

SUPREME COURT OF THE STATE OF NEW YORK  
ALBANY COUNTY

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KEVIN SEEBALD,

Plaintiff,

-against-

ST. JUDE THE APOSTLE CHURCH and DIOCESE  
OF ALBANY, NEW YORK,

Defendants.

**SUMMONS**

Index No.: 900383-21

Date Index. No. Purchased:

Plaintiff designates  
ALBANY COUNTY  
as place of trial

The basis of venue is  
DEFENDANT’S PLACE OF  
BUSINESS

Child Victims Act Proceeding  
(22 NYCRR 202.72)

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YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer or, if the complaint is not served with this summons, to serve a notice of appearance on the plaintiff’s attorneys within twenty (20) days after service of this summons, exclusive of the day of service (or within thirty (30) days after service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York  
January 19, 2021

Yours, etc.,

**LEVY KONIGSBERG, LLP**  
*Attorneys for Plaintiff*

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Defendants' Addresses:

**ST. JUDE THE APOSTLE CHURCH**

42 Dana Avenue  
Wynantskill, NY 12198

**DIOCESE OF ALBANY**

40 North Main Avenue  
Albany, NY 12203

SUPREME COURT OF THE STATE OF NEW YORK  
ALBANY COUNTY

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KEVIN SEEBALD,

Index No.: 900383-21

Plaintiff,

-against-

**VERIFIED COMPLAINT  
AND JURY TRIAL DEMAND**

ST. JUDE THE APOSTLE CHURCH and DIOCESE  
OF ALBANY, NEW YORK,

Defendants.

Child Victims Act Proceeding  
(22 NYCRR 202.72)

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Plaintiff Kevin Seebald, by and through his attorneys, Levy Konigsberg LLP, alleges for his Complaint the following:

**PRELIMINARY STATEMENT**

1. This complaint is filed pursuant to the Child Victims Act (CVA), CPLR 214-g, and 22 NYCRR 202.72, because it pertains to intentional or negligent acts or omissions by a person for physical, psychological, or other injuries suffered as a result of child sexual abuse.

2. Between 1986 and 1988, when Plaintiff Seebald was approximately six (6) to eight (8) years old, he was a Parishioner of Defendant St. Jude the Apostle Church (“St. Jude’s”), a Catholic Parish within the Defendant Diocese of Albany, New York (“Diocese of Albany”). During Plaintiff’s First Confession at St. Jude’s, John J. Varno (“Varno”), a priest employed by the Diocese of Albany at St. Jude’s, abused the power of his position and sexually abused Plaintiff.

3. The emotional and psychological trauma associated with his sexual abuse has haunted Plaintiff for his entire life. He has been and remains confused, traumatized, and ashamed as a result of the acts alleged herein. The continuous abuse by Varno and the failures of Defendants

St. Jude's and the Diocese of Albany to protect him have left Mr. Seebald broken, and deeply emotionally scarred.

4. As set forth in greater detail below, Plaintiff Seebald asserts state law claims for *inter alia*, negligence, negligent hiring, training, supervision, and retention, and negligent premises liability.

5. Plaintiff seeks compensatory and punitive damages for the injuries he has suffered, as well as reasonable attorneys' fees and the costs and disbursements of bringing this action with interest.

### **PARTIES**

#### **A. Plaintiff.**

6. Plaintiff Seebald is a resident of Warren County in the State of New York.

7. Plaintiff was a minor at the time the sexual abuse took place.

#### **B. Defendants.**

8. Whenever reference is made to any Defendant entity, such reference includes that entity, its parent companies, subsidiaries, affiliates, predecessors, and successors. In addition, whenever reference is made to any act, deed, or transaction of any entity, the allegation means that the entity engaged in the act, deed, or transaction by or through its officers, directors, agents, employees, or representatives while they were actively engaged in the management, direction, control, or transaction of the entity's business or affairs.

9. Defendant Diocese of Albany is a Roman Catholic Diocese and is a non-profit entity licensed to and doing business in the State of New York with a principal place of business at 40 North Main Avenue, Albany, New York 12203. Defendant Diocese of Albany oversees many religious programs and events, including children's ministry, conducted at its Parishes.

