CAUTION: THIS DOCUMENT HAS NOT YET BEEN REVIEWED BY THE COUNTY CLERK. (See below.)

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

----------X

ANDREW W[redacted],

Plaintiff,

-against-

EPISCOPAL DIOCESE OF NEW YORK, SAINT THOMAS CHURCH, BISHOP MATTHEW HEYD, REVEREND MARK SCHULTZ, WILLIAM DAVIS, ERICH ERVING, JOHN DOE,

Defendants.

----------X

SUMMONS

Index No.:

Plaintiff Designates New York County as the Place of Trial

Basis of Venue: Place of Occurrence

To the above-named Defendants:

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 Attorney within twenty (20) days after the service of this summons, exclusive of the day of service (or within 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
September 8, 2025

Cody Warner, P.C.
Counsel for Plaintiff
11 Broadway
Suite 615
New York, NY 10004
212-627-3184

By: Cody Warner
Cody Warner, Esq.

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Defendants' addresses:

EPISCOPAL DIOCESE OF NEW YORK
1047 Amsterdam Avenue
New York, NY 10025

SAINT THOMAS CHURCH
1 West 53rd Street
New York, NY 10019

BISHOP MATTHEW HEYD
1047 Amsterdam Avenue
New York, NY 10025

REVEREND MARK SCHULTZ
202 West 58th Street
Apt. 8N
New York, NY 10019

WILLIAM DAVIS
245 East 72nd Street
Apt. 7H
New York, NY 10021

ERICH ERVING
202 West 58th Street
Apt. 8N
New York, NY 10019

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ANDREW W[redacted],

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-against-

EPISCOPAL DIOCESE OF NEW YORK, SAINT THOMAS CHURCH, BISHOP MATTHEW HEYD, REVEREND MARK SCHULTZ, WILLIAM DAVIS, ERICH ERVING, JOHN DOE,

Defendants.

----------X

VERIFIED COMPLAINT

Index No.:

Plaintiff, Andrew W[redacted], by his attorney, Cody Warner, brings this action against Defendant Episcopal Diocese of New York ("Defendant Diocese"), Saint Thomas Church ("Defendant Church"), Defendant Bishop Matthew Heyd ("Defendant Heyd"), Defendant Reverend Mark Schultz ("Defendant Schultz"), Defendant William Davis ("Defendant Davis"), Defendant Erich Erving ("Defendant Erving"), and against Defendant John Doe ("Defendant Doe"), and as for Plaintiff's Verified Complaint in the above entitled action against the Defendants herein, respectfully shows to this court, and alleges upon information and belief, the following:

PRELIMINARY STATEMENT

1. This action arises from a series of sexual assaults committed against Plaintiff by Defendant Schultz, Defendant Davis, and Defendant Erving at Defendant Church. After those sexual assaults, Plaintiff filed complaints with Defendant Diocese. In response, Defendant Diocese retaliated against Plaintiff by banning him from the church and, through Defendant

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Heyd and John Doe, engaging in a smear campaign against Plaintiff, falsely alleging to the church community and Plaintiff's employer that Plaintiff was dangerous, had assaulted church employees, and had made terroristic threats. Plaintiff seeks compensatory and punitive damages, costs, disbursements, and attorney's fees pursuant to applicable state law.

VENUE AND JURISDICTION

2. Venue is proper in New York County Supreme Court pursuant to CPLR § 503 because the acts complained of herein occurred in New York County, New York, and Plaintiff suffered damages that exceed the jurisdictional amount of all lower courts of the State of New York

3. This action was commenced within one year after the occurrence of the events upon which the claims are based.

JURY DEMAND

4. Plaintiff respectfully demands a trial by jury of all issues in this matter.

PARTIES

5. Plaintiff is a thirty-one-year-old man who resides in Westchester County, New York. Plaintiff presently works as a loan officer for [redacted].

6. Defendant Diocese is a non-profit religious corporation formed under the New York Religious Corporations Law and citizen of the State of New York, with its principal place of business located at 1047 Amsterdam Avenue, New York, New York 10025.

