

SUPREME COURT OF NEW YORK
COUNTY OF NEW YORK

B.L.,

*Plaintiff,**-against-*ROCKEFELLER UNIVERSITY, a/k/a
ROCKEFELLER UNIVERSITY
HOSPITAL, f/k/a HOSPITAL OF THE
ROCKEFELLER INSTITUTE,*Defendant.*

Index No.: _____

Date Index No. Purchased: _____

Plaintiff designates as the place of trial:

COUNTY OF NEW YORK

The basis of venue is:

*Defendant resides in this county, and a
substantial part of the events giving rise to
the claim occurred in this county***SUMMONS*****To the above-named Defendant(s):***

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(s) within twenty (20) days after the service of this Summons, exclusive of the day of service (or within 30 days after the 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: 08/11/2021

New York, New York

GITLIN HORN AND VAN DE KIEFTBY: /s/ Moshe Horn

Moshe Horn

Attorneys for Plaintiff

2095 Broadway, Suite 411

New York, New York 10023

T: (212) 514-5437

F: (212) 757-7042

mhorn@ghvlaw.com

DEFENDANT ADDRESS:ROCKEFELLER UNIVERSITY, a/k/a ROCKEFELLER UNIVERSITY HOSPITAL, f/k/a HOSPITAL
OF THE ROCKEFELLER INSTITUTE
1230 YORK AVENUE, NEW YORK, NEW YORK 10065

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

-----X
B.L.,

Plaintiff,

Index No. _____

-against-

COMPLAINT

ROCKEFELLER UNIVERSITY, a/k/a ROCKEFELLER
UNIVERSITY HOSPITAL, f/k/a HOSPITAL OF THE
ROCKEFELLER INSTITUTE,

Defendant.
-----X

Plaintiff, by and through his attorneys, Gitlin, Horn and Van de Kieft LLP, respectfully
alleges the following:

I. PRELIMINARY STATEMENT

1. Rockefeller University (“Rockefeller”), a world-renowned medical research institution, knew and should have known for decades that one of its leading doctors, Reginald MacGregor Archibald (“Archibald”), was sexually abusing minor patients under the guise of a child growth study.

2. Indeed, Rockefeller conceded in a recently released investigatory report that Archibald, while purportedly offering patients cutting edge medical care and treatment, engaged in a “pervasive” and “widespread pattern of misconduct and sexually abused many children at the Hospital....” *Report on the Investigation of Dr. Reginald Archibald* (May 23, 2019) (“Report”), attached as Exhibit A.

3. Rockefeller also admitted that by 1974, it was aware of numerous patient complaints against Archibald including a 1960–1961 grand jury investigation of which

Rockefeller's President was notified, and several additional complaints from 1960 to 1974 to Rockefeller's Physician-in-Chief by patients, patient's family members, and staff about Archibald's unnecessary examinations of children's genitals and other sexual misconduct. Report, pp. 12-13, 19.

4. In addition, Rockefeller had information while Archibald was still practicing which indicated that Archibald "may have been engaged in misconduct and inappropriate and unnecessarily intrusive examinations of at least some of his patients." Report, p. 26. Further, Rockefeller failed to comply with required Institutional Review Board policies and procedures.

5. Despite these repeated complaints and other warning signs, Rockefeller knowingly and recklessly discounted and disregarded abuse, concealed abuse, and chose to protect its reputation, status, and wealth over the children in its custody, care, and control. Rockefeller permitted Archibald unfettered, unsupervised access to children, failed to warn children or their parents, and exposed the Plaintiff to unreasonable risk of danger.

6. The Plaintiff in this lawsuit was a child who were sexually abused because of the wrongful conduct of both Rockefeller and Archibald.

II. PROCEEDING IN ACCORDANCE WITH CPLR § 214-G AND 22 NYCRR § 202.72

7. This complaint is filed pursuant to the Child Victims Act ("CVA"), CPLR § 214-g, and 22 NYCRR § 202.72. The CVA opened a historic one-year, one-time window for victims and survivors of historic childhood sexual abuse in the State of New York to pursue lapsed claims. Prior to the passage of the CVA, Plaintiff's claims against Rockefeller were time-barred the day they turned 22 years old. The enactment of the CVA allows Plaintiff to pursue restorative justice in New York State.

III. THE PARTIES

8. Plaintiff B.L. is an adult male who resides in New York. Plaintiff brings this complaint using his initials because of the sensitive nature of the allegations of child sexual abuse in the complaint, which is a matter of the utmost intimacy. Plaintiff fears embarrassment and further psychological damage if his identity as a victim of child sexual abuse were to become publicly known. When Plaintiff was a child he was a resident of New York, and he was a patient of Archibald's at Rockefeller, where Plaintiff was a victim of a criminal sex act in the State of New York.

9. Upon information and belief, Defendant Rockefeller, which was formerly known as The Rockefeller Institute for Medical Research, is a New York not-for-profit education corporation with its principal place of business in New York, New York.

10. Upon information and belief, at times Rockefeller conducted business as the "Rockefeller Institute," "Rockefeller University," or "Rockefeller University Hospital" (collectively "Rockefeller").

11. Upon information and belief, at all relevant times, Rockefeller employed Archibald as a professor and physician.

12. To the extent that Rockefeller was or became a corporation on or after January 1, 1940, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

13. To the extent Rockefeller is a successor to a different entity, corporation, or organization which existed on or after January 1, 1940, such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

14. All such entities, corporations, and/or organizations are collectively referred to

herein as “Rockefeller.”

IV. VENUE

15. Venue is proper because Rockefeller is a domestic corporation authorized to transact business in New York with its principal office located in New York, New York. Venue is also proper because New York is the county in which a substantial part of the events or omissions giving rise to Plaintiff’s claim occurred.

V. FACTS

16. For over a century, Rockefeller has been the leading biomedical research institution in the United States, engaging in scientific inquiry, analysis, and research.

17. One essential component of Rockefeller, The Rockefeller University Hospital, has served as a center for clinical research which does not charge for medical or hospital services.

18. Twenty-five Nobel laureates have affiliated with the University over the years, four of whom are current faculty members.

19. Upon information and belief, in the years following January 1, 1940, Rockefeller received hundreds of millions of dollars from federal, state, and local governments, including the National Institute of Health, as well as from private donors and foundations like the Rockefeller Foundation and the Sackler family foundations.

20. For approximately 40 years, from the 1940s to the 1980s, Archibald was employed at Rockefeller as a prominent and esteemed professor and physician engaged in a long-running child growth study and providing free medical care to children.

21. Upon information and belief, Archibald examined approximately 9,000 children at Rockefeller.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.