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Traub Lieberman Partner Lisa Rolle Wins Motion to Dismiss in Favor of Religious Institution in Alleged Child Victims Act Case

Related Attorneys: Lisa M. Rolle

In an action brought before the Supreme Court of the State of New York, New York County, Traub Lieberman Partner Lisa Rolle won motion to dismiss on behalf of a Religious Institution. Plaintiff commenced the action against the City of New York and a New York hospital, listing Does 1-10 as persons or entities with responsibility for the Plaintiff's safety, supervision, and/or placement in foster care. The listed Does were not identified at any point throughout the proceedings. The complaint was later amended to include the Religious Institution, and the amended complaint was served after the expiration of the two-year window to file Child Victims Act cases.

The Religious Institution moved to dismiss the action, asserting that Plaintiff failed to satisfy jurisdictional requirements. Specifically, Plaintiff failed to show that timely efforts were made to identify the correct parties and also failed to establish that the Religious Institution was united in interest with a party in the action. With the failure to meet either requirement, the motion to dismiss was granted in its entirety in favor of the Religious Institution.