10. Defendant St. Jude's is one such Parish within the Diocese of Albany and is an unincorporated entity in the State of New York with a principle place of business at 42 Dana Avenue, Wynantskill, New York 12198. It conducts various religious programs and events, including children's ministry, which are overseen by Defendant Diocese of Albany.

11. Varno is a former employee of Defendant Diocese of Albany at Defendant St. Jude's and currently resides in Schenectady County in the State of New York. Varno served as a priest at St. Jude's from 1975 until 1997 when he was removed after being arrested for and charged with public lewdness.<sup>1</sup> Varno exposed himself at a rest area on Interstate 90 in Schodack, New York. Just one year later, the Diocese of Albany reinstated Varno in the Schenectady County hospital ministry where he resumed interacting with Parishioners, and as of October 1, 2019, Fr. Varno is still employed by Defendant Diocese of Albany.<sup>2</sup> Such reinstatement was common for Defendant Diocese of Albany, who had a common practice of reassigning and moving around problem priests (accused of sexually abusing minors) as a cover up for the sexual abuse committed against children.<sup>3</sup>

### JURISDICTION AND VENUE

12. This Court has personal jurisdiction over Defendant Diocese of Albany pursuant to CPLR §§ 301 and 302 because it is a New York entity with its principal place of business in Albany County and because the acts and omissions complained of took place in the State of New York.

13. This Court has personal jurisdiction over Defendant St. Jude's pursuant to CPLR §§ 301 and 302 because it maintains its principal place of business in Rensselaer County, New

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<sup>1</sup> Andrew Tilghman, *Hospital Ousted Priest with History of Abuse*, Times Union, June 5, 2002, <http://www.shrtco.de/e9VDX> (news article detailing Diocese of Albany's ongoing practice of reassigning priests accused of sexually abusing minors)

<sup>2</sup> *Id.*; see <https://www.rcda.org/news-events/media-center/news-releases/interim-parish-leadership-team-assignments>

<sup>3</sup> *Id.*

York and because its acts and omissions, as well as the sexual abuse of Plaintiff Seebald, occurred in the State of New York.

14. This Court has subject matter jurisdiction over this action because the amount of damages Plaintiff seeks exceeds the jurisdictional limits of all lower courts that would otherwise have jurisdiction.

15. Venue is proper in Albany County pursuant to CPLR § 503 because Defendant Diocese of Albany maintains its principal place of business there.

### **NATURE OF CONDUCT ALLEGED**

16. This action alleges physical, psychological, and emotional injuries suffered as a result of conduct which would constitute a sexual offense on a minor as defined in article 130 of the New York Penal Law.

17. The limitation of liability set forth in CPLR article 16 is not applicable to the claim of personal injury alleged herein, by reason of one or more of the exemptions provided in CPLR § 1602, including without limitation, that Defendants Diocese of Albany and St. Jude's are liable under the doctrine of *respondeat superior*, that they breached a non-delegable duty, that they acted with reckless disregard for the safety of others, including Plaintiff, and/or knowingly and/or intentionally, in concert with Varno, to retain him as an employee with unfettered access to children.

### **FACTS**

#### **A. Facts Common to All Causes of Action.**

18. At all times relevant, and to the present day, Defendant Diocese of Albany was and is a not-for-profit entity duly existing under and by virtue of the laws of the State of New York with a principal place of business in Albany County.

19. At all times relevant, and to the present day, Defendant Diocese of Albany oversees many liturgical, sacramental, educational, children's ministry, and faith formation programs.

20. At all times relevant, and to the present day, Defendant St. Jude's was and is a Catholic Parish within the Defendant Diocese of Albany.

21. At all times relevant, and to the present day, Defendant St. Jude's participates in many liturgical, sacramental, educational, children's ministry, and faith formation programs.

22. At all times relevant, and to the present day, Diocese of Albany, its agents, servants and/or employees operated St. Jude's.

23. At all times relevant, and to the present day, Diocese of Albany, its agents, servants and/or employees managed St. Jude's.

24. At all times relevant, and to the present day, Diocese of Albany, its agents, servants and/or employees maintained St. Jude's.

25. At all times relevant, and to the present day, Diocese of Albany, its agents, servants and/or employees controlled St. Jude's.

26. At all times relevant, and to the present day, Diocese of Albany, its agents, servants and/or employees supervised St. Jude's.

