



## COMPLAINT

Plaintiff, Justin Hoffmann, by and through his attorneys and by way of Complaint against Defendants, Roman Catholic Diocese of Camden, Bishop Nicholas DiMarzio, and Holy Trinity Parish (successor to St. James Parish), brings the within action for damages arising from sexual abuse perpetrated against him when he was a minor.

1. Plaintiff, Justin Hoffman, is currently a resident of the City of Philadelphia, Commonwealth of Pennsylvania, residing at 308 South 50<sup>th</sup> Street, Philadelphia, PA 19143.
2. At the time of the time of his abuse, Plaintiff was a resident of Ventnor City, State of New Jersey.
3. Defendant Roman Catholic Diocese of Camden (“the Diocese”) is a religious organization serving some 475,000 Catholics through 62 parishes in six (6) counties: Atlantic County, Camden County, Cape May County, Cumberland County, Gloucester County, and Salem County; and maintains its organizational headquarters at 631 Market Street, Camden, NJ 08102.
4. Defendant Bishop Nicholas DiMarzio (“DiMarzio”) was appointed the sixth bishop of the Diocese of Camden and served from approximately 1999 until 2003.
5. As bishop, DiMarzio was empowered by the Diocese to supervise and control all priests within the Diocese, including Brendan V. Sullivan.
6. As bishop, DiMarzio had access to and knowledge of information regarding the sexual misconduct of priests, including knowledge of the widespread pedophilia and sexually abusive conduct of priests within the Diocese, including Brendan V. Sullivan.

7. Defendant DiMarzio is currently the bishop of the Diocese of Brooklyn located at 310 Prospect Park West, Brooklyn, NY 11215.
8. Defendant, Holy Trinity Parish, Downbeach (“Holy Trinity”) is a Roman Catholic Parish and religious organization, which was created in 2010 and succeeded the former parishes of St. James in Ventnor, New Jersey, Blessed Sacrament in Margate, New Jersey, and Epiphany in Longport, New Jersey.
9. Defendant Holy Trinity is located at 11 North Kenyon Avenue, Margate, New Jersey 08402.
10. Defendant Holy Trinity is part of the Diocese of Camden.
11. St. James Parish was a Roman Catholic Church located at 6415 Atlantic Avenue, Ventnor City, NJ 08406, Diocese of Camden.
12. Brendan V. Sullivan (“Sullivan”) is a deceased Roman Catholic priest who served at St. James Parish from approximately 1987 until his retirement in 2004.
13. Sullivan was ordained in 1960.
14. He served in ten (10) South Jersey parishes, all part of the Diocese of Camden, during his time in active ministry.
15. Plaintiff served as an altar boy for Sullivan from approximately 1996 to 2001.
16. Sullivan engaged in a calculated series of manipulation and grooming of Plaintiff during his time as an altar boy.
17. For example, Sullivan would frequently take Plaintiff along with several other altar boys out on his boat and would take them swimming.
18. He would also give Plaintiff the opportunity to drive his boat, take him out to dinner, and would give him money randomly and without request or explanation.

19. Sullivan abused and molested Plaintiff while he was a minor from approximately 1996 to 2001.
20. During his tenure as a priest for the Diocese of Camden, Sullivan was a serial molester and sexual abuser of children, including Plaintiff.
21. Sullivan committed his acts of abuse and molestation against Plaintiff in and around Ventnor, New Jersey.
22. Sullivan's abuse of Plaintiff gradually increased in frequency and intensity over time and included but was not limited to indecent exposure of himself to Plaintiff, inappropriately fondling, groping, and touching plaintiff, and removing Plaintiff's clothes and undergarments.
23. In 2010, Sullivan was removed from the Diocese and determined that he was no longer eligible to serve as a priest.
24. This removal was instigated after a prior child abuse victim of Sullivan's came forward and reported abuse he endured at the hands of Sullivan as a 14-year-old boy in 1981 while Sullivan was serving as a priest at Assumption Church in Atco, New Jersey.
25. Before his death, Sullivan acknowledged this substantiated allegation of prior abuse.
26. At all material times hereto, Sullivan was acting as an employee of the Defendants Diocese of Camden and/or St. James Parish, now known as Holy Trinity Parish, and was engaged to perform services for the Defendant Diocese of Camden and/or St. James Parish, now known as Holy Trinity Parish, and was subject to the Defendant Diocese of Camden's and/or St. James Parish, now known as Holy Trinity Parish,