7. Defendant Diocese controls all Episcopal religious, pastoral, and educational functions in New York County, Bronx County, Richmond County, Westchester County, Rockland County, Dutchess County, Orange County, Putnam County, Sullivan County, and Ulster County.

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8. At all times material to the Verified Complaint, Defendant Diocese created, oversaw, managed, controlled, directed, operated, owned, maintained, funded, and/or supervised the activities at Defendant Church.

9. Defendant Church is a religious corporation organized pursuant to the Religious Corporations Law, with its principal office at 1 West 53rd Street, New York, New York 10019.

10. Defendant Church functions as a business by engaging in numerous revenue-producing activities and soliciting money from its members in exchange for its services.

11. Defendant Heyd is an individual who, at all times material to the Verified Complaint, was the bishop of Defendant Diocese. As the bishop, Defendant Heyd was an employee and agent of Defendant Diocese.

12. Defendant Heyd was, at all times material to the Verified Complaint, under the control and supervision of Defendant Diocese.

13. Defendant Schultz is an individual who, at all times material to the Verified Complaint, was a reverend at Defendant Church. As a reverend at Defendant Church, Defendant Schultz was an employee and agent of Defendant Church and Defendant Diocese.

14. Defendant Schultz was, at all times material to the Verified Complaint, under the control and supervision of Defendant Diocese and Defendant Church.

15. Defendant Davis is an individual who, at all times material to the Verified Complaint, was a nurse at Defendant Church. As a nurse at Defendant Church, Defendant Davis was an employee and agent of Defendant Church and Defendant Diocese.

16. Defendant Davis was, at all times material to the Verified Complaint, under the control and supervision of Defendant Diocese and Defendant Church.

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17. Defendant Erving is an individual who resides in New York County, New York. Defendant Erving is married to Defendant Schultz.

18. Defendant Doe is an individual. Defendant Doe's actual name is not yet known by Plaintiff.

STATEMENT OF FACTS

19. In February 2024, Plaintiff began to regularly attend religious services at Defendant Church.

20. Plaintiff quickly became involved with the community at Defendant Church. Plaintiff frequently attended social events at Defendant Church. During these events, he socialized with Defendant Davis and Defendant Schultz

21. Plaintiff participated in several pastoral care meetings with Defendant Schultz. These pastoral care meetings were private meetings between Plaintiff and Defendant Schultz held at Defendant Schultz's office. During these meetings, Plaintiff confided personal and sensitive information to Defendant Schultz.

22. In November 2024, Plaintiff spoke with Defendant Davis in the foyer of Defendant Church after its Sunday religious service. During that conversation, Defendant Davis showed Plaintiff photographs of Defendant Davis wearing fishnet stockings, and he told Plaintiff that upstairs is "where the action happens" at Defendant Church. After Plaintiff walked away, Defendant Davis grabbed Plaintiff's buttocks.

23. Defendant grabbed Plaintiff's buttocks on an additional occasion in the foyer of Defendant Church after Sunday religious service.

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24. On December 8, 2024, while Plaintiff was using a urinal in the bathroom at Defendant Church, Defendant Davis approached Plaintiff from behind, stuck his hand down Plaintiff's pants, and penetrated Plaintiff's anus with his finger.

25. Plaintiff immediately pushed Defendant Davis away and reprimanded him.

26. Approximately two weeks later, Defendant Davis again grabbed Plaintiff's buttocks in the foyer of Defendant Church after its Sunday religious service.

27. Plaintiff did not consent—expressly nor impliedly—to any of Defendant Davis' sexual contact with Plaintiff.

28. A third party observed at least one of the sexual assaults against Plaintiff by Defendant Davis.

29. Defendant Church and Defendant Diocese knew or had reason to know of prior sexual misconduct by Defendant Davis.

30. On January 28, 2025, Plaintiff attended a religious gathering at the home of Defendant Schultz and Defendant Erving.

31. Defendant Schultz and Defendant Erving live at 202 West 58th Street, which is a building owned by Defendant Church. 202 West 58th Street contains the St. Thomas Choir School and housing for certain clergy members of Defendant Church.