27. At all times relevant, and to the present day, Diocese of Albany directed the operations of St. Jude's.

28. At all relevant times alleged herein, including between 1986 and 1988, Varno was employed by Defendants as a priest.

29. At all relevant times alleged herein, and during all sexual crimes committed against the Plaintiff, Varno was under the direct employ, supervision, control, and agency of Defendants.

**B. Varno Sexually Abused Plaintiff Seebald at St. Jude's.**

30. As a child, Plaintiff and his family attended Defendant St. Jude's regularly.

31. Between 1986 and 1988, when Plaintiff Seebald was approximately six (6) to eight (8) years old, he met with Varno to participate in his First Communion, an important ceremonial ritual within the Catholic faith, in which an individual first receives the Eucharist.

32. During this time, Varno, as a priest, was a leader of St. Jude's and maintained a position of power and trust over his Parishioners.

33. During his First Communion, Varno offered Plaintiff various types of wine so that Plaintiff could "taste the difference between sacramental wine and regular wine."

34. After Plaintiff became inebriated, Varno took him into the confessional for a "special prayer."

35. For Varno's "special prayer," he proceeded to sexually abuse Plaintiff by putting his hands down Plaintiff's pants and fondling his penis. Varno then sodomized Plaintiff with his finger.

36. Plaintiff suffered severe emotional distress, anguish, trauma, and mental suffering as a result of Varno's sexual abuse.

37. Varno's sexual abuse was vastly different than the ritualistic rite of passage Plaintiff had come to expect for his First Communion. Ever since, Plaintiff has wrestled with religion, his role within the Catholic faith, and his ability to participate in community events.

38. Plaintiff has suffered from this trauma and anguish throughout his entire life and will indeed continue to do so.

**CAUSES OF ACTION****COUNT I: NEGLIGENCE  
AGAINST ALL DEFENDANTS**

39. Plaintiff re-alleges and incorporates by reference each and every previous allegation above as if fully stated in this Count.

40. Varno's sexual abuse of Plaintiff would constitute a sexual offense as defined under New York Penal Code article 130.

41. Defendants had a duty to take reasonable steps to protect Plaintiff, a minor Parishioner, from foreseeable harm when he was under their supervision and in their care, custody, and control.

42. Defendants had a duty to take reasonable steps to prevent Varno from using the tasks, premises, and instrumentalities of his role as a priest supervised by Defendants to target, groom and sexually abuse minors, including Plaintiff.

43. Defendants were supervising Varno when he had care, custody, and control of Plaintiff when he was a minor attending St. Jude's, during which time the Defendants had a duty to take reasonable steps to protect him.

44. These circumstances created a special relationship between Defendants and the Plaintiff, which imposed on both the Defendants the duty to exercise the degree of care a parent of ordinary prudence in comparable circumstances.

45. Defendants breached each of the foregoing duties by failing to exercise reasonable care to prevent Varno from harming Plaintiff, including sexually abusing him.

46. In breaching these duties, including hiring, retaining, and failing to supervise Varno, giving him access to minors, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel to notice the signs of sexual predation and to protect minors from

sexual abuse and other harm, failing to warn Plaintiff, his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for Plaintiff and other children who were under their supervision and in their care, custody, and control Defendants created a risk that Plaintiff would be sexually abused by Varno. Defendants, through their actions and inactions, and through their agents, servants, and/or employees, created an environment that placed Plaintiff in danger of unreasonable risks of harm under the circumstances.

47. In breaching these duties, including hiring, retaining, and failing to supervise Varno, giving him access to minors, entrusting their tasks, premises, and instrumentalities to him, failing to train their personnel in the signs of sexual predation and to protect minors from sexual abuse and other harm, failing to warn Plaintiff, his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for Plaintiff and other children who were under their supervision and in their care, custody, and control, Defendants acted willfully and with conscious disregard for the need to protect Plaintiff. Defendants through their actions and inactions, and through their agents, servants, and/or employees, created an environment that placed Plaintiff in danger of unreasonable risks of harm under the circumstances.

48. It was reasonably foreseeable that the breach of these duties of care by Defendants would result in the sexual abuse of Plaintiff.