- and/or DiMarzio's control or right to control the physical conduct required to perform such services.
27. The defendants Diocese of Camden and St. James Parish were the principals of Brendan V. Sullivan, and the defendants Diocese of Camden and St. James Parish acted only through the natural persons who were its agents.
  28. These agents of the defendant Diocese of Camden and St. James Parish, such as Brendan V. Sullivan, though his action and declarations made while acting within the scope of the authority delegated to the agent Brendan V. Sullivan by the principal the defendants Diocese of Camden and St. James Parish, so bonded the defendants Diocese of Camden and St. James Parish through its own acts and declarations made within the scope of the duties and assigned to the agent Brendan V. Sullivan.
  29. Brendan V. Sullivan acting as the agent of the defendants Diocese of Camden and St. James Parish acted negligently while in the scope of his duties or authority, such that the negligence is as a matter of law charged to the principal, here the defendants Diocese of Camden and St. James Parish.
  30. The defendants Diocese of Camden and St. James Parish are deemed negligent for the wrongdoing to the same extent as the agent Brendan V. Sullivan.
  31. At all material times hereto, Defendants knew or should have known that Sullivan abused children and was not fit to serve as a priest.
  32. At all material times hereto, Defendants knew or should have known that Sullivan was abusing Plaintiff and other children at St. James Parish.

33. At all material times hereto, Defendants took no action to warn or otherwise protect children of the Diocese of Camden and St. James Parish, including Plaintiff, from Sullivan.
34. As a result of his abuse, Plaintiff suffered great, permanent harm, including but not limited to severe emotional distress, humiliation, embarrassment and loss of self-esteem which has and will continue to require counseling and other treatment.
35. Also, as a result of his abuse, Plaintiff has suffered a severe disruption of his enjoyment of life, as well as his relationship with members of his family, fellow Catholics, and others.
36. The trauma suffered by Plaintiff has resulted in addictions and other mental health issues, all of which have required and/or will require counseling and other treatment.
37. As a further result of harm, Plaintiff has incurred a loss of wages and loss of earning capacity to his permanent detriment.
38. Plaintiff's youth and Catholic upbringing and the devout Catholicism of his family weakened his ability to resist Sullivan or to report his misconduct, especially given Sullivan's status as a priest and the moral authority associated with that status.
39. This in turn caused Plaintiff to suppress his feelings about his traumatic experience, thereby exacerbating its devastating psychological and social consequences.
40. Plaintiff was not aware of the causal relationship between his severe emotional distress and other damages and this sexual abuse until approximately December 2017 in the wake of the #METOO movement.
41. The #METOO movement revealed others' experiences with sexual abuse and corresponding damages caused by such abuse, which prompted Plaintiff to discover

the connection between his abuse and his corresponding emotional distress and other damages.

42. Now, being it is within two (2) years since Plaintiff's reasonable discovery of the connection between his severe emotional distress and other damages, and the sexual abuse he endured at the hands of Sullivan and Defendants as a child, Plaintiff brings the within action for damages.

43. In the alternative, Plaintiff Justin Hoffmann's mental state, and the duress caused by the defendants, the Diocese of Camden, St. James Parish, and DiMarzio, and also Brendan V. Sullivan, caused injury to the plaintiff so severe that the plaintiff was incapable of filing this Complaint within two (2) years after the discovery of the connection between the abuse and the plaintiff's injuries.

44. As alleged in greater detail herein below, all of Plaintiff's harm and damages were caused by the culpable acts and omissions of Defendants.