32. While Plaintiff was standing near a table that had food for the gathering, Defendant Erving picked up salad tongs and—through Plaintiff's clothing—grabbed Plaintiff's penis and testicles with the salad tong and teased him.

33. Defendant Schultz then stuck his hand down the rear of Plaintiff's pants, rubbed Plaintiff's buttocks several times, and briefly penetrated Plaintiff's anus.

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34. Shocked and speechless, Plaintiff remained at the event for a little bit, ate some food, and then left early.

35. The following day, Defendant Schultz cancelled the pastoral care meeting that was scheduled with Plaintiff that day.

36. On January 30, 2025, Plaintiff decided to speak up about the sexual abuse he had endured.

37. That day, Plaintiff emailed the rector and two wardens of Defendant Church to explain that he had been sexually assaulted at Defendant Church.

38. On January 31, 2025, Plaintiff called Defendant Diocese and explained that he had been sexually assaulted at Defendant Church.

39. On February 2, 2025, Plaintiff was notified that he was banned from Defendant Church and Defendant Diocese.

40. In the weeks that followed, Defendant Heyd sent an email to all clergy of Defendant Diocese—Defendant Heyd's email was sent to hundreds of people. In that email, he falsely alleged that Plaintiff physically assaulted numerous church employees and made threats to commit a mass shooting during religious services.

41. Plaintiff was notified by staff at different churches, including a church outside of the Episcopal Church, about Defendant Heyd's email.

42. In February 2025, Defendant Doe sent an email to Plaintiff's employer, [redacted]. In that email, Defendant Doe falsely alleged to Plaintiff's employer that Plaintiff threatened to commit acts of terrorism.

43. The crime of Making a Terroristic Threat (P.L.§ 490.20) is a Class D felony under the New York Penal Law.

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44. As a result of Defendant Doe's communication to [redacted], Plaintiff was extensively questioned by executives at [redacted]. Plaintiff's desk was searched by security at [redacted], and days later his backpack was searched as a prerequisite to enter the building, even though he had a security card that gave him access to the building.

45. As a result of Defendant Doe's communication to [redacted], Plaintiff's career advancement prospects at [redacted] stalled. Before receiving the communication from John Doe, [redacted] sponsored Plaintiff to take the General Securities Representative Qualification Examination ("Exam"), so that Plaintiff could receive a Series 7 license to become a securities analyst at [redacted].

46. Plaintiff passed the Exam on the first try and passed the comprehensive Financial Industry Regulatory Authority ("FINRA") background check.

47. After receiving the communication from Defendant Doe, [redacted] dropped their sponsorship of Plaintiff and did not sign the remaining paperwork for Plaintiff to receive his Series 7 license.

48. As a result of Defendant Doe's defamatory email, Plaintiff's no longer has any upward career path at [redacted].

49. As a result of the foregoing, Plaintiff sustained, *inter alia*, emotional distress, economic harm, reputational harm, suffering, trauma, and embarrassment.

CAUSES OF ACTION

First Claim

Assault Under New York State Law

50. Plaintiff realleges and reiterates all allegations set forth in the preceding paragraphs as if fully stated herein.

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51. By the actions described, Defendant Schultz, Defendant Davis, and Defendant Erving placed Plaintiff in apprehension of imminent and harmful offensive bodily contact.

52. As a direct a proximate result of the aforementioned conduct, Plaintiff sustained the damages and injuries hereinbefore alleged.

Second Claim

Battery Under New York State Law

53. Plaintiff realleges and reiterates all allegations set forth in the preceding paragraphs as if fully stated herein.

54. As detailed above, Defendant Schultz, Defendant Davis, and Defendant Erving intentionally touched Plaintiff in an offensive and harmful manner, and they intentionally subjected him to offensive and harmful contact.

55. As a direct a proximate result of the aforementioned conduct, Plaintiff sustained the damages and injuries hereinbefore alleged.