***Breach of Fiduciary Duty***

49. There existed a fiduciary relationship of trust, confidence, and reliance between Plaintiff and Defendants.

50. Pursuant to its fiduciary relationship, Defendants was entrusted with the reasonable care and safety of Plaintiff.

51. Pursuant to its fiduciary relationship, Defendants assumed a duty to act in the best interests of Plaintiff.

52. Defendants breached its fiduciary duties to Plaintiff.

***Breach of Non-Delegable Duty***

53. Further, Plaintiff, when a minor, was placed in the care and custody of Defendants for the purpose of, *inter alia*, providing Plaintiff with a safe environment to participate in religious activities.

54. Defendants had a non-delegable duty to protect the minor Parishioners and other children who they reasonably anticipated would come under the care and custody of their agents, servants, and/or employees, like Plaintiff, from unwanted sexual contact, sexual abuse, and the associated trauma resulting therefrom.

55. At all times material hereto, Varno was under the direct supervision, employ and/or control of Defendants.

56. Consequently, Defendants were in the best position to prevent Plaintiff's abuse, to learn of Varno's sexual abuse of Plaintiff, and to stop it.

57. Defendants failed to take any reasonable steps to ensure the safety of their child Parishioners and to ensure the safety of Plaintiff in particular.

58. At all times material hereto, and during the sexual abuse of minors, including the Plaintiff, Varno was acting as the agent, apparent/agent, servant, and/or employee of Defendants.

59. Varno used his job-created authority to gain the trust of and to enjoy unfettered access to children at St. Jude's and within Diocese of Albany.

60. By virtue of the fact that Plaintiff was sexually abused as a minor, when entrusted to the care of Defendants, Defendants breached their non-delegable duties to Plaintiff.

***Breach of Duty In Loco Parentis***

61. Furthermore, as Plaintiff was a minor when his parents entrusted him to the control of Defendants for the purpose of, *inter alia*, providing Plaintiff with a safe environment to participate in religious activities, Defendants owed a duty to adequately supervise their minor Parishioners to prevent foreseeable harms and injuries.

62. As a result, Defendants owed a duty to Plaintiff *in loco parentis*.

63. At all material times, Plaintiff was a foreseeable victim.

64. At all material times, the harm complained of was foreseeable.

65. At all material times, the harm complained of was preventable.

66. At all times relevant, and during the sexual abuse of minors, including the Plaintiff, Varno was acting as the agent, apparent/agent, servant, and/or employee of Defendants.

67. Varno used his job-created authority to gain the trust of and to enjoy unfettered access to children at the residential facility.

68. Plaintiff was sexually abused as a child while entrusted to the care of Defendants.

69. Defendants therefore breached the duty *in loco parentis* they owed Plaintiff.

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

71. As a direct and proximate result of the acts and omissions of Defendants, Varno groomed and sexually abused Plaintiff, which caused Plaintiff to be damaged. As a direct and proximate result of the above-described conduct, Plaintiff has suffered, and will continue to suffer, great pain of mind and body, shock, emotional distress, discomfort, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of

enjoyment of life. He was prevented, and will continue to be prevented, from performing daily activities and obtaining the full enjoyment of life. He has sustained, and will continue to sustain, loss of earnings and earning capacity. He has incurred, and will continue to incur, expenses for medical and psychological treatment, therapy, and counseling.

72. That as a result of the foregoing, Plaintiff was injured solely and wholly as a result of the negligence, carelessness, and recklessness of Defendants without any negligence on the part of the Plaintiff contributing thereto.

73. Plaintiff is therefore entitled to monetary relief, in the form of compensatory and punitive damages, to remedy the bodily harm and severe emotional distress suffered as a result of Varno's extreme and outrageous conduct for which Defendants are liable jointly and/or severally.

**COUNT II: NEGLIGENT HIRING, TRAINING, SUPERVISION, AND RETENTION  
AGAINST ALL DEFENDANTS**

74. Plaintiff re-alleges and incorporates by reference each and every previous allegation above as if fully stated in this Count.

75. While child Parishioners are at St. Jude's, and otherwise at the church, they are in the charge of, and in the physical custody, and control of, Defendants.

76. As a result, well-established New York law makes clear that Defendants had a special relationship with their child Parishioners, including Plaintiff.

77. At all relevant times alleged herein, Varno was an employee of Defendant Diocese of Albany at Defendant St. Jude's at the time of Plaintiff's abuse. Varno and Defendants were therefore in an employer-employee relationship.