**COUNT I: NEGLIGENCE**  
**PLAINTIFF V. ALL DEFENDANTS**

45. Plaintiffs repeat and reallege each and every paragraph of this Complaint as if fully set forth herein.

46. The above-averred harms and damages of plaintiff were caused by the negligence of the Defendants, which, at all times material hereto, acted through its agents, servants, employees and officials, including but not limited to Bishop DiMarzio, all of whom acted at all material times within the course and scope of their employment, service or agency.

47. Said negligence consisted, *inter alia* of:

- a. negligent supervision of priests in the employ of the diocese;

- b. failure to screen priests adequately before placing them in close contact with children;
- c. failure to investigate complaints of abuse properly;
- d. providing abusive priests with "cover" and/or rationalizations for abusive misconduct by applying euphemistic and false designations to their conduct and/or the reasons for transfers among parishes;
- e. minimizing, ignoring or excusing priestly misconduct over a period of decades;
- f. failure to warn parishioners including but not limited to plaintiff and similarly situated children and their parents regarding the misconduct of Sullivan and other abusive priests, despite knowledge of the dangers they presented;
- g. assigning priests known to be pedophiles, including but not limited to Sullivan, to have regular contact with children;
- h. failure to report criminal activity, including child abuse, to appropriate law enforcement agencies;
- i. negligent failure to provide a safe environment to children and other parishioners within the churches, sacristies, schools and rectories operated and/or owned by the Diocese and/or Parish;
- j. failure to implement and maintain effective policies and procedures to prevent sexual abuse and abuse of children;
- k. negligently maintaining custody, supervision and protection of children placed in their care by virtue of their religious authority and solicitation of minors to participate as altar boys or in other youth programs;



- l. failure to train priests and Diocese employees to identify signs of child molestation by fellow employees;
- m. negligent reliance on persons who claimed they could treat child molesters;
- n. negligent retention and failure to terminate Sullivan and other abusers from the ministry, promoting a culture of denial and deception regarding child abuse within the Diocese;
- o. failure to exercise due care under the relevant circumstances.

48. Defendants were negligent under the facts as detailed within this complaint in that these defendants failed to use that degree of care, precaution and vigilance which a reasonably prudent person or entity would use under the same or similar circumstances, including but not limited to the negligent affirmative acts detailed in this complaint which a reasonably prudent person would not have done, and also these defendants' failure to act and instead had omissions of acts and precautions as detailed in this complaint which a reasonably prudent person would have done or taken under these circumstances.

49. Sullivan's actions as described are evidence of negligence per se in that these actions violated a provision of New Jersey Statute, known as the Child Sexual Abuse Act ("CSSA"), N.J.S.A. 2A:61B-1, et. al, which statute sets up a standard of conduct that Sullivan violated.

50. Defendants are vicariously liable for the intentional acts of Sullivan, their employee, under the CSSA, which recognizes the vulnerability of children and demonstrates a legislative intent to protect them from victimization, and the CSAA imposes

responsibility on those in the best position to know of the abuse and stop it, such as the defendants.

WHEREFORE, plaintiff demands judgment against defendants and an award of general, compensatory and exemplary damages plus such interest, fees and costs as are allowed by law.

**COUNT II: GROSS NEGLIGENCE**  
**PLAINTIFF V. ALL DEFENDANTS**

51. Plaintiffs repeat and reallege each and every paragraph of this Complaint as if fully set forth herein.

52. Defendants were grossly negligent under the facts as detailed within this complaint in that these defendants failed to exercise slight care or diligence under these circumstances.

WHEREFORE, plaintiff demands judgment against defendants and an award of general, compensatory and exemplary damages plus such interest, fees and costs as are allowed by law.

**COUNT III: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**  
**PLAINTIFF V. ALL DEFENDANTS**

53. Plaintiff repeats and realleges each and every paragraph of this Complaint as if fully set forth herein

54. Sullivan's actions intentionally inflicted emotional distress upon plaintiff in that Sullivan acted intentionally or recklessly, in that his actions were intended, or done with deliberate disregard to a high degree of probability, that emotional distress would follow.

