article also states that FATHER MIQUELI has denied the parishioner's allegations through an "Archdiocesan spokesman," which reveals the ARCHDIOCESE is well aware of the allegations of possible misappropriation by FATHER MIQUELI.

97. According to the article, after receiving a letter from parishioners, the ARCHDIOCESE responded:

Archdiocese of New York spokesman Joseph Zwilling said he has seen the letter and spoke to FATHER MIQUELI, who denies the allegations. Zwilling said that the Archdiocese has bank statements showing that deposits of donations took place on a regular basis in the summer.

* * *

"He has bank statements showing that the deposits were made, and the armored truck comes every Tuesday to pick up the donations," said Zwilling. "The only changes he has made to the people who do the counting of the money is that he has added more people to do it. He certainly does not count the money by himself in his room."

* * *

Zwilling said that FATHER MIQUELI said that the only day he has taken off regularly has been on Friday, and in September and October he has even cut short his day off to celebrate First Friday mass.

* * *

“(The concerned parishioners) don’t offer any proof,” said Zwilling. “Anyone can make an allegation, but where is something to back it up?”

98. Similarly, in the November 20, 2014 Bronx Times publication entitled “Throggs Neck pastor does not answer allegations by his flock at St. Frances”, the following is represented:

[Archdiocese of New York spokesman Joseph Zwilling] also said Bishop John Jenik, a representative for Cardinal Dolan in the Bronx, is the individual meeting with the parishioners.....Zwilling declined to release specific parish finance data to the Bronx Times.

99. Upon information and belief, at the time this Joseph Zwilling made the aforementioned statements and representations, he was acting as an agent and/or employee of the ARCHDIOCESE in the course and scope of his employment and knew or should have known that the statements were false.

100. Upon information and belief, on or about November 12, 2014, parishioners, including PLAINTIFFS JACK LYNCH and JAMES CORBETT, met with BISHOP JENIK and DEACON DEMARTINO of the ARCHDIOCESE to discuss FATHER MIQUELI’S conduct.

101. Upon information and belief, on or about November 17, 2014, PLAINTIFF JACK LYNCH confirmed with DEACON DEMARTINO that CARDINAL DOLAN was made aware of FATHER MIQUELI’S CONDUCT.

102. Upon information and belief, in December 2014, FATHER MIQUELI dismissed volunteer collector MIKE EARLY and transferred DEACON COMACHO to a different parish to avoid risk of being caught diverting collection funds.

103. Upon information and belief, on or about February 20, 2015, DEACON DEMARTINO advised PLAINTIFFS that their only recourse in addressing FATHER MIQUELI'S conduct was to schedule a meeting with CARDINAL DOLAN.

104. Upon information and belief, on or about February 21, 2015, FATHER MIQUELI dismissed volunteer BARNEY REILLY and threatened to file a complaint with the Police Department to avoid risk of being caught diverting collection funds.

105. Upon information and belief, in March of 2015 PLAINTIFF JACK LYNCH received a letter from CARDINAL DOLAN explaining that a meeting with him to discuss FATHER MIQUELI'S conduct would be "premature" at such time.

106. Upon information and belief, in April of 2015, PLAINTIFFS JACK LYNCH AND JAMES CORBETT met with JOHN FREERICK, JAMES TOLAN, and LUCY BRUSCO to discuss FATHER MIQUELI'S conduct.

107. Upon information and belief, on or about June 6, 2015, FATHER MIQUELI placed multiple bags containing parishioners' donations into the trunk of a vehicle driven by DEACON GEORGE COPPOLA.

108. Upon information and belief, on or about June 15, 2015, parishioners, including PLAINTIFFS, mailed a letter to CARDINAL DOLAN requesting a meeting to discuss FATHER MIQUELI'S conduct.

109. Upon information and belief, the ARCHDIOCESE had a duty to protect parishioners' donations, including those donations from PLAINTIFFS, from FATHER MIQUELI's theft of such donations for his own personal gain. The ARCHDIOCESE had a duty to protect parishioners' donations because FATHER MIQUELI had a relationship with PLAINTIFF parishioners solely based upon his role as a priest in the ARCHDIOCESE and PLAINTIFFS being parishioners in a parish where the ARCHDIOCESE designated and assigned FATHER MIQUELI to work as a priest.