Third Claim

Negligent Screening, Hiring, and Retention Under New York State Law

56. Plaintiff realleges and reiterates all allegations set forth in the preceding paragraphs as if fully stated herein.

57. Defendant Diocese and Defendant Church owed a duty of care to Plaintiff to adequately hire, retain, and supervise its employees Defendant Schultz and Defendant Davis.

58. Defendant Diocese and Defendant Church placed Defendant Schultz and Defendant Davis in positions where they could inflict foreseeable harm.

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59. Defendant Diocese and Defendant Church knew or should have known of Defendant Schultz's and Defendant Davis' propensity to engage in the unlawful conduct heretofore alleged in this Complaint.

60. As a direct and proximate result of this unlawful conduct, Plaintiff sustained the damages hereinbefore alleged.

Fourth Claim

Defamation *Per Se*

61. Plaintiff realleges and reiterates all allegations set forth in the preceding paragraphs as if fully stated herein.

62. Defendant Heyd and Defendant Doe made false statements about Plaintiff.

63. Defendant Heyd's and Defendant Doe's false statements were published, without privilege or authorization, to third parties.

64. Defendant Heyd and Defendant Doe were, at minimum, negligent by fabricating false statements about Plaintiff.

65. Defendant Heyd's and Defendant Doe's statements were *per se* defamation, to wit, they accused Plaintiff of committing a serious crime.

66. Defendant Diocese, as the employer of Defendant Heyd, is responsible for his wrongdoing under the doctrine of *respondeat superior*.

Fifth Claim

Intentional Infliction of Emotional Distress Under New York State Law

67. Plaintiff realleges and reiterates all allegations set forth in the preceding paragraphs as if stated fully therein.

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68. The aforementioned conduct by Defendant Heyd, Defendant Schultz, Defendant Davis, Defendant Erving, and Defendant Doe was extreme, outrageous, and exceeded all reasonable bounds of decency.

69. Defendant Heyd, Defendant Schultz, Defendant Davis, Defendant Erving, and Defendant Doe intended to cause—or disregarded a substantial probability of causing—severe emotional distress.

70. Plaintiff suffered the aforementioned emotional distress.

71. Plaintiff's emotional distress was causally connected to Defendant Heyd's, Defendant Schultz's, Defendant Davis', Defendant Erving's, and Defendant Doe's unreasonable conduct.

72. Defendant Diocese and Defendant Church, as the respective employers of Defendant Heyd, Defendant Schultz, and Defendant Davis, are responsible for their wrongdoing under the doctrine of *respondeat superior*.

73. As a direct and proximate result of this unlawful conduct, Plaintiff sustained the damages hereinbefore alleged.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests the following relief jointly and severally against the Defendants:

a. An order awarding compensatory damages for Plaintiff in an amount to be determined by a jury;

b. An order awarding punitive damages in an amount to be determined by a jury;

c. Reasonable attorney's fees and the costs and disbursements of this action; and

d. Such other and further relief as this Court may deem appropriate.

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DATED: New York, New York
September 8, 2025

Cody Warner, P.C.
Counsel for Plaintiff
11 Broadway
Suite 615
New York, NY 10004
212-627-3184

By: Cody Warner
Cody Warner, Esq.

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ATTORNEY'S VERIFICATION

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

I, **CODY WARNER**, an attorney admitted to practice in the courts of New York State, affirm that I am the principal attorney of the firm **CODY WARNER, P.C.**, counsel of record for Plaintiff in the within action. I have read the foregoing and know the contents thereof. The same is true to my own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters I believe them to be true. The reason this verification is made by me and not by Plaintiff is because Plaintiff resides outside the county where deponent maintains his office. I affirm that the foregoing statements are true, under the penalties of perjury.

Dated: September 8, 2025
New York, NY

Cody Warner
Cody Warner, Esq.
Attorney for Plaintiff

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SUMMONS AND VERIFIED COMPLAINT

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By: Cody Warner
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11 Broadway
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