55. Sullivan's actions against that plaintiff were extreme and outrageous; so outrageous in character and so extreme in degree as to go beyond all possible bounds of decency and are regarded as atrocious and utterly intolerable in our civilized community.
56. Sullivan's actions were the proximate cause of emotional distress of the plaintiff, which was so severe that no reasonable person could be expected to endure such distress.
57. Sullivan's conduct was sufficiently severe to cause genuine and substantial emotional distress or mental harm to the average person, including the plaintiff.
58. Defendants are vicariously liable for the damages caused by Sullivan's intentional infliction of emotional distress upon the plaintiff.

WHEREFORE, plaintiff demands judgment against defendants and an award of general, compensatory and exemplary damages plus such interest, fees and costs as are allowed by law.

**COUNT IV: BREACH OF FIDUCIARY DUTY**  
**PLAINTIFF V. ALL DEFENDANTS**

59. Plaintiff repeats and realleges each and every paragraph of this Complaint as if fully set forth herein.
60. By virtue of their status as clergy and religious authorities, Defendants bore a fiduciary relationship to Plaintiff and other children and persons within the Diocese.
61. Defendants had fiduciary duties to avoid harming children and to protect them from harm at the hands of priests, whom were under their supervision and control.
62. Defendants breached their fiduciary duties by acting or failing to act as alleged in this Complaint.

63. Plaintiff suffered the above-averred harms and damages as a result of Defendant's breach of their fiduciary duty.

64. WHEREFORE, plaintiff demands judgment against defendants and an award of general, compensatory and exemplary damages plus such interest, fees and costs as are allowed by law.

**COUNT V: PUNITIVE DAMAGES**  
**PLAINTIFF V. ALL DEFENDANTS**

65. Plaintiff repeats and realleges each and every paragraph of this Complaint as if fully set forth herein

66. The aforesaid acts of the Defendants were committed in outrageous and wanton and willful disregard for the safety, protection, and wellbeing of minors, including Plaintiff, warranting the imposition of punitive damages.

WHEREFORE, Plaintiff demands judgment in his favor and against Defendants, jointly and severally, and asks the Court to award him punitive damages.

**WILLIAMS CEDAR, LLC**

/s/ David M. Cedar  
David M. Cedar, Esquire

/s/ Gerald J. Williams  
Gerald J. Williams, Esquire

/s/ Shauna L. Friedman  
Shauna L. Friedman, Esquire  
Attorneys for Plaintiff

**SEEGER WEISS LLP**

/s/ Christopher A. Seeger  
Christopher A. Seeger, Esquire  
Attorney for Plaintiff

Dated: May 13, 2019

**DEMAND FOR JURY TRIAL**

PLEASE TAKE NOTICE that Plaintiff hereby demands trial by jury on all issues set forth herein.

**WILLIAMS CEDAR, LLC**

/s/ David M. Cedar

David M. Cedar, Esquire

/s/ Gerald J. Williams

Gerald J. Williams, Esquire

/s/ Shauna L. Friedman

Shauna L. Friedman, Esquire

Attorneys for Plaintiff

**SEEGER WEISS LLP**

/s/ Christopher A. Seeger

Christopher A. Seeger, Esquire

Attorney for Plaintiff

Dated: May 13, 2019

**DESIGNATION OF TRIAL COUNSEL**

PLEASE TAKE NOTICE that David M. Cedar, Esquire and Gerald J. Williams, Esquire is hereby designated as trial counsel for the within matter.

**WILLIAMS CEDAR, LLC**

/s/ David M. Cedar  
David M. Cedar, Esquire

/s/ Gerald J. Williams  
Gerald J. Williams, Esquire  
Attorneys for Plaintiff

Dated: May 13, 2019

**CERTIFICATION PURSUANT TO R. 4:5-1**

DAVID M. CEDAR, ESQUIRE certifies that there are no other actions or arbitrations pending or contemplated involving the subject matter of this controversy. There are no additional known parties who should be joined to the present action at this time.

I certify the foregoing to be true and I am aware that if the above is willfully false, I am subject to punishment.

**WILLIAMS CEDAR, LLC**

*/s/ David M. Cedar* \_\_\_\_\_

David M. Cedar, Esquire  
Attorney for Plaintiff

Dated: May 13, 2019