110. Upon information and belief, this aforementioned duty on the part of the ARCHDIOCESE is evident from the fact that the ARCHDIOCESE by and through CARDINAL DOLAN expressly issued directives to FATHER MIQUELI and otherwise expressly represented that the ARCHDIOCESE would supervise and otherwise oversee FATHER MIQUELI's adherence to such directives.

111. Upon information and belief, on or about July 2015, CARDINAL DOLAN issued the following directives to FATHER MIQUELI:

Cardinal's Directive #1: The Archdiocese of New York will conduct a full audit of parish finances in the very near future.

Cardinal's Directive #2: Our pastor must publish collections in the bulletin.

- Cardinal's Directive #3:** Our pastor must issue Annual Financial Statements, which are required to be published after the close of each fiscal year (August 31).
- Cardinal's Directive #4:** Our pastor must appoint a Parish Finance Council.
- Cardinal's Directive #5:** Our pastor is to appoint two new trustees.
- Cardinal's Directive #6:** Deacon George Coppola is to be named Parish Manager.
- Cardinal's Directive #7:** Our pastor must establish a Parish Council to be elected by parishioners.

112. Upon information and belief, the ARCHDIOCESE failed to adequately and competently supervise FATHER MIQUELI since he began working at CABRINI in 2003 and as a proximate result of this failure and negligence, caused PLAINTIFFS' donations to their respective parishes to be misappropriated and misused.

113. That the aforementioned occurrences of FATHER MIQUELI's misappropriation were caused by the negligence, carelessness and recklessness and the willful, wanton, reckless and grossly negligent conduct of the ARCHDIOCESE and their agents, servants and/or employees, in failing to properly and adequately supervise the conduct of FATHER MIQUELI as it related to his parish operations at CABRINI and ST. FRANCES DE CHANTAL.

114. By reason of the foregoing, parishioners, including PLAINTIFFS, sustained financial and psychological injuries, including but not limited to, severe emotional distress, confusion, humiliation, fright, anxiety, mental anguish, emotional and psychological damage as a

result thereof, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature because they have destroyed the very fabric of PLAINTIFFS' faith.

115. By reason of the foregoing, parishioners, including PLAINTIFFS, were deprived of donating, as they believed they were doing at the time of such donations, to their parish and charitable causes.

116. That by reason of the foregoing, the ARCHDIOCESE and CARDINAL DOLAN are liable to PLAINTIFFS for compensatory, punitive and exemplary damages.

117. That the amount of damages sought exceeds the jurisdictional limits of all lower courts, which would otherwise have jurisdiction.

AS AND FOR A SECOND CAUSE OF ACTION
(NEGLIGENT RETENTION AGAINST THE ARCHDIOCESE
AND CARDINAL DOLAN)

118. PLAINTIFFS repeat, reiterate, and reallege each and every allegation contained above, with the same force and effect as if fully set forth at length herein.

119. Upon information and belief, prior to and at all times herein mentioned, the ARCHDIOCESE knew or should have known of FATHER MIQUELI's aforementioned misappropriation and misuse of parishioners', including PLAINTIFFS', donations.

120. Upon information and belief, it was reasonably foreseeable to the ARCHDIOCESE that the continued retention of FATHER MIQUELI as a member of the ARCHDIOCESE, without reasonable and close supervision of his activities would be likely to result in injury to others, including PLAINTIFFS.

121. Upon information and belief, the ARCHDIOCESE, their agents, servants and employees were negligent, careless and reckless and acted willfully, wantonly and grossly negligent in continuing to retain FATHER MIQUELI as a member of the ARCHDIOCESE and further failing to prevent FATHER MIQUELI from having continuing contact with parishioners, such as PLAINTIFFS, who they knew or should have known would come in contact with him in his capacity as a pastor or otherwise and would donate to his parish.

122. The ARCHDIOCESE undertook a fiduciary duty to safeguard the assets of the parish and ensure that donated funds are used for the purposes for which they are intended by virtue of appointing FATHER MIQUELI to be a pastor at ARCHDIOCESE parishes and by virtue of the representations the ARCHDIOCESE made to the public.

123. By reason of the foregoing, PLAINTIFFS sustained financial and psychological injuries including but not limited to, severe emotional distress, confusion, fright, dissociation, anxiety, mental anguish, emotional and psychological damage as a result thereof.

124. That by reason of the foregoing, and CARDINAL DOLAN are liable to PLAINTIFFS for compensatory, punitive and exemplary damages.

125. That the amount of damages sought exceeds the jurisdictional limits of all lower courts, which would otherwise have jurisdiction.

