

# EXHIBIT A

STATE OF NEW YORK  
SUPREME COURT : COUNTY OF ERIE

T.S.,

Plaintiff,

**ORDER**

Index No. 808449/2020

v.

HOLLAND CENTRAL SCHOOL DISTRICT,  
HOLLAND MIDDLE SCHOOL,  
BOYS AND GIRLS CLUB OF HOLLAND, INC.,  
and BOYS & GIRLS CLUB OF AMERICA, INC.  
f/k/a BOYS CLUB OF AMERICA,

Defendants.

A motion having been filed by Defendant Holland Central School District on December 8, 2022, for an Order pursuant to Civil Practice Law and Rule 3212 dismissing the Second Amended Complaint (“Complaint”) in this action as against the Defendants Holland Central School District and Holland Middle School (NYSCEF motion 005), and supported by a Notice of Motion, a Statement of Material Facts, an Affidavit in Support of Motion by Joseph M. Guerra, III, Esq. with accompanying Exhibits A through M, an Affidavit in Support of Motion by Lynette Cracchiola with accompanying Exhibits A through P, and a Memorandum of Law in Support of Motion with accompanying Exhibits 1 and 2; and

Plaintiff having filed on February 8, 2023, an Affirmation of Andrew Silvershein, Esq. in Opposition to Defendant’s Motion with accompanying Exhibits A through G, and a Statement of Material Facts with accompanying Exhibits A through U; and

Defendant having filed on March 20, 2023, a Response to Statement of Material Facts, a Reply Affidavit of Joseph M. Guerra, III, Esq. in Support of Motion with accompanying Exhibits A through C, and a Reply Memorandum of Law with accompanying Exhibits 1 and 2; and

The parties, through counsel, Jonathan Cantarero, Esq. on behalf of the Plaintiff, and Brian M. Melber, Esq. and Joseph M. Guerra, III, Esq. on behalf of the Defendant, appeared for and participated in oral argument on the motion on March 27, 2023; and

Due deliberation having been given by the Court to the respective positions of the parties, the filed pleadings, oral argument, and the law, and after such due deliberation, the Court having issued a written Decision, dated March 29, 2023, and filed March 31, 2023, attached hereto as Exhibit A, it is hereby

**ORDERED** that Defendant's motion for summary judgment seeking dismissal of Plaintiff's Complaint on the ground that the Child Victims Act is unconstitutional as applied is **DENIED**; and it is further

**ORDERED** that Defendant's motion for summary judgment seeking dismissal of Plaintiff's cause of action sounding in negligent hiring is **GRANTED**, as unopposed; and it is further

**ORDERED** that Defendant's motion for summary judgment seeking dismissal of Plaintiff's claims against the Holland Middle School is **GRANTED**, as unopposed and Holland Middle School is dismissed as a defendant; and it is further

**ORDERED** that Defendant's motion for summary judgment seeking dismissal of Plaintiff's claims for punitive damages is **GRANTED**, as unopposed; and it is further

**ORDERED** that Defendant's motion for summary judgment seeking dismissal of Plaintiff's Complaint against the Holland Central School District is **GRANTED**, and the Complaint is dismissed as against the Holland Central School District in its entirety.

May 1, 2023  
Dated: ~~April XXX, 2023~~  
Buffalo, New York

  
\_\_\_\_\_  
Hon. Deborah A. Chimes, J.S.C.

# EXHIBIT A

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