78. Varno was given regular, direct, ongoing, one-to-one access to Plaintiff and other children during the course and scope of his duties, when his employers knew or should have known that he presented an unreasonable risk of harm to minor Parishioners.

79. As an employee of Defendants, Varno was under the direct supervision, management, agency and control of Defendants at all material times during his interactions with Plaintiff.

80. At all times relevant, Defendants had a duty to supervise Varno, to investigate reports of inappropriate behavior on his part, and to discipline him appropriately, including by terminating his employment.

81. Indeed, under New York law, Defendants had a duty to anticipate threats to Parishioners' safety while they were in the charge of the church.

82. Both Defendants had actual and/or constructive knowledge of the threat posed by Varno.

83. Defendants were put on notice that they needed to conduct a further investigation into Varno's sexually abusive proclivities and predatory behavior as a result of Varno's practice of isolating minor Parishioners, including Plaintiff, and spending a suspicious amount of time alone with them in the confessional.

84. Upon information and belief, neither Defendant affected any punishment at all and did not affect any punishment reasonably calculated to curtail Varno's sexually abusive behavior.

85. Upon information and belief, neither Defendant conducted any investigation into Varno's sexually abusive behaviors.

86. Upon information and belief, even a cursory investigation would have given both Defendants clear and unambiguous notice that they needed to terminate Varno and immediately notify the police and the victims' families. Indeed, upon information and belief, Varno was sexually abusing numerous children at St. Jude's.

87. By permitting Varno to hold the position of priest at St. Jude's, Diocese of Albany represented to the community that Varno was safe, trustworthy, and of high moral and ethical repute, such that parents and guardians felt they could entrust their children to his and the church's care.

88. Implicitly and explicitly, Defendants represented that Varno was not a sexual threat to children attending the church.

89. Likewise, Defendants held their employees and premises out as safe for children. Implicitly and explicitly, Defendants represented that children were not at risk of being sexually abused at the church by a priest or any other staff member.

90. Minor Parishioners and their parents believed that Defendants would exercise reasonable care as would a parent of ordinary prudence in comparable circumstances when they assumed supervision, care, custody, and control of Plaintiff.

91. That implicit and explicit representation would continually show to be false.

92. Upon information and belief, Varno sexually abused numerous other children while at St. Jude's.

93. Defendants therefore knew or should have known of Varno's propensity for the sexually abusive conduct that caused Plaintiff's injuries concurrently with his sexual abuse of Plaintiff.

94. Upon information and belief, neither Defendant ever suspended, warned, terminated, banned from the premises, or otherwise disciplined Varno.

95. Defendants therefore failed to supervise Varno and failed to terminate his employment after he sexually abused minor Parishioners.

96. In fact, most demonstrative of Defendant Diocese of Albany's indifference for the safety of minors is the fact that despite knowledge of Fr. Varno's sexual deviance, he still remains employed by Defendant Diocese of Albany where he enjoys continued unfettered access to minor children.<sup>4</sup>

97. Defendants therefore failed to exercise the degree of care a parent of ordinary prudence would exercise by: (i) failing to take reasonable steps to supervise Varno; (ii) failing to terminate or dismiss Varno; (iii) failing to train the staff and volunteers at St. Jude's to recognize and prevent child sexual abuse; (iv) failing to warn Plaintiff or his parents of the unreasonable risk posed by Varno; (v) failing to create a safe environment; (vi) creating an environment that posed an unreasonable risk of sexual abuse and other harm to children; and (vii) failing to report Varno's sexual abuse to the proper criminal authorities.

98. In breaching these duties, Defendants acted willfully and with a conscious disregard of their duty to protect Plaintiff from Varno.

99. It was reasonably foreseeable to Defendants that their failure to exercise reasonable care would result in sexual abuse and severe harm to child Parishioners, including Plaintiff.

100. Plaintiff would not have suffered the foreseeable harm complained of herein but for the negligence of Defendants having placed Anthony in his position, and/or allowing Varno to remain in his position.

101. Defendants were negligent in their direction, supervision, and/or retention of Varno in that they knew, or should have known, through the exercise of ordinary care, that Varno's conduct would subject third parties to an unreasonable risk of harm, including Varno's propensity

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<sup>4</sup> <https://www.rcda.org/news-events/media-center/news-releases/interim-parish-leadership-team-assignments>

to develop inappropriate relationships with children under his charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

102. Defendants failed to take steps to prevent and/or stop such conduct from occurring.

103. Varno's sexual contact with Plaintiff constitutes a sexual offense as defined under New York Penal Code article 130.