AS AND FOR A THIRD CAUSE OF ACTION
(NEGLIGENT FAILURE TO TRAIN, RELATING TO FIDUCIARY
RESPONSIBILITIES AGAINST THE ARCHDIOCESE AND CARDINAL DOLAN)

126. PLAINTIFFS repeat, reiterate, and reallege each and every allegation contained above, with the same force and effect as if fully set forth at length herein.

127. Upon information and belief, prior to and at all times herein mentioned, the ARCHDIOCESE and CARDINAL DOLAN knew or should have known of FATHER MIQUELI's aforementioned misappropriation and misuse of parishioners', including PLAINTIFFS', donations.

128. Upon information and belief, prior to and at all times herein mentioned, the ARCHDIOCESE, CARDINAL DOLAN, and their respective agents, servants and employees had respective duties to establish adequate, competent and effective professional training and education programs and procedures for their employees and administrators calculated to identify and prevent breaches of fiduciary duties, misappropriation, and misuse of donated funds by priests of their ARCHDIOCESE.

129. The ARCHDIOCESE, CARDINAL DOLAN, and their agents, servants and employees were negligent, careless and reckless and acted willfully, wantonly and grossly negligent in failing to establish adequate and effective professional training and education programs and procedures for their employees calculated to prevent breaches of fiduciary duties, misappropriation, and misuse of donated funds by priests of their ARCHDIOCESE.

130. By reason of the foregoing, PLAINTIFFS sustained financial and psychological injuries including but not limited to, severe emotional distress, confusion, fright, dissociation, anxiety, mental anguish, emotional and psychological damage as a result thereof.

131. That by reason of the foregoing, the ARCHDIOCESE and CARDINAL DOLAN are liable to PLAINTIFFS for compensatory, punitive and exemplary damages.

132. That the amount of damages sought exceeds the jurisdictional limits of all lower courts, which would otherwise have jurisdiction.

AS AND FOR A FOURTH CAUSE OF ACTION
(NEGLIGENT FAILURE TO WARN AGAINST THE ARCHDIOCESE
AND CARDINAL DOLAN)

133. PLAINTIFFS repeat, reiterate, and reallege each and every allegation contained above, with the same force and effect as if fully set forth at length herein.

134. Upon information and belief, prior to and at all times herein mentioned, the ARCHDIOCESE and its agents, servants and employees knew or should have known of FATHER MIQUELI's aforementioned misappropriation and misuse of parishioners', including PLAINTIFFS' donations.

135. The ARCHDIOCESE and CARDINAL DOLAN had a duty to warn PLAINTIFFS, as parishioners, of FATHER MIQUELI's aforementioned misappropriation and misuse of parishioners', including PLAINTIFFS' donations.

136. The ARCHDIOCESE and CARDINAL DOLAN acted negligently, carelessly and recklessly and willfully, wantonly and grossly negligent in failing to warn or advise the PLAINTIFFS of FATHER MIQUELI's aforementioned misappropriation and misuse of parishioners', including PLAINTIFFS' donations.

137. By reason of the foregoing, PLAINTIFFS sustained financial and psychological injuries including but not limited to, severe emotional distress, confusion, fright, dissociation, anxiety, mental anguish, emotional and psychological damage as a result thereof.

138. That by reason of the foregoing, ARCHDIOCESE and CARDINAL DOLAN are liable to PLAINTIFFS for compensatory, punitive and exemplary damages.

139. That the amount of damages sought exceeds the jurisdictional limits of all lower courts, which would otherwise have jurisdiction.

AS AND FOR A FIFTH CAUSE OF ACTION
(BREACH OF FIDUCIARY DUTY AGAINST FATHER MIQUELI, THE
ARCHDIOCESE, CARDINAL DOLAN AND KEITH CRIST)

140. PLAINTIFFS repeat, reiterate, and reallege each and every allegation contained above, with the same force and effect as if fully set forth at length herein.

