

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

-----X Index No. 608259/2019

J. CHRISTOPHER HARING,

Plaintiff,

-against-

CAROLINE CHURCH OF BROOKHAVEN, REVEREND
CANON RICHARD D. VISCONTI, AS RECTOR OF THE
CAROLINE CHURCH OF BROOKHAVEN, MARK
LaSORSA, AS SENIOR CHURCHWARDEN, BARBARA
RUSSELL, AS JUNIOR CHURCHWARDEN, NICK
AMATO, CAROLYN MARTEZIAN, WILLIAM RHAME,
MIRJANA ELLIS, WILLIAM HARVEY, MARY WUESTE,
SUSAN RYDZESKI, JACKIE HULL and FRANK WEILAND,
AS MEMBERS OF THE VESTRY OF THE CAROLINE
CHURCH OF BROOKHAVEN, EPISCOPAL DIOCESE OF
LONG ISLAND, RIGHT REVEREND LAWRENCE C.
PROVENZANO, AS BISHOP OF THE EPISCOPAL
DIOCESE OF LONG ISLAND, and LETICIA JAMES, AS
ATTORNEY GENERAL OF THE STATE OF NEW YORK,

AFFIDAVIT

Defendants.

-----X
STATE OF NEW YORK)
)ss.
COUNTY OF SUFFOLK)

Rev. Canon Richard D. Visconti, being duly sworn, deposes and says that:

1. I am the Rector of the defendant Caroline Church of Brookhaven (hereinafter the "Church") and am fully familiar with the facts relating to the plaintiff's claims. I have been the duly appointed Rector of Church of Brookhaven for over seventeen years.
2. I make this affidavit in support of the Church's application for a temporary restraining order and preliminary injunction, restraining and enjoining plaintiff

from maintaining a website containing the subject matter of this litigation while this litigation is pending, and restraining and enjoining plaintiff from utilizing confidential information and documents improperly obtained by the plaintiff, upon information and belief, while in a fiduciary position at the Church.

BRIEF PROCEDURAL HISTORY

3. Plaintiff commenced the underlying action by filing a complaint on April 29, 2019 seeking certain injunctive and declaratory relief against the Church mainly regarding the transfer of moneys from the Church's various funds: the Remembrance Fund, Building Fund, Organ Fund, and Churchyard Fund (collectively, the "Funds").
4. The Church defendants filed a pre-answer motion to dismiss asserting that the plaintiff lacked standing, and that the claims were barred by the statute of limitations and estoppel; and failed to state a cause of action. A copy of the Church's motion to dismiss is annexed hereto in its entirety as Exhibit A. That motion is returnable on September 19, 2019.
5. Upon information and belief, commencing in August 2019, plaintiff launched a website entirely dedicated to the subject matter of this litigation and his complaint, and now updated to comment on the Church's motion to dismiss. A printout of the homepage of the website, www.savethechurchyard.org, is annexed hereto as Exhibit B.
6. Plaintiff utilizes confidential information and documents on his website improperly obtained, upon information and belief, while he was a member of the Vestry, the governing body of the Church, including minutes of meetings that

reflect the internal workings, issues and discussions of church fiduciaries; and financial statements of the Church which are not public records. A copy of this section of the webpage is annexed hereto as Exhibit C.

TEMPORARY RESTRAINING ORDER/PRELIMINARY INJUNCTION

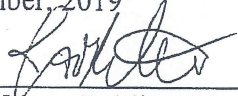
7. The Caroline Church of Brookhaven is a religious corporation duly organized and existing under the laws of the state of New York.
8. Plaintiff, as alleged in his complaint, was a long time member of the Vestry of the Church, from approximately 2003 through 2009, and again from 2010 through 2016. The Vestry of the Church is a group of communicants of the Church in good standing that are the trustees and governing body of the Church. During this time period, plaintiff maintained additional positions within the Church, including treasurer and Church Warden.
9. During his tenure as a member of the Vestry of the Church, as the Church's treasurer, and as a Church Warden, plaintiff served the Church in a fiduciary capacity and had access to confidential Church information and documents, including but not limited to historic audits and minutes of the Church.
10. Plaintiff never obtained the permission or consent of the Vestry or the Church to remove, copy or duplicate these documents from the Church's facilities.
11. Plaintiff's current website contains links to copies of minutes from Vestry meetings of the Church from 1945, 1992, 1993 and 1995. It also contains links to the audits and financial statements from the Church from 1991 and 1992. Attached as Exhibit D are the cover pages of these financial statements which plaintiff has posted on his website in their entirety.

12. The Church permits only its members and communicants in good standing, and members of the Vestry to review copies of the minutes of the meetings at the Church. However, the Church does not permit anyone to remove, duplicate or copy the minutes for their own use, nor publish these confidential matters to the entire world.
13. Likewise, the Church does not permit its members, parishioners or members of the Vestry to remove, duplicate or copy the Church's audits or financial statements from the Church.
14. Plaintiff, upon information and belief, while serving in a fiduciary role and capacity, removed, copied or duplicated copies of the Church's minutes and financial statements, and now posts copies of the actual documents on his website.
15. It is clear that the sole motivation behind plaintiff's website is to cause damage to the Church. The Church has and will suffer irreparable harm should a temporary restraining order and preliminary injunction directing plaintiff to remove from his website the Church's confidential information not be granted.
16. Plaintiff's website is damaging to the Church as it is an intrusion and publication of the private matters of the Church.
17. Plaintiff is using his website and selected confidential Church documents as an attempt to litigate this case in the parish and community, rather than allow the litigation be adjudicated by the Court.
18. The Church has asserted multiple viable defenses in its pending pre-answer motion to dismiss, and maintains that the Church has a strong likelihood of success on the merits on the underlying litigation.

- 19. The Church also maintains that balancing of the equities would favor the Church. Plaintiff would not suffer any prejudice if he were restrained or enjoined from maintaining his website while this litigation is pending; however the Church suffers harm to its reputation and goodwill by the existence of plaintiff's website.
- 20. For the reasons set forth above, I respectfully request that this Court restrain and enjoin the plaintiff from (1) maintaining his aforementioned website while this litigation is pending; (2) immediately remove all of the Church's confidential information and documentation from the website; and (3) revealing any other confidential information and documents obtained by plaintiff, upon information and belief, while a fiduciary of the Church.


 REV. CANON RICHARD D. VISCONTI

Sworn to before me this 4th day
 of September, 2019



 Notary Public

JODIE PATALANO
 Notary Public, State of New York
 No. 01PA6337643
 Qualified in Suffolk County
 Commission Expires Feb. 29, 2020