104. As a direct and proximate result of the above-described conduct, Plaintiff has suffered, and will continue to suffer, great pain of mind and body, shock, emotional distress, discomfort, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life. He was prevented, and will continue to be prevented, from performing daily activities and obtaining the full enjoyment of life. He has sustained, and will continue to sustain, loss of earnings and earning capacity. He has incurred, and will continue to incur, expenses for medical and psychological treatment, therapy, and counseling.

105. Plaintiff is therefore entitled to monetary relief, in the form of compensatory and punitive damages, to remedy the bodily harm and severe emotional distress suffered as a result of Varno's extreme and outrageous conduct for which Defendants are liable jointly and/or severally.

**COUNT III: NEGLIGENT PREMISES LIABILITY**  
**AGAINST ALL DEFENDANTS**

106. Plaintiff re-alleges and incorporates by reference each and every previous allegation above as if fully stated in this Count.

107. Defendants had constructive and/or actual knowledge of a known danger on the premises of St. Jude's.

108. With knowledge of this known danger, Defendants had the duty to take reasonable minimal precautions to prevent the known danger from injuring minor Parishioners on the premises of St. Jude's.

109. Defendants had the duty to provide minimal security and/or safeguards to prevent the foreseeable danger of Varno sexually abusing a child on the premises of St. Jude's.

110. Defendants breached their duty by failing to provide minimal security and/or safeguards to prevent sexual abuse of children by Varno.

111. Defendants failure to provide minimal security and/or safeguards to prevent sexual abuse of children by Varno, despite actual or at least constructive knowledge that Varno would foreseeably sexually assault a child if given the opportunity, was a failure to exercise reasonable care.

112. Defendants failure to provide minimal security and/or safeguards to prevent sexual abuse of children by Varno, despite actual or at least constructive knowledge that Varno would foreseeably sexually assault a child if given the opportunity, demonstrated a willful, wanton, and reckless disregard for the safety of child Parishioners at St. Jude's.

113. As a direct and proximate result of Defendants' failure to provide minimal security and/or safeguards, despite knowledge of the foreseeable danger posed by Varno, he sexually assaulted Plaintiff on the St. Jude's premises, causing Plaintiff to suffer severe, debilitating, and permanent psychological, emotional and physical injuries as described herein.

114. By reason of the foregoing, Defendants, jointly, and/or severally, are liable to Plaintiff for compensatory damages, and for punitive damages, together with interest and costs.

### **JURY DEMAND**

115. Plaintiff demands a trial by jury on all issues so triable. Pursuant to § 4 of the New York Child Victims Act, Plaintiff is entitled to a trial preference.

**WHEREFORE**, Plaintiff demands judgment against Defendants on all of his Causes of Action in an amount exceeding the jurisdictional limits of all lower courts, together with interest,

Plaintiff's attorneys' fees and the costs and disbursements of this action, as well as any other relief  
the court deems just and proper.

Dated: New York, New York  
January 19, 2021

Yours, etc.,

**LEVY KONIGSBERG, LLP**  
*Attorneys for Plaintiff*

s/ Matthew J. Shock  
Matthew J. Shock, Esq.  
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**ATTORNEY CERTIFICATION**

**STATE OF NEW YORK )**  
**:ss.:**  
**COUNTY OF NEW YORK)**

I, Matthew J. Shock, the undersigned, am an attorney admitted to practice in the Courts of New York State, and say that:

I am the attorney of record for the Plaintiff.

I have read the annexed **SUMMONS** and **VERIFIED COMPLAINT** and I know the contents thereof and the same are true to my knowledge, except those matters therein, which are stated to be alleged on information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge is based upon the following:

Memoranda of interviews and/or discussions with Plaintiff and papers and/or documents in the file.

The reason I make this affirmation instead of Plaintiff is because said Plaintiff resides outside the county from where your deponent maintains their office for the practice of law.

Dated: New York, New York  
January 19, 2021

*s/ Matthew J. Shock*  
**MATTHEW J. SHOCK, ESQ.**