141. Upon information and belief, the ARCHDIOCESE owed a fiduciary duty to the PLAINTIFF parishioners because, *inter alia*:

- a. CARDINAL DOLAN, via the ARCHDIOCESE, appointed FATHER MIQUELI as the pastor at CABRINI and ST. FRANCES DE CHANTAL, which are both governed and controlled by CARDINAL DOLAN and the ARCHDIOCESE, to advise PLAINTIFF parishioners, cultivate personal and trusting relationships with PLAINTIFF parishioners, and solicit charitable donations from PLAINTIFF parishioners to the ARCHDIOCESE;

- b. the ARCHDIOCESE has adopted and implemented uniform rules and procedures that all parishes and priests must abide by in soliciting, collecting, counting, and depositing parishioner donations;
- c. representatives of the ARCHDIOCESE, including CARDINAL DOLAN, received information about FATHER MIQUELI's misappropriation and diversion of parishioner donations, and disregard of ARCHDIOCESE fiscal procedures; and
- d. ARCHDIOCESE, by and through CARDINAL DOLAN, expressly issued seven (7) directives on or about July 2015 to FATHER MIQUELI to comply with the ARCHDIOCESE financial rules and procedures.

142. Upon information and belief FATHER MIQUELI owed a fiduciary duty to PLAINTIFF parishioners because, *inter alia*:

- a. FATHER MIQUELI was the pastor appointed to manage, control, oversee, and maintain the CABRINI and ST. FRANCES DE CHANTAL;
- b. FATHER MIQUELI cultivated personal and trusting relationships with the PLAINTIFF parishioners and advised them spiritually, morally, and financially;
- c. FATHER MIQUELI was the recipient of PLAINTIFF parishioners' charitable contributions to the church to be used for religious purposes only; and
- d. PLAINTIFF parishioners submitted complaints to FATHER MIQUELI concerning his misconduct.

143. Upon information and belief, KEITH CRIST conspired with FATHER MIQUELI to breach the fiduciary owed to PLAINTIFF parishioners.

144. The ARCHDIOCESE, as a religious tax exempt organization, and FATHER MIQUELI, as its representative and agent, owed a fiduciary duty, including a duty of care, loyalty, and good faith, to PLAINTIFF parishioners to ensure that their charitable donations and contributions are used for religious purposes only and not diverted and misappropriated for FATHER MIQUELI's personal use and perverted sexual activities with KEITH CRIST.

145. FATHER MIQUELI engaged in self-dealing by diverting and misappropriating PLAINTIFF parishioner's charitable contributions for FATHER MIQUELI's personal use and perverted sexual activities with KEITH CRIST.

146. FATHER MIQUELI's misconduct was against the interests of the PLAINTIFF parishioners because they donated money with the expectation and understanding that such donations would be used for charitable or religious purposes and not for FATHER MIQUELI's personal use and perverted sexual activities with KEITH CRIST.

147. As a direct result of the foregoing misconduct by the ARCHDIOCESE, CARDINAL DOLAN, and FATHER MIQUELI, PLAINTIFFS sustained financial and psychological injuries including but not limited to, severe emotional distress, confusion, fright, dissociation, anxiety, mental anguish, emotional and psychological damage as a result thereof.

148. That by reason of the foregoing, ARCHDIOCESE and CARDINAL DOLAN are liable to PLAINTIFFS for compensatory, punitive and exemplary damages.

149. That the amount of damages sought exceeds the jurisdictional limits of all lower courts, which would otherwise have jurisdiction.

AS AND FOR A SIXTH CAUSE OF ACTION
(FRAUD WITH RESPECT TO MISAPPROPRIATION OF THE CHARITABLE
CONTRIBUTIONS AS AGAINST FATHER MIQUELI,
THE ARCHDIOCESE, CARDINAL DOLAN, AND KEITH CRIST)

150. PLAINTIFFS repeat, reiterate, and reallege each and every allegation contained above, with the same force and effect as if fully set forth at length herein.

151. Upon information and belief, by virtue of his position, status, and appointment as a pastor of the ARCHDIOCESE, and during his solicitation for donations to the parishioners as an agent of the ARCHDIOCESE, FATHER MIQUELI made the material representation that parishioner donations were used only for a religious purpose.

152. This representation was materially false because such donations were not used for religious purposes but rather were misappropriated, diverted, and used for the following non-religious purposes:

- a. to benefit private individuals such as FATHER MIQUELI and KEITH CRIST;
- b. by FATHER MIQUELI to pay KEITH CRIST to continue their BDSM relationship ;
- c. by FATHER MIQUELI to pay over \$1,000 in rent each month for KEITH CRIST'S Park Avenue apartment;
- d. by FATHER MIQUELI to buy and use illegal drugs such as "Molly", which were sometimes bought from DR. RUTH PEREZ;

- e. by FATHER MIQUELI to purchase the NJ RESIDENCE for himself in Brick, New Jersey;
- f. by FATHER MIQUELI to take multiple vacations around the world with KEITH CRIST; and
- g. by FATHER MIQUELI to increase his personal wealth.

153. Upon information and belief, by virtue of his position, status, and appointment as a priest of the ARCHDIOCESE by CARDINAL DOLAN, and during his solicitation for donations to the parishioners, FATHER MIQUELI materially omitted the fact that parishioner donations were misappropriated, diverted, and used for the aforementioned non-religious purposes.

154. Upon information and belief, FATHER MIQUELI was fully aware that the representation that donations were used for religious purposes only was false when made.

155. Upon information and belief, the ARCHDIOCESE and CARDINAL DOLAN were fully aware that FATHER MIQUELI's representation that donations were used for religious purposes only was false when made.

156. Upon information and belief, FATHER MIQUELI was fully aware that failing to advise parishioners that their donations would be used for the aforementioned non-religious purposes parishioner donations were used for the aforementioned activities was a material omission.

157. PLAINTIFF parishioners justifiably relied on FATHER MIQUELI's representation that their donations would be used only for religious purposes.

158. By reason of the foregoing, PLAINTIFFS sustained financial and psychological injuries including but not limited to, severe emotional distress, confusion, fright, dissociation, anxiety, mental anguish, emotional and psychological damage as a result thereof.

159. That by reason of the foregoing, ARCHDIOCESE and CARDINAL DOLAN are liable to PLAINTIFF for compensatory, punitive and exemplary damages.

160. That the amount of damages sought exceeds the jurisdictional limits of all lower courts, which would otherwise have jurisdiction.

AS AND FOR A SEVENTH CAUSE OF ACTION
(UNJUST ENRICHMENT AGAINST FATHER MIQUELI AND KEITH CRIST)

161. PLAINTIFFS repeat, reiterate, and reallege each and every allegation contained above, with the same force and effect as if fully set forth at length herein.

162. FATHER MIQUELI engaged in self-dealing by diverting and misappropriating PLAINTIFF parishioners' charitable contributions for FATHER MIQUELI's personal use and perverted sexual activities with KEITH CRIST.

163. FATHER MIQUELI's self-dealing benefited him by increasing his wealth to as much as by \$900,000 worth of assets by 2008, permitting him to buy the NJ RESIDENCE, housing his BDSM "master" KEITH CRIST, purchasing and using illegal drugs, and paying KEITH CRIST to urinate in FATHER MIQUELI's mouth.

164. FATHER MIQUELI's self-dealing was at PLAINTIFFS' expense because PLAINTIFFS, by donating to FATHER MIQUELI'S parishes, were unknowingly and unintentionally funding FATHER MIQUELI's illegal and perverted lifestyle.

165. By reason of the foregoing, PLAINTIFFS sustained financial and psychological injuries including but not limited to, severe emotional distress, confusion, fright, dissociation, anxiety, mental anguish, emotional and psychological damage as a result thereof.

166. Equity and good conscious require restitution to PLAINTIFF parishioners in the amount of donations misappropriated and diverted by FATHER MIQUELI from the CABRINI and ST. FRANCES DE CHANTAL parishes.

167. That by reason of the foregoing, ARCHDIOCESE is liable to PLAINTIFFS for compensatory, punitive and exemplary damages.

168. That the amount of damages sought exceeds the jurisdictional limits of all lower courts, which would otherwise have jurisdiction.

WHEREFORE, PLAINTIFFS request judgment and relief as follows:

- A. Award judgment for Plaintiffs as to all claims herein;
- B. Awarding compensatory damages in favor of Plaintiffs and against all Defendants for all losses and damages suffered as a result of Defendants' wrongdoing alleged herein, and for all damages sustained as a result of wrongdoing by persons controlled by Defendants and/or for whose conduct Defendants are responsible pursuant to principles of *respondeat superior*, in an amount to be determined at

trial, together with interest thereon;

- C. Awarding Plaintiffs consequential damages, together with interest thereon;
- D. Awarding punitive damages to deter such misconduct, together with interest thereon;
- E. Awarding Plaintiffs fees and expenses incurred in this action, including, without limitation, attorneys' and experts' fees and expenses;
- F. Awarding Plaintiffs prejudgment interest; and
- G. Granting such other and further relief as the Court may deem just and proper.

Dated: New York, New York
December 10